



TOWN OF WARE

Conservation Commission

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Meeting Minutes from

Wednesday, June 13, 2018

Board of Selectmen's Meeting Room

Commission members present: Mark Swett (Chairman), Dave Kopacz, Sr., Kristin Rosenbeck, Thomas Barnes

Commission members absent: Dennis Cote

Public: As taken from observations and sign-in sheet: Leo Chenevert, Carl Oberg, Deb Oberg, Chris Maclaren, Susie Gifford, Lee Wooten, Richard Bonnayer, Cynthia Henshaw, Timothy Czech, Bill Lak, Ken Willette, Larry Dun

Mark Swett called the meeting to order at 6:32 p.m.

1. Applications

- a) Certificate Of Compliance DEP# 317-86 by Leo Chenevert, 23 Cummings Rd
Tom Barnes performed a site visit to the property and is satisfied compliance has been met.

Motion by T. Barnes to issue certificate of compliance. K. Rosenbeck seconded. So voted 3-0-0. (D. Kopacz not present for vote)

- b) NOI DEP# 317-445 by Forefront Power LLC, Robbins Rd
For construction of a 2.6 megawatt solar facility with a 1 megawatt battery storage on town land located at the end of Robbins Rd.

Susie Gifford presented modified plans to the commission regarding the Greenfield solar farm located on Robbins Rd. The new plans allow for better flood storage and allow for more productive water flow.

Motion by T. Barnes to approve NOI as presented, seconded by K. Rosenbeck. So voted 4-0-0.

c) NOI by East Quabbin Land Trust.

For approval to redevelop the former railroad bed into Mass Central Rail Train segment running through Northern part of Ware.

Cynthia Henshaw presented her intentions to apply to National Grid for an upgrade to the current rail bed to allow an improved rail trail open to the public at Frohloff Farms. The Southern section of the trail requires only brush clearing. The Northern section has parts that have been washed out and will need drainage ditches and 12" piping installed. Ms. Henshaw has been in contact with Mark Stinson at the DEP about different solutions and she would like to request a site visit with the Commission to further discuss the possible solutions proposed by Stinson.

M. Swett inquired about the timeline of this project. Ms. Henshaw replied that National Grid doesn't act before local approvals so the timeline is unclear at this time. T. Barnes commented that National Grid seems to act quickly on these types of requests.

Abutter Carl Oberg questions if the site visit is open to the public. T Barnes answered no, that seminars he has attended teach that site visits remain between applicant and commission. D. Kopacz counters that he believes they should be open to the public if the applicant allows. M. Swett states that the Commission's function is to decide on legality of the WPA, and no decisions will be made between the site visit and the next meeting.

Mr. Oberg has questioned if the EQLT needed a permit to cut access into the property. D. Kopacz questions if the EQLT notified the Commission of any work to be performed in the resource area. Ms. Henshaw confirms that no filing was made to cut access for surveyors to the property.

D. Kopacz warns the EQLT of future enforcement for similar action.

Site Visit was set for 7 am on Wednesday, June 20, 2018.

d) Richard Bonnayer on behalf of Beaver Lake Trust.

To discuss proposed work to be done at the Beaver Lake dam

Richard Bonnayer and Engineer Lee Wooten presented plans and asked for a preliminary meeting to determine if the state permit that has already been acquired is sufficient for the work to be completed, or if local permitting was required for the proposed work as well. The project is proposed to start around Labor Day and is expected to take about 90 days to complete. A contractor to complete the work has been selected but no formal contracts have been signed. D. Kopacz stated that the Army Corp of Engineers will want to be involved and that local permitting is required. Mr. Bonnayer questioned if he needs a separate permit to cut back brush that is not supposed to be present on the dam. D. Kopacz

stated that he does not, and to state that in the scope of work in the narrative of the application.

Mr. Wooten described the scope of work in more detail while referencing drawing C-4 in the supplied information. The work at the dam will remain within its existing foot print. Concrete work and repairs to the spillway need to be performed which will require lowering of the lake by 3'. An improved mechanical stop log will also be installed.

No work to the bridge is going to be performed, however intermittent road closures are a strong possibility.

D. Kopacz stated he is happy that the presentation was so complete and so much consideration was taken to minimize the work zone during the project.

Mr. Bonnayer asked if an NOI is required. D. Kopacz stated that one is required. Anna Marques informed him that he can pick up the necessary paperwork from the Building Department.

D. Kopacz questioned if lowering the lake 3' was a necessity. Mr. Bonnayer stated that the water levels will be the same as they traditionally are during the winter months. D. Kopacz countered that the water levels will drop months earlier than they normally would which may interfere with spawning of fish along with other habitat concerns. T. Barnes countered that he is more concerned with a dam failure than the possible fish spawn concerns. Mr. Wooten commented that without lowering the water by 3' the water levels will overcome the workers and won't allow any buffer if there is a rain event during the scheduled work.

2. Old Business

- a) Concerns about the driveway and water management at Lamcotec storage facility located on West St.

Chris Maclaren from Lamcotec answered questions concerning the frequent deterioration of the driveway to the property due to water management issues located on the property. Lamcotec recently finished a temporary patch to the driveway following approval from D. Kopacz after T. Barnes issued a verbal stop work order when he observed powered equipment inside the river. Mr. Maclaren apologized for the contractor's poor judgement on entering the river and commented that Lamcotec also has remedied previous concerns about hazardous asphalt piles being present along the river bed.

D. Kopacz recommends that Lamcotec and the Commission explore options in reinforcing the river bank and developing a long term solution to the 90-degree bend in the river, which is unnatural and detrimental.

M. Swett commented that the water crossing needs to be properly reinforced and that following a site visit by T. Barnes and D. Cote they noticed the largest culvert is beginning to rot from the bottom. T. Barnes stated that a proper fix is recommended over constant band-aids.

M. Swett recommended that Lamcotec redo the crossing and work with the Commission to clean up the fill in and around the river.

T. Barnes asks the opinion of D. Kopacz about pictures of a beaver issue located on Coy Hill before D. Kopacz exits the meeting at 7:30pm.

3. **New Business**

- a) Concerns about flooding on Coy Hill following a site visit by Tom Barnes and Andrew Choquette

T. Barnes recommended that the Commission contact the Fijol family that owns the property and work with them to remedy the solution. D. Kopacz before his departure recommended further investigation to find out if further beaver impactments are present as they have been historically in that area. A. Choquette reminded the Commission that Mark Stinson of the DEP recommends pulling the Board of Health into the situation to determine if it is a matter of public safety as they are the permitting authority for beaver trapping. K. Rosenbeck also recommended making the Board of Selectmen aware, as this is a repeat of an issue that caused flooding in Ware previously.

Based on satellite imagery from 2016 and 2017 it is estimated that a parcel of about 5 acres is completely submerged. The area submerged is currently crossed by utilities poles that are also partially submerged.

Motion by K. Rosenbeck to bring the Board of Health and the Board of Selectman in on a resolution plan before further harm can be done. Seconded by T. Barnes. So voted 3-0. (D. Kopacz left before the vote)

- b) Next meeting date to be moved due to vacation scheduling of Commission staff A. Choquette and A. Marques.

Motion by K. Rosenbeck to schedule the next meeting for July 18, 2018. Seconded by T. Barnes. So Voted 3-0-0.

4. **Adjournment**

Motion by T. Barnes to adjourn at 7:50 p.m. Seconded by K. Rosenbeck. So voted 3-0-0.

Approved on July 18, 2018

Respectfully submitted by Andrew Choquette
Date

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





