



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 05-10-2023

MOTION: Grim motions to accept the April 12, 2023 meeting minutes. Bartelt seconds. Voted aye; Dempsey, Bartelt, Grim, Formosi. The motion passes unanimously.

BOARD:	Conservation Commission
MEETING DATE:	April 12, 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 (Zoom)
COMMISSIONERS ABSENT:	
GUESTS:	Jimmy Fiore, Bill Holt, Damon Burt, Mike Alesse, Kevin Cunniff, Mike DeSesa, Ariana DeSesa

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

Pursuant to Chapter 20 of the Acts of 2021, "An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency", extended by the Governor on March 30, 2023, which extended permission for boards and commissions to conduct remote meetings, the Planning Board conducted this meeting in a hybrid format.

MOTION: Grim motions to open the meeting at 7:05 PM April 12, 2023. Formosi seconds. All in favor, the motion passes.

MOTION: Dempsey motions to open the hearing portion of the meeting. Formosi seconds. All in favor, the motion passes.

Grim recuses himself.

8 Katie Ln (106 King St Lot 6) – RDA septic system and associated grading with a new single-family home.

Holt: Representative of the Applicant. Lot 6 is at the end of Katie Ln on the left-hand side, there are two wetlands, one in the back one in the front. Wetland delineation was done by Damon Burt, DEP and Mark Jacobs. Proposing a retaining wall so we don't have to grade as much and go into as much of the buffer zone. There is some grading that was associated with the prior filing for the road which has been completed. The road is to binder and utilities are in.

Dempsey: Where is the septic system?

Holt: It is directly behind the house.

Formosi: Question about existing wall?

Holt: Will have to move it partially during construction but will put it back in place. The reserve area is also on the plan, but that wouldn't have to be filed for a very long time.

Bartelt: Can you explain the dry wells?

Holt: It is basically an empty container which allows water to collect and percolate. It is for roof run off.

Dempsey: And you're proposing straw bales for erosion controls? It says that on the second page.

Holt: We're proposing the silt sock which is on the first page of the plans. I can change the details to reflect the proper controls.

Dempsey: If you could please correct all those instances of hay to say straw.

Holt: I can email them to the Agent tomorrow.

Dempsey: On this plan all I can see is two conservation markers? Why did you decide to put those where you did?

Holt: They should be the same as was on the subdivision plan.

Commission discusses the location of the markers.

O'Connor joined at 7:30 PM.

Agent: There is a drainage easement at the front of the house that doesn't allow any permanent structures, or even trees, so a marker should not be placed there.

Dempsey: There will be a total of 5 markers.

Agent: We'll want them staked out for the pre-construction meeting.

MOTION: Dempsey motions to close the hearing and issue a negative determination with conditions for 8 Katie Ln/106 King St Lot 6. Formosi seconds. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes. Let the record show Grim was not a part of the vote.

10 Katie Ln (106 King St Lot 7) – GRDA septic system and associated grading with a new single-family home.

Holt: Lot 7 is just to the right of Lot 6. The only work that is jurisdictional in this lot is a 25-foot wall that keeps the grading outside of the buffer zone. Only 450 sqft of work will be done for this lot, it is not significant, but it still slightly within. The septic, house, and driveway will all be outside of the buffer zone. I show monuments at the 75-foot buffer zone, but I can bring them up to the 100-foot buffer. I can also spread them out better.

Commission discusses location of the monuments.

Commission: We would like the same corrections made to this filing as the prior regarding the hay being changed to straw.

MOTION: Dempsey makes a motion to close the hearing and issue a negative determination with conditions for 10 Katie Ln/106 King St Lot 7. Formosi seconds. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes. Let the record show Grim was not a part of the vote.

MOTION: Dempsey motions to close the hearing portion of the hearing at 7:40 PM. O'Connor seconds. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes.

Grim rejoins the Commission.

172 King St – Enforcement Order pertaining to fill brought in to add a driveway.

M. DeSesa: There was already a raised embankment that we built up for this pull up for the driveway. We also did siding, windows, roof, interior permits. We had no idea we had to get permission to extend the driveway, we did add the straw waddles and plan on seeding the area to help with stabilization. We had to pull the invasive out of there because they were growing into the house. There were boats, computers, other junk/debris that we pulled out of the yard. We have neighbors thanking us for helping to clean up the house.

A. DeSesa: We wish we had been told by a realtor that there was conservation area.

Grim: Ignorance is not an excuse, but we do sometimes have a more understanding view with certain things.

Dempsey: I don't have any intention of fining you, I want to make that clear. Is there any more work that needs to be completed?

M DeSesa: We just have to seed.

Dempsey: Agent, did we ask for them to file for a NOI after the fact?

Agent: The Form only lets you choose an NOI, but in my opinion an RDA would be appropriate.

Dempsey: If we ask them to file an RDA/GRDA, I think that makes sense.

Formosi: I'm thinking, you did good work and you pulled stuff out, would it make sense to plant some native species?

