



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, November 10, 2021
Selectmen's Conference Room, Town Hall

Commission Members Present: Chairman Mark Swett, Vice-Chairman Thomas Barnes, Kristin Rosenbeck, Peter Toper IV

Commission Members Absent: Dennis Cote

Public in Attendance: Alice Teles, Karl Beaumier, Gary Bressette, Heidi Bressette, Martha Klassanos, Stephen Houle, Rick Lotuff, Atty. Richard Maynard, Richard Barry, Robert Barry, Nico Siniscalchi, Robert LeMaitre, Nicole Croteau, Stuart Beckley

Public in Remote Participation: Jeremy Chapman, Elio Qorri, Rick Starodoj, Joy Cook, Chris Knuth, Mark Stinson

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 6:30 pm and Thomas Barnes led the Pledge of Allegiance.

APPLICATIONS

DEP #317-477 by Robert LeMaitre for Minuteman Farm, LLC, 24 East Main Street

NOI – Redevelopment of a portion of site by replacing a building burnt in 1996 with a smaller footprint for a storage facility having approx. 7700 sq ft.

Atty R. Maynard was present to mainly just report on the status. Comments from Sherman & Frydryk were mostly address except 1 or 2. Latest conversation was the consultant was on the proposed work or not work on the riverbed and what the best course of action would be.

Atty R. Maynard asked the Commission if a submittal date of the 29th be acceptable for them to review any material by the meeting on December 8th. Chairman M. Swett stated no promises but could try, the Commission agreed there shouldn't be an issue.

Vice-Chairman T. Barnes asked N. Croteau about an email from the PCD Dept (dated 11/2/21) regarding a section from the Ware Zoning Bylaws (Section D.4, subsection b). The email was sent to N. Croteau in-turn forwarded to S&F for comments and concern. T. Barnes would like to suggest the Commission could request no non-permeable surface remain. R. Barry has no objection to do so, and it was requested to do so as well – totally happy to remove the existing concrete, would like to make the grounds look nice. T. Barnes also stated the 4-inch berm along the backside of the property and along the river looks like it was removed.

Any storm after it was removed, debris would flow into the river. T. Barnes would like to see a berm constructed to prevent any loose debris runoff.

N. Siniscalchi asked the Commission in previous discussion there was talk about removing the plants on the riverside. If the plants are removed/killed before construction, then there is less structural sound. Feels it would be best to remove/kill plants after construction. T. Barnes stated we haven't really spoken about it. R. LeMaitre stated to remove a section, then stabilize then move to a different section. T. Barnes stated the invasive plants such as Knottweed, Bayberry. Not the Honeysuckle or native.

Chairman M. Swett asked if stuff would wash out. R. LeMaitre stated if the root mass was removed, it would be unstable. R. LeMaitre stated to cut, treat it, and then remove, then it wouldn't be an erosion issue, and replace with new plants. T. Barnes agreed, the stumps would retain the slope erosion. Atty. Maynard said those were some of the final pieces to consider later.

Chairman M. Swett stated another issue is the compensatory storage. R. LeMaitre stated there is no problem with the building verse the original building. Continued to state, to grade the site without the concrete would actually be lowering, just a little bit, which would add to the storage facture, will calculate that so the Commission will know.

Chairman M. Swett what the statute of limitation on how long to consider the building being there? T. Barnes believes it is 24months. Atty. Maynard pointed out S&F addressed that in the review letter. T. Barnes stated there is a Town Bylaw that shouldn't be overlooked and always consider what DEP has to say too. R. LeMaitre stated the DEP comments will be addressed as well.

N. Croteau stated the Building Inspector had some concerns as well: flood resistant construction would be required for the building, and this could have additional impacts on the proposed site design. R. Barry stated the building is on 4-ft stem wall which will abut a cement block wall building with the engineers and architects saying it could withstand any flood waters. N. Croteau continued to suggest checking to see if Flood Insurance would be required.

T. Barnes has concerns about the site location, is this the best area. Chairman M. Swett said it is his property and has every right to build.

R. Lotuff is aware the proposed building is within the Flood Plain area and asked if R. Barry would consider any other area in the millyard for development. R. Barry said no, wants to utilize his 7,700 sq ft building only and landscape the rest.

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MOTION by Peter Toper to continue until the next schedule meeting. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	Yes
	All in favor. 4/0/0.			

DEP #317-478 by Steven Houle, 13 Wildflower Drive

NOI – Reduce steep slopes in yard by filling, loaming, and seeding in buffer zone.

Chris Knuth, remote, is the engineer for S. Houle, revised plans are presented to the Commission. N. Croteau stated the Commission wanted the plans to be updated the show grading, fill lines, concrete bounds, and wetland markers. T. Barnes asked if the design would prevent any runoff onto Gould Road. S. Houle stated M. DiPinto said that was the road design not from this property.

