



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 09-27-2023.

MOTION: Bartelt motions to accept the May 10, 2023, meeting minutes with one correction. Schaefer seconds. Voted 4-0-1, York abstains. The motion passes.

BOARD:	Conservation Commission
MEETING DATE:	May 10, 2023
MEETING PLACE:	Town Hall and Zoom
TIME:	7:00 PM
COMMISSIONERS PRESENT:	M. Dempsey, S. Bartelt, T. Grim, B. Formosi (Zoom), T. Schaefer
COMMISSIONERS ABSENT:	F. O'Connor
GUESTS:	Mike DeSesa (172 King St), Ariana DeSesa (172 King St), Kevin Cunniff (Katie Ln), Damon Burt (Katie Ln), Mike Alesse (Katie Ln)

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 7:08 PM May 10, 2023. Schaefer seconds. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.

Dempsey: We may not follow the exact order of the items on the agenda as submitted, but we will try our best.

MOTION: Dempsey motions to open the hearing portion of the meeting at 7:10 PM. Grim seconds. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.

Grim and Schaefer recuse themselves.

4 Katie Ln (Lot 9) – RDA/GRDA Grading and Septic System for new home.

Burt: This is part of the subdivision approved by the Planning Board, as well as an OoC for the road associated with the subdivision. The resource area has been defined as part of the OoC that was issued as part of the road of the subdivision. Lot 9 has a proposed 4-bedroom home with proposed driveway, septic and utilities. The plan shows the 100-ft buffer, 75-ft no build, and the 35-ft no disturb zone. The house is 135-ft to BVW, driveway is 140-ft, and the septic is 130-ft from the BVW. There is grading in the buffer up to the 75-ft zone. There is 950-sqft of proposed grading. Erosion controls are already in place there. They are proposing three conservation monuments. The monument locations can be changed with the Commissions insight. The erosion control is at the tree line.

Bartelt: Can you explain to me the grading in the buffer zone?

Cunniff: The grading is only just touching the 100-foot buffer, it's very little area. Holt may have included in the 900 sqft what is already complete for the retention pond, for this actual permit it would be

a small amount of grading for the septic. The grading that still needs to be completed for the home is very minimal.

Bartelt: Annie do you have any comments?

Agent: No, I had them file because as part of the grading they would have to have some construction vehicles that would enter further into the buffer zone.

Dempsey: And the erosion controls are marked properly as straw rather than hay.

Burt: That is correct.

MOTION: Bartelt makes a motion to close the hearing on Lot 9 and issue a negative determination for Lot 9 106 King St also known as 4 Katie Ln with no changes to the plans. Dempsey seconds the motion. Voting aye; Bartelt, Dempsey, Formosi. All in favor, the motion passes.

9 Katie Ln (Lot 5) – RDA/GRDA Grading and Septic System for new home.

Burt: This is similar to the prior filing. In the same subdivision as prior, 4-bedroom home, etc. The plan shows the same buffer zones. The septic is 101-ft +/- away from the wetlands but has grading up to the 50-foot buffer zone. Erosion controls are also in per the OoC for the roadway construction. They are proposing 3 monuments, one along the back of the 100-ft buffer, and two are at the limit of the lawn. along the edge of the maintained lawn.

Agent: I would like to note that there is a drainage easement on this lot for the retention basin, so nothing permanent can be placed there.

Dempsey: What is the distance of those two markers?

Burt: About 50-ft.

Dempsey: Normally we don't usually do less than 50 ft feet.

Cunniff: We are fine with 75-ft, we can have Holt change the plans.

Bartelt: Why is there grading being done within the 75-ft?

Burt: You have a wetland down below and you have to keep a grade along the edge of the house for safety reasons. We are proposing three to one grading, which is standard and safe.

Bartelt: I can see that I just don't understand the grading within the 75-ft zone.

Agent: I'll note that some of that grading was associated with the roadway which has already been permitted.

Discussion and clarification of grading associated with the home and the drainage easement.

MOTION: Bartelt makes a motion to close the hearing and issue a negative determination for 9 Katie Ln/106 King St Lot 5 with the markers moved to the 75-foot buffer zone. Dempsey seconds. Voting aye; Bartelt, Dempsey, Formosi. All in favor, the motion passes.

Grim and Schaefer rejoin the meeting.

7 Apple Blossom Way – GRDA Deck Expansion

Agent: Essentially the owners of the property are looking to expand their deck a little bit. It is not moving any closer to the resource area, but rather adjacent to where it currently is. It is your typical deck with three additional Sono-tubes. It is 63-ft away from the resource area.

