



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082  
413.967.9648

Meeting Minutes from

**Wednesday, June 08, 2022**

Selectmen's Conference Room, Town Hall

**Commission Members Present:** Chairman Mark Swett, Vice-Chairman Thomas Barnes, Dennis Cote, Kristin Rosenbeck,

**Commission Members Absent:** Peter Topor IV

**Public in Attendance:** Janet Ciejka, Marilyn Sloper, Joseph Sidur, Tyrone & Susan Parent, Nicole Croteau, Cathy Cascio

**Public in Remote Participation:** Elio Qorri, John Morrin, James Cranston, Cynthia Henshaw, Agent John Prenosil

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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

Chairman called the meeting to order at 6:36 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 presented revised plans to the Commission showing a landscape area with a stone rip rap and a crushed stone filter strip along this proposed landscape area. This area is in the northwest corner of the parking lot area. By creating the landscape area, it will reduce the parking spaces by 10, although it is promoting ground water recharge. Discussion continued and Commission requested the fence be extended further along the edge of pavement to the right of the landscape area to the gap in the existing curbing. The Commission also requested that the site be cleaned of debris after a storm event and on a weekly basis. Construction to start in the early fall/possibly late summer. No further discussion.

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**MOTION** by Vice-Chairman Thomas Barnes is issue a Negative Determination, Number 2 with the condition to extend the chain-link fence around the outfall, the fence to be 4ft tall, and to remove trash on a weekly basis or after a large storm event. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:        Mark Swett    Yes                    Thomas Barnes        Yes  
                      Dennis Cote   Yes                    Kristin Rosenbeck    Yes  
                      All in Favor 4/0/0.

**DEP #317-463** by Bertin Engineering for Melink Solar LLC (*FT Smith*)

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Road

Elio Qorri requested a continuance until the August meeting date. Did inform the Commission EcoTec Inc completed a report and will be submitting revised plans as soon as possible.

**MOTION** by Vice-Chairman Thomas Barnes to continue to the August scheduled meeting date. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:        Mark Swett    Yes                    Thomas Barnes        Yes  
                      Dennis Cote   Yes                    Kristin Rosenbeck    Yes  
                      All in Favor 4/0/0.

**DEP #317-468** by Bertin Engineering for Melink Solar LLC (*Harder*)

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array on Osborne Road

Nicole Croteau outlined the recent documents submitted by BEI for review. E. Qorri stated BSC Group wanted to review the stormwater more in depth but felt it was not necessary. The Commission agreed no further review of the stormwater was needed. E. Qorri requested the final topics of concern be part of the Order of Conditions: a) submission of the Army Corp of Engineers application; b) off-site tree planting – coordinating with Town of Hardwick; c) SWPPP Report – be provided when construction starts. Vice-Chairman T. Barnes wanted the MSDS be provided at the time of construction and made part of the Order of Conditions requirements. N. Croteau asked what if Ware or Hardwick is unable to find locations for the off-site tree plantings. No given answer. T. Barnes asked why no replication is being done onsite, especially the Hardwick side of the project. Response was then the project wouldn't be feasible. Discussion continued about low growing plants onsite. (Referenced Sheet C.2.8). E. Qorri stated Hardwick is in favor of the off-site plantings if locations are available. End of discussion.

**MOTION** by Dennis Cote to continue to the next scheduled meeting date. Seconded by Thomas Barnes. No further discussion.

Roll Call:        Mark Swett    Yes                    Thomas Barnes        Yes  
                      Dennis Cote   Yes                    Kristin Rosenbeck    Yes  
                      All in Favor 4/0/0.

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**DEP #317-388** by Joseph Sidur Jr., 141 Gilbertville Road  
Request for Extension Permit for Order of Conditions - Pond Management

Chairman M. Swett explained to Mr. Sidur the Commission is looking for a plan similar to what is conducted and submitted at Beaver Lake. Just spraying isn't really resolving the issue. J. Prenosil stated the pond is shallow and is ok with the weed control, but this is not the most effect method. J. Prenosil would like results on what is present, the size of plants and area, the past results, and what is being targeted each season and method of treatment. Suggested to Mr. Sidur to have Solitude Lake submit information like Beaver Lake treatment plan process.

**MOTION** by Vice-Chairman Thomas Barnes to continue the permit extension request for 1-year and for the applicant to submit a plan and/or report prior to the next treatment period. Seconded by Dennis Cote. No further discussion.