Chairman M. Swett remembers DEP concern relating to comment #1 and thought there was no further fill allowed. N. Croteau stated there was an email at the last meeting from J. Prenosil to Mary Ann DiPinto agreeing the deed restriction does not apply to this site.

S. Houle asked if the Commission was ok with the spacing of the (4) concrete boundary markers. The Commission asked S. Houle to move one of the boundary markers by hand drawing it onto the plan for the record. N. Croteau asked about the slope stabilization material. S. Houle stated he plans on hydroseeding.

MOTION by Thomas Barnes to approve the site plan as presented with one of the boundary markers being moved and to issue the standard Special Conditions. Seconded by Peter Toper. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	Yes
	All in favor. 4/0/0.			

T. Barnes thanked Mark Stinson from DEP for joining us tonight remotely. M. Stinson said he needed to sign off but wanted to tell the Commission to keep up the great job. The Commission thanked him.

DEP #317-479 by Brandi Estridge, 67 Old Poor Farm Road

NOI – Restore altered wetland area and create lawn in the buffer zone for children’s play area and chicken coop

Applicant requested a continuance until the next scheduled meeting.

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MOTION by Kristin Rosenbeck to continue as requested. Seconded by Thomas Barnes. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	Yes
	All in favor. 4/0/0.			

DEP #317-480 by Martha Klassanos for James & Sandra Dupre, 90 Beaver Road & Monson Turnpike Road

NOI – Remove fallen tree, trunk and branches that are obstructing the drainage channel running from Monson Turnpike Road, under Beaver Road, then draining to the lake. Work to be done on Parcels 46-0-28 & 46-0-29.

Marth Klassanos presented the application on behalf of the Dupre’s. Explained approx. 10-years ago trees fell in the woods over the stream channel which drains from the road, filters through the woods, and eventually ends in the lake. Recently the rain has been causing flooding to the Dupre’s property and would like to cut and remove the three fallen trees to restore the natural flow path of water. These trees have already fallen so nothing standing is being removed. The tree removal process will be done by hand and with chainsaws. Time frame would be about a day worth of work and would like to complete it before the first snow falls and while the ground is dry.

General discussion between the Commission and M. Klassanos if there could be a clause in the approval to allow for future work if this was to happen again without filing a DEP application. The Commission did not like this. The applicant must file again if work was needed.

MOTION by Thomas Barnes to issue the Order of Conditions with the standard Special Conditions. Seconded by Kristin Rosenbeck. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	Yes
	All in favor. 4/0/0.			

DEP #317-481 by Alice Teles, 15 & 17 Coldbrook Drive

NOI – Construction of a single-family home with septic, well, driveway and associated grading within the 50-to-100-foot buffer zone. Work to include a driveway crossing which was previously approved.

N. Croteau explained the proposed site plan for construction of a single-family house with a driveway shared with Lot 8&9 which was previously approved during the approval of the subdivision approval. Lot 8 is an Estate Lot, and the single-family construction will be on Lot 9. Tele’s purchased both lots. T. Barnes asked if this is the site which recent complains came from. K. Beaumier does not believe so. J. Prenosil stated the driveway crossing needs to be built exactly as it was previously approved.

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As M. Stinson commented, there was a proposed septic and house located on both lots, were the plans revised to show only a house/septic on Lot 9. Yes, plans were updated. J. Prenosil stated this is a buffer zone project and there can be no diversions from the approval of the driveway. G. Bressette is an abutter and has a problem, there is no culvert by the road and will typically have a 1-foot of water from runoff onto his property and if there is no culvert, there will be a pond in his yard.

Discussion continued about how the water flows now in the area. K. Beaumier is not opposed to installing another pipe (culvert) under the driveway in the upland area. J. Prenosil would like to verify in the field before giving the ok to install another culvert or 8-10-inch drainpipe. T. Barnes asked if this would also correct another neighboring site, and G. Bressette said it would not.

MOTION by Thomas Barnes to hold a meeting on Monday, November 29th at 6:30pm. Seconded by Kristin Rosenbeck. Discussion: N. Croteau stated the NOI application may need to be updated to reflect any changes regarding the additional culvert.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	Yes
	All in favor. 4/0/0.			

MOTION by Peter Toper to continue the meeting until November 29th at 6:30pm. Seconded by Kristin Rosenbeck.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	Yes
	All in favor. 4/0/0.			

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 Rd

Applicant requested a continuance until the next regular scheduled meeting.

MOTION by Kristin Rosenbeck to continue until the next scheduled meeting. Seconded by Peter Toper. Discussion: Jeremy Chapman stated the engineer is in the finalizing comments and hopefully be submitted before Thanksgiving. T. Barnes asked if this project will be heard in December. Not sure if BSC will have a response by the December meeting if plans are submitted by Thanksgiving.