Schaefer: What is it now?

Agent: Currently it is maintained lawn. I'm not sure how the Sono-tubes are being dug.

Grim: Maybe we should have them come in so they can tell us?

Dempsey: We can just order that no vehicles are allowed or that they must do the work with a hand auger.

Grim: If they don't want to hand dig, they can come in at the next meeting and ask to use machinery.

Bartelt: We would specify that materials are not to be stored within the buffer zone.

Dempsey: This is just a simple letter permit; I think we just have to say that there cannot be any vehicles within the resource area.

MOTION: Dempsey motions we issue a negative determination under the Groveland Bylaw for deck expansion at 7 Apple Blossom Way that will include 3 Sono-tubes that will be dug by non-vehicular equipment. Formosi seconds. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.

172 King St – RDA/GRDA, Seasonal Restriction Waiver & Enforcement Order for work done without a permit.

Agent: This was a house renovation that was done that not only included the house but the grounds as well. The edge of the house is about 40-ft from the edge of the wetland. Some of the work done included replacement of windows, roof, siding, etc. as well as clearing of the land of debris in the yard. Fill was also brought in around the left-hand portion of the house to add additional space to the driveway. So, the homeowners have filed for an RDA after the fact, as well as a seasonal waiver request. Prior to the last meeting they had installed erosion controls per my request. The work had already been done and the fill for the driveway had been compacted. Regardless though it was work completed without a permit.

Bartelt: Do you think any of the vegetation removed was invasive? Were there any trees or shrubs taken down?

Agent: I didn't see any stumps.

Dempsey: When was the work done?

A DeSesa: February.

Dempsey: How many days would you estimate active work was going on?

M DeSesa: For the clearing about 1 day total.

Dempsey: I'm talking about the whole renovation.

M DeSesa: About 3 months. We had pulled other permits we were just unaware of this.

Bartelt: Are you living there now or plan to?

A DeSesa: No, we are selling it. The house was in awful shape and almost to the point of being condemned.

M DeSesa: It was a hoarder situation with junk in the yard and the house falling apart.

Dempsey: So approximately 65 days of work total.

Schaefer: So, beyond the driveway what else was there?

M DeSesa: Roofing, windows, siding, etc. No one ever told us that we had to file for this permit, we had pulled every other permit we needed though.

Bartelt: With no erosion control in place.

M DeSesa: We were unaware of the conservation permits that needed to be filed. The realtor never told us, we weren't told when we were pulling our other permits. It is all very minor work. We wouldn't pull the permits and done everything correctly if we had known we had to come to conservation.

Dempsey: I was speaking specifically about the seasonal restriction fee. I think it would be \$200/day category which would total to \$13,000 total for the waiver.

M DeSesa: Would we be fined that?

Dempsey: No that is the seasonal waiver fee.

Grim: If you had come to us when you were supposed to that is what we would have charged you that per day.

M DeSesa: If we had known that we wouldn't have done the work until after the seasonal waiver.

A DeSesa: Why isn't there someone in place to tell people they have conservation area near their home when they buy it? Why isn't the realtor required to tell people.

Agent: There is no requirement for the Commission to notify a homeowner that they have to file for permits with the Commission prior to doing work, it is the responsibility of the homeowner to do their due diligence. Similarly, the Building Inspector is not required to inform the Commission when work is taking place at home. My department isn't notified when homes are sold.

Discussion on how to classify work and fees.

M DeSesa: If you're just talking about exterior work, it was probably only a week. No longer than 2 weeks at the most.

Discussion on how to calculate the days of work.

Dempsey: Grim made a suggestion to cut the fee in half, which is a significant reduction.

Grim: We're trying to be as fair as possible.

MOTION: Dempsey motions to close the hearing for 172 King St and issue a positive determination under the bylaw and MassDEP for work done within jurisdictional areas during the seasonal restriction under the bylaw and incurring a fee for the seasonal restriction waiver of \$5,400. Grim seconds. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.

MOTION: Dempsey motions to close the hearing portion of the meeting at 8:05 PM. Grim seconds. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.

1 Manor Dr – Enforcement Order Update

Agent: The property management company has hired an engineer to put together a Notice of Intent for the houses that are along the stream because they are going to need to construct a second means of egress on all buildings per the Building Inspector and Fire Department. Part of that NOI is going to include drainage associated with the sump pump that is part of the issue that brought this about. As a temporary fix they have reposition the sump pump pipe that comes out and puts it through a sock that filters it and then it percolates down to the stream. It looks like it's working. It's going to take the engineering firm a little while to get all the data necessary for the NOI to be submitted.

