



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082  
413.967.9648

Meeting Minutes from  
**Wednesday, July 14, 2021**  
Selectmen's Conference Room, Town Hall

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

**Public in Attendance:** Nicole Croteau, Flipe Carvo, Hector Peterson, Atty. Clifford Heaton

**Public in Remote Participation:** John Prenosil, Jim O'Mara, Brian C.

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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.

### PLEDGE OF ALLEGIANCE

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

### APPLICATIONS

#### **DEP #317-293, by Atty. Cliff Heaton for Daniel Long, Lots 12A & 12B (40) Moriarty Road, Request for Certificate of Compliance**

Attorney Heaton noticed an open Order of Conditions during a recent real estate transaction. Activities proposed under the Order were limited to the construction of two gravel driveways, two single family residences, two wells and two on-site septic systems. Approximately 2,550 square feet of Bordering Vegetated Wetland and 35 linear feet of Bank were to be altered from the proposed driveway crossing on Lot 12B. These areas were to be replicated on-site with a 2,560 square foot Bordering Vegetated Wetland replication area and 35 linear foot Bank replication area. No plans were found in the Commission's database. The Conservation Agent John Prenosil conducted a site visit and recommended holding a vote until after another inspection is complete. There are a few issues on site: there is a driveway drain which is piped underground directly into the wetlands and need to verify the location of the replication areas with the plans. It also appears that the yard has encroached within the wetland boundaries and possible fill from the grass-clippings. Since the property has been sold, the Order of Conditions stays with the LAND not the OWNER/APPLICANT so this will need be to be corrected by the new owner. Issuance of an Enforcement Order may be the easiest fix to lay out the issues and how to correct them. Informed Atty. Heaton to have the new owner reach out the Conservation Department to discuss a course of action.

End of Discussion – No Action Taken.

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**DEP #317-384 by Atty. Cliff Heaton for Daniel Long, Lots 12B (41) Moriarty Road, Request for Certificate of Compliance**

The Order of Conditions was issued for construction of a single-family home. The Agent stated he need to reinspect the site for the wetland replication areas. This file discussion was the same discussion as DEP 317-293 above. The Agent has recommended to not vote on the Request until next meeting.

End of Discussion – No Action Taken.

**DEP #317-474 by R Levesque Associates for MRL LLC, 50 East Main Street**

The Applicant is request permission to install HVAC units on a concrete slab adjacent to the Mill Buildings located within the Riverfront Area and Bordering Land Subject to Flooding.

Filipe Crevo presented the plans and application to the Commission. The subject property slopes from East Main Street to the south towards Ware River. The proposed work associated with the utilities is to be on concrete pads and behind one of the buildings. Even though the parcel is within the Floodplain, being an elevation of 410 feet, work to the north side of the building is located above the 410-elevation. Work to the south side is located within BLSF with proposed elevations of 407 to 410. The work associated with the HVAC unit will cause approximately 245.9+/- cubic feet of floodwater to be displaced. This will be replicated near the southwest corner of the building. The front of the building area will be level and install a retaining wall with a guardrail along the edge of pavement. Invasives plants will be *physically* remove and no spraying of pesticides or herbicides will be use, replacement of vegetation along the bank area will be done, and few of the maple trees may be impacted, which will need to be removed.

**MOTION** by Thomas Barnes to approve the project as presented and issue an Order of Conditions with the standard Appendix A Conditions. Seconded by Peter Toper IV. No Discussion. All in favor 4/0/1 (Mark Swett)

**DEP #317-475 by Above and Beyond Landscaping and Home Services LCC for Esta Farkas, 112 Shoreline Drive, Parcel 49-0-77**

Public Hearing was opened.

Phil Burdick presented plan changes; added the 50ft buffer line and added sand at the water edge. Conservation Agent, John asked if the bank was delineated by a Wetland Scientist. Reply was no. Continued to ask how the owner will keep the new proposed sand from eroding. There was no direct answer. Agent asked how many liner feet of disturbance is there. Mr. Burdick replied 10-12ft. Discussion continued about the proposed site: removing weeds, adding naturalized plants, new mulch, new patio stone pavers, new stone steps, having the drywells, verifying if the drywells are sized properly (no calcs provided). Agent suggested to have permanent markers indicating "beach area" so the area doesn't expand (sono-tubes 2ft above ground with a rebar in the middle).

**MOTION** by Thomas Barnes to approve the project as presented and issue an Order of Conditions with the standard Appendix A Conditions also noting a condition of installing sono-tubes 2ft above ground with rebar along the beach area. Seconded by Kristin Rosenbeck. No Discussion. 5/0/0.



**DISCUSSION** between Mr. Josh Kusnierz, Tree Warden and the Commission. In the past year, Beaver Lake area has seen many trees decline and noted the guardrail needs to be replaced. Mr. Kusnierz is concerned that if the trees continue to decline, then the area may become dangerous to the public and cause unwanted damage, both to private and town owned property. This is an early conversation on how to begin the process to permit the work for tree removal, possibly a retaining wall, and maybe slope stabilization. Commissioners recommended an NOI and reach out to a Professional Engineer and have their input on the matter. Also suggested to coordinate between private property, the town, and Beaver Lake Association. Tree Warden stated that 23 of 108 dead trees have been removed. Since these trees are dead makes National Grid happy so power lines are not damaged. This is just an initial informational conversation to make the Commission aware that the trees may cause future damage.

