



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, October 21, 2020
Selectmen's Conference Room, Town Hall

Commission Members Present: Chairman Mark Swett and Thomas Barnes

Commission Members Remote: Kristin Rosenbeck and Dave Kopacz-Agent-non-voter

Commission Members Absent: Dennis Cote

Public in Attendance: Nicole Croteau, Rodney Galton, Kathleen Cronin, Steven Pikul, Elio Qorri, Bill Zinni, Richard and Susan Fly, Stephen Houle, Roland Messier, Gail Martel, David and Barbara Blessinger, Kevin Brooks, Eric and Wendy Zepke, Sarah Fortune.

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.

PLEDGE OF ALLEGIANCE

Chairman called the meeting to order at 6:34 pm and T. Barnes led the Pledge of Allegiance.

APPLICATIONS

A. RDA-20220-12 by Richard Fly, 19 Coldbrook Drive, Proposed Backyard Ecosystem

T. Barnes asked the applicant if there are wetlands on site and R. Fly stated no, although there is a replication area in the front of the yard from the original subdivision plans. T. Barnes had spoken to D. Kopacz about the proposed project and D. Kopacz stated if the project site is under 5,000 sq ft and no resource area then the project is out of conservations jurisdiction. Chairman reviewed DEP comments from an email and the subdivision site plan as submitted. Chairman asked where the water is coming from to fill the pond and applicant stated a truck like homeowners do for private pools. R. Fly stated the project is well over 400ft away from the replication area. Chairman stated it appears to be an error on the RDA application. Box D is checks when it does not apply, and Box C should have been indicated. Discussion was made about revising the application at this time to have a decision made. Applicant revised the RDA application and initialed the change. **MOTION** by Tom Barnes to accept the revised RDA application tonight by Richard Fly to remove Box D and indicate Box C. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0 to accept the revised RDA application.

MOTION by Tom Barnes to issue a Negative Determination, Number 1, for the revised RDA application to construct an ecosystem (14'x20'x30") in the rear yard. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0.

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B. RDA-2020-13 by Stephen Houle, 13 Wildflower Drive, Removal of Trees and add fill to level yard area.

D. Kopacz did a site walk and it stated the wetland line did not change from the subdivision submittal. Applicant needs to be aware the proposed work does not go to the tree line and there is no disturbance within the 25ft buffer per Ware's Bylaw. T. Barnes asked if the trees were mature and if so, then would like additional information: size and more detail location of trees to be removed and a topographic plan of the parcel. Would like to compare the subdivision filing to the proposed work before deciding. T. Barnes asked to continue meeting for lack of information. R. Messier is an abutter and is very concerned if the trees are removed then his property will be flooded, as well as Gould Road. R. Messier wanted confirmation that the proposed work will be done correctly to avoid any additional damage to abutters and the roadway. Commission asked S. Houle how much fill will be brought in to level the yard and stated 50-60 yards.

MOTION by Tom Barnes to continue the public meeting until next scheduled meeting due to lack of information. Would like applicant to submit more details on how much fill to be brought in, the size of trees to be cut and a topographic map. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0 to continue meeting.

C. DEP 317-467 by Many Springs Farm Environmental Consultants for David Blessinger, 140 Shoreline Drive, Construction of a Single-Family Home, Septic System, Well and Construction of Deck (2-levels) over the patio and driveway within 100-ft buffer zone of seasonal waterway.

T. Barnes read DEP comments and would like the applicant to have double silt fence and strawbales to control any runoff in a rain/storm event. Chairman wants the barrier to be extended towards the turnaround and uphill. K. Brooks stated he will comply with the requests. D. Kopacz would like to have the applicant provide a sequencing plan on the exposed soils and how they will be treated. Would prefer not to have the whole site exposed at once, wants rough and final grades indicated on the plan. Would like construction to be done in stages: construct the foundation then grade and stabilize before framing starts. Chairman asked the applicant to provide an updated plan showing the double row of strawbales and the extension, prepare a sequencing plan and address DEP comments in a letter before the next meeting.

MOTION by Tom Barnes to continue public hearing until the next schedule meeting and for the applicant to submit the requirements as discussed above. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0 to continue.

D. DEP 317-452 by Eco's Energy, Monson Turnpike Road, Large-Scale Solar Array

N. Croteau made a general comment to R. Galton that a neighbor had their trees cut down by the Forester this week. T. Barnes and R. Galton had general discussion about a phasing plan. R. Galton stated other towns have accepted the phasing plan and something can be presented to the Commission. The phasing plan can be addressed now or stated within the Order of Conditions. Discussion continued about the stormwater basins and how they are constructed then stabilized before moving to the next basin. T. Barnes asked for clarification on the hydrology connection between the site and Beaver Lake. R. Galton presented a letter and supporting documents stating there is no direct connection, the site is over .5mile away from Beaver Lake and if any drainage were connected, it would most likely recharge before Beaver Lake. Concerns

about construction fueling needs will be done in a safe area and have protocols for spills. T. Barnes would still like to see the 401 Water Control Report and agrees the phasing would be great. R. Galton asked the Commission not to continue the meeting based upon missing the 401 Water Quality Report but rather make it a condition in the Order. There is nothing out of the ordinary for the water report and no special requirements for the crossing. D. Kopacz stated this was a piece of information that was needed to decide and would prefer the Commission to keep the hearing open until the water report was received and reviewed. N. Croteau asked R. Galton if he was able to review the draft conditions and general discussion was made about Condition #23B regarding the replication. The number in the condition needs to be confirmed with engineer prior to completing, which can be done at later time. R. Galton will allow the public hearing to continue but would rather close and make missing items a Condition (re: water report). D. Kopacz asked if any abutters have unanswered concerns at this time and K. Cornin from Beaver Lake Association was satisfied.

