



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, July 13, 2022
Selectmen's Conference Room, Town Hall

Commission Members Present: Chairman Mark Swett, Vice-Chairman Thomas Barnes, Kristin Rosenbeck, Dennis Cote (arrived at 6:37pm)

Commission Members Absent: Peter Topor IV

Public in Attendance: Thomas Clark, Tyrone & Susan Parent, Stuart Beckley, Nicole Croteau

Public in Remote Participation: Jeremy Chapman, Sheila Straight, John Prenosil, Elio Qorri, Marco Borba, Jennifer McGuinness, Anna Marques

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 6:30 pm and led the Pledge of Allegiance.

APPLICATIONS

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.

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

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Kristin Rosenbeck	Yes	All in Favor 3/0/0.	

Dennis Cote arrived at 6:37pm

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 briefed the Commission of the project meeting which occurred early in July to discuss off-site tree plantings. In conclusion, there are no areas currently in Town to offer this option. E. Qorri stated this was more of an opportunity for restoration elsewhere in town rather than just random spots. Hardwick's portion of the project had the clearing done but again

Hardwick does not have areas as well for plantings at this time. There is already restoration on site proposed. Discussion continued about the planting schedule for the project and the Agent and Commission agreed the planting schedule was adequate for the site. E. Qorri stated the peer review agent, BSC Group, has 3 outstanding items which is for the Commission to determine: a) SWPPP report submission timeframe, b) Off-site tree planting and c) coordination with Army Corps of Engineers for required permits. E. Qorri asked if N. Croteau could prepare a draft of the Order of Conditions. Commission agreed. No further discussion.

MOTION by Vice-Chairman Thomas Barnes to continue to the next 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 #317-033 by Sheila Straight, 52 Old Belchertown Road

Request for Certificate of Compliance – Order of Conditions for construction of a single-family home within the buffer zone of wetlands and installation of drinking well within the 100-year Flood Plain.

N. Croteau stated the owner is in the final process of selling the house and would like to close the DEP permit out. The permit was for construction of a single-family home within the buffer zone and drinking well within the 100-year Flood Plain. J. Prenosil inspected the site and had no issues.

MOTION by Kristin Rosenbeck to issue a full complete Certificate of Compliance. Seconded by Vice-Chairman 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.

RDA-2022-08 by WS Ware Properties, 346 Palmer Road

Request for determination of applicability whether the work depicted on the plans referenced is subject to the WPA – removal of two dead trees abutting property at 27 Westbrook Road.

N. Croteau stated this application resulted from a site inspection request by the owner at 27 Westbrook Road. The owner is concerned the dead trees located on 346 Palmer Rd property will fall in the very near future, possibly next storm, and will land on his property. J. Prenosil stated he complete a site walk and there are 2 trees which are concerning.

Marco Borba stated how the tree removal was going to be conducted: work to consist of removing two dead trees at the rear of the property. A climbing arborist will attach a line at the top of the trees and then cut wedges at the bottom with a hand chainsaw in order to pull/drop the trees away from the brook and onto 346 Palmer Road property. No heavy equipment will be used on the property besides the hand tools.

MOTION by Dennis Cote to issue a Negative Determination, sighting number 2 with the conditions that there is no stump grinding allowed, must leave cut stumps 1-2ft above grade and must remove all tree debris from the site upon completion of the scope of work. 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.			

RDA-2022-09 by DCR, Parcel 64-0-1, 0 Belchertown Road, inside Quabbin Park

Request for determination of applicability whether the work depicted on the plans referenced is subject to the WPA – installation of three pedestrian trail foot bridges off the blue trail in the Quabbin Park.

Chairman Swett was very pleased this scope of work is proposed. Jennifer McGuinness explained the exact location of the pedestrian bridges. Continued to proceed to explain the installation of the three foot-bridges will be located off the blue trail from Hank's Meadow in the Quabbin Park. The bridges will be constructed of wood materials, approx 3-feet wide by 15-feet long and will be between 18-inches to 3-feet above the wetland/intermittent stream, long enough to span the entire stream and span the associated bank. The planks will be spaced far apart enough to allow light to penetrate through to not hinder vegetation growth. Materials will be cut to length and preassembled in the DCR carpentry shop and then hand carried to each location. No footings will be installed. Erosion controls will be placed around the work area(s) prior to beginning. No work will be performed above the bank, and DCR will not enlarge or alter the natural river channel. No further discussion.

MOTION by Vice-Chairman Thomas Barnes to issue a Negative Determination, sighting number 2 with conditions that no fill is allowed and upon completion a final inspection by the Conservation Agent shall be required. Seconded by Kristen Rosenbeck. Discussion: Dennis Cote asked about time frame and the response was immediately. 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 – Update

Chairman Swett asked if J. Prenosil was able to verify if the compost/log pile had been removed but J. Prenosil was not able to inspect. S. Parent was in attendance and presented pictures to the Commission showing the pile has been removed. The Commission was pleased with the outcome. The Commission stated there is no further work to be done in the wetland area. Commission was pleased this was resolved. No further discussion. No action taken.

