



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, August 11, 2021
Selectmen's Conference Room, Town Hall

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

Commission Members Remote: Peter Toper IV

Public in Attendance: Nico Siniscalchi, Richard Barry, Robert Barry, Lois Loptain, Jim O'Mara, Patrick Howe, Ann Powers, Robert LeMaitre, Kevin Brooks, Ken Willette, Steven Pikul, Stuart Beckley, Nicole Croteau, John Prenosil, Anna Marques

Public in Remote Participation: Kathy Cronin, Clifford Heaton, Daniel Long, Dominic Meringolo, Scott Campbell.

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 6:38 pm and led the Pledge of Allegiance.

APPLICATIONS

RDA-2021-09 by Lois Loptain, 25 Horseshoe Circle

Request for Determination of Applicability whether the work depicted on the plans(s) referenced below is subject to the WPA for the removal of 6 trees surrounding the house.

A tree was hit by lightning and dying including five others which are all pine. If they fall, they will land on the septic or the house and cause great damage. Agent Prenosil stated the trees are within the buffer, ranging from 15ft to 90ft and some outside the 100ft buffer. Chairman requested that no stump grinding to be done and stumps left at 1ft.

MOTION by Thomas Barnes to issue a Negative 3 Determination with a condition to no stump grinding allow and to leave said stumps 1ft. Seconded by Dennis Cote. No Discussion.

Roll Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. All in Favor 5/0/0.

DEP #317-395 by Solitude Lake Management for Beaver Lake Clue Corporation, Beaver Lake

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

Vice Chairman Tom Barnes was on site yesterday and felt Solitude has done a good job. N. Croteau stated this was an older application which needed to be closed out as DEP noted in the comments for DEP #317-476 review.

MOTION by Thomas Barnes to issue a full Certificate of Compliance for work regulated by such Order. Seconded by Kristin Rosenbeck. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. All in Favor 5/0/0.

RDA-2021-11 by DCR for Quabbin Log Stop Structure Leaf Abatement Project

Request for Determination of Applicability whether the work and/or area depicted on the plans referenced below is subject to the municipal ordinance, bylaw or WPA.

Ann Powers presented the application. The structure was built in 1930's with metal components and lead paint. DCR would like to abate it. Scope of work will be completed by a subcontractor using what is called green blasting. The area of work is enclosed, and while using a water blaster to remove the lead paint, it is captured into an area and then funneled into a container. Approximately three-week timeframe on project. Conservation Agent had no concerns and supported the maintenance project.

MOTION by Thomas Barnes to issue a Negative 3 Determination sighting it as maintenance. Seconded by Kristin Rosenbeck. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. All in Favor 5/0/0.

DEP #317-476 Solitude Lake Management for Beaver Lake Club, Beaver Lake Aquatic Management

Notice of Intent for Aquatic plant management program to remove invasive and nuisance vegetation with USEPA/MADAR registered herbicides.

Dominic Meringola presented the application. This is a continuing program to treat two non-invasive species. Part of the program consists of pre and post inspections. Herbicides are EPA approved. Treatments are done as needed. Year-end report will be provided to the Commission and Beaver Lake Club.

DEP Comments #1-#7 were addressed by representative. This treatment has been on-going for 20-30 years. The Conservation Agent brought up points for discussion for the Commissioners including if the treatment is working, if different treatment is needed, does the treatment impact other non-invasive species. Beaver Lake Club Association complies with all DEP water quality control permits and suggestions. Chairman recommended two items before a vote is taken: 1. As DEP suggested, an algae removal program; 2. Need a Lake Plan because there are other things to investigate. With the Eco's solar project going in the Commission would like to better understand and have better data on the current lake quality. The 401 Water Quality Report is being done for Eco's now.

MOTION by Thomas Barnes to continue until the next scheduled meeting. Seconded by Dennis Cote. Discussion: would like applicant to remove algae treatment from the scope of work. Roll

Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. All in Favor 5/0/0.

DEP #317-477 by Robert LeMaitre for Minutemen Farm, LLC, 24 East Main Street

Notice of Intent to re-develop a portion of the site by replacing a building burnt in 1996 with a smaller footprint for storage facility having approx. 7,700 sq ft floor area or 22,300 sq ft foot print.

Redevelopment of a portion of a site, known as site number 5 in the Millyard, by replacing a building burnt in 1996 with smaller footprint for a storage facility having approximately 7,700 sq. ft. Applicant showed the net gain in flood storage in a chart. Elevation 42ft. Run off from roof will go into an infiltration basin and rain garden. Sewer line connection to main area on East Street. Applicant and Commission addressed DEP Comments:

1. Is it Historical Site? The site is listed in the *State Register of Historic Places 2020*.
2. DEP stated the application is incorrect – what basis is the consultant claiming there are 2,389 Cubic yards worth of compensatory storage available? Response:
3. Flood Plain was incorrect – did not use the correct Datum – this will be corrected.
4. Previous Order over 11+ years ago and should not be referenced in this Application. The OCC has expired, and a Request for Certificate of Compliance Invalid should be requested to the Commission. – So noted by Commission.
5. Stormwater was insufficient – No discussion

Since discussion about a site walk was discussed after DEP Comment #4, DEP Comment #5 was never discussed. Site walk time was set for August 11, 2021, at 1:00pm meeting at the site. S. Beckley asked if the building will be staked out and the reply was yes. Vice-Chair Barnes asked if test wells were completed, and there was no clear answer.

