



# TOWN OF WARE

## Conservation Commission

126 Main Street, Ware, Massachusetts 01082  
413.967.9648

Meeting Minutes from  
**Wednesday, July 12, 2023**  
Conference Room, Town Hall

### Commission Members:

Mark Swett	Chair
Thomas Barnes	Vice Chair
Kristin Rosenbeck	Absent
Dennis Cote	

### Staff in Attendance:

John Prenosil	Conservation Agent
Anna Marques	Building Commissioner
Kristen Jacobsen	PCD & Conservation Admin

### Public in Attendance:

	
Luke Longstreety	Petersen Landscaping
Joseph Sidur	141 Gilbertville Rd
James Colletta	
Isobel Arthen Long (remote)	Tighe & Bond
Johnathan Ives (remote)	Tighe & Bond
Dennis Ouimette	
Kenneth Chatel	Bird Hill Farm

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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.  
*Topics may have been taken out of order according to posted agenda.*

### **PLEDGE OF ALLEGIANCE**

M. Swett called the meeting to order at 6:37pm pm and led the Pledge of Allegiance.

### **APPLICATIONS**

**DEP #317-485 – DEP #317-485 – North Street Bridge at Muddy Brook** *(Continued from June 14, 2023)*—  
by Tighe & Bond. The Town of Ware proposes repairs to the North Street Bridge crossing over Muddy Brook, which MassDOT found to be in "Poor" condition during a 2021 inspection. Proposed activities include structural repairs to the steel superstructure and deck joints.

The commission received NHESP notification which was awaited since the 6/14/2023 Conservation Commission meeting. The board discussed what would happen in a major rain event. J. Ives responded that anything that could wash away would be removed as well as the platform if need be. J. Ives said since no work is being done on dry land it would be mainly clearing items from the under bridge work area.

**MOTION** by T. Barnes to approve DEP 317- 485 as presented **Seconded** by D. Cote. No further discussion.

M. Swett		Aye
T. Barnes		Aye
K. Rosenbeck		Absent
D. Cote		Aye
<b>All in Favor. Approved 3/0/1.</b>		

**DEP# 317-487- 116 Shoreline Drive- Cynthia Haddock-** Applicant seeks to replace a failing retaining wall, deck installation, and runoff control.

The applicant explained the nature of the proposed work and addressed DEP comments by revising the proposed work and removed any work to the bank area. The project would address the buffer zone only.

**MOTION** by D. Cote to approve DEP 317- 486 as presented issuing a negative 2 determination. **Seconded** by T. Barnes. No further discussion.

M. Swett		Aye
T. Barnes		Aye
K. Rosenbeck		Absent
D. Cote		Aye
<b>All in Favor. Approved 3/0/1.</b>		

**RDA-2023-04 145 Church Street- Bird Hill Farm-** Applicant proposes adding parking space to the existing lawn area.

The board reviewed the submitted plan for the parking area and J. Prenosil found the proposed work area to be sufficiently clear of the wetlands area.

**MOTION** by T. Barnes to approve RDA-2023-04 as presented. **Seconded** by D. Cote. No further discussion.

M. Swett		Aye
T. Barnes		Aye
K. Rosenbeck		Absent
D. Cote		Aye
<b>All in Favor. Approved 3/0/1.</b>		

**RDA-2023-05- 112 Shoreline Drive- Esta Farkas-** Removal of an existing oak and two hemlocks within 100' of the shoreline buffer. Replace the oak with an eastern redbud (*Cercis canadensis*) and replace the hemlock with two witch hazel (*Hamamelis virginiana*)

**MOTION** by D. Cote to approve RDA-2023-05 as presented and issuing a negative 2 determination. **Seconded** by T. Barnes. No further discussion.

M. Swett		Aye
T. Barnes		Aye
K. Rosenbeck		Absent
D. Cote		Aye
<b>All in Favor. Approved 3/0/1.</b>		

**ADMINISTRATION**

**Approval of Meeting Minutes – June 14, 2023.**

**MOTION** by T. Barnes to approve the minutes from June 14, 2023 as presented. **Seconded** by D. Cote. No further discussion.

