



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 117

Meeting Minutes from
Wednesday, March 11, 2020
Selectmen's Conference Room, Town Hall

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

Public in Attendance: Nicole Croteau, Anna Marques, John Presnoil, Mark Stinson, Scott Campbell, David & Barbara Blessinger, Paul & Jodi Chartier, Brenda Couture, Robert Lemaitre, John Soper, Martha Klassanos, Kathleen Cronin, Jeremy Chapman, Stacey Smith, Bill Zinni, Calisto Bertin

PLEDGE OF ALLEGIANCE

Chairman called the meeting to order at 6:32 pm and T. Barnes led the Pledge of Allegiance.

APPLICATIONS

A. RDA-2020-02 DCR, Quabbin Park Cemetery, Maintenance and Demolition

- 5 Structures: 3 Public and 2 outbuildings
- Demo the storage shed 20x18
- Pushing as a restoration project
- Lead base paint is present and will be handled accordingly with regulations
- Asbestos is present in the caulking around the windows and will be handled accordingly with regulations
- Capping and plugging the well and restored to natural vegetation
- Service roads – not public roads
- Silt fence will be installed around the perimeter of work and near pump house
- Staging outside of resource area
- Phase II – roof work and restore other structures – the more historic structures
- Audience member asked if grading will be touched near the existing graves and will not be affected
- M. Stinson asked if there was a culvert under the pump house – reply was no but there is a 4-inch cast-iron pipe
- D. Kopacz stated all concerns were addressed

MOTION by Dave Kopacz to issue a Negative Determination number 5 based on Section 10.02(2)(b)2.F. Seconded by Tom Barnes. No Discussion. All in Favor 5/0/0.

B. DEP 317-350 Eco's Energy LLC, Monson Turnpike Road, Certificate of Compliance

- Certificate of Compliance requested for the residential subdivision.

MOTION by Dave Kopacz to issue the Certificate of Compliance. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 5/0/0.

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C. DEP 317-452 Eco's Energy, LLC, Monson Turnpike Road, Notice of Intent (Solar)

- Applicant requested a continuation until next meeting (April 2020)

MOTION by Dave Kopacz to grant the request for continuation to next meeting. Seconded by Tom Barnes. No Discussion. All in Favor 5/0/0.

D. DEP 317-454 Bertin Engineering Inc for Melink Solar Development, J. Soper, 45 Greenwich Plains Road, Notice of Intent (Large-Scale Solar Array)

- C. Bertin presented the changes per DEP comments
- Crossing have been revised: 2 are improved and 1 has been eliminated
- Widening the dam by 8-ft
- Building a new gravity wall with a pipe through the dam and wall
- Reno mattress will be installed to avoid erosion
- Wetlands are compensated for
- Erosion (at the low spot of 30-ft) grass pavers will be installed
- T. Barnes had concerns about Flat Brook which contains Rainbow Trout. The increased traffic on the bridge could possibly increase the water temperature which would create a possible "fish kill". This is Tom's sound belief.
- C. Bertin stated this bridge is not regulated
- D. Kopacz stated the proposed project could possibly increase dioxygen
- J. Presonil does not see any disadvantage to this proposal
- D. Kopacz had concerns about the integrity of the dam
- Army Corp Applications status requested
- Wetlands are replicated as shown on plans
- M. Stinson asked about monitor report, Appendix 3 checklist and notes – All submitted
- M. Stinson asked about BVW impact – J. Presonil stated under 5,000 sq ft.
- C. Bertin stated riverfront is under 1,000 sq. ft
- T. Barnes asked for clarification on staging area – nothing will be near wetlands
- Crossing #2: existing 12 x 20 pipe will be replaced with a culvert
- Crossing #3: existing 12-inch pipe is undersized. Will restore the channel and remove the pipe – minimal disturbance and re-establish wetlands
- This is a 4 Phase project
- J. Chartier asked if Ware Conservation Bylaws were followed when J. Presnoil reviewed the project – J. Presnoil stated yes as well as other regulations
- J. Chartier presented information to the Commission members on a wildlife study, (uncertified) vernal pool activity nearby photos, Wood Turtle habitat proposed condition of approval, fish studies and prior email correspondences
- D. Kopacz asked the Commission Members and Audience if anyone had any concerns or questions to failing a performance standard at this point and no one replied
- M. Klassanos read the wetland bylaw stating the Commission has the authority to ask for a habitat study to be done – D. Kopacz stated there are no alarms to request this

