



TOWN OF WARE

Conservation Commission

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Meeting Minutes from

Wednesday, May 8, 2019

Board of Selectmen's Meeting Room

- Commission members present:** Mark Swett (Chairman), Thomas Barnes, Dave Kopacz, Dennis Cote (arrived at 7:05)
- Commission members absent:** Kristin Rosenbeck
- Public:** As taken from observations and sign-in sheet John Mojocka, Jodi Chartier, Martha Klassanos, David Haines, Doug Meekin, Bruce Meekin, Tracy Opalinski, Denis Opalinski, Rebekah DeCoursey, Anna Marques, Claudia Kadra, Julie Nicolliello, Mario Nicolliello, Carl Oberg, Deb Oberg.

Mark Swett called the meeting to order at 7:00 p.m.

Tom Barnes leads the Pledge of Allegiance

1. Applications

a) Request for Certificate of Compliance 317-402 for Jerome Franklin

- D. Kopacz and T. Barnes performed site visit on May 6, 2019. Some land has been cleared and stone was placed.
- D. Kopacz feels confident existing problems on the site including improper clearing areas and buffer zone issues can be resolved with the new filing.

Motion by D. Kopacz to issue the Certificate of Compliance of Order of Conditions 317-402 due to it being an Invalid Order of Conditions. Seconded by T. Barnes. So voted 3-0-0. (D. Cote not present for the vote)

b) RDA 2019-01 by Douglas Meekin

- D. Kopacz while reviewing the application notices a common mistake, regarding the if the RDA is to determine if the proposed work is subject to the Wetlands Protection Act or if the area is subject to the Act as stated in the Application.
- Applicant D. Meekin states he is asking about the work, and D. Kopacz has him correct the application and sign and date the change.
- Applicant intends to install silt fence at 100' buffer line, and will only be clearing trees between the street and that 100' line. No trees within the buffer will be touched.
- D. Kopacz would like to see another silt fence at the 125' building envelope line as well, D. Meekin added it to the plan and signed and dated the change.

Motion by D. Kopacz to issue a negative determination #3 with the following conditions:

1. Silt fence will be installed at the 125' building envelope line.
 2. The Conservation Department will be notified prior to work commencing
- Seconded by K. Rosenbeck. So voted 4-0-0

c) NOI DEP #317-455 by James Leone and Elizabeth Faerm

- Project consists of a rain garden and patio on Beaver Lake presented by Martha Klassanos.
- Patio will be installed with permeable pavers
- Water has been an ongoing issue in the lawn
- Steps and retaining wall to be installed as part of the project
- Water will be redirected to the rain garden, which will be put at the depth of the water table
- An ABS Pipe will create the pump and will percolate with native plants
- The Project will protect the structure and allow the lawn to be replaced accordingly.
- D. Kopacz states that on a site visit a pipe leading from Beaver Rd appears to be causing road runoff to enter the property.
- M. Klassanos states that is her intent to only catch rain water in the garden, and the pipe will be left in place and covered with exempt plantings. The pipe appears to drain to a catch basin,
- D. Kopacz states that aials show no previous work to the area, and his observations set the garden above grade and testing may be required.
- T. Barnes suggests that garden be set at the water table or one foot depth.
- D. Cote points out this is poor time to test the water table, and T. Barnes agrees.
- M. Swett asks the manner in which the work will be conducted. M. Klassanos says a backhoe will be used for the patio, and the rain garden will be hand dug. The ground is too soft for the equipment.

Motion by D. Kopacz to continue until the June 12th meeting for water table level to be determined and for the DPW to comment on the pipe. Seconded by D. Cote. So voted 4-0-0.

d) NOI DEP #317-447 by East Quabbin Land Trust

- David Haines submitted his report to the Commission:
 - The original Notice of Intent was submitted with technical deficiencies on the application that have been corrected.
 - D. Haines agrees with the delineation.
 - Questioned some areas due to standing water, however hydraulic soil was not present.
 - Delineation did not extend the entire length of limit of work, but he believes that can be overcome with proper oversight.
 - Wetland replication summary was not originally submitted, which has been corrected.
 - Replication sites challenging and should have supervision.
 - Invasive plant species present
 - Agrees with Matt Burnes' vernal pool report
 - Alternate trail locations explored further to minimize impacts
 - Buffer zone analysis was conducted
 - Concerns noted with the elevated stream crossing design and alternatives discussed.
 - Bank alterations are allowable and one of the culverts to be replaced is an existing in poor condition.
 - Replication area exceeds impact area and meets performances standards.
 - Meets the Limited project requirements of the Wetlands Protection Act and D. Haines believes it meets the regulations of the Act.
- D. Kopacz believes the entire limit of work needs to be delineated; no other project would be allowed to not have that done.
- D. Haines feels with a Wetland Scientist on site further delineation could be avoided and impacts would be mitigated as the rest of the area is buffer zone.

- D. Kopacz wants a singular map showing all wetlands and culvert locations.
- M. Swett is unhappy that at this point in the hearing the concerns about an incomplete delineation and wanting a singular map are being raised, he does not want any more surprise concerns at the next meeting if the Applicant complies.

Motion by D. Kopacz to continue until June 12th meeting for the remainder of the area to be delineated, a plan to be submitted showing all wetlands and culvert locations, and a soil analysis to be submitted. Seconded by M. Swett. So voted 4-0-0.

2. Old Business

- a) Coy Hill Beaver Dam
 - No new imagery yet
 - A. Choquette continues to monitor grants
- b) Wetlands bylaw discussion
 - No discussion.

3. New Business

4. Scheduled Appearances

- a) Jodi Chartier and Claudia Kadra
 - Abutters to the proposed Greenwich Plains Rd solar project
 - 1 Certified Vernal Pool on C. Kadra's property and 1 in the process of certification on J. Chartier's property
 - From 1985-2000 muscles were present in flat brook, National Heritage has not performed a review to date.
 - Project falls within the Historic District, Heritage Landscape, and possibly DCR open space areas.
 - Concerns brought up about the historic flooding of flat brook. Including the Center Meeting House flooding in 1955.
 - Concerns of stormwater management, and the status of the roads that will be used to access the project discussed.
 - D. Kopacz said he will go through the plans and assist with vernal pool certification.
 - M. Swett explains how the vernal pool habitat is determined jurisdictionally.
 - C. Kadra is concerned about the chemicals that will be used and how they may impact her tree farm.
 - T. Barnes says the Commission has learned from their mistakes and will do their best to do right by the abutters.

5. Adjournment

Motion by D. Cote to adjourn at 9:40pm. Seconded by T. Barnes. So voted 4-0-0.

Approved on 8/14/19 Date

Respectfully submitted by Andrew Choquette

Members: Mark Swett
David P. Kopacz, Sr.
Dennis Cote
Kristin Rosenbeck
Thomas H. Barnes

