



TOWN OF WARE

Conservation Commission
126 Main Street, Ware, Massachusetts 01082
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Meeting Minutes from
Wednesday, November 14, 2018
Board of Selectmen's Meeting Room

Commission members present: Mark Swett (Chairman), Thomas Barnes, Dennis Cote (arrived 6:40) and Kristin Rosenbeck (arrived 7:00), Dave Kopacz

Commission members absent:

Public: As taken from observations and sign-in sheet Anna Marques, Shannon McGuigan, Carl Ober, Deb Oberg

Mark Swett called the meeting to order at 6:32 p.m. Tom Barnes led the Pledge of Allegiance.

1. Applications

- a) NOI DEP #317-447 by East Quabbin Land Trust
- Cynthia Henshaw submitted via email a request for continuance

Motion by T. Barnes to continue NOI DEP #317-447 by East Quabbin Land Trust until the December 12th meeting. Seconded by D. Kopacz

- b) Request for Certificate of Compliance by Jomaria Valez 102 Bondsville Rd
- D. Kopacz performed a site visit on November 7th and confirmed all work has been completed and is compliant.
 - Compliance needs to be issued for Dep # 317-294 which was an administrative error when Order of Conditions 317-389 was issued
 - D. Kopacz discusses the timeline to accurately create a motion that will clear both issues.

Motion by D. Kopacz to issue Certificate of Compliance for Order of Conditions 317-389 and that the work completed in this Order of Conditions satisfies the work necessary for O.C 317-294, also granting a Certificate of Compliance to Order of Conditions 317-294. Seconded by D. Cote. So voted 4-0-0.

- c) RD 2018-06 by Mapleshade Development c/o Shannon McGuigan Lot 1 BelAir Dr
- Design of the subdivision was to channel water down the ravine with a drainage pipe
 - Design had to change with passing of Storm Water Act
 - Applicant hired an Engineer to perform new design changes and deemed the area in question a wetland.
 - Applicant more recently hired an engineer to check the integrity of drainage pipe and questioned the previous determination based on last or water in drainage pipe system

- Applicant hired a Wetland Scientist that traced the water to the Nenameseck Sportsman's Club and dug multiple test pits
- D. Kopacz hasn't been on site in recent years and would like to walk the test pit sites because they are not shown on the submitted materials
- D. Kopacz would like the maps/drawings to be amended to show the test pit locations for the record as well
- Site Visit scheduled for Monday 19th at 9:30am and the applicant will stake out the test pit locations

Motion by D. Kopacz to continue RDA 2018-06 by Mapleshade Development until the December 12th meeting to allow the Conservation Commission to perform a site visit. So voted 4-0-1. (M. Swett abstained)

d) RDA 2018-07 by Erik Stuberovski Lower Cover Rd

- Applicant wants to level off the area near the street for parking and build a retaining wall at the water
- D. Kopacz originally issued a stop work order in October, and a RDA had to be filed for work to be completed
- T. Barnes completed the site visit for the RDA application and noted that all the materials being used are water pervious and appear be of good quality and the gravel area is well over 100ft from the water's edge.
- T. Barnes believes the applying of gravel and upkeep of that area can fall under the maintenance exemption and would be permitted with an RDA.
- D. Kopacz agrees that an RDA is suitable for the gravel area near the street however believes a Notice of Intent is required for the retaining wall, erosion prevention and high water mark information would be required at a minimum.
- D. Kopacz would like the RDA to be amended to only include the parking area.
- **Condition-** Work described as the retaining wall or pertaining to the retaining wall in the RDA application is excluded from the work that is deemed not subject to protection under the act, and that work would require filing of a Notice of Intent.

Motion by D. Kopacz for a Negative 3 Determination on RDA 2018-07. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions:

Condition- Work described as the retaining wall or pertaining to the retaining wall in the RDA application is excluded from the work that is deemed not subject to protection under the act, and that work would require filing of a Notice of Intent

Seconded by T. Barnes. So voted 5-0-0.

e) NOI DEP #317-452 by Ecos Energy

- T. Barnes and D. Cote attended a buffer zone workshop and the EPA and DEP agree the average temperature has increase
- January there will be new buffer zone regulations

- Many states encountering problems with solar, Many eastern Massachusetts is trying to push solar out of the area and the western Massachusetts is overrun with solar projects.
- New solar regulations will be coming from the EPA and DEP

Motion by T. Barnes to continue NOI DEP #317-452 by Ecos Energy until the December 12th meeting. Seconded by K. Rosenbeck. 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
- Dave has permission slips signed and is seeing increased Jeep activity

b) Site Visit Request: Seaboard Solar, Gilbertville Rd

- Building Inspector Anna Marques requesting a site visit with Conservation Agent to the Seaboard Solar field.
- D. Kopacz says he can do on her available days after 1:30pm.

3. New Business

a) Procurement of trail cameras

- Questions arise of how to identify the people after picture and the legality of putting up cameras
- M. Swett believes that because the property owner is held accountable in if enforcement happens, they should put up cameras themselves
- D. Kopacz says he receives multiple calls and this may be a low cost solution
- K. Rosenbeck asked if any other Conservation Commissions used the cameras. A. Choquette answered that one area town was in the news recently for using them in a conservation area where people swim, and it caused problems in the community.

Motion by D. Kopacz to purchase two trail cameras, two sets of batteries, and four corresponding SD cards. No second.

- D. Cote suggests speaking with local law enforcement if we could use the images taken

Motion by T. Barnes to investigate if the Ware Police department would be able to take the pictures gathered and use them to identify the offenders. Seconded by K. Rosenbeck. So voted 4-1-0. (D. Kopacz voted no)

b) Certificate of compliance 317-294 102 Bondsville Rd

- Discussed and corrected administrative error in motion of Application B.

c) 51 Old Poor Farm Rd

- Enforcement order to be issued via Certified mail by A. Choquette

Adjournment

Motion by T. Barnes to adjourn at 8:20pm. Seconded by D. Cote.
So voted 5-0-0.

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