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B. Kevin Lizak – Parcel 1-0-11, Bondsville Road – Update

J. Prenosil stated he was not able to verify if the site was cleaned up. Chairman Swett asked for it to be inspected as soon as possible so this topic doesn't linger. Vice-Chairman Barnes stated that if nothing is done, then request K. Lizak to attend the next meeting. Chairman Swett stated to issue a C&D if need be. No further discussion. No action taken.

C. Qingxin Tian – Parcel 61-0-209, 3 Pleasant Street – Possible Violation

An abutter placed a complaint there was illegal dumping taking place at this location. J. Prenosil saw the debris behind the house. Explained the area drops straight to the river. Chairman Swett asked if a C&D was needed, and J. Prenosil stated yes but offered to send a letter to the owner to request him to attend the August 10th meeting to ratify. The Commission agreed. No further discussion. No action taken.

D. DEP 317-401 – Parcel 35-0-32, 111 Greenwich Road – Possible Violation

J. Prenosil stated there was a Building Permit application which triggered notification to Conservation. It appears there is a DEP file number still open, but the owners have not yet requested a Certificate of Compliance. The Commission cannot require someone to make the Request. Chairman Swett explained the process to T. Clark: a DEP File Number stays with the property and not the owner and if you were to sell the home or if a Title search was done, the owner would need to submit the Request for Certificate of Compliance to clear the Title. T. Clark stated he would submit the application and fee. J. Prenosil stated that once the application was submitted, he could inspect the site. No further discussion. No action taken.

E. East Quabbin Land Trust – Parcel 40-0-36, Old Stagecoach Road known as Finn Woodlot – Conservation Restriction Determination Vote, 25.11 acres.

The final Conservation Restriction (CR) was presented, and the Commission had no further concerns. N. Croteau explained if the Commission was to sign the CR then the next step would be for the Board of Selectmen to sign at their following meeting. No further discussion. **MOTION** by Kristin Rosenbeck to approve and sign the Conservation Restriction as presented. Seconded by Dennis Cote. Cynthia Henshaw did inform the Commission that a similar CR will be presented to the Commission for another parcel of land, approximately 175 acres. No further discussion.

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

F. Quarry Street – General Discussion

J. Prenosil informed the Commission he met with a small group of owners on Quarry Street. He stated they are not under the impression that the Town will dredge but mainly concerned about the culvert under Quarry Street and dredging under Morse Ave. J. Prenosil composed an email to the Commission outlining a few options and not opposed for a bulk NOI but concerns over the civil engineer's design.

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The engineer may prepare plans based upon the existing culvert and not fully address the overall flooding/drainage issue. Discussion continued about the options J. Prenosil presented in the email. Chairman Swett stated he does not want to issue an Emergency Certificate (EC) unless it is truly an emergency. J. Prenosil continued to state the EC may help but may not be the cleanest way to approach the project. Stated the water level is very close to the foundation at 1 Quarry Street and the box culvert under Morse Ave is half-full which is causing the upstream flooding possibly. Discussion continued between Chairman Swett and J. Prenosil about overseeing the project if an EC was issued. J. Prenosil is willing to help. Continued to state the Anair's property culvert is undersized, and Chairman Swett stated they replaced that culvert twice without permission. It is up to the Army Corp of Engineers for the size of the culvert. J. Prenosil spoke to a local contractor and the contractor agreed the culvert is undersized. Chairman Swett stated it's not the contractor's fault, it's the homeowners. Vice-Chairman T. Barnes stated he believes this issue starts further up on Coy Hill at a solar site with the water runoff. J. Prenosil stated if the solar company submitted a SWPPP for that project, then they could possibly be in violation on that site. No further discussion. No action taken.

G. Trelleborg/Lamcotec – Status Update regarding flooding issues, repairs

No recent updates. J. Prenosil has had no correspondences. N. Croteau suggested to mail a letter requesting C. McClaren to attend the next meeting. Commission was in favor of sending a letter. Chairman M. Swett asked if it was possible to issue a Cease and Desist now for any future work. J. Prenosil was unsure if that was legal. Chairman Swett stated Trelleborg is quick to complete any work before the Commission even knows about or before we (ConCom) can issue a C & D. Chairman Swett continued to state that something needs to be done and nothing has been done since January. No further discussion. No action taken.

H. Approval of Minutes – March 9, March 30, April 13, and April 20, 2022

MOTION by Vice-Chairman Thomas Barnes to approve the minutes as presented tonight. Seconded by Kristen Rosenbeck. No discussion.

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

I. Open Meeting Law

N. Croteau briefed the Commission of a recent training taken and expressed some good points:

1. The agenda needs to read as if you didn't know what was going but could figure it out by reading the agenda.

2. If it is not on the agenda, then cannot talk about it, even if in general.

3. Can't have "old/new items" listed without listing topics of discussion.

N. Croteau stated it was very informative.

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ADJOURNMENT

MOTION to adjourn at 7:35 pm. All in Favor.

Next regular scheduled meeting is on August 10, 2022.

Minutes from July 13, 2022

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administrator

Minutes Approved on: Sept 14, 2022

Swett

Barnes

Cote

Rosenbeck

Topor, IV