



TOWN OF WARE

Conservation Commission

126 Main Street, Ware, Massachusetts 01082
413.967.9648

Meeting Minutes from
Wednesday, October 13, 2021
Selectmen's Conference Room, Town Hall

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

Public in Attendance: Mary Ann DiPinto, Larry Dunn, Jim O'Mara, Nico Siniscalchi, Robert Berry, Richard Maynard, Robert LeMaitre, Richard Berry, Stephen Pikul, John Prenosil, Nicole Croteau, Stuart Beckley

Public in Remote Participation: Stephen Houle, Elio Qorri, TJ Recuperero, Jeremy Chapman, Kathleen Cronin

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 6:32 pm and led the Pledge of Allegiance.

APPLICATIONS

DEP #317-478 by Steven Houle, 13 Wildflower Drive

NOI – Reduce steep slopes in yard by filling, loaming, and seeding in buffer zone.

MaryAnn DiPinto presented plans to the Commission. Mr. Houle would like to add fill to the westerly side and portions of the rear yard to level it out for feasible use. The slope is currently 3/1 and 5/1. Work will consist of disturbed areas within the 100-ft buffer zone. Proposed work within the 50-ft of the BVW is 5,545 sq ft and work between the 50-100-ft from the BVW is 1,040sq ft., having a total of 6,585 sq ft disturbed. Concerns about water run off onto Gould Road were addressed by the owner having twin 24-inch corrugated plastic pipe culverts in the driveway area. The height of the stonewall was also in question about the proposed land grades. The grades of the slope and land will be the same. Chair asked if permanent markers will be installed along the wetland boundaries and Ms. DiPinto stated yes. Chairman asked if there is a culvert, and the reply was yes. N. Croteau presented an email from the Agent J. Prenosil stating he agrees with Ms. DiPinto's interpretation of the deed restrictions which was original a DEP comment. End of discussion, a revised plan needs to be submitted.

MOTION by Thomas Barnes to continue until the next schedule meeting. Seconded by Kristin Rosenbeck. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Toper, IV	Yes	All in favor.	5/0/0.

DEP #317-479 by Brandi Estridge, 67 Old Poor Farm Road
NOI – Restore altered wetland area and create lawn in the buffer zone for children’s play area and chicken coop.

Mary Ann DiPinto provided photographs of what the existing yard looks like. Revisions to the plan are still needed to proceed. Applicant requested a continuance.

MOTION by Kristin Rosenbeck to continue until the next schedule meeting. Seconded by Dennis Cote. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Toper, IV	Yes	All in favor.	5/0/0.

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 Rd.

T. Barnes had a question: the solar projects have been in limbo for some time and asked J. Prenosil if we should continue or act on them. J. Prenosil stated the applicant has every right to ask to continue. Chairman stated it shouldn’t be an issue to continue, not against it. P. Toper would like the applicant to show some type of progress. N. Croteau did state that Bertin Engineering did submit comments, stamped date of September 27, 2021, on this project particularly. T. Barnes suggested to possibly follow a guideline to get these projects moving. T. Barnes stated Muddy Brook is the Town water resource and really wants this area protected. T. Barnes referred to #6 on Bertin’s chart and feels the response was not fully answered, take this as an example and makes it hard to feel like the applicant is acting on good faith on progress of the plans. N. Croteau stated how to issue a denial on the NOI application. Yes, these projects are taking longer than wanted but there is progress. J. Prenosil agreed with N. Croteau, this can take time when there is a 3rd party review. What is considered progress? This is a touchy answer. No further discussion.

MOTION by Kristin Rosenbeck to continue to next scheduled meeting. Seconded by Dennis Cote. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Abstain
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Toper, IV	Abstain	All in favor.	3/0/2.

Peter Toper asked how the process does work when trying to have applicants act on applications or if wanting to issue a denial. N. Croteau gave a quick overview: the hearing would need to be closed, create a list of items requested with a reasonable deadline and present that to the applicant. If the applicant can’t provide those items within the reasonable timeframe, then the Commission can vote to deny the project for lack of information. This was just a brief discussion and overview of how the process works.

