



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082  
413.967.9648

Meeting Minutes from  
**Wednesday, October 12, 2022**  
Selectmen's Conference Room, Town Hall

**Commission Members Present:** Chairman Mark Swett, Vice-Chairman Thomas Barnes, Kristin Rosenbeck, Dennis Cote

**Commission Members Absent:** Peter Topor IV

**Public in Attendance:** Charles Ferrero, Joel Pentlarge, Elio Qorri, John Prenosil, Nicole Croteau

**Public in Remote Participation:** Jeremy Chapman, Melink Solar

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Governor Baker's Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20, dated March 10, 2020, allows remote participation under this Order due to the Coronavirus State of Emergency. Topics may have been taken out of order according to posted agenda.

### PLEDGE OF ALLEGIANCE

Chairman called the meeting to order at 6:31 pm and led the Pledge of Allegiance.

### APPLICATIONS

**DEP #317-463** by Bertin Engineering for Melink Solar LLC (*FT Smith*)

NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Road.

Elio Qorri presented revised plan and responded to the three outstanding comments from the consultant's letter dated Aug 24<sup>th</sup>:

1. MAHW Line – It appeared the consultant wanted clarification. The Annual Mean High-Water Line was based upon field notes and aerial maps. It was dangerous to obtain an accurate location. The consultant was satisfied with those methods.
2. Brush Pile – Whatever trees are to be cut, branches will be laid in the areas as shown on the plan (C2.2, notes 11 to 13 were added). This area is approx. 8'x5' circle overlapping fashion. The consultant was satisfied with this response.
3. Natural Heritage Endangered Species – The consultant suggested to keep the application open until a response was received. Oxbow is the consultant for BEI working on coordination with NHESP. This remains open.

Vice-Chair T. Barnes is requesting the Interconnection Agreement be submitted once obtained and prior to construction and submit it with the SWPPP (for all solar jobs). J. Chapman replied: will do and understood. No further discussion. Applicant requested a continuance until December meeting date.

**MOTION** by Vice-Chairman Thomas Barnes to continue to the December 14<sup>th</sup> regular scheduled meeting date. Seconded by Kristin Rosenbeck. Discussion: N. Croteau stated this is FT Smith’s site which is currently under a gravel removal operation and the plans as part of the solar application are based upon the gravel operation proposed finish grades. N. Croteau suggested to the Commission, to require a final gravel operation As Built Grading Plan prior to the start of construction for the solar arrays. The Commission agreed to make it part of the draft of the Order of Conditions and if any grades change, then submit minor revised plans. Boundary markers are not needed on this site. Fence height is 6-8” off the ground for wildlife and no taller than 7ft. No further discussion.

Roll Call:        Mark Swett                    Yes                    Thomas Barnes            Yes  
                      Dennis Cote                    Yes                    Kristin Rosenbeck        Yes  
                      All in Favor 4/0/0.

**DEP #317-468** by Bertin Engineering for Melink Solar LLC (*Harder*)  
NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array on Osborne Rd

Elio Qorri is waiting for Hardwick’s Order of Conditions or a draft. Vice-Chair T. Barnes felt that the Order of Conditions should be split accordingly to the project details. D. Cote asked if the panel technology has changed since the original application was submitted? E. Qorri replied, originally with panel specs 400’s and now at 485’s. N. Croteau suggested to have in Ware’s Order of Condition a possible acknowledgment that offsite tree planting or replication will be completed as part of Hardwick’s Order of Conditions. N. Croteau asked about the foundation in the middle of the site, is it being filled in? E. Qorri stated this area is not being touched. N. Croteau asked about the isolated wetlands, E. Qorri showed the area on the plans. Vice-Chair T. Barnes asked about moving the garage to the end of the property as originally discussed. J. Chapman stated J. Harder is working with the town, seeking permission to move it at some point. Vice-Chair T. Barnes asked if the foundation would remain if it was moved? E. Qorri stated it would be removed and vegetated with the solar mix. General discussion continued about the foundation. The foundation no matter what will be removed, whether the garage will be moved to another location on the parcel or completely demoed is undetermined at this time. N. Croteau asked about the boundary markers being demonstrated on a plan. E. Qorri to provide a separate plan prior to next meeting.

**MOTION** by Vice-Chair Thomas Barnes to continue to next regular schedule meeting. Seconded by Dennis Cote. No further discussion.

Roll Call:        Mark Swett                    Yes                    Thomas Barnes            Yes  
                      Dennis Cote                    Yes                    Kristin Rosenbeck        Yes  
                      All in Favor 4/0/0.

**DEP #317-482** by Charles Ferrero for TCC Properties, 91 Coffey Hill Road  
NOI – Proposed construction of a single-family home served by private septic and well located within Riverfront Area.

Applicant, Charles Ferrero, presented revised site plans showing the boundary markers and limit of disturbance as requested by the Commission. N. Croteau asked if there was a garage on site and C. Ferrero stated no. Vice-Chair T. Barnes stated if the new owners want a shed or garage, then they would have to apply.