Agent: I can send them native info.

MOTION: Dempsey makes a motion have the applicant file an RDA/GRDA post work, and to endorse and amend the enforcement order to reflect these changes. Grim seconds. Voting aye; Grim, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes unanimously.

268 Washington St – Minor modification – removal of tree within the buffer zone.

Agent: The homeowners of 268 Washington St would like to remove a dead tree that is overhanging their garage that is within the buffer zone. The machinery to remove it would be kept to the paved portion of the driveway. They are asking to grind the stump, but would do it in a way that would contain the woodchips by grinding it within a box.

MOTION: Grim motions to revise the OoC to add the removal of the dead tree and stump grind the stump within a contained area to keep the chips in place for removal. Formosi seconds. Voting aye; Grim, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes unanimously.

1 Manor Dr – Enforcement Orders pertaining to the demolition of a back deck and drainage/runoff.

Grim recuses himself.

Bartelt: We need to take a look at the other buildings and see where they are draining their sump pumps.

Formosi: Someone needs to be held accountable for this.

Dempsey: They'll be paying to file for the permits. And remember the prior filing of 172 King Street.

Formosi: They were making improvements. But this seems a little more egregious.

Dempsey: We could find them \$300/day. From the day they began work to the day the enforcement order was issued. If it was 20 days we could fine them \$12,000.

MOTION: Dempsey motions to fine the Manor up to \$12,000 for up to 20 days of two violations of the wetland bylaw at \$300. Bartelt seconds the motion. Voting aye; Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes. Let the record show Grim did not participate in the vote or discussion.

MOTION: Bartelt motions to endorse the enforcement orders. Formosi seconds. Voting aye; Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes. Let the record show Grim did not participate in the vote or discussion.

Grim re-joins the Commission.

Meeting Minutes – Approval of March 29, 2023 meeting minutes.

MOTION: Grim motions to accept the minutes as presented. Bartelt seconds. Voting aye; Grim, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes unanimously.

Environmental Program Coordinator Update

Agent: The Board of Appeals is looking at an application for a special permit for use for a contractors yard/building at 912 Salem Street. On that site there are significant wetlands as well as NHESP priority habitat. The proposed plan pulls everything as far away from the wetlands as possible.

Dempsey: I think this a far better use for this property for our tax property for our Town.

Open Discussion

Grim: Sewer hook ups. There are a lot of residents who want to hook up. It may be good to get from the Water and Sewer department where the sewer goes by to see if any are within jurisdiction. They usually aren't but some are. Reach out to residents who are within our jurisdiction.

Dempsey: Aren't utilities exempt?

Grim: Unsure. Maybe waive fees. Time to do it is now before it happens not after.

Other Items Not Reasonably Anticipated at Time of Posting

Dempsey: Land donations. On Monday night the Board of Selectmen approved 53-003-A as a donation. I'm hoping to reach out to John Gebauer to ask him to do the work in regard to the deeds. The other one is the 6 acres parcel that Mr. Harper wants to donate. Since last week I have heard twice that GMLD wants to take the whole 6 acres, and what they plan on doing is a demonstration that shows rain gardens and stuff like that. We will still have jurisdiction over the 200 ft. They would also probably be willing to add some picnic tables that abut the trail. So, I recommend that we let GMLD take this one.

Grim: As long as we have our say over the jurisdictional areas.

Bartelt: I want to see that area restored.

Agent: Harper will need to fix his issue before GMLD touches it.

Formosi: Is there a way to finish up the restoration and get an escrow account to ensure that the work happens. Is the remedy for the violation, putting money aside for a fine?

Dempsey: We can't do a fine because we don't get the money.

Grim: I think coming up with a planting plan for them. Have a preliminary planting plan by next meeting.

Dempsey: So who wants to be in charge of putting a plan together?

Bartelt and Grim will work on this.

Dempsey: I'm working on the turtle restoration at 150 Center St. It's being paid for by CPC but it's under our purview. We have a wetland scientist, a landscaper, and Bill Daley is doing the construction of the turtle mounds. I also folded in the replanting of the construction easement for the sewer that goes through the original CR area, between the stream and where the 8-acre parcel starts. I'll give a more thorough update at the next meeting.

OPEN DISCUSSION

None.

NEXT MEETING

May 10, 2023

ADJOURNMENT

MOTION: Grim makes a motion to close the meeting at 9 PM. Formosi seconds. Voting aye; Grim, aye. Formosi, aye. Bartelt, aye. Dempsey, aye. O'Connor, aye. The motion passes unanimously.

Meeting Materials: 4-12-2023 Meeting Agenda, Lot 6 Katie Ln (King Meadow Farm) Application Package & Plans, Lot 7 Katie Ln (King Meadow Farm) Application Package & Plans, 172 King Street Enforcement Order Package, 268 Washington St Correspondence re Tree Removal 4-7-2023, 1 Manor Dr Enforcement Order Package, Draft 3-29-2023 Meeting Minutes