



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, December 8, 2021
Selectmen's Conference Room, Town Hall

Commission Members Present: Chairman Mark Swett

Commission Members Remote: Vice-Chairman Thomas Barnes, Dennis Cote, Kristin Rosenbeck

Commission Members Absent: Peter Toper IV

Public in Attendance: Jim O'Mara, Richard Maynard, Robert Barry, Robert LeMaitre, Ken Lacey Jr., Richard Barry, Nico Siniscalchi, Nicole Croteau, John Prenosil, Anna Marques,

Public in Remote Participation: Steven Pikul, Jeremy Chapman, Stuart Beckley

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 6:31 pm and led the Pledge of Allegiance.

APPLICATIONS

RDA-2021-15 by Jim O'Mara, 92 Shoreline Drive

Request for determination whether the area depicted on the plans and/or maps referenced is an area subject to jurisdiction of the Wetland Protect Act for the removal of two "threat" trees located within the 100-ft buffer zone.

J. O'Mara presented two photos showing "threat" pine trees in the buffer zone near the home. Chairman asked J. Prenosil if there were any issues – reply was no. N. Croteau stated the applicant needs to update the application to indicate #C (work), applicant did so.

MOTION by Thomas Barnes to issue a Negative Determination, sighting number 2. Seconded by Kristin Rosenbeck. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	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 January scheduled meeting date.

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

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

J. Chapman asked N. Croteau if the peer reviewer BSC Group has everything to date – and the reply was yes.

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

S. Pikul if there have been any peer review comments received – N. Croteau replied no, not yet. Applicant requested a continuance until January scheduled meeting date.

T. Barnes asked if NHESP had concerns with this project and N. Croteau stated Natural Heritage did issue a letter. S. Pikul stated a document was forwarded to BSC Group. No habitat of the moths and a question about the turtle taking. Once Bertin Engineer’s consultant has prepared a report, it will be forwarded to BSC Group and the Conservation Dept. S. Pikul stated a similar plan from J. Soper’s project will be submitted.

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

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	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

S. Pikul is asking J. Prenosil a summary of the site visit regarding drainage. J. Prenosil did not see any surficial connection from Harder’s to Cook’s property, there is no define channel. Cook’s house was built too low.

S. Pikul asked how the Order of Conditions will be addressed and if there will be no touch zones. Chairman M. Swett said he spoke with Mr. Zinni and Hardwick is not ready to go forward at this time. S. Pikul asked if a site visit with the two Commissions will happen. Nothing has been scheduled to date.

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T. Barnes stated he spoke with Mr. Zinni and suggested to remove the house foundation on the west side and understood that the garage will be moved towards the front of the property and request the two foundation be removed and revegetated with possible low growing Juniper to filter anything going onto Osborne Road.

S. Pikul stated the site needed to be re-designed the arrays and re-design the drainage. The water will be infiltrated by the fields and a system of pipes. But the water onto Osborne Road won't become an issue any longer, part of the plan was to use a swale on of the shoulders. This will hope to eliminate the water runoff.

J. Chapman stated through the subdivision approval, the Town agreed we could connect to the Town's drainage system. J. Chapman asked J. Prenosil if anything more could be done on site to address the water runoff issue to the neighbors because the design is in the final phases. End of discussion.

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

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	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 January scheduled meeting date.

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

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

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. Richard Maynard gave a brief overview of the timeframe of the project submittal and mainly spoke about a letter dated November 29th from Sherman & Frydryk. S&F stated most of the comments were addressed but a couple of outstanding minor matters, such as asking for (a) planting plan and (b) maintenance plan. The only thing left was the compensatory storage matter pertaining to the historic brickyard area. S&F left it to the Commission to decide.

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S&F recommended the overall project is in line with the statue of the historic millyard and this was supported by the provisions in the material filings by the applicant and S&F took no position on the compensatory storage but (we as the applicant) are asking the Commission to allow it.

Chairman M. Swett replied to Attorney Maynard saying he has not personally had time to review the recently submitted material/letters.

T. Barnes would like to suggest a few conditions: (a) remove all impervious material from the site; (b) asked if bridge could withstand the weight of the 79,500lb fire truck. There is a right-away easement between the buildings and would like to request for an engineer letter/report saying that the fire truck could pass over the bridge safely and the bridge would not collapse into the Ware River which is jurisdictional. Chairman M. Swett said this is not a Conservation matter.

R. Barry stated there is an easement from Main Street and the area in between the buildings is owned by himself and Smith. The deed references these easements. R. LeMaitre stated Minuteman also has the right of way to those roads within the millyard. N. Croteau asked for clarification on the right of ways, R. LeMaitre said everyone in the millyard has access to the right of ways.

Attorney Maynard stated this project has been approved by the Town, the Cannabis Committee, and the Planning Board and is puzzled by the nature of these comments, which seems to be a reach. A. Marques stated these were concerns brought forth to the department.

T. Barnes would also like to see a berm installed along the rear of the property including removing the impervious material as recommended by S&F. In the revised plans does it show the impervious surface being removed – the reply was yes.

Chairman M. Swett is concerned about the compensatory storage and what DEP would think/say. Attorney Maynard stated everything has been submitted and read S&F last paragraph saying the Commission could vote on the project. Attorney Maynard continued and agreed with S&F saying the Commission has the authority to decide on the compensatory storage. Chairman M. Swett doesn't have a problem with it, just wants to make sure DEP won't have an issue.

N. Croteau stated the revised plans were just submitted on December 6th. D. Cote stated since he has not been able to review the plans, he would like to hold off on deciding.

MOTION by Dennis Cote to continue until the next scheduled meeting date. Seconded by Thomas Barnes. No discussion.

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

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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 January scheduled meeting date.

MOTION by Thomas Barnes to continue until the next scheduled meeting date. Seconded by Dennis Cote. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	Yes

All in favor. 4/0/0.

ADMINISTRATION

a. Approve Agenda Dates and Deadlines for Year 2022.

MOTION by Thomas Barnes to approve the meeting dates and deadlines for 2022 as presented. Seconded by Dennis Cote. No discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	Dennis Cote	Yes

All in favor. 4/0/0.

ADJOURNMENT

MOTION to adjourn at 7:14pm. All in Favor.

Next scheduled meeting is on January 12, 2022.

Minutes from December 8, 2021

Respectfully submitted by,

Nicole Croteau
Conservation Commission Administrator

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