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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

Applicant requested a continuance until the next regular scheduled public hearing date.

MOTION by Dennis Cote to continue to next scheduled meeting. Seconded by Kristin Rosenbeck. Discussion: N. Croteau stated BSC Group provided a review letter dated October 5, 2021, and Bertin Engineering provided a chart dated Sept. 27, 2021 (before the BSC review letter was given to the Commission and Applicant) No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Toper, IV	Yes	All in favor.	5/0/0.

DEP #317-468 by Bertin Engineering for Melink Solar LLC (*Harder*)
NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array on Osborne Rd

Applicant requested a continuance until the next regular scheduled public hearing date.

MOTION by Kristin Rosenbeck to continue to next scheduled meeting. Seconded by Dennis Cote. N. Croteau stated BSC Group provided a comment letter dated September 23, 2021, this is the first NOI comment letter, the Stormwater Review is under a separate contract, Bertin Engineering had not had time to respond. T. Barnes stated this is another one of project taking longer than expected. This project crosses town lines. N. Croteau stated there were other issues beside just hearing the NOI application. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Abstain
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Toper, IV	Yes	All in favor.	4/0/1.

DEP #317-454 by Bertin Engineering for Melink Solar LLC (*Soper*)
Appeal Update – Construction of a Large-Scale Ground-Mount Solar Array at 45 Greenwich Plains Rd. Issuance of a Superseding Order of Conditions – General discussion

N. Croteau stated the Superseding Order was issued from DEP on October 5, 2021, and currently in the 5th of the 10-day of the appeal process. Does not feel anyone else is going to appeal again. Stephen Pikul was present for discussion. S. Pikul declined to say anything about the revisions because the decision was still under the appeal timeframe. T. Barnes asked about the 1st crossing, will this become a bridge. S. Pikul did state the pond was reinforced and widened a little for construction. In the Order it clearly state this crossing was improved but was still an impact. Crossing #2 had removed the culvert completely and widen and improved the bank width. T. Barnes asked if the Order referred to anything about the permanent plastic. S. Pikul stated where the driveway ends, then the gravel will begin. No further discussion. No action needed.

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DEP #317-452 by Ecos Energy, Monson Turnpike Road
NOI – Proposed construction of a Large-Scale Ground-Mount Solar Array – Wetland Crossing

Applicant requested a continuance until the next regular scheduled public hearing date.

MOTION by Dennis Cote to continue to next scheduled meeting. Seconded by Kristin Rosenbeck. Discussion: T. Barnes stated DEP requested a 401 Water Quality Report, and N. Croteau stated Eco’s has been working on it, but no documents have been provided yet. T. Barnes asked if this is normal to take this amount of excessive time and J. Prenosil stated yes but they appear to be working on it. Chairman M. Swett asked about the forest cutting plan – N. Croteau stated it has stopped voluntarily. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Abstain
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Toper, IV	Yes	All in favor. 4/0/1.	

DEP #317-477 by Robert LeMaitre for Minuteman Farm, LLC, 24 East Main Street
NOI – Redevelopment of a portion of site by replacing a building burnt in 1996 with a smaller footprint for a storage facility having approx. 7700 sq ft.

N. Croteau stated the peer reviewer Joseph Peznola, from Sherman & Frydryk, noted some great points during the review. Asked the Commission if they wanted to review the comments one-by-one.

Atty. Maynard stated most of the concerns and comments from Sherman & Frydryk were addressed from the last meeting. The Commission is just waiting for revised plans. Continue to ask the Commission to verify the statement by J. Peznola “the BLSF impact could be seen as exceeding 5,000 square feet and therefore require a habitat evaluated be performed. Give the current state of the site, S & F does not believe such a study is warranted” that a habitat evaluation is not needed. Chairman Swett verified with the Commission that the report is not needed, and the Commission concurred, it is not needed. T. Barnes still has concerns about items being washed into the river, can a curb be installed. Atty Maynard stated those concerns would be addressed in a letter. R. LeMaitre stated the area adjacent to the river was meant to be left alone/as is, but if the Commission would like this to change, please inform me (Mr. LeMaitre) so it can be addressed on the plans.