MOTION by Dennis Cote to continue this public hearing until next month in order to review the updated plans and documents provided tonight. Seconded by Tom Barnes. Discussion: Mark Stinson stated not always are habitat evaluations required. Read references 10.59 and 10.58.4 and had general discussion about what triggers evaluations. End of discussion.

Chairman took a vote to continue the public hearing until next month without the permission of the Application or not due to lack of information. Vote 4/1. Motion carries.

MOTION by Dennis Cote to reconsider the previous vote, by closing the public hearing. Seconded by Tom Barnes. No Discussion. All in Favor to close the public hearing tonight 4/0/1-D. Kopacz.

MOTION by Dennis Cote to close the hearing. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 5/0.

MOTION by Tom Barnes to meet on March 24 at 6:30 pm to decide. Seconded by Kristin Rosenbeck. All in Favor 5/0.

Recess Made at 8:20PM

Resumed at 8:26PM

E. DEP 317-463 Bertin Engineering Inc for Melink Solar Development, FT Smith, Greenwich Road, Notice of Intent (Large-Scale Solar Array)

- Concern for the Gravel Removal Operation Application – plans are existing and final grades regardless of the gravel operation.
- Chairman and Mark Stinson spoke about grades which may or may not exist
- Jeremy Chapman (Melink Solar) is open for resurveying once gravel operation is complete
- Bertin Engineering stated they will provide an As-Built once gravel operation is complete
- M. Stinson has that the runoff will change when gravel removal is complete
- Borings have been complete – Layout is not changing
- Issue with turtle needs to be addressed with NHESP
- FT Smith needs to complete gravel, re-survey with gravel operation existing grades, redo stormwater if needed.

MOTION by Dave Kopacz to submit this project for peer review. Seconded by Tom Barnes. No discussion. All in Favor.

MOTION by Dennis Cote to continue the public hearing until May 13. Seconded by Kristin Rosenbeck. No discussion. All in Favor.

F. DEP 317-465 Bertin Engineering Inc for Melink Solar Development, Couture, Greenwich Road, Notice of Intent (Large-Scale Solar Array)

- Mark Stinson stated this project needed to be looked at from the history point of view
- M. Stinson presented a slide show showing the history of wetlands on the site how they have changed from 2001 to 2019.
- Tom Barnes stated the bridge was torn down and replaced without notification to the Commission
- D. Kopacz asked about the back-round on when the culvert was taken out? No answer was provided.

- Railroad ties need to be removed and a PE need to compare it to the stream crossing standards.
- Needs to clean up the area: concrete items, railroad ties, asphalt, etc.
- C. Bertin stated they will:
 - prove and verify if the replacement of the bridge in kind and exempt
 - remove the debris
 - remove the asphalt
 - verifying with EcoTec if there are additional wetlands onsite
- Stinson stated that you don't need hydro soils for wetlands, it can be surface hydro
- Poor maintenance could possibly cause the overflow and have impacts
- Stream was missed and was not flagged
- Tom Barnes stated this project is within the Aquifer Zone – sensitive area – Ware water supply
- Wetlands need to be verified and flag any missed areas on site
- Battery storage are on concrete pad with a pad to contain any leakage

MOTION by Kristin Rosenbeck to submit this project for peer review. Seconded by Tom Barnes. No discussion. All in Favor 5/0.