Grim: Is this water issue more of an acute problem or a chronic issue. For example, did they let it sit for a while and because of that it is a large volume of water but normally it would just be small trickle if it was kept up with?

Agent: I'm not sure.

Dempsey: We went there one day, and the pump didn't stop running, I couldn't believe how much water was coming out of there. It didn't make any sense, because if it was working properly before it doesn't make sense how the water hasn't gone down.

Bartelt: Are they allowed to pump into the wetlands? What does the bylaw say about sump pumps next to wetlands?

Dempsey: They aren't allowed to, and the bylaw says nothing about sump pumps.

Agent: It's ground water that is being refiltered and then brought to the stream. The issue before was that the pipe was directed towards the road and picking up sediments from the driveway and then discharging into the wetlands. They have temporarily solved this problem. Their NOI is going to solve this problem more permanently. They also have stopped all the work for the second means of egress.

Dempsey: We have issued a fine to the management company and they still need to pay. We also need to find out how many days of work were done during the seasonal restriction.

Schaefer: They should pay the seasonal waiver fee for the work done before further work can take place.

Grim: Should we issue a cease and desist?

Dempsey: We have already done that through the issuance of the Enforcement Order.

Agent: I think the Commission should wait until an application is before the Commission before making any determinations.

Schaefer: We know they did work during the seasonal restriction, to be fair for the other people, they should be required pay for the seasonal waiver fee before we continue the matter.

Dempsey: We won't issue a permit until we receive the money.

Formosi: We can stop them from getting a permit for us, is there any way we can block them from getting permits from the Town?

Dempsey: The building inspector isn't going to do anything until we approve it.

Bartelt: Are contractors aware of possible wetland bylaws? Why don't they alert the property owners?

Grim: It depends on the contractor.

PRSD – GOoC Extension Request

Agent: They are asking for a year out of simplicity's sake, but they will be done by the fall.

Grim: How about we extend it to the meeting before the beginning of the seasonal restriction?

Bartelt: Yes exactly.

MOTION: Grim motions to extend the GOoC to November 1, 2023. Bartelt seconds. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.

Est Adjacent Lot - Remediation Plan

Bartelt: Grim and I came up with a plan to restore the white pine canopy towards the back of the clearing, with the understanding that the adjacent land will be an extension of the bike trail. We planned to leave the area closest to the trail will remain clearer. Transitional trees, shrubs and ground cover is also planned. We wanted to keep it simple and only chose a couple of species; eastern white pine, blueberry bushes, blue stem grass, etc. There was also a large tree stump on site that was being excavated.

Schaefer: Can our agent call him and ask what he is doing? I thought we made it clear after the site visit that no further work could take place.

Dempsey: We should quantify exactly how many plants we want, and also specify the size they should be. The more specific we are the better off it'll be.

Discussion regarding the amount and size of plantings. Bartelt and Grim will coordinate to get this information together for the next meeting.

Markers – Discussion regarding conservation markers

Dempsey: We have had two requests to alter our required markers. We currently require 4x4 granite posts. One request from PRSD and one from a developer. PRSD requested 4x4 pressure treated (PT) wood posts, and the developer requested metal posts, something Andover is doing.

Agent: With PRSD, the issue is that the Order of Conditions and approved plans do not show the location of the markers that Groveland requested, the OoC simply says to refer to the minutes, and the minutes have no information on the markers. WT Rich decided since there was no information to be consistent with what West Newbury requested, but planned for granite markers because they knew that is what Groveland required. With those two things to keep in mind, it would be 40 granite markers.

Dempsey: I want us to focus on discussing PT wood or granite markers. We can have it be up to the applicant, anything over a single-family home could have PT wood, etc.

Discussion regarding the benefits of granite versus PT wood, PT wood not being as permanent, granite being moved, different thresholds for granite or PT wood, etc. The Commission discussed PRSD specifically and requests someone from WT Rich to come to the next meeting to provide further insight.

MOTION: Dempsey motions to change the policy to allow for granite or PT wood, everything else would be the same, just changing the material. Grim friendly amends to say that the Commission would have final say. Dempsey doesn't allow for a friendly amendment. Bartelt seconds. A vote was taken; Grim, no; Schaefer, no; Bartelt, no; Dempsey, aye; Formosi, no. The motion fails.

