



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, April 20, 2022
Selectmen's Conference Room, Town Hall

- Commission Members Present:** Dennis Cote, Kristin Rosenbeck
- Commission Members Remote:** Vice-Chairman Thomas Barnes, Agent John Prenosil
- Commission Members Absent:** Chairman Mark Swett, Peter Topor IV
- Public in Attendance:** Nicole Croteau
- Public in Remote Participation:** Jim Cranston, Josh Kusnierz

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.

Topics may have been taken out of order according to posted agenda.

PLEDGE OF ALLEGIANCE

Vice-Chairman called the meeting to order at 6:34 pm and led the Pledge of Allegiance.

APPLICATIONS

RDA-2022-04 by Bohler Engineering on behalf of McDonald's USA, LLC, 117-119 West Street Request for Determination whether the work depicted on the plans referenced is subject to the Wetland Protection Act – reconfiguring of the existing single lane drive-thru to a double lane drive-thru.

James Cranston from Bohler Engineering presented the plans and application to the Commission. The overall intent of the project is to modify the existing driveway lane by adding a second lane, digital menu board and reconfigure the trash receptacle area. The improvements will result in a net reduction of approx. 105 square feet of impervious area and erosion controls are proposed as indicated on the plans. With the proposed landscape area for the second digital menu board, this will be compensated for the compensatory storage in the Flood Plain. There are no changes to the stormwater drainage design and will still drain towards the river.

The Commission had concerns about trash debris, the trash encloser area and the existing drainage. There appears to be numerous amounts of trash throughout the site. There is a low spot near the trash encloser and during rainstorms it holds waters which drains into a natural path ending in Muddy Brook carrying trash into the river. J. Cranston said this is the existing drainage and can't really change it. T. Barnes asked if the fence line could be continued another few feet to the right to help. J. Prenosil suggested a collection system of some kind since the water that drains from the site is untreated. J. Prenosil understands this is an existing site but maybe this is

an opportunity to address the untreated stormwater runoff, also doesn't want the applicant to go over beyond scope of work. This would not be feasible J. Cranston replied. Continued that a collection system could be a challenge because of the grading and possible work off-site which would require drainage easements. J. Prenosil suggested a rain garden or vegetated swale, the plants filter the runoff and collect trash in a vegetated area. J. Cranston thinks this may be feasible and would like to review with his peers before making any final decisions. No further discussion.

MOTION by Dennis Cote to continue to next scheduled meeting. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call: Thomas Barnes – Yes Dennis Cote – Yes Kristin Rosenbeck – Yes
All in Favor 3/0/0.

RDA-2022-05 by Hector Peterson III on behalf of Paul Farkus, 112 Shoreline Drive
Request for Determination whether the area and work depicted on the plans referenced is subject to the Wetland Protection Act – removal of overgrown brush and plant replacement.

Applicant was not present to present plans and application. N. Croteau stated the site had a Notice of Intent with an Order of Conditions issued last year for work along the beach area, creating a patio area and installing plants along the right of the property. But now the owner would like to remove the grown brush on the left side of the property and add some plantings to this area, including a gravel walkway. Erosion control measures are to remain in place until the end of the project, work to be done by using a mini excavator, bobcat skid steerer, chainsaw, and hand tools. The project should be completed within 2-3 months. Commission and Agent spoke about possible conditions and the prior application history.

MOTION by Dennis Cote to issue a Negative Determination, Sighting Number 3 with conditions, no refueling within the 100ft buffer zone, erosion controls to remain until the end of the project and lastly, the Agent is to inspect the site before the removal of the erosion control. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call: Thomas Barnes – Yes Dennis Cote – Yes Kristin Rosenbeck – Yes
All in Favor 3/0/0.

ADMINISTRATION

Miscellaneous Updates from Agent

Osborne Road Solar Site: J. Harder's solar site had unpermitted work completed in the buffer zone on the Hardwick portion of the property. Hardwick is looking for buffer zone restoration to be completed as part of the Notice of Intent application process in lieu of an Enforcement Order for the unpermitted work. The engineer suggested of having off site tree plantings near wetlands in either Ware or Hardwick. This will be discussed further with Town Manager Stuart Beckley, Hardwick Commissioner Bill Zinni, the applicant, the engineer, and peer reviewer. T. Barnes said Harder had a prior Enforcement Order issued for a culvert. Asked if this is valid. N. Croteau said this EO was voided, and the matter was previously addressed and closed.

Old Poor Farm Road Site: Meet on site with M. DiPinto and agreed to the final wetland delineation line. Plans will be provided reflecting the changes and should be ready for a vote on at the next meeting.

Beaver Lake Corp: Beaver Lake Corp is looking to clean up two of the beaches and creating an area upland for storing boats and kayaks, currently they are being stored on the beach. Suggested BLC submit an RDA for some buffer zone clearing and removal of some invasive species. N. Croteau asked if BLC started the water treatment. K. Rosenbeck said it usually starts spring-break week or within the next few weeks.

Doane Road Site: The treehouse project, someone reached out and had concerns that the lot was being forested. But that is not the case, the lot is being normally cleared and chipped. The wetlands on site are non-jurisdictional. There is an Order of Conditions in place. N. Croteau reminded J. Prenosil that trees over 24-inches were not to be cut and boundary markers had to be installed. J. Prenosil stated he would re-inspect.

ADJOURNMENT

MOTION to adjourn at 7:27 pm. All in Favor.

Next regular scheduled meeting is on May 11, 2022.

Minutes from April 20, 2022

Respectfully submitted by,

Nicole Croteau
Conservation Commission Administrator

<i>Minutes Approved on: 7/13/2022</i>	
Swett	<i>[Signature]</i>
Barnes	<i>[Signature]</i>
Cote	<i>[Signature]</i>
Rosenbeck	<i>[Signature]</i>
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