**DEP #317-452 by Ecos Energy, Monson Turnpike Road *Requested a Continuance***

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array – Wetland Crossing. Applicant requested a continuance until next scheduled meeting.

**MOTION** by Thomas Barnes to continue the public hearing until the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 5/0/0.

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

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Rd. Applicant requested a continuance until next scheduled meeting.

**MOTION** by Tom Barnes to continue the public hearing until the next scheduled meeting. Seconded by Dennis Cote. No Discussion. All in Favor 5/0/0.

**DEP #317-465 by Bertin Engineering for Melink Solar LLC (*Couture*) *Request for Continuance***

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array on Greenwich Rd. Applicant requested a continuance until next scheduled meeting.

**MOTION** by Peter Toper to continue the public hearing until the next scheduled meeting. Seconded by Dennis Cote. No Discussion. All in Favor 5/0/0.

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

NOI - Proposed construction of a Large-Scale Ground-Mount Solar Array on Osborne Rd. Applicant requested a continuance until next scheduled meeting.

**MOTION** by Kristin Rosenbeck to continue the public hearing until the next scheduled meeting. Seconded by Dennis Cote. No Discussion. All in Favor 5/0/0.

**DEP #317-476 by Solitude Lake Management for Beaver Lake Club Corp., Beaver Lake**

WPA Form 8A Request for Certificate of Compliance – for lake management work regulated by the Order of Conditions has been completely satisfied.

Jim O'Mara was present on behalf of Beaver Lake Club Corporation. Tom Barnes stated herbicides has been used to treat the lake since the 1990s to keep vegetation down in the lake. Agent Prenosil asked if reports have been submitted at the end of each treatment season to the

Department for review/comment/concerns? Is there proof the herbicide is working? Are there other methods for removal? Mr. O'Mara stated Solitude Lake Management recommends this process to be used at Beaver Lake. N. Croteau stated no reports have been provided in the last 2 years. Commissioners have additional questions and asked Mr. O'Mara if a representative be present at the next meeting to answer them.

**MOTION** by Thomas Barnes to continue the public hearing until the next scheduled meeting. Seconded by Peter Toper. No Discussion. All in Favor 5/0/0.

**DEP #317-449 by Ware Palmer Road Solar LLC c/o Pat McGowin for Bill & Gail Moryl, 313 Palmer Road**

WPA Form 8A Request for Certificate of Compliance for installation of large-scale ground mounted solar array work regulated by the Orders of Conditions has been satisfactorily completed.

Conversation Agent has inspected the site and recommends closing out the project. No erosion concerns with recent storms.

**MOTION** by Kristin Rosenbeck to approve the issuance of a Complete Certificate of Compliance. Seconded by Dennis Cote. No Discussion. All in Favor 5/0/0.

**DEP #317-TBD by Robert LeMaitre for Minutemen Farm, LLC, 24 East Main Street.**

Redevelopment of a portion of a site by replacing building burnt in 1996 with smaller footprint for a storage facility having approximately 7700 sq. ft.

Public Hearing not opened.

General discussion among the Commission on where the proposed building is within the Millyard. Tom Barnes has concerns about the hazmat's – no discussion on this matter. Discussion continued about the history of the site and businesses.

End of Discussion – No Action Taken – Meeting not opened because no DEP File number issued.

**ADMINISTRATION REPORT**

**A. Approval of Minutes – May 12, 2021.**

**MOTION** by Thomas Barnes to approve the minutes as presented. Seconded by Dennis Cote. 5/0/0.

**B. Complaint, Patrick Howe 157 Church Street.**

Complaint was called in. Backyard has had trees cut and backyard filled in. Very close to BVW. Unsure at this time if there is a violation but no permits have been filed. Conservation Agent will investigate further and reach out to property owner for site visit.

**C. Request vote to pay MACC Annual Membership Dues.**

**MOTION** by Thomas Barnes to pay and to add Peter Toper as a member. Seconded by Kristin Rosenbeck. No Discussion. All in Favor 5/0/0.

**D. BYLAW DISCUSSION**

In the recent months it appears more RDA applications are being filed and need clarification on the Ware Bylaw. The RDA application is supposed to be simple and homeowner do-it-yourself friendly.

Below is a list of topics discussed:



- A. WPA requires 100' notification but the Ware Bylaw requires 300' notification for RDA & NOI.
- B. Threat trees – normally can be decided through a Site Visit Request
- C. RDA should be a simple process and heard within 21 days – unless applicant has given permission to wait until the next scheduled meeting.
- D. Conservation Agent recommended updating to make Bylaws more conservation protection base and not so much on the administrative end. Such as protecting vernal pools, protecting buffers for example.
- E. General discussion, comments, and questions regarding the WPA and Ware Bylaw.

## ADJOURNMENT

**MOTION** to adjourn at 8:15 pm. All in Favor 5/0/0.

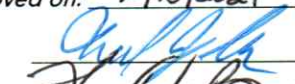

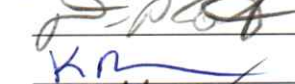
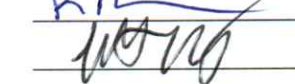
Next scheduled meeting is on August 11, 2021.

Minutes from July 14, 2021

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administrator

<i>Minutes Approved on:</i> 10/13/2021	
Swett	
Barnes	
Cote	
Rosenbeck	
Topor, IV	