



Town of Groveland
Economic Development, Planning &
Conservation Department
Conservation Commission
183 Main St
Groveland, MA 01834

Michael Dempsey, Chair
Stephanie Bartelt, Vice Chair
Bill Formosi
Terry Grimm
Fredrick O'Connor
Thomas Schaefer

APPROVED 02-08-2023

MOTION: Grim motions to accept the January 11, 2022 meeting minutes with corrections to noted typos. Bartelt seconds. Voted 5-0. The motion passes.

BOARD: Conservation Commission
MEETING DATE: January 11, 2023
MEETING PLACE: Town Hall and Zoom
TIME: 7:00 PM
COMMISSIONERS PRESENT: M. Dempsey, S. Bartelt, T. Grim, B. Formosi, T. Schaefer, F. O'Connor
COMMISSIONERS ABSENT:
GUESTS: Nancy Cole (Compass Real Estate, 2 Hawthorne Ln, Concord MA, VIA Zoom), Martha Kadel (2 Middle St, West Newbury), Matthew Steinel (Millennium Engineering, 62 Elm St, Salisbury), Joe Vasapolli (1 Webster Way, Groveland), Steve Benanti (50 Wood St, Groveland), Eric Harper (441 Main St, Groveland), Damon Burt (FraggleRock Environmental), Vincent Fiore (104 King St, Groveland), Matt Schweisberg (Wetland Strategies and Solutions), Frank DiLuna (104 King St Legal Counsel)

Note: Minutes are not a transcript; see the recorded meeting for verbatim information.

MOTION: Grim motions to open the meeting at 7:06 PM on January 11, 2022. Formosi seconds. Voted: 5-0. The motion passes.

104 King Street – Discussion of continued filing

Dempsey: The applicant filed, and we approved a GANRAD, and not a GNOI is the next step which is what the applicant agreed to.

DiLuna: We never made that agreement, our position is that we have been reporting to the DEP and they have jurisdiction through the ACOP, and are not subject to local bylaws. We have a requirement through the DEP to submit all reports to the Commission.

Dempsey: As stated before in emails and at meetings, we are requesting that you file for a GNOI out of fairness to other residents in town who would have to do the same if they were in the same position as you. Yes, MassDEP is handling it, but it's happened before in the past and we've asked people to file under the local bylaws.

DiLuna: Beyond the filing fee everything else is in the DEP's hands. You gave the DEP jurisdiction.

Dempsey: We didn't give jurisdiction to the DEP, they are just handling it in a way we are not able to. There is still a local bylaw with local filings. You're going to file, no other Commissioner will disagree with me.

Burt: What are we filing for?

Dempsey: The restoration under the DEP order.

DiLuna: Will the GOoC be any different than the DEP ACOP?

Dempsey: Sometimes it is.

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DiLuna: Have you done this process before?

Dempsey: We have. Two years ago, with Sewell St.

DiLuna: We'll be asking for that documentation.

Map 24 Lot 008 – Discussion of lot clearing and plan moving forward

Agent: This is referring to the lot next to Esty Park and behind the Groveland Municipal Light Department substation. It was brought to my attention that someone saw logging trucks leaving this area and when I went to go look, there was a large portion of the lot cleared. You have in your packets a full-size map showing the area cleared, a narrative, and proposed plan. The property owner is also here to address the Commission.

Harper: Thank you for the opportunity to come in front of the Commission tonight. I understand that this lot is of concern of the board and that no other work will take place until it has been gone over by the agent and board. It is a six-acre parcel that is adjacent to Johnson Creek. We have a 40-foot ROW to that property over the power lines. The area cleared was outside of the 100-foot buffer zone. I'm here tonight to ask to remove the stumps to be able to plant blueberry bushes and a garden.

Dempsey: It's within the 200-foot buffer zone. Mr. Harper, why did you not realize about the 200-foot riverfront area.

Harper: I wasn't thinking. There are probably about 18 stumps there.

Dempsey: We should look at it from the perspective of none of the trees being taken down and whether or not we would allow it if it was coming to us as a permit. Is this an agricultural venture.

Harper: Yes.

Dempsey: But will you be selling them?

Harper: I haven't gotten that far yet.

Schaefer: Your plan is from 2017 and clearly states that this is riverfront, so knowing this why didn't you place the garden outside of the buffer zone? We sat here many years ago going over the difference between riverfront and buffer with you, so we know you know the difference.

Harper: I chose this area because it was closest to the easement that crosses the New England Power lines.