**MOTION** by Vice-Chair Thomas Barnes to issue an Order of Conditions with the standard Special Conditions (permanent boundary markers, remove well drillings from site and submit an As-Built Plan showing the boundary markers when a Certificate of Compliance is requested). Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:      Mark Swett                      Yes                      Thomas Barnes                      Yes  
                    Dennis Cote                      Yes                      Kristin Rosenbeck                      Yes  
                    All in Favor 4/0/0.

**RDA-2022-10** by Peterson Landscaping for Cynthia Haddock, 116 Shoreline Drive  
Request for Determination of Applicability whether the area and work are subject to the WPA for the removal of three (3) threat trees.

N. Croteau presented photos on behalf of the applicant indicating which trees would be removed. Chairman Swett stated he wants a map. A basic map showing distances from the corner of the house or other landmarks to know exactly which trees will be removed.

**MOTION** by Vice-Chair Thomas Barnes to continue until next month with applicant to provide a sketch map. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:      Mark Swett                      Yes                      Thomas Barnes                      Yes  
                    Dennis Cote                      Yes                      Kristin Rosenbeck                      Yes  
                    All in Favor 4/0/0.

**DEP #317-401** by Thomas & Patricia Clark, 111 Greenwich Plains Road  
Request for Certificate of Compliance for the work regulated by the Order of Conditions has been satisfactorily completed. Work under the Order was for construction of a single-family home.

J. Prenosil conducted a site walk and everything appeared to be in line with the Order of Conditions and the approved plan. Requested to the Commission to rescind the Enforcement Order and then to issue the Certificate of Compliance upholding Special Conditions 1 & 2 in the Order of Conditions issued.

**MOTION** by Kristin Rosenbeck to rescind the Enforcement Order. Seconded by Vice-Chair Thomas Barnes. No further discussion.

Roll Call:      Mark Swett                      Yes                      Thomas Barnes                      Yes  
                    Dennis Cote                      Yes                      Kristin Rosenbeck                      Yes  
                    All in Favor 4/0/0.

**MOTION** by Kristin Rosenbeck to issue a full Certificate of Compliance with Special Conditions 1 & 2 in the Order still being upheld. Seconded by Vice-Chair Thomas Barnes. No further discussion.

Roll Call:       Mark Swett               Yes               Thomas Barnes       Yes  
                  Dennis Cote               Yes               Kristin Rosenbeck   Yes  
                  All in Favor 4/0/0.

**DEP #317-456** by J&P Engineering, 27 Coldbrook Drive

Request for Certificate of Compliance for the work regulated by the Order has lapsed and is therefore no longer valid and the work regulated by it was never started.

N. Croteau explained the situation a hand that the application was heard, voted to issue an Order of Conditions, but the Order of Conditions was not generated in eDEP nor given to the applicant or even recorded at the Registry of Deeds. The Order has now expired, and no work was every started. Suggested to the Commission three options:

1. Sign a new Order, have it recorded and request the Certificate of Compliance.
2. Request the Certificate of Compliance indicating no work was done.
3. Consider this DEP file null and voided and have the applicant submit a new filing.

Commission overall felt to consider this application null and voided since work did not commence. Commission is requesting applicant to file a new application and ensuring the plan indicates permanent wetland boundary markers. N. Croteau shall return the Request for Certificate of Compliance filing fee with a cover letter explaining a new application shall be submitted to proceed. No further discussion. No action taken.

## **ADMINISTRATION**

- A. DEP #317-401** – Enforcement Order Issued, T. & P. Clark, 111 Greenwich Road for possible non-permitted BVW & Riverfront alterations – *Commission to decide on rescinding EO. Topic of discussion was covered under DEP #317-401 Request for Certificate of Compliance (see above).*
- B. DEP #317-147** – 1 Doane Road – Retaining Wall Update  
Joel Pentlarge was present and had a found another DEP File for retaining wall work under DEP #317-116. Commission agreed that since both permits are expired, no extensions were requested, and regulations have changed, the Commission is requesting applicant to Request a Certificate of Compliance for both file numbers and submit a new application to repair the wall. If the owner fails to submit a new application, then Enforcement Orders could be issued to repair said wall. J. Prenosil stated to be sure to include work on the foundations with the new application. No further discussion. No action taken.
- C. Forest Cutting Plan** – Approved by DCR, 190 River Road, Parcel 7-0-15  
N. Croteau presented an approved FCP. Can start work Oct 3, 2022. No action taken.
- D. National Grid** – Notification of Utility Maintenance, Pole & Anchor Replacement & Push Brace Installation, Osborne Road, Dated September 14, 2022.  
N. Croteau presented a letter from NGrid for description of work to be completed. No action taken.

**E. Approval of Meeting Minutes – August 10, 2022**

**MOTION** by Kristin Rosenbeck to approve the minutes as presented. Seconded by Dennis Cote. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	All in Favor 4/0/0.			

**ADJOURNMENT**

**MOTION** to adjourn at 7:39 pm. All in Favor.

Next regular scheduled meeting is on November 09, 2022.

Minutes from October 12, 2022

Respectfully submitted by,

*Nicole J Croteau*

Nicole Croteau

Conservation Commission Administrator

<i>Minutes Approved on: November 09, 2022</i>	
Swett	<i>[Signature]</i>
Barnes	<i>[Signature]</i>
Cote	<i>[Signature]</i>
Rosenbeck	<i>[Signature]</i>
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