



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082  
413.967.9648

Meeting Minutes from  
**Wednesday, November 09, 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:** David Chapman, Geoffrey McAlmond, Jim O'Mara, Larry Donn, Joseph Sidur, Elio Qorri, Alex Bergeron, Bernie Bergeron, Bill Moryl, John Prenosil, Nicole Croteau

**Public in Remote Participation:** Rodney Galton, Scott Reynolds

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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 #317-116** by Joel Pentlarge on behalf of Douglas Walker, Trustee, 1 Doane Road  
Request for Certificate of Compliance the work regulated has been satisfactorily completed.

Nicole Croteau stated J. Pentlarge is in the process of obtaining quotes from local engineers regarding the failing retaining wall and any future work. Once J. Pentlarge hires an engineer, the Commission will be informed.

**MOTION** by Kristin Rosenbeck to issue a complete (full) Certificate of Compliance with the intent of the applicant to submit a new application for the continuing retaining wall repair work. Seconded by Vice-Chairman 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 #317-147** by Joel Pentlarge on behalf of Douglas Walker, Trustee, 1 & 2 Doane Road  
Request for Certificate of Compliance the work regulated has been satisfactorily completed and to review letter from MADOT dated October 06, 2022.

Nicole Croteau presented an email to J. Pentlarge from MassDOT requesting access to 1 Doane Road to begin repair of the Route 9 bridge over Flat Brook. No further discussion.

**MOTION** by Vice-Chairman Thomas Barnes to issue a complete (full) Certificate of Compliance. 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 #317-316** by William Moryl, 315 Palmer Road  
Request for an Extension to the Order of Conditions.

William Moryl was present and requesting a 3-year extension with no changes.

**MOTION** by Vice-Chairman Thomas Barnes to issue a 3-year extension. 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 #317-476** by Larry Donn for Beaver Lake Club Corp, Beaver Lake  
Request for an Extension to the Order of Conditions and review the 2022 Annual Report.

Commission and Agent are very pleased on the information provided in the Annual Report. The request is for a 3-year extension.

**MOTION** by Dennis Cote to issue a 3-year extension. 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 #317-452** Ecos Energy, Monson Turnpike Road, Solar Site  
Review revised Construction Sequence Plan as requested by DEP (*minor changes*).

Nicole Croteau presented a revised Phasing Plan, as requested under DEP's review. DEP did not prefer the Timber Mats and requested the temporary crossing work to be completed when the ground was frozen. DEP will not be issuing a Superseding Order but rather accept this plan as a minor change.

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**MOTION** by Kristin Rosenbeck to accept the revised Phasing Plan as a minor change and part of the final plan set. Seconded by Vice-Chairman Thomas Barnes. Nicole Croteau asked what Eco’s timeframe is for submitting the SWPPP? Reply: going to start working on it now with this minor revision. 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 presented a revised plan reflecting the proposed survey marker locations to indicate that no further disturbance is allowed beyond those markers. Spoke about the replication is to be done in Hardwick and is not under the jurisdiction of Ware.

**MOTION** by Kristin Rosenbeck to issue an Order of Conditions with the Special Conditions as previously reviewed and discussed for solar sites as well as accepting the Berntsen FENO Anchored Survey Markers instead of concrete boundary markers. 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 #317-483** by J&P Engineering, 27 Coldbrook Drive  
NOI – Proposed construction of a single-family home with onsite septic and well within the buffer zone of a Bordering Vegetated Wetland.

Commission reviewed the application. Plans indicated the permanent boundary markers and discussed the standard Order of Conditions notes. No issues.

**MOTION** by Vice-Chairman Thomas Barnes to issue an Order of Conditions with Special Conditions for a typical single-family home. 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.

**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.

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Commission reviewed the application – map supplied as requested.

**MOTION** by Dennis Cote to issue a Negative determination, sighting number 3 with conditions: 1) Any equipment needing refueling shall be outside the 100ft buffer. 2) All motorized equipment must be parked outside the buffer zone overnight. 3) Any additional work may require a separate permit application. 4) stumps to remain 1 to 2 feet above grade, no stump grinding. 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-2022-11** by David Chapman, 301 Beaver Lake Road

Request for Determination of Applicability whether work is subject to the WPA for the removal of two (2) dead trees.

Commission reviewed the application – no issues.

**MOTION** by Vice-Chair Thomas Barnes to issue a Negative determination, sighting number 3 with conditions: 1) Any equipment needing refueling shall be outside the 100ft buffer. 2) All motorized equipment must be parked outside the buffer zone overnight. 3) Any additional work may require a separate permit application. 4) Must remove all tree debris from the site. 5) allowed to cut close but no stump grinding allowed. 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-2022-12** by Canadian Tree Expert Co for Joseph Sidur, 141 Gilbertville Road

Request for Determination of Applicability whether work is subject to the WPA for the removal of twenty-two (22) trees.

Commission reviewed the application – no issues.

**MOTION** by Vice-Chairman Thomas Barnes to issue a Negative determination, sighting number 3 with conditions: 1) Any equipment needing refueling shall be outside the 100ft buffer. 2) All motorized equipment must be parked outside the buffer zone overnight. 3) Stumps to remain 4-6" above ground level. 4) Must remove all tree debris from the site. Work to be completed when the ground is frozen. 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.

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**RDA-2022-13** by Town of Ware, Geoffrey McAlmond, DPW Director, North Street Bridge Request for Determination of Applicability whether the work is subject to the WPA for repair work to the North Street bridge over Muddy Brook.

Chairman Swett asked how and where is the blocking beginning installed? G. McAlmond explained the work will be done using a scooper truck, install the blocking to support the steel beams. No equipment or people will be entering Muddy Brook.

**MOTION** by Vice-Chairman Thomas Barnes to issue a Negative determination, sighting number 2. 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.

#### **ADMINISTRATION**

**A. Approval of Meeting Minutes – September 14<sup>th</sup> and October 12<sup>th</sup>, 2022**

**MOTION** by Kristin Rosenbeck to approve the minutes as presented. Seconded by Vice-Chairman 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.

**B. Approval of Meeting Dates & Deadlines for the year of 2023**

**MOTION** by Vice-Chairman Thomas Barnes to approve the meeting dates and deadlines for the 2023 year. 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.

**C. Beaver Issue – Greenwich Plains Road & Doane Road**

Nicole Croteau stated Scott Reynolds, an abutter, reached out because he has recent flooding from the beaver dams. There is an Emergency Certificate issued on Nov 9<sup>th</sup> for the DPW to remove the dam. Geoffrey McAlmond stated the DPW should be onsite tomorrow. S. Reynolds stated he will prepare and email a quote to install beaver deceivers. No action taken. No further discussion.

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**ADJOURNMENT**

**MOTION** to adjourn at 7:07 pm. All in Favor.

Next regular scheduled meeting is on December 14, 2022.

Minutes from November 09, 2022

Respectfully submitted by,

*Nicole L. Croteau*

Nicole Croteau

Conservation Commission Administrator

<i>Minutes Approved on: Dec 14, 2022</i>	
Swett	<i>[Signature]</i>
Barnes	<i>[Signature]</i>
Cote	<i>[Signature]</i>
Rosenbeck	_____
Topor, IV	_____