MOTION: Grim makes a motion to consider on a case-by-case basis a 4x4 PT wood post instead of a granite post with Commission approval. Bartelt seconds. Voting aye; Grim, Schaefer, Dempsey, Formosi. Bartelt abstains. Voted 4-0-1, the motion passes.

38 Benjamin St- Discussion of Conservation Markers & Certificate of Compliance

Dempsey: There are two outstanding issues, some landscaping/invasives management plan and installation of the markers. The Dehullu's are selling the house, but they've agreed with the buyers to be the ones to continue the invasive management plan and to put \$2,000 into an escrow account with the Town in case they default for whatever reason we have resources to have someone to do the work. The next thing is the Certificate of Compliance. They filed for this last fall, but we've held off issuing it because of the invasives issue. I think we should have the CoC ready to go and signed, but have the Agent hold off on issuing it until the two remaining items have been completed. The two outstanding issues are some landscaping and markers. The Dehullu's are also requesting that we put in pressure treated markers.
Grim: How many markers are we asking for?

Dempsey: The OoC states 6, but I believe that was done in error.

Grim: I think that it would make sense to reduce the number of markers to a more reasonable amount, but still require granite.

Bartelt: I agree.

MOTION: Dempsey motions to approve the CoC for 38 Benjamin St to be issued after the remaining work on landscaping and markers are in place, that we change to require three markers rather than six, and that we approve the continuation of the invasive mitigation plan by the Dehullu's with a \$2,000 escrow and a letter from the new owners saying that the Dehullu's can enter the property to maintain the plan. Tom makes a friendly amendment to allow Terry and Annie to decide if it's 4. Dempsey accepts the friendly amendment. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.

Meeting Minutes – Approval of April 12, 2023, meeting minutes.

MOTION: Grim motions to accept the minutes from April 12, 2023, as presented. Bartelt seconds. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.

Correspondence

Agent: We received a letter from an anonymous person stating that there were some activities happening at the River Pines which were against our regulations. I looked and what was being done is well outside of our jurisdiction.

Dempsey: Just a note, please do not send anonymous complaints because we do not need to hear them. If you have a complaint, we do not tell anyone about who made a complaint, so there is no need to worry that you'll be ratted out to your neighbors.

Agent: I would like to note that anything that comes to me in my office is public record.

Dempsey: But we don't have to do anything about it, if they aren't willing to sign it we can't call and ask them questions. The other letter is from 895 Salem St and it is notice that they do not want anyone from the Commission on the property.

Environmental Program Coordinator Update

Agent: There was a meeting last week with all the stakeholders at PRSD, including DEP. This site visit looked at both West Newbury and Groveland and evaluated the work being done to mitigate the issues that site has been having. I, our Town Administrator, and GMLD General Manager met with Eric Harper at the Esty Lot. GMLD would like the lot once everything has been sorted out with the Commission. Additionally, I strongly recommend that the Commission consider having twice monthly meetings when necessary. The June meeting is already looking pretty full, and we are in danger of being in violation with

when we are required to hear things, for example we have to hear RDAs 21 days after they are submitted, and we often cut that close. It will also cut down on the length of meetings.

Dempsey: We'll add on the next agenda to discuss twice monthly meetings.

Agent: We are also having issues getting the required signatures for permits within a timely manner, and if people are not able to come to Town Hall during the day, we will have to have the second monthly meeting just for people to sign things.

Open Discussion

Dempsey: We have a report from Jim Laugherty, who has been doing trail administration for trails throughout Town. You can see in his report the work he has done. Hopefully we can organize volunteer days for trail work.

Formosi: I will be at Meadow Pond with the 4th graders this coming Friday, they have a naturalist coming.

Dempsey: The last thing I have is the turtle mitigation area at 150 Center St is coming along. This past month six turtle mounds have been built. Bill Daley volunteered to do the work and the Water & Sewer Department moved some vegetation as well. It's coming along really well.

Bartelt: We have a vacancy on the Commission, and I received a list of potential volunteers and I wanted to ask the Commission if they were okay with me putting together a small introductory letter and ask if they are interested in joining.

The Commission is in favor of that idea.

Other Items Not Reasonably Anticipated at Time of Posting

OPEN DISCUSSION

None.

NEXT MEETING

June 14, 2023

ADJOURNMENT

MOTION: Grim makes a motion to close the meeting at 9:41 PM. Bartelt seconds. Voting aye; Grim, Schaefer, Bartelt, Dempsey, Formosi. All in favor, the motion passes.