



# TOWN OF WARE

Conservation Commission  
126 Main Street, Ware, Massachusetts 01082  
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Meeting Minutes from  
**Wednesday, July 18, 2018**  
Board of Selectmen's Meeting Room

**Commission members present:** Mark Swett (Chairman), Dave Kopacz, Sr., Kristin Rosenbeck, Thomas Barnes, Denis Cote

**Commission members absent:**

**Public:** As taken from observations and sign-in sheet: Mark Stinson, Bill Moryl, Richard Kirby, John Perry, Chris Ryan, Carl Oberg, Deb Oberg, Cynthia Henshaw, Christine Higney, Cindy Turek, Elizabeth Sullivan, Gene Birk, Erik Swett,

Mark Swett called the meeting to order at 6:32 p.m.

## 1. Applications

- a) Request for Certificate of Compliance DEP 317-227 313 Palmer Rd  
D. Kopacz performed a site visit and confirmed the proposed work did not take place.

**Motion** by D. Kopacz to issue certificate of compliance. D Cote seconded. So voted 3-0-0. (K. Rosenbeck not present for vote)

- b) NOI by Dynamic Solar 313 Palmer Rd  
For approval of a solar farm located at 313 Palmer Rd.
- John Perry of Dynamic Solar and Rich Kirby of LEC presented their Notice of Intent for a new solar array.
  - Couple of intermittent streams flow to a perennial stream, with a gravel road and river crossing that predates the current owner; T. Barnes brings up concerns of the intermittent streams classification based off previous site visits.
  - Applicant wants to replace an improper crossing with a box culvert to properly stabilize the crossing
  - Array will be protected with a 7' fence with adequate spacing at the bottom to allow small animal migration
  - No equipment will be in the buffer zone.
  - Enhance the resource area with 250,000sqft of plantings

**Motion** by T. Barnes to request third party peer review. No Second

- Discussion about DEPs comments in response to NOI

- Abutter Christine Higney questions if she has any liability and how her land will be impacted. Mr. Perry states that that Dyanmic Solar has its own insurances and will not hold any abutter liable for damage.

**Motion** by D. Kopacz to continue until next meeting, and clean up language regarding limited project. K.Rosenbeck seconded. So voted 5-0-0.

c) NOI DEP #317-448 Lot 4 Shady Path

Proposed Single Family Home

- Updated plan since its prior submission in 2005, the new plan has no impact on any resource area or buffer zones within the property line.

**Motion** by T. Barnes to accept as submitted. Seconded by K. Rosenbeck. So voted 4-0-0.

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

For approval to redevelop the former railroad bed into the Mass Central Rail Trail segment running through Upper Church St of Ware

- Ms. Henshaw explains scope of work: hardpack on rail bed, replace drainage ditches, 48" culvert at the intermittent stream., culvert at the low point of the over land flow, and divert water back into resource area.
- National Grid is waiting for local permitting to be accepted before any permissions granted.
- Abutter Elizabeth Sullivan has concerns of trespassing on her property by surveyors, four wheeler usage, and the loss of hunting land.
- D. Kopacz acquires permission to perform site visit to see proof of trespassing
- Joint Forum will be held in September

**Motion** by D. Kopacz to continue and requests a wetland delineation to be performed. Seconded by T. Barnes. So voted 5-0-0

2. **Old Business**

a) Coy Hill beaver impoundments

- National Grid determined no threat to their equipment
- D. Kopacz recommends letters sent to abutters

**Motion** by D. Kopacz to send certified letters to abutters. Seconded by T. Barnes. So voted 5-0-0

### 3. New Business

a) Gene Birk 16 Murphy Rd

Questions regarding use of land and enforcement action by DEP

- Installed culvert and was digging within the resource area
- Decision due at the end of July from DEP Hearing
- D. Kopacz states he can remove a certain amount of dirt and trees from the resource area and he will perform a site visit.

b) Cindy Turek 5 Webster

Discuss encroachments of beaver impoundments off Rt 9.

- DEP recommends chicken wire at the base of trees to protect them from the beavers.
- D. Kopacz recommends hiring a trapper during the proper season (November 1-April 15)
- D. Kopacz states following a site visit the impoundment has not affected behind their farmhouse yet.

c) Eric Swett Webster Rd

To discuss proposed New Construction house

- Mark Swett recuses himself
- Mr. Swett states no work within 200ft of resource area
- T. Barnes states this is not jurisdictional of the Conservation Commission with no resource area affected.
- D. Kopacz informs Mr. Swett that with an RDA filing he could secure full use of his property, including areas within the resource area for the purposes of personal use logging and landfill.

**Motion** by D. Kopacz to attach drawings to site inspection.

Seconded by K. Rosebeck. So voted 4-0-1

d) Approval of 6/13 minutes

- T. Barnes requests language changes.
- D. Kopacz requests his statements about a warning be added.

**Motion** by D. Kopacz to apply said changes. Seconded by K.

Rosebeck. So voted 5-0-0.

### 4. Adjournment

**Motion** by T. Barnes to adjourn at 9:10 p.m. Seconded by K. Rosenbeck.  
So voted 5-0-0.

Approved on 3/13/19  
Members: Mark Swett  
David P. Kopacz, Sr.  
Dennis Cote  
Kristin Rosenbeck  
Thomas H. Barnes

Respectfully submitted by Andrew Choquette  
Date

  
  
  
  