M. Swett		Aye
T. Barnes		Aye
K. Rosenbeck		Absent
D. Cote		Aye
<b>All in Favor. Approved 3/0/1.</b>		

Mr. Sidur appeared to discuss the extension for 317-388 141 Giberville Rd for pond cleaning. Due to an error he was not included on the evenings agenda. J. Prenosil requested updated information on the products being used.

**MOTION** by M. Swett to extend his existing permit until September 13, 2023. **Seconded** by D. Cote. No further discussion.

M. Swett		Aye
T. Barnes		Aye
K. Rosenbeck		Absent
D. Cote		Aye
<b>All in Favor. Approved 3/0/1.</b>		

**New Business**

Lamcotec-

The board discussed the possibility of issuing an Enforcement Order addressing flooding issues resulting from the care of the culvert on the property and the need for substantial renovation to the bank and streambed. A. Marques discussed an 18-page report received in June of 2022 which seemed to indicate the repairs would require an NOI and perhaps the Army Corps of Engineers. The board discussed the possibility of issuing an enforcement order with fines. M. Swett advised sending an Enforcement Order

**MOTION** by M. Swett to issue Lamcotec an Enforcement Order. **Seconded** by T. Barnes. No further discussion.

M. Swett		Aye
T. Barnes		Aye
K. Rosenbeck		Absent
D. Cote		Aye
<b>All in Favor. Approved 3/0/1.</b>		

**1 Doane Road**

J. Prenosil stated there needed to be a reason for the Enforcement Order, and the property owner would need to prevent the wall from collapsing.

**42 Bacon Road**

Property was purchased in the end of June 2023 in the riverfront heritage area. Buyers clear cut portions of the property, erected structures, painted rocks, did landscaping, and significant alterations to the area. Wetland areas were cleared and stone and gravel steps installed. The property owners traversed over existing active railroad tracks with members of their congregation. The property owners will reduce the structure size to 200 sqft.

**Bondsville Road**

Reports of an individual living on the river front. Lizac. A. Marques issued a zoning determination for the property citing that the use is prohibited for more than 30-days in a calendar year. The board discussed the existence of multiple campers and a shed of some type on the property. The board discussed having the individual attend the next Conservation Commission meeting.

**Discussion**

The board and A. Marques discussed the possible existence of a tiny house very near the river and mostly out of sight but within 100' of the river.

## Coy Hill Beaver Impoundment

Discussion on the possibility of remedying the situation and the possibility of renovating the culverts. S. Beckley spoke with the Warren Town Manager and they would like to work together with the Board of Health to address the situation.

## Minuteman

J. Prenosil had visited the location and stated they were in compliance and an Enforcement Order would not apply. Erosion controls are in place and the area is naturally revegetating. There are no timelines they must abide by. M. Swett asked if there was a way to encourage new construction to complete the project, S. Beckley discussed the Planning Board could require a performance bond. T. Barnes inquired about the gate being locked, A. Marques responded that Mr. Wright has control of the gate.

The board discussed the smell of some of the Marijuana businesses. S. Beckley responded that air scrubbers with filters are being put in.

APR- Discussion on progress with APR site

Beaver Issues

J. Prenosil had no updates and is waiting to hear back from Beaver Lake.

The time line for MACC fall conference reservations was discussed.

## ADJOURNMENT

**MOTION** by D. Cote to Adjourn at 7:56. **Seconded** by T. Barnes. No further discussion.

M. Swett		Aye
T. Barnes		Aye
K. Rosenbeck		Absent
D. Cote		Aye
<b>All in Favor. Approved 3/0/1.</b>		

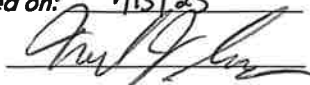


Next scheduled meeting is on August 9<sup>th</sup>, 2023.

Minutes from July 12, 2023

Respectfully submitted by,

Kristen Jacobsen

Conservation Commission Administrator

<b>Minutes Approved on:</b>	9/13/23
Swett	
Barnes	
Cote	
Rosenbeck	