



TOWN OF WARE

Conservation Commission

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Meeting Minutes from

Wednesday, December 12, 2018

Board of Selectmen's Meeting Room

Commission members present:

Mark Swett (Chairman), Thomas Barnes, Dennis Cote (arrived 7:00) and Kristin Rosenbeck (arrived 7:00), Dave Kopacz (leaves at 7:15)

Commission members absent:

Public:

As taken from observations and sign-in sheet Anna Marques, Shannon McGuigan, Carl Ober, Deb Oberg, Cindy Kopacz, Martha Klassanos, and Cynthia Henshaw.

Mark Swett called the meeting to order at 6:30 p.m. Tom Barnes led the Pledge of Allegiance.

1. Applications

a) NOI DEP #317-452 by Ecos Energy

Motion by T. Barnes to continue NOI DEP #317-452 by ECOS Energy until the January 9th meeting. Seconded by D. Kopacz. So Voted 3-0-0.

b) RDA 2018-06 by Mapleshade Development c/o Shannon McGuigan Lot 1 BelAir Dr

- Site visit was performed after a snow and rain storm
- Can clearly see that water present is from overland flow
- D. Kopacz concurs with findings of applicants Wetland Scientist.

Motion by D. Kopacz for a Negative 1 determination for RDA 2018-06 by Mapleshade Development. That the area in the request is not subject to protection under the Act or buffer zone. Seconded by T. Barnes. So Voted 2-0-1 (M. Swett abstained)

c) NOI DEP #317-447 by East Quabbin Land Trust

- The wetlands flagging requested by the Commission has been completed
- Plan is unchanged to install a 48" culvert at the stream crossing
- Roughly 1600sqft of BW determined by the delineation
- Use the material on the uplands to raise the trail bed
- National Grids ownership is 84' wide, limiting availability for replication
- Site visit to discuss replication with the consultant scheduled for 12/20 for any Commissioners interested
- Some replication opportunities available for 'Wetlands A + B'
- Alternative trail proposed to avoid largest wetland impact
- Proposing to flatten the area and leave fill in place
- Some debris from utilities needs to be removed

- National Grid will need to maintain access
- Abutter Carl Oberg questions the calculation of the 1600sqft of BBW and the claim the alternative trail will not impact the wetlands
- C. Oberg challenges the location of the Vernal Pool in relation to the alternative trail location
- C. Henshaw states the Vernal Pool is certified and on the Fish and Game's land and the alternative trail will be located on the existing berm of the rail bed.
- C. Oberg asks the Commission to walk the entirety of the area and look at the pools and how it will impact the pools.
- Possible scheduling for another Site Visit was discussed
- D. Kopacz recommends all scheduling go through the Conservation office and be directed to either A. Choquette or A. Marques.
- The ponds and streams that are not on the map are not included in the scope of work
- Brush needs to be cut back and fill added to bring the rail bed surface level
- Top coat will be stone dust so it does not wash away or hold water
- Trail bed will be 12' wide and stone dust surface is 10' wide
- A. Marques asks for clarification on the C. Oberg's objections and concerns relating to drainage
- C. Oberg questions who will upkeep the parking area
- Approvals for the trails on Frohlof Farm are discussed
- T. Barnes and D. Cote discuss the possibility of a Site Visit on Monday
- D. Kopacz requests the replication areas be entered into the consultants GPS
- K. Rosenbeck asks if concerns regarding property lines was resolved from July meeting. C. Henshaw could not locate the spray painted stone wall discussed in that meeting.

Motion by D. Kopacz to continue the hearing for NOI DEP 317-447 by East Quabbin Land Trust until the January 9th meeting. Seconded by D. Cote. So Voted. 5-0-0

2. Old Business

- a) Coy Hill Beaver Impoundments
 - Check with the local Board of Health on changes in the situation
- b) 51 Old Poor Farm Rd
 - D. Kopacz explains the Enforcement Order process
 - D. Kopacz has not been to site yet, will try to make it the following week

3. New Business

- a) Bylaw discussion
 - M. Klassanos mentions that regulations we not set in conjunction with the bylaw at the time of approval.

- M. Swett asks for some more time to review the bylaw and compare it to the Wetlands protections act
- D. Kopacz is concerned of increased costs to applicants with the increased abutters radius
- T. Barnes states that per a class he and D. Cote took that the Wetlands Protection Act will be moving towards the 300ft abutters radius

b) Certificate of compliance 317-335 Scrivener's Error

- Incorrect book/page information entered on the original Certificate of Compliance issued and it is preventing the closing of the property.

Motion by D. Cote to correct the error and sign the new Certificate of Compliance. Seconded by T. Barnes. So voted 4-0-0.

Adjournment

Motion by D. Cote to adjourn at 7:37pm. Seconded by T. Barnes. So voted 4-0-0.

Approved on 3/13/19 Date

Respectfully submitted by Andrew Choquette

Members: Mark Swett
David P. Kopacz, Sr.
Dennis Cote
Kristin Rosenbeck
Thomas H. Barnes