MOTION by Thomas Barnes to continue public hearing to the next meeting. Seconded by Peter Toper. Roll Call: Mark Swett – Abstained; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. In Favor 4/0/1 (Mark Swett).

DEP #317-293 by Attorney Cliff Heaton for Daniel Long, 40 Moriarty Road

WPA-Form 8A Certificate of Compliance for the construction of a single-family residence on two lots regulated by the Order of Conditions has been satisfactorily.

Conservation Agent visited the site and observed driveway and drains discharging into wetlands. The Agent asked how the new owner plans to fix the situation. Atty. Heaton stated the current grading, the runoff from the street and having the drainpipes keeps water from flooding his garage, so the drains are necessary. The Commission and Agent explained that no matter the extent of problems that removing the drains may create, it is illegal for the owner to be discharging into a wetland. General discussion was made about possible solutions such as installing berms. It was recommended the property owner hire a Civil Engineer and find a solution – not for the Commission to tell the owner how to fix the problem. Applicant asked for time to find a solution.

MOTION by Dennis Cote to continue until the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Abstained, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. In Favor 4/0/1 (Thomas Barnes).

DEP #317-384 by Attorney Cliff Heaton for Daniel Long, 40 Moriarty Road

WPA-Form 8A Certificate of Compliance for the construction of a single-family residence on Lot 12A Moriarty Road regulated by the Order of Conditions has been satisfactorily.

No Discussion.

MOTION by Dennis Cote to continue until the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Abstained, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. In Favor 4/0/1 (Thomas Barnes).

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

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

Steve Pikul from Bertin Engineering presented Art Allen comments to the Commission. General discussion between the Commission and Applicant reviewing the comments consisted of the location of mean high-water table, riverfront development, the panel location layout, native plantings, wildlife, and Best Management Practices, items #11-14 talked about within the report. Needed to follow up with on clarification of the Annual High-Water comments.

MOTION by Kristin Rosenbeck to continue the public hearing until the next scheduled meeting. Seconded by Thomas Barnes. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. 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 Thomas Barnes to continue the public hearing until the next scheduled meeting. Seconded by Kristin Rosenbeck. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. All in Favor 5/0/0 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 Thomas Barnes. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. All in Favor 5/0/0.

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 Dennis Cote to continue the public hearing until the next scheduled meeting.

Seconded by Thomas Barnes. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. All in Favor 5/0/0.

ADMINISTRATION REPORT

A. RDA-2020-01 Update #4 was provided to Commission – No Discussion.

B. 15th Edition of Natural Heritage Maps are now in effect as of August 1, 2021 – No Discussion.

C. Complaint, Patrick Howe 157 Church Street. Conservation Agent visited site and observed chicken coop, lawn area, and play area. The problem is that this work was done right up to the wetland. Mr. Howe wasn't aware they needed permits within the wetland buffer. It was recommended the applicant reestablish a 5ft buffer and let it grow naturally. Conservation Agent will revisit in a month. The chicken coop placement is fine, so long as the buffer is maintained.

D. Bylaws Discussion – Discussion about whether to have applicants notify RDA Application abutters with 300ft as stated in the Bylaw. General discussion among the Commission said the RDA shouldn't be hard for simple approvals. Tom Barnes asked about Fish and Game properties. Thought is different. But its not. If the RDA becomes a NOI requirement then that is the time when the abutters will be notified.

MOTION by Kristin Rosenbeck to allow Applicants not to notify abutters for RDA applications as stated in Bylaw until further notice. Seconded by Dennis Cote. No Discussion. Roll Call: Mark Swett – Affirmative; Tom Barnes – Affirmative, Kristin Rosenbeck – Affirmative; Dennis Cote – Affirmative; Peter Toper (Remote) – Affirmative. All in Favor 5/0/0.

E. General Project Updates:

1. Ms. Anair from Quarry Street had called Conservation Agent John a lot regarding the loss of her driveway from the storm. It has been brought to the attention of the Agent that Belchertown is putting together a lawsuit to have roads and infrastructures fixed through possible emergency fundings. J. Prenosil is unsure if this is something Ware would like to inquire about to help those on Quarry Street and other impacted areas. Asked if the Town sent estimates to MEMA. Continue to state that if the town meets thresholds, maybe funds may be released through FEMA. This discussion needs to continue with Senator Gobi. No further discussion.

2. Tom Barnes stated there is a Conservation Restrictions near Beaver Lake – Bernardo's property and would like to suggest having this area open for public use to access Beaver Lake. No further discussion.

3. Chairman asked the Agent to investigate a property for sale on Greenwich Road because there are vernal pools near the "French Cemetery" and about ten acres. Would like confirmation if there are vernal pools if the Agent wouldn't mind investigating. No issue.

4. S. Beckley asked to have Ms. Cassio on the next agenda to discuss Quarry Street

5. N. Croteau quickly spoke about upcoming applications.

End of General Project Updates.

ADJOURNMENT

MOTION to adjourn at 9:02pm. All in Favor 5/0/0.

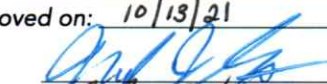



Next scheduled meeting is on September 8, 2021.

Minutes from August 11, 2021

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administrator

Minutes Approved on: 10/13/21	
Swett	
Barnes	
Cote	
Rosenbeck	
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