Dempsey: You should ask for agricultural exceptions to work in the riverfront. Do the Commissioners want to go take a look at it?

COMMISSION: Tentative for Friday March 3rd.

MOTION: Grim moves to open the hearing portion of the meeting at 7:35 PM. Bartelt seconds. Voted: Grim, aye. Schaefer, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion carries.

PUBLIC HEARING

CONTINUED: 0 Center Street Lot 1 – RDA/GRDA New Driveway & Drainage

Dempsey: The Commission conducted a site visit last month.

Grim: It was a little troublesome, there were some steep areas that will require a lot of filling and we're concerned about the actual flagging because there is what I thought to be an intermittent stream. I believe the Commission should investigate getting a peer review.

Stienel: Here from Millennium Engineering, the owner, as well as Matt Schweisberg the wetland scientist on record. This lot is only within the wetland buffer zone which doesn't much come into the lot and only focuses on the grading on the side of the garage. When Matt did the wetland assessment for this project, he saw no indication of an intermittent stream or a vernal pool.

Bartelt: There was also concerned about drainage from this lot going through to the second lot.

Stienel: This would be groundwater that would be discharged from the drain, which would be dry for most of the year. Nothing from the driveway or roof would be coming from this drain, it would all be clean groundwater. We are requesting a negative determination because the proposed work because of its proximity is unlikely to have an impact on the resource area.

Schaefer: It looks like at the closest point of grading it is 75-feet.

Stienel: That's correct.

Schaefer: I'd like to keep the drainage to this lot, maybe use a drywell instead? I don't like the idea of running one person's drainage across someone else's property.

Steinel: We could come back with a dry-well plan that can get approved by the Agent so a negative determination can be issued.

MOTION: Schaefer makes a motion to find a negative determination for Center St Lot 1 that the foundation drain that is shown on the plan is changed to go to a dry well within Lot 1 so all drainage is contained to the lot, and that erosion controls are added to the Lot 1 plans and the applicant will come back in the future with a plan that defines those details. Grim seconds the motion. Voted: Grim, aye. Schaefer, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion carries.

PUBLIC HEARING

CONTINUED: 0 Center Street Lot 2 – NOI/GNOI New Driveway & Drainage

Steinel: We had the driveway, buffer zone, erosion controls, and house staked for the Commission site visit in December. We added that the slopes will be seeded with a natural local seed mix, we also enforced some of the erosion control plans with haybales, we also did a tree count for trees in excess of 6-inches or larger. We counted the trees and we are under the 40% of the tree count. I also looked at 40% of the whole buffer zone, and I was able to show that we are in compliance with the bylaw (*see tree count memo*).

Grim: Does our bylaw state a tree diameter?

Agent: No, which is why we chose 6-inches. The Zoning Bylaw states 12-inches which I felt was too large for what the Commission wanted to see.

Schweisberg: In the wetland manual its 4-inches and over 20 feet, which is the same the federal government uses.

Benanti: How many trees are we talking about in total?

Dempsey: 245 trees within the entire buffer zone bigger than 6 inches, and they are going to cut 94 and leave 152 which is less than 40%, its 38.4%.

Benanti: It wouldn't take many trees to push it over the threshold.

Formosi: Are these all living trees? Or did you count dead ones as well?

Steinel: All live trees.

Formosi: Would the trees be replaced?

Steinel: At the moment, is just planting with the seed mix, but we would be happy to add some trees.

Grim: I think we need to move forward with a peer review during March or April, a wetter season, so we know what rainfall actually does there.

Steinel: I can tell you the applicant will not be happy with delaying the project as they have a potential buyer.

Schweisberg: I have been out to the site twice and I can assure you that there is no vernal pool there, I have looked at over 200 vernal pools in New England and there is no spot for it to occur.

Grim: Whether it is there or not a peer review should occur and now is not the time for it to take place. Maybe it should occur in a wetter season.

Dempsey: They bylaw does say we don't have to review NOIs during this time.

Grim: The review will change how we look at this project as they are proposing going well within the no-build zone. I'm concerned about filling in so much hillside.

Schaefer: My concern is about the earthwork that is happening.

Steinel: That's why we will be putting in extra precautions so that there is never a threat to the wetlands. Our concern is significant delay. If your peer reviewer is confident they can complete the review at this time of year, then I don't see the need to delay.

Schweisberg: What other things would you like the peer reviewer to focus on? I know you said the potential stream and vernal pool, but what else?

Grim: We have had sites where we've seen major washout. There's a lot of work going on at the hillside and were concerned about the amount of grading that's going on in the no build zone right up to the no disturb zone.