MOTION by Dennis Cote to continue the public hearing until May 13. Seconded by Kristin. No Discussion. All in Favor 5/0.

M. Klassanos stated the field has been hayed for 40+ years. Anything that has been done was most likely done to get equipment to the fields. She stated it was or has been for agricultural use.

G. DEP No Number Given Bertin Engineering for Melink Solar Development, Harder, Osborne Road, Notice of Intent (Large-Scale Solar Array)

- Mark Stinson provided a slide show showing aerial photos of the site since 2005. The photos showed how there was clearing and the installation of the culvert. Due to these photos, therefore DEP has not issued a file number, violation due to the culvert. Stinson suggested the Commission issue an Enforcement Order which will require the removal of the culvert.
- Bill Zinni from Hardwick Conservation Commission stated that DEP has issued a file number for the portion of project in Hardwick.
- Forest management plan approved in 2017
- Hardwick has a buffer zone violation
- Ware has an illegal culvert
- B. Zinni stated it would may be beneficial to have a combined site walk
- DEP is encouraging to have a peer review for both towns on a combined effort
- T. Barnes stated this lot is an Estate Lot
- C. Bertin stated there will be a proposed 2 lot subdivision
- D. Kopacz is requesting a site walk with both Commissions
- Jody Chartier stated neighbors are complaining about the water runoff onto their properties, is this due to the stream blockage?

- C. Bertin stated the big hillside may be the cause but seems there was always a water issue. This project may not be approved if the water isn't addressed from PB or CC.
- C. Bertin is asking for a statement so the issue can be resolved
- D. Kopacz feels the Enforcement Order will be best to handle the culvert
- B. Zinni can condition the buffer zone violation
- D. Kopacz stated the enforcement be issued, require the area be delineated and a restoration plan be completed within a timeline.
- No solar will be started until the Enforcement Order is handled and all set.
- Discussion of a site visit.

MOTION by Kristin Rosenbeck to continue the public hearing until May 13. Seconded by Dave Kopacz. No discussion. All in Favor 5/0

NEW/OLD BUSINESS

SI-2020-05 David Blessinger, 140 Shoreline Drive

Applicant would like to construct a house on Beaver Lake. (½ acre) and applied for tree removal but the results were to submit a NOI. The neighbors have a culvert which crosses the property and ends at the lake, it is a seasonal runoff with a swale. Well and Septic plan have been approved. Tom Barnes may have inspected the wrong site based on conversation with owners. Dave Kopacz would like to see in the field if there is an upgrading connection to another water source. Will push the construction closet to the road. Slope is very steep for a septic system. There will be a site walk on Saturday, the 20th at 10:00am to verify the water source.

RDA-2020-01 BSC Group, RDA Determination

Commission signed the RDA Determination from previous meeting.

SI-2020-06 Trinity Solar, 60 Old Belchertown Road

Trinity Solar has a single-family residential home wanting to install a 32panel ground mounted solar array in their backyard which may be within the 200ft riverfront area. Upon discussion with Trinity Solar, the project manager stated an RDA was submitted in 2019, after Nicole Croteau did research there was no filing, cancel checks or any supporting facts this RDA application was acted on. Dave and Tom did the site walk and move the panel outside the 200ft riverfront area. Dave would like the applicant to submit a new RDA Application and could heard and acted on at the next meeting.

MOTION by Dave Kopacz to approve the minute as presented. Seconded by Kristin Rosenbeck. No Discussion. 5/0.

ADJOURNMENT

Motion by Kristin Rosenbeck to adjourn at 10:10 pm.

No Discussion. All in Favor 5/0/0.

Minutes from March 11, 2020

Respectfully submitted by,

Nicole Croteau *Nicole Croteau*

Conservation Commission Administration

Minutes Approved on: *Nov 18, 2020*

Swett

Kopacz

Barnes

Cote

Rosenbeck

[Handwritten signatures of Swett, Kopacz, Barnes, Cote, and Rosenbeck]