



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082

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Meeting Minutes from

**Wednesday, February 12, 2020**

Selectmen's Meeting Room, Town Hall

**Commission Members Present:** Chairman Mark Swett, Dave Kopacz, Thomas Barnes, Kristin Rosenbeck and Dennis Cote

**Commission Members Absent:** None

**Public in Attendance:** Anna Marques, Nicole Croteau, Jim and Claudia Kadra, Paul and Jodi Chartier, Heidi Grant, Theresa Portarto

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### PLEDGE OF ALLEGIANCE

Chairman called the meeting to order at 6:30 pm and led the Pledge of Allegiance.

### APPLICATIONS

a. RDA-2020-01 BSC Group, E5/F6 New England Transmission Lines

Abutter cards and proof of legal ad were provided by the Applicant and Chairman opened the hearing.

Heidi presented the project to the Commission. She stated that NGrid is doing all of the E5/F6 lines in the towns necessary to complete replacing the insulators. The insulators are currently not up to standards. The action of plan is walk into most of the areas for upgrading and those not able to access by foot will be accessible by a bucket truck. If the vehicle needs to cross a wetland, the plan of action will be to use a type of construction matting. Heidi stated this project is exempt under the Wetland Bylaw but Town Bylaw required the RDA.

T. Barnes asked the time frame from start to finish. Heidi replied hopefully start as soon as possible and will take about a year to complete the whole line. T. Barnes asked if NGrid is notifying every Town's Commission and the reply was yes.

Heidi stated that communication will be made with the Commission prior to the start of construction. D. Kopacz requested it to be a condition that when construction commences that the Commission is notified and upon each phase being completed the Commission is to receive T-Sheets or a project status update.

**MOTION** made by D. Kopacz to give a Negative Determination with the two conditions stated above. Seconded by T. Barnes. No Discussion, All in Favor 3-0.

**b. DEP 317-454 Soper – 45 Greenwich Plains Road**

Chairman reopened the hearing.

T. Barnes read an email from the peer reviewer, John Prenosil stating the peer review was not completed for this meeting.

C. Bertin stated the wetlands were delineated in October of 2019. DEP is overseeing this project and was concern with the crossing. C. Bertin continued stating the first crossing over the existing dam has been redesigned. The dam is higher than the road and erosion control. A 20-ft wide driveway will be constructed with a depression with armor pavers, then arena mattress for any overflow. DEP suggested to make it natural so added some boulders. Continuing to explain the changes, the vegetation distributed will be slightly under 550-ft and a new wall will be constructed.

The second crossing up the path to the rear of the lot has an existing 12-inch pipe under a ditch, approx. 36-38 inches. The plan of action is to have an open bottom culvert box with 3-feet of clearance. This was done because the contractor would have to raise the grade. A replication will be designed up stream.

General discussion was made about Beavers and their habitat and behaviors. T. Barnes stated he favored the arch over the culvert box. C. Bertin agreed but it was not in favor by DEP. D. Kopacz stated the culvert is a bigger footprint rather than the arch. M. Swett feels this is better for the beavers and or flooding, and this is way DEP likes the box culverts.

C. Bertin stated the third crossing construction will be picking up the pipe and regrade with minimal wetlands disturbance. Basically going to pull the pipe, regrade and create wetland-turning into a swale. Small enough to walk through or even a horse could pass.

T. Barnes stated the plans are improving but doesn't feel comfortable with the wetland scientist. Suggested that the Commission to wait and hear from the peer reviewer J. Prenosil.

D. Kopacz stated to go back to the resource area plan and if meets the performance based on proposed items, then the Commission will approve. Do what is best for the resources within standards. C. Bertin stated that the box culvert complies more.

**MOTION** made by D. Kopacz to continue until next scheduled meeting. Seconded by K. Rosenbeck. No Discussion, All in Favor, 5/0

c. DEP 317-463 FT Smith Trucking and Excavating – Greenwich Road

Chairman reopened the hearing.

C. Bertin stated he spoke with the Planning Board about the phase of excavation. Chairman stated he is having a very difficult time seeing this project move forward based upon proposed grades which have yet to exist. Stating realistically the excavation should be completed prior to proceeding. Need to know what the contours really are once the gravel removal has stopped and there are no other issues, if any arise.

Chairman continued to state that he wants to field verify field contours and things could change. C. Bertin requested the hearing to be continued until next scheduled meeting.

**MOTION** made by D. Kopacz to continue the hearing until the next scheduled meeting. Seconded by T. Barnes. No Discussion, All in Favor, 5/0.

d. DEP 317-465 Couture – Greenwich Road

Chairman reopened the hearing.

T. Barnes stated according to satellite images, it appears a bulldozer pushing dirt into a resource area. Chairman stated work being completed within any resource area has been known to find problems.

T. Barnes and D. Kopacz had a site visit and saw the disturbance themselves. C. Bertin asked if a violation would be issued or how would this be resolved? T. Barnes stated that confirmation would be based upon D. Kopacz and himself having a GPS and range finder to field verify if the work is indeed within the resource area. T. Barnes continued to state that the site also is within the Aquifer Zone which makes this project a little more sensitive.

Chairman asked the Commission if a Cease and Desist was possibly needed and the general response was no, just fix it.

**MOTION** made by T. Barnes to continue the hearing until next scheduled meeting. Seconded by D. Kopacz. No Discussion, All in Favor, 5/0.

e. DEP (None Given) Harder – Osborne Road

Chairman reopened the hearing.

T. Barnes stated he has been in contact and attended the Hardwick Conservation Commission meetings to hear what they have to say about this project. Hardwick wants Ware to have a DEP File number issued prior to closing their hearing. Hardwick would also like to have a joint site walk but since no DEP file number has been issued in Ware, the Ware Commission cannot act.

C. Bertin stated some documentation has been found and will submit it prior to next meeting.

T. Barnes stated most of the trees have been cleared in both towns and into the buffer zone. There appears to be lots of larger rock, gravel and other debris pushed and should not have. T. Barnes suggested that the Commission should recommend a wetland scientist for a third party review on this site. Continue to remind the Commission/Applicant that the lot is currently designed and deeded as an "Estate Lot" and lays within the Town's Watershed.

Both the Town and Engineer are aware of the flooding that happens within this area year-round.

**MOTION** made by D. Cote to continue until the next scheduled hearing. Seconded by K. Rosenbeck. No Discussion, All in Favor 5/0.

General discussion from the audience: J. Chartier asked to be placed on the next agenda to present to the Commission that at 45 Greenwich Plains Road she is in the process of having a vernal pool certified by the State. Chairman stated it does not need to be an agenda item but rather speak when the hearing is open.

#### APPROVAL OF MINUTES

**MOTION** made by D. Kopacz to approve the minutes as presented. Seconded by K. Rosenbeck. No Discussion, All in Favor. 4/0/1 (Denis abstained).

#### ADJOURNMENT

**Motion** by D. Cote to adjourn at 7:50 pm. Seconded by K. Rosenbeck. No Discussion. All in Favor 5-0.

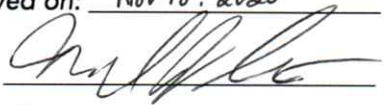
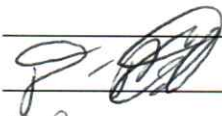
Next meeting is scheduled for March 11, 2020 at 6:30 pm.

Minutes from February 12, 2020

Respectfully submitted by,

*Nicole Croteau*

Nicole Croteau  
Conservation Commission  
Administration

<i>Minutes Approved on: Nov 18, 2020</i>	
Swett	
Kopacz	1
Barnes	
Cote	
Rosenbeck	