



# TOWN OF WARE

Conservation Commission  
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Meeting Minutes from  
**Wednesday, September 12, 2018**  
Board of Selectmen's Meeting Room

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

**Commission members absent:** Denis Cote

**Public:** As taken from observations and sign-in sheet Anna Marques, Brant Wilkinson, Ann Motyka, Carl Oberg, Deb Oberg, Stuart Beckley, Terry Smith, Pat Beauregard, Gina Wilson, Erik Dane, Karen Brodeur, Michael Supczak, Larry Rusiecki, John Prenosil

Mark Swett called the meeting to order at 6:34 p.m.

## 1) Applications

- a) NOI DEP #317-447 by East Quabbin Land Trust
- Request for continuance to comply with commissions request for Wetlands Delineation

**Motion** by T. Barnes to grant continuance. Seconded by K. Rosenbeck. So voted 4-0-0.

- b) Request for Certificate of Compliance DEP #317-434
- D. Kopacz performed a site visit on September 8<sup>th</sup> and confirmed all work has been completed and is compliant.

**Motion** by D. Kopacz to issue Certificate of Compliance. Seconded by K. Rosebeck. So voted 4-0-0.

- c) Request for Certificate of Compliance DEP #317-350
- Work was never started, confirmed by D. Kopacz on September 8<sup>th</sup>.

**Motion** by D. Kopacz to issue Certificate of Compliance. Seconded by T. Barnes. So voted 4-0-0.

- d) NOI DEP #317-451 by Beaver Lake Trust Inc
- Don Frydryk from Sherman and Frydryk presented.
  - Design work approved by DCR
  - Plan includes cutting and removal of brush around the dam
  - Utilizing coffer dams to keep water out of work area and prevent as much of a draw down as possible
  - Replacement and upgrading the stop log
  - Beaver Lake will be lowered to the standards outlined in the report submitted by GEI.

- T. Barnes asks what the timeline would be. D. Frydryk states they would like to start as soon as possible.
- M. Swett asks if the Army Corp of Engineers is involved already. D. Frydryk confirms that they involved, and have been since before gaining state permitting.
- Beaver Lake Trust received permission from the Town Manager to use town property as an alternative staging area for the project if needed.
- T. Barnes asks what the normal draw down schedule is for Beaver Lake. R. Bonnayer says that normally on November 1<sup>st</sup> they begin to lower the water level.
- D. Kopacz wants the Conservation Commission to be more involved with the process. A small private board may often not have all the information about storm management and current evasive threats.
- R. Bonnayer says that the Trust no longer draws down the lake for weed control, and the dam is leaking at an alarming rate and it is done out of necessity.
- Mike Supczak asks if any land will be taken from residence or if shallow wells will be impacted. R. Bonnayer says the Trust owns all the land around the Dam and that they don't know if any wells will be impacted until the work starts, but plans are in place to get water to those that need it if anything happens.
- Ann Molyka asks if her property will be impacted and will the pumps be running 24/7. R. Bonnayer says that no work will be done on her property, and the pumps are only for emergencies if a major rain event happens during construction. The pumps will be supplied and maintained by the contractor per the signed contract.
- Questions regarding the old fence being replaced were made, no definitive answered were given.
- T. Barnes asked about the timeline and road closures. D. Frydryk said the project will take about 3 months, and Babcock Tavern Rd may need to close periodically.

**Motion** by T. Barnes to approve with the following conditions:

- **Conservation Commission to be notified when breaking ground**
- **Conservation Commission to be notified of future Lake draw downs**
- **Inspection of siltation controls required after installation**

Seconded by D. Kopacz. So voted. 4-0-0

e) NOI DEP #317-452 by Ecos Energy

- D. Kopacz explains to the attendees that the Conservation Commission spent a lot of time reviewing the subdivision plan submitted previously on for this site and conducted numerous site visits. He is aware of the conditions and that the site has misleading signs for wetlands and is difficult to identify resource areas using only a single mean. He also says this is a complex project and it is not the Conservations Commissions function to infringe on property owners rights to use their property, but to ensure they do it properly to in regards to the resource areas.
- Larry Rusiecki from Doucet and Associates presents on behalf of the applicant Ecos Energy
- Plan to utilize same roadways that were proposed under the previously approved subdivision

- SWCA delineated the wetlands in 2017 showing growth and shrinkage of the wetlands since the delineation done for the proposed subdivision
- DEP is also reviewing the application and has requested the Army Corp of Engineers to get involved as well
- DEP is requiring a 401 Water Certificate, and that application is currently being worked on to be submitted
- A stream crossing is proposed in the same location as previously proposed for the subdivision, but the roadway is smaller so it will have a smaller impact. Current ratio of 1.9:1 impact to replication.
- Possible Conservation restriction on remaining property discussed
- Landscape crews will come monthly for maintenance
- Utilizing grass swales, ponds, and berms to mitigate storm water
- Basins have structural drains that disperse water within 72 hours
- D. Kopacz asks if test holes have been done. L. Rusiecki says deep holes have been completed but not at basin locations yet as they might change with outcomes of the hearings
- Using concrete blocks as base of arrays
- T. Barnes discusses a possible performance bond for a project of this size
- Valuable lumber will be sent off site
- Smaller lumber will be used for stabilization
- Each lot is a separate array and construction phase
- Proposed overhead connection to utilities on Coffey Hill Rd
- D. Kopacz mentions that the sequence of phases needs to be done in a way that allows drainage to be linear.
- T. Barnes asks if Babcock Tavern Rd can handle the heavy equipment traffic. L. Rusiecki states that he will discuss that with the planning board.
- Plans after decommissioning were discussed, but no answers were given as applicant was not present
- **Site Visit scheduled for Wednesday September 26 10am**
- **No voting can take place. No legal ad posted.**

f) NOI DEP \_\_\_\_\_ by Chris Desantis- Request for Continuance

- No legal ad posted

**Motion** by D. Kopacz to grant continuance. Seconded by T. Barnes. So Voted 4-0-0.

2) **Old Business**

- a) Site Visit with Luke Wright at East St Dam
  - 10 am Friday September 14<sup>th</sup>
- b) Site Visit for complaint on Fisherdick Rd
  - 9 am Friday September 14<sup>th</sup>

3) **New Business**

- a) Pledge of Allegiance at meetings

**Motion** by T. Barnes to open future Conservation Commission meetings with the Pledge of Allegiance. Seconded by K. Rosenbeck. So voted 4-0-0.
- b) Approval of 8/8/18 minutes

**Motion** by K. Rosenbeck to accept 8/8/18 minutes as presented. Seconded by T. Barnes. So voted 4-0-0.

4) Adjournment

Motion by T. Barnes to adjourn at 8:19p.m. Seconded by K. Rosenbeck.  
So voted 4-0-0.

Approved on 10/24/18 Date

Respectfully submitted by Andrew Choquette

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

