



# TOWN OF WARE

Conservation Commission  
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conservation@townofware.com

Meeting Minutes from  
**Wednesday, January 9, 2019**  
Board of Selectmen's Meeting Room

**Commission members present:**

Mark Swett (Chairman), Thomas Barnes, Dennis Cote  
(Arrived at 7:05) and Kristin Rosenbeck (Arrived at 7:05),  
Dave Kopacz

**Commission members absent:**

**Public:**

As taken from observations and sign-in sheet Anna  
Marques, Carl Ober, Deb Oberg, Martha Klassanos,  
Cynthia Henshaw, and Paul Opalinski

Mark Swett called the meeting to order at 7:04 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 February 13<sup>th</sup> meeting. Seconded by D. Kopacz. So Voted 3-0-0.

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

- Changes submitted based off January 8<sup>th</sup> site visit
- 48" Culvert at Stream Crossing unchanged
- Wetland change of about 820sqft
- Replication C change of about 430sqft
- Wetlands A and B a total of around 1920sqft on rail bed
- Replication of A and B is around 2900sqft
- Cut out area near end of trail has water flow no present previously, installation of a 12" culvert considered
- Reduction of trail size from 10' to 8' in wetlands discussed
- Utilization of the alternate trail route to avoid wetlands impacts discussed
- Silt fencing installed for erosion control along wetlands and vernal pool
- Vernal pool is a Marbled Salamander habitat
- Work will be done outside the patterned times of the species
- Discussion of the difference of a Vernal and Ephemeral Pool discussed
- National Grid wouldn't need to file with Conservation to do any work on the rail bed
- Discussion of the trails in neighboring towns
- Wetlands delineation questioned by D. Kopacz
- D. Kopacz would like to continue to May to investigate the impact the project may have on the Vernal Pool habitat, and other factors that are not able to be seen outside of that timetable.
- D. Kopacz also recommends a third party review of the wetlands delineation

- Debate about exemptions for alterations made for accessing a wetland ensues
- K. Rosenbeck points out the topic was already discussed and decided on by the Commission at an earlier meeting
- D. Kopacz states the Town Bylaw protects Vernal Pools outside of the Wetlands Protection Acts jurisdiction
- Vernal Pool protection radius is discussed
- Third party review discussed: **Wetlands Delineation and replication site Review. Vernal Pool evaluation, review of application for technical completeness and obvious omissions.**
- Abutter Carl Oberg raises concerns that it is his experience the streams in the area run heavy in the spring, counter to the applicants claims
- C. Oberg asks if the projects are connected. Cynthia Henshaw says the as of now they are not able to connect to the park
- Vernal pool boundaries discussed further

**Motion** by D. Kopacz to continue the hearing for NOI DEP 317-447 by East Quabbin Land Trust until the May to confirm further evidence of Vernal Pools on the Trail Bed and the possible impacts the project may have. No second.

**Motion** by M. Swett for a 3<sup>rd</sup> party review to verify wetlands flagging, wetlands replications, evaluate possible impacts on the vernal pools and the application for technical completeness and obvious omissions. Seconded by K. Rosenbeck.

- Discussion about the ability to perform that review before May
- Clarification about the Vernal Pools on the Trail and the ruts of water present and the limit of work line
- Discussion of the upland habitat importance
- Discussion about the selection process of the consultant and the RFR

So voted 4-1-0 (D. Kopacz voted no)

**Motion** by M. Swett to continue the hearing for NOI DEP 317-447 by East Quabbin Land Trust until the February the project may have. Seconded by K. Rosenbeck. So voted 5-0-0

## 2. Old Business

### a) Coy Hill Beaver Impoundment

- No Discussion

### b) McDonald's Drainage

- Original Nol for Storm Basins discussed
- Forward information to D. Kopacz
- McDonalds snow removal discussed

**3. New Business**

- a) Bylaw discussion
  - No Discussion
  
- b) Certificates of Mailing vs Certified mail
  - Allowed for abutter notifications by the DEP and WPA, and a significant cost savings

**Motion** by M. Swett to allow Certificates of Mailing for abutter notifications. Seconded by T. Barnes. So voted 5-0-0.

**Adjournment**

**Motion** by D. Cote to adjourn at 8:45pm. Seconded by T. Barnes. 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

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