MOTION by Thomas Barnes to continue until the next scheduled meeting. Seconded by Kristin Rosenbeck. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	Yes
	All in favor. 4/0/0.			

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DEP #317-465 by Bertin Engineering for Melink Solar LLC (*Couture*)
NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Rd

Applicant requested a continuance until the next regular scheduled meeting. J. Chapman will be emailing an amendment to comment #1 from Bertin Engineering response letter, saying the debris was clean as required by the Commission. N. Croteau explained the history of the site and how the Commission requested an area to be cleaned up and it was. T. Barnes asked if the truck was removed from the riverfront/wetland area. J. Chapman stated yes.

MOTION by Kristin Rosenbeck to continue until the next scheduled meeting. Seconded by Thomas Barnes. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	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

N. Croteau stated an abutter, Joy Cook, asked for a copy of the most recent peer review letter. A copy was provided.

Joy Cook expressed her concerns that the updated plans do not indicate any protection from water runoff to the abutting properties below. T. Barnes stated when the trees were removed in Hardwick and M. Stinson presented the historical photos of the site, you can see when the sheet flow started. J. Prenosil asked for clarification if J. Cook is really asking when the site is developed how is the stormwater near the road is going to be controlled. J. Cook corrected J. Prenosil by stating when the trees were cut and due to the massive sloping of the land, any runoff is onto her property and how is this design going to stop the issue. Continued to state the water is now beginning to lift the roadway. The project does not retain the sheet flow and properties are being damaged.

N. Croteau asked if there are any detention basins on the east side in on the Ware side. E. Qorri explained the site design, there are smaller above ground basins, overly sized basins, and infiltration basins. J. Cook asked if there are basins in the Hardwick, and E. Qorri stated there is no need. E. Qorri stated per MADEP guidelines, there can be no additional runoff from a proposed site. There are swales in the design and eventually the drainage will tie into the Town's drainage system. E. Qorri stated he is confident in the drainage design; all the Ware side is contained. Continued saying the drainage has been peer reviewed both in Planning and Conservation, and any issues were addressed. J. Cook strongly disagrees and feels there will still be runoff onto her site. N. Croteau clarified J. Cook's concern to E. Qorri: J. Cook is concerned any water starting in Hardwick will then come into Ware and then flow down to her property. J. Cook agreed this was her concern.

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J. Prenosil stated he has walked the site numerous times and said the Commission needs to understand there are no wetland connections from Harder's to Cook's property, no streams, or channels, it is a groundwater issue. The WPA doesn't address groundwater and it is not jurisdictional. J. Cook stated you can see the waterline in the grass and soils, it is clear as day. Sometimes these issues are not in Conservation jurisdiction.

J. Cook asked, when does something change from surface to ground water – at what depth? J. Prenosil explained different connectivity, there needs to be something surficial connection. Understands Cook's frustration but there is no connection. Is the visual clearcut in the vegetation change between the sites (grass colors, mosses), this is all surface water? J. Prenosil stated he would have to verify in the field. J. Prenosil to meet with J. Cook on site. J. Chapman stated if there are any solutions and/or suggestions to help, then we (Melink/Bertin) are all ears. There is no straight answer at this point.

J. Chapman stated unfortunately from a timing point of view, Melink is waiting the interconnection approval (hope late spring/early summer) but in the meantime, willing to help do what is needed on the design side of things to help alleviate any stormwater issues but can't commit to any current issues.

T. Barnes pointed out in the past that J. Harder offered to dig a trench drain around J. Cook's perimeter and install a culvert under her driveway to then be able to tie into the Town's drainage system, at the sum of \$12-15k at Cook's expense. Suggested to the Town DPW to install a drain at her property.

N. Croteau asked J. Cook if she spoken to DPW recently. And she has not.

MOTION by Kristin Rosenbeck to continue until the regular scheduled January 2022 meeting. Seconded by Thomas Barnes. Discussion: J. Chapman to ask for any feedback from J. Prenosil's site visit, it would be appreciated.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Peter Toper, IV	Yes
	All in favor. 4/0/0			

DEP #317-452 by Ecos Energy, Monson Turnpike Road
NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array – Wetland Crossing

Applicant requested a continuance until the next scheduled meeting.

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MOTION by Thomas Barnes to continue as requested. Seconded by Kristin Rosenbeck. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Topor, IV	Yes	All in favor. 5/0/0.	

ADMINISTRATION

a. New/Old/Miscellaneous General Discussion
No discussion

ADJOURNMENT

MOTION to adjourn at 8:12pm. All in Favor.

Next scheduled meeting is on December 8, 2021.

Minutes from November 10, 2021
Respectfully submitted by,

Nicole Croteau
Conservation Commission Administrator

<i>Minutes Approved on: Jan 26, 2022</i>	
Swett	
Barnes	
Cote	
Rosenbeck	
Topor, IV	