MOTION by Thomas Barnes to continue the public hearing until the next schedule meeting date. Seconded by Peter Toper. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Dennis Cote	Yes	Kristin Rosenbeck	Yes
	Peter Toper, IV	Yes	All in favor. 5/0/0.	

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DEP #317-476 by Solitude Lake Management for Beaver Lake Club, Beaver Lake Aquatic Management
NOI – Aquatic plant management program to remove invasive and nuisance vegetation with USEPA/MADAR registered herbicides.

Chairman Swett was pleased with J. Prenosil comment that Beaver Lake Club does have reports on file of all the past treatments just ever shared with the Commission. The reports included data, summaries, maps, and basic information. Chairman Swett asked if this is the process which would be continued including sharing the data reports, and L. Dunn stated yes. P. Toper asked where the water was tested – J. O’Mara stated a place in Agawam, Pace Analytical but in the process of changing. P. Toper asked if the water results could be included in the annual reports. BLC is in the middle of drafting a report for the beach residents and BOH, the Commission asked to be cc’d on those reports. T. Barnes asked if Copper Sulfate was present, and the reply was no. Chairman M. Swett asked J. Prenosil if he felt comfortable to vote for a 3-year approval. J. Prenosil stated yes but BLC may change consultants within the approval timeframe. N. Croteau suggested to have the approval period be a 1-or-2-year term and then ask for extensions if needed.

MOTION by Thomas Barnes to issue an Order of Conditions, with an approval time frame of 1-year (rather than the standard 3-years) with the standard Special Conditions in addition to:

1. Provide an annual report including water lab test results and
2. If algae does breakout, an Emergency Order will be issued.

Seconded by Peter Toper. No further discussion.

Roll Call:	Mark Swett	Yes	Thomas Barnes	Yes
	Dennis Cote	Abstain	Kristin Rosenbeck	Abstain
	Peter Toper, IV	Yes	All in favor.	3/0/2.

ADMINISTRATION

- a. Approval of Minutes: June 9, July 14, August 11, and August 25, 2021.

MOTION by Kristin Rosenbeck to approve the minutes as presented. Seconded by Thomas Barnes. No discussion. Roll Call:

Mark Swett	Yes	Thomas Barnes	Yes
Dennis Cote	Yes	Kristin Rosenbeck	Yes
Peter Toper, IV	Yes	All in favor.	5/0/0.

- b. National Grid Notification of Utility Maintenance Activities – E5/F6 Transmission Line Footer Repair – Twenty-Nine (29) structures and their associated access are located within BVW, 200ft Riverfront Area and 100ft Buffer to BVW. – Update of work status.

N. Croteau provide the Commission an email dated September 28, 2021, from BSC Group regarding the status of the project. No further discussion. No action required.

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c. New/Old/Miscellaneous General Discussion

N. Croteau presented a picture of a concrete monument and an example of a Wetland Protection sign for the applicants to use as a guide when the Commission would require permanent boundary markers and signs to be posted. The Commission's overall felt this was acceptable. There was discussion about having a surveyor even provide metes and bounds of the markers so the markers would be forevermore on site and tied to legal deeds. End of discussion. No action taken.

Chairman M. Swett stated the Goodfield Dairy Farm in Hardwick was recently sold and had a feeling it could become solar field.

ADJOURNMENT

MOTION to adjourn at 7:45pm. All in Favor.



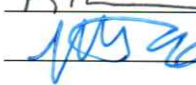

Next scheduled meeting is on November 10, 2021.

Minutes from October 13, 2021

Respectfully submitted by,

Nicole Croteau

Conservation Commission Administrator

<i>Minutes Approved on: January 26, 2022</i>	
Swett	
Barnes	
Cote	
Rosenbeck	
Topor, IV	