Steinel: We are outside of those areas. If you want, we can put stabilization fabric down so there's no run off.

Agent: I have a scope of work from William & Sparages already.

Dempsey: We should decide tonight about whether we should hire someone, so it doesn't get delayed until the next meeting. We don't have to decide tonight about whether the review needs to be done at this time of year though.

Schweisberg: What will you be asking this peer reviewer to focus on?

Dempsey: We will ask them to interpret the plans presented to us and explain without bias that the plans make sense and are the way to do it.

Formosi: My simplistic concern is that filling the hillside that stream becomes a fast stream and you're filling that depression.

Kadel: How does it work from your perspective and who pays for that?

Dempsey: The Commission hires someone, we suggest a few different scientists, and then we present them to you and you chose, and you then gives us a check for the amount for the one that you pick and we put it in an escrow account to pay the scientist, and any money not spent goes back to you.

Kadel: Why do you think my scientist is not qualified?

Dempsey: Well, he works for you, it's to get an unbiased opinion.

Kadel: I don't like the idea of delays; we didn't want to come in this late, but we had our own delays.

Schaefer: We just want all our ducks in a row. Also, do we want to put a bond on the work?

Dempsey: I think that's a good idea, but maybe a little too far ahead of ourselves.

MOTION: Grim makes a motion to peruse peer review quotes and schedule a peer review at the earliest appropriate time. Formosi seconds the motion. Voted: Grim, aye. Schaefer, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion carries.

Kadel: I would like to move this along as quickly as possible, so I would like to use the quote from William & Sparages.

MOTION: Dempsey makes a motion to hire Greg Hochmuth as the peer review based on his quote. Grim seconds. Voted: Grim, aye. Schaefer, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion carries.

MOTION: Dempsey makes a motion to continue the hearing on 0 Center St Lot 2 to the February 8, 2023 meeting. Voted: Grim, aye. Schaefer, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion carries.

MOTION: Dempsey makes a motion to close the hearing portion of the meeting at 8:37 PM. Bartelt seconds. Voted: Grim, aye. Schaefer, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion carries.

Seasonal Restriction Waiver Requests

Agent: There are no new requests. The ongoing projects are going well. The sewer project is going well and had entered the College Streets, the work that was done in 150 Center Street has been patched up for the most part.

Dempsey: Daley said he would establish a turtle habitat there, what are his plans for doing that?

Agent: None as of right now as they will be going back to work in there to do the stream crossing in the spring. Speaking of 150 Center Street, I will be posting no hunting signs there as we've had issues with it in the past. Now back to the seasonal waivers. We had a significant amount of rain last week which led to issues at PRSD. They were having serious issues containing the site mud and run off. It was leaving the Groveland site of the site and entering the West Newbury wetlands. I have been addressing the issues with the West Newbury Conservation Agent and the guys working on the site have been very accommodating doing the work we have asked. Their waiver is up in February.

Approval of December 9, 2022 Minutes

MOTION: Grim motions to accept the December 9, 2022 meeting minutes with the typo fixed on the first page. Schaefer seconds the motion. Voted: Grim, aye. Schaefer, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, abstains. 5-0-1 the motion carries.

Environmental Program Coordinator Update

Agent: Nothing new, I've been at the school more to make sure it stays buttoned up. Meadow Pond officially has all the "Safety Zone" signs posted. There are some logs down on the trails there in Meadow Pond that need to be taken care of. Chesterton also reached out about coordinating something for Earth Day, I will bring more information to the Commission as they solidify what they are able to commit.

Calls, Meetings, and Upcoming Projects

None at this time.

Open Discussion

Dempsey: If you recall, in the past we accepted a lot on Seven Star Rd, Map 13 Lot 014 A. At the time we had a lawyers on the Commission and he filed the deed a the Registry. We just skipped a step having the Board Accept any land donations, so this is something that I'm going to try to get done as soon as possible.

Next Meeting: February 8, 2023

ADJOURNMENT

MOTION: Grim motions to adjourn the meeting. Schaefer seconds the motion. Voted: Grim, aye. Schaefer, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion carries.

Meeting Materials: 01-11-2023 Agenda, Letter from Matthew Steinel RE 0 Center St Lot 2 Buffer Zone Impacts and Tree Impacts 1-11-2023, 0 Center St Lot 2 Revised Plans 1-11-2023, Map 24 Lot 008 Garden Plans/Narrative/Plans, December 14, 2022 Meeting Minutes