MOTION by Tom Barnes to continue the public hearing until the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0 to continue.

E. DEP 317-463 by Bertin Engineering, Greenwich Road, FT Smith, Large-Scale Solar Array

MOTION by Tom Barnes to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0.

F. DEP 317-465 by Bertin Engineering, Greenwich Road, Couture, Large-Scale Solar Array

MOTION by Tom Barnes to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0.

G. DEP # None Given by Bertin Engineering, 278 Osborne Road, Harder, Large-Scale Solar Array

MOTION by Tom Barnes to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 3/0/0.

H. DEP 317-373 by Bertin Engineering for Joel Harder, 278 Osborne Road, Request for Certificate of Compliance for portions of work completed, Order was issued in 2007 to Patrick Krol.

Chairman stated there was a problem with signing a Certificate of Compliance (CoC) when the work approved in the Order has not been completed. (Referring to the mobile home being removed per approved plan). M. Stinson asked where in the regulations does it state the mobile home is to be removed? (M. Stinson thought the mobile home was not permitted) D. Kopacz replied that on the approved plan it shows the existing crossing and "mobile home to be removed." M. Stinson agreed with Chairman Swett that the Certificate of Compliance should not be signed until the mobile home is removed. S. Pikul stated it would be in Town's the best interest not to violate state law and having to eviction someone under the Emergency (COVID). The Commission never stated anything about evicting anyone. S. Pikul stated by the action of the Board would be doing so. Chairman stated the Commission will not issue a Certificate of Compliance until the trailer is removed, we are not saying when you have to do it. D. Kopacz agrees. M. Stinson stated how can the Commission issue a CoC when the applicant is not in

compliance. S. Pikul stated the applicant has tried to address the issue and was not the property owner at the time of the Order and this followed him into it.

MOTION by Chairman Mark Swett to deny the Request for Certificate of Compliance because the trailer is not moved at this time and will allow the Applicant can come back to the Commission once it has been removed and a site walk was completed. Seconded by Tom Barnes. Discussion: S. Pikul asked about a prior site walk was scheduled and no reason was given when cancelled, but now wants a firm date for the site walk is to take place. Chairman stated after the trailer is removed and the Request for Compliance is made, then a site walk will be scheduled. K. Rosenbeck agreed. All in Favor 3/0/0 to deny the Request for Certificate of Compliance.

ADMINISTRATION REPORT

19 Kelly Road – D. Kopacz gave a brief history of the project, original work had a limited work boundary and permanent bounds were supposed to be installed. D. Kopacz, N. Croteau, S. Fortune and Palmer's Conservation Agent met on site earlier in the month to review what activities have taken place beyond the scope of the NOI (317-305) work. T. Barnes told Mr. and Mrs. Zepke that the house was permitted by someone prior and was supposed to do something that was never done (install bounds) and now requesting the Zepke's to correct the issue before more wetland buffer zone is affected (install bounds and create a replication area). D. Kopacz stated the wetland boundary line needs to be re-established and focus around the area of where the fill is. D. Kopacz stated he is willing to go and reflag the line at the request of the Commission. The Commission agreed that D. Kopacz should set the flags and Zepke's to install bounds and later discuss the replication area. S. Fortune and D. Kopacz to establish a site visit with Zepke's. No enforcement action was taken by the Commission at this time.

Bondsville Road – D. Kopacz stated he was on site earlier in the month and the screen house, porta-potty and trailer have been removed and most of the items have been cleaned up. General discussion between M. Stinson and D. Kopacz was about the removable docks along the Swift River (not in river). M. Stinson stated the owners still need to comply with the Regulations and submit at minimal an RDA Application. M. Stinson suggested to send letters to owners along the river to submit the RDA to avoid violations in the Spring of next year. No enforcement action was taken by the Commission at this time.

ADJOURNMENT

MOTION to adjourn at 8:24 pm. All in Favor 3/0/0.

Next scheduled meeting is on November 18, 2020.

Minutes from October 21, 2020

Respectfully submitted by,

Nicole Croteau

Nicole Croteau

Conservation Commission Administration

Minutes Approved on: <i>Nov 18, 2020</i>	
Swett	<i>[Signature]</i>
Barnes	<i>[Signature]</i>
Cote	<i>[Signature]</i>
Rosenbeck	<i>[Signature]</i>