Roll Call:        Mark Swett    Yes                      Thomas Barnes        Yes  
                      Dennis Cote   Yes                      Kristin Rosenbeck    Yes  
                      All in Favor 4/0/0.

## **ADMINISTRATION**

**A. Tyrone & Susan Parent** – Parcel 10-139-1, Shady Path – Possible Violation – Update

Mark Swett asked about the log pile on property. John Prenosil walked the parcel, and the only possible violation would be the compost pile in the BVW. Homeowners agreed to move it, also stated there is an existing crossing and had no additional disturbance since moving in. Homeowners need to inform the Agent once pile is removed for re-inspect. No further discussion. No action taken.

**B. East Quabbin Land Trust** – Parcel 40-0-36, Old Stagecoach Road owned by Finn Woodlot – Conservation Restriction Discussion, 25.11 acres.

Cynthia Henshaw presented a draft of the Conservation Restriction (CR) for the Commission to review, mirrors other CR's in town and has removed what is not relevant to this site. The site is off Hardwick Pond Road and near the Klassasno's property. C. Henshaw explained the CR needs to be recorded by August. Hopeful the Commission can vote in July followed by the Selectboard the following week. N. Croteau suggested the Town Attorney review it as well. No further discussion. No action taken.

**C. Quarry Street** – General Discussion relating to storm damage

Cathy Cascio expressed concerns over an unnamed brook along Quarry Street being full of siltation which is causing the brook to overflow and cause damage to abutting properties. Is looking for guidance from the Town on how to resolve this issue. Vice-Chairman T. Barnes asked if Ms. Cascio has reached out to anyone at the state level for guidance and the reply was the state is not doing things at town level. Chairman M. Swett state the Agent/Commission could issue an Enforcement Order to the abutting homeowners, which gives an outline and time frame on how

to complete the work but is done at the homeowner's expense. C. Cascio recalls a local engineer was to present a plan/quote on how to correct the issue but has not heard anything for over 3-months. J. Prenosil understands the owner's frustration. Continued to state that removing the siltation in the brook will not solve the overall issue. The overall issue is that the culvert(s) after the problem area are undersized and can not hold the waterflow during a storm event, which then causes the flooding onto private property. C. Cascio continued to state homeowners are losing land, retaining walls are failing and looking for help from the Town. Discussion continued about submitting a bulk NOI for repair work, but again, this would be costly to homeowners, and would require a 401 Quality Report. J. Prenosil stated he could meet on site with Ms. Cascio to review temporary solutions. No further discussion. No action taken.

#### **D. Janet Ciejska – 256 West Street – Discussion of Proposed Commercial Business**

Janet Ciejska wanted to express concerns of a commercial business coming to town at the above location. Concerns that the site will be cleared cut, increased traffic, doing things illegally onsite. Chairman Swett explained that any company wanting to come into town or at this site needs to follow the proper permitting requirements, whether it is with Conservation, Planning Board, or the Zoning Board of Appeals. Continued to state that if the applicant abides by the requirements set forth in the Wetland Protection Act especially, then the Commission has limited say on a project. These large companies are aware of the permitting phases. J. Ciejska is not in favor of a commercial business being at this site. She is a direct abutter and just wants to make sure everything is done properly. Chairman Swett suggested to J. Ciejska to watch for when the applicant submits applications to the Town and attend those hearings and express concerns then. No further discussion. No action taken.

#### **E. ReSource Waste Service – Notice of Project – Update**

N. Croteau presented an updated MEPA Consultant meeting date and zoom information to the Commission and public.

#### **F. Trelleborg/Lamcotec – 247 West Street – Update**

No recent updates. J. Prenosil has reached out to Trelleborg but no define answer of what is going on. N. Croteau to send an email requesting an update. No further discussion. No action taken.

#### **G. MassDOT - 401 Water Quality Certification Applications Route 32 (Palmer Road) over Ware River, MassDOT Project No. 605126, Transmittal #s X288429 (dredge), X288430 (fill) - General Discussion**

N. Croteau presented a letter from MassDOT dated May 26, 2022, for review. General discussion included what scope of work is taken place. No further discussion. No action taken.

**ADJOURNMENT**

**MOTION** to adjourn at 8:20 pm. All in Favor.

Next regular scheduled meeting is on July 13, 2022.

Minutes from June 08, 2022

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administrator

<i>Minutes Approved on: Aug 10, 2022</i>	
Swett	
Barnes	
Cote	
Rosenbeck	
Topor, IV	