



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 117

Meeting Minutes from
Wednesday, August 12, 2020
Selectmen's Conference Room, Town Hall

Commission Members Present: Chairman Mark Swett, Thomas Barnes, Kristin Rosenbeck, Dennis Cote, Dave Kopacz-Agent-non-voter

Public in Attendance: Nicole Croteau, Anna Marques, Bill Moryl, Rodney Galton, Kathleen Cronin, Steven Pikul, Calisto Bertin, Jeremy Chapman

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 6:33 pm and T. Barnes led the Pledge of Allegiance.

APPLICATIONS

A. DEP 317-432 by Pioneer Hydropower, 34 East Main Street, Request for Certificate of Compliance

Tom Barnes did the site walk prior to the hearing tonight and noted the site was very neat, in order and had no concerns.

MOTION by Tom Barnes to issue the Certificate of Compliance. Seconded by Kristin Rosenbeck. No discussion. All in Favor 4/0/0.

B. RDA-2020-08 by Thomas and Susan Libbos, 61 Beaver Road

The applicant proposed a septic repair within 100' of BVW. Dave Kopacz stated the project is straight forward, the silt control looks good and adequate, over 100' from abutting wells and far away from resources. Tom Barnes asked Dave if there was a need for permanent markers and Dave replied, no need.

MOTION by Tom Barnes to issue a Negative Determination Number 3. Seconded by Dennis Cote, No discussion. All in Favor 4/0/0.

C. DEP 317-466 by Sunnyside Storage, 319 Palmer Road, Self-Storage Units

Tom Barnes spoke with Mark Stinson at DEP and stated B. Moryl will be using porous pavement and will eliminate the infiltration basins because the porous pavement will be sufficient. B. Moryl already has a vacuum truck. T. Barnes would like to have a condition be made if approved, in the Spring and Fall there is general maintenance done such as vacuuming. D. Kopacz stated the past conditions of the site, nothing alarming, test pits have been done and annual groundwater water is deep enough. D. Kopacz also agreed with T. Barnes that the Applicant provide a report, Spring and Fall commenting on the durability of the porous pavement and other site conditions. Chairman asked for clarification from B. Moryl that porous pavement is the choice for the site and

not traditional pavement. B. Moryl stated yes, porous pavement is the final choice and will be installed by Palmer Paving. General discussion about the installation of the porous pavement was made: how thick is the porous pavement and how long will it take to install? B. Moryl replied the porous pavement is designed to be between 2 and 2½ inches thick and installation takes the same time as normal pavement.

MOTION by T. Barnes to approve the project as the latest plans were presented (5 buildings and porous pavement) and to issue an Order of Conditions having the standard conditions plus a report submitted to the Conservation Department in the Spring and Fall as discussed, and to have the site vacuumed twice a year. Seconded by K. Rosenbeck. Discussion: How long should the report be submitted to the Commission? It was decided that the applicant should submit the reports until the Certificate of Compliance is issued. Should the applicant's engineer address the DEP comment and concerns? It was decided to review the comments/concerns and make note on them in the public hearing. (Taken out of order as discussed)

DEP Comment Number and discussion only noted below:

1. Commission acknowledged.
2. T. Barnes does not consider this a fishier resource, its almost dry. D. Kopacz stated it could be simply mapping assuming. T. Barnes stated there was no stream crossings.
3. There were dead trees but the applicant is self-abutter so no issue
4. Porous pavement is being used
5. T. Barnes stated if stormwater going into road, then it is going directly into the ground.
6. Chairman asked B. Moryl if dry wells are still be used and he replied no, not needed.
7. T. Barnes stated its not a major project

No further discussion. All in Favor 4/0/0. Order of Conditions to be issued.

D. DEP 317-452 by Eco's Energy, Monson Turnpike Road, Large-Scale Solar Array

Rodney Galton stated the SWPPP Report will be submitted. T. Barnes stated he has a problem with the wetland crossing. T. Barnes would like to make a MOTION to remove the wetland crossing. Continued to state this is a cold-water stream which leads into Beaver Lake. Any toxic runoff could create a fish kill. R. Galton stated the Commission cannot deny access to the upland. General discussion between R. Galton and Commission talking about past meetings and having the crossing, then removing it, and now it is back in the design. R. Galton stated there was no benefit to remove the crossing, therefore, we kept it. T. Barnes rescinded the Motion to remove the crossing. Chairman asked R. Galton to attend in person at the next meeting. No further discussion.

MOTION by D. Cote to continue the hearing until next scheduled meeting. Seconded by K. Rosenbeck. No discussion. All in Favor 4/0/0.

E. DEP 317-463 by Bertin Engineering, Greenwich Road, FT Smith, Large-Scale Solar Array

MOTION by D. Cote to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by K. Rosenbeck. No Discussion. All in Favor 4/0/0.

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F. DEP 317-465 by Bertin Engineering, Greenwich Road, Couture, Large-Scale Solar Array
MOTION by K. Rosenbeck to continue the public hearing as requested by Applicant to the next scheduled meeting. Seconded by D. Cote. No Discussion. All in Favor 4/0/0.

G. DEP # None Given by Bertin Engineering, 278 Osborne Road, Harder, Large-Scale Solar Array
Calisto Bertin wanted to clean things up and move forward, the violation has been taken care of and will remove the trailer and clean up the site. General discussion between D. Kopacz, S. Pikul, C. Bertin and members of the Commission about the timeline of the project: recording the Order of Conditions (317-373), Enforcement Order from 2020, the construction of the foundation, the mobile home needing to be removed, and prior site work completed (culvert). 317-373 needs to be finalized before hearing the solar application.

MOTION by Chairman to consult Town Council on the prior Order of Conditions 317-373 not being recorded. The applicant is to record the 317-373 Order of Conditions and to have the mobile home removed to comply with the Order of Conditions. Seconded by K. Rosenbeck. All in Favor 4/0/0.

Discussion C. Bertin recapped by stating in September the mobile home will be removed and the 317-373 Order will be recorded. N. Croteau stated yes, and the Request for Certificate of Compliance will need to be resubmitted indicating the correct box on the application. D. Kopacz suggested the Commission could ask for an as-built plan indicating what site work was completed and not completed. Chairman would like to revisit the site with the Commission, Hardwick Conservation and Applicant at later date. C. Bertin granted permission for the site walk and agreed to continue the public hearing to the next scheduled meeting. N. Croteau stated she received the revised solar plans now proposing a subdivision and asked Bertin Engineering if they have mailed plans to DEP and has the Commission been updated with a revised NOI application. S. Pikul stated the restoration plan for the culvert was removed, modification to the roadway and drainage will have minimal impact on buffer zone or jurisdiction area, very little differences. Bertin Engineering will review the NOI submitted and confirm no issues or missed items. M. Stinson at DEP has not received subdivision plans to date.

MOTION by Chairman to continue the public hearing until next scheduled meeting. Seconded by T. Barnes. No Discussion. All in Favor 4/0/0.

ADMINISTRATION REPORT

19 Kelly Road – D. Kopacz would like verification if there is a plan on file that shows permanent bounds to be set as approved.

316 Bondsville Road – T. Barnes stated there is a tool shed, trailer, and turf directly on the Swift River. It has been there for months. Has been driving by and seeing things being pulled out. Wonders if the Commission should require owner to submit a Notice of Intent Application for these items. T. Barnes would like to know what can be done to fix this situation. D. Kopacz stated he has not been on site lately. D. Kopacz to inspect site at later date.

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146 Shoreline Drive – N. Croteau explained how the owner called and inquired about the Conservation Restriction Deed being recorded and how she can obtain a copy. After research N. Croteau found the original document in the file was not recorded at the Registry of Deeds. N. Croteau asked Chairman how he would like to proceed. Chairman stated to have the document recorded. D. Cote noticed the property is currently listed for sale. N. Croteau to record the Conservation Restriction Deed as soon as possible.

ADJOURNMENT

MOTION to adjourn at 8:30 pm. All in Favor 4/0/0.

Next scheduled meeting is on September 9, 2020.

Minutes from August 12, 2020

Respectfully submitted by,

Nicole Croteau

Nicole Croteau

Conservation Commission Administration

Minutes Approved on: Nov 18, 2020	
Swett	
Barnes	
Cote	
Rosenbeck	