



**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 Grim*  
*Fredrick O'Connor*  
*Thomas Schaefer*  
*Richard York*

APPROVED 2-14-2024.

<b>BOARD:</b>	Conservation Commission
<b>MEETING DATE:</b>	<b>July 12, 2023</b>
<b>MEETING PLACE:</b>	Town Hall and Zoom
<b>TIME:</b>	7:00 PM
<b>COMMISSIONERS PRESENT:</b>	M. Dempsey, T. Grim, S. Bartelt, R. York
<b>COMMISSIONERS ABSENT:</b>	B. Formosi, T. Schaefer, F. O'Connor
<b>GUESTS:</b>	Jay Ogden, Mike Seekamp, Bob Bolognese, Jim Dolan, Bill Holt, Mike Alesse, Kevin Cunniff, Damon Burt, Denise Kinch, Paul Kinch, Annie Schindler (Conservation Agent)

*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 of the Groveland Conservation Commission. Bartelt seconds the motion. Voted unanimously in favor, the motion passes.

**27 WOOD STREET** – NOI for a driveway stream crossing for new home.

**MOTION:** Dempsey motions to open the hearing at 7:05 PM. Bartelt seconds the motion. Voted unanimously in favor, the motion passes.

Seekamp: I'm representing the applicant, Jay Ogden. This is a project for a crossing of a BVW and intermittent stream. The stream it does flow and come out of a BWV making it jurisdictional. There is no other access to this lot that doesn't have an impact on this area. We are proposing greater mitigation than the 1 to 1.5 that is required. Included in the narrative, I have a list of the proposed plants for the mitigation area. The proposed location of the home is in the rear of the property away from the resource areas.

Grim: There is a house nearby that has had a lot of erosion issues as there is a pretty steep slope.

Ogden: It is fairly steep, the location we chose was to avoid two culverts that were present. There is a significant amount of erosion that comes from the outflow of these two culverts.

Commission: We would like to take a look at it.

Agent: I just want to remind the Commission to take into account the portion of our bylaw that states that no more than 40% of the trees in the buffer zone can be removed. I had mentioned this to Mr. Seekamp when he applied. Have you done the calculation?

Ogden: We are proposing to clear 13,000 sqft and the total buffer area on the lot is 40,000 sqft, so we are proposing clearing 32.7% of the buffer area.

Agent: Can the applicant explain why this was submitted as a limit project?

Seekamp: If you cannot meet the performance standards, it constitutes a limited project, although some refer to projects when there is no alternative as a limited project. This project does not have an alternative, but we do meet the performance standards in regards to impact to BVW and mitigation area, so it is referred to as limited here because the project wouldn't be able to be performed otherwise.

Dempsey: How is it different from a regular filing?

Seekamp: If it were regular, there would be an alternative analysis would be done, but because it is the only option that is why it must be considered limited.

Commission: We will be conducting a site visit August 2, 2023, at 4 PM. Are there any abutters in the audience with questions?

Jim Dolan 31 Wood Street: I'm wondering exactly where the lot is? Does it begin after 29 Wood St or 27 Wood St?

Ogden: It is about 200 feet west from the driveway of 29 Wood St

Dolan: So, this proposed house goes up behind Steve's (29 Wood St) lot?

Ogden: Correct.

Dolan: How wide is the lot on Wood Street?

Ogden: 150 feet.

Bartelt: Can you tell us a little bit more about the crossing itself?

Ogden: We are proposing a box culvert, and it is designed to meet certain fire protection standards, so the driveway is approximately 20 feet wide from outside wall from outside wall of the culvert.

Grim: Seems pretty big.

Ogden: I didn't come up with the fire safety standards.

Dempsey: Tell us a little bit more about the culvert situation.

Ogden: The easterly culvert has a catch basin on Wood Street that catches a lot of water, it dumps onto my property about two feet above the ground on my property. The other culvert allows for an intermittent stream to cross under Wood Street, that also dumps out about two feet above the ground as well. They run in different directions.

Bartelt: Do you have details for the mitigation work?

Seekamp: It's included in the NOI.

**MOTION**: Dempsey motions to continue the hearing to August 9<sup>th</sup>, 2023, at 7 pm. Grim seconds the motion.

Dempsey: Any discussion?

Bob Bolognese, 51 Wood Street: I thought this was about 31 acres?

Ogden: This was originally owned by Oak Valley Development, and we have since split it up in various ways.

Bolognese: Okay my concern was that when the driveway went in and one home went in and then 10 homes would go in.

Ogden: There had been a subdivision approved with the Planning Board, but someone else bought the property to halt the project.

**VOTED**: Voted unanimously in favor, the motion passes.

**6 KATIE LANE (former 106 King St Lot 8)** – NOI for new single-family home within resource area.

*Grim recuses himself.*

**MOTION**: Dempsey motions to open the hearing for 6 Katie Ln at 7:30. Bartelt seconds. Voted unanimously in favor, the motion passes. *No Grim.*

Holt: Here to represent the applicant Kevin Cunniff, I designed the plans. We filed a few years ago for the road for the subdivision where the Commission reviewed the wetland delineation. The road is to binder and the utilities are in. The yellow line is the 100-foot buffer zone, and the septic is outside of it. The house is within the 100-foot buffer, but outside of the 75-foot buffer zone. All utilities will be outside of the buffer zone, and the driveway will be outside of the buffer zone as well. The back half of the property drains to the wetlands, and the front half drains to the roadway. The project meets all local, state, and

federal standards. There is an ongoing SWPPP plan that is in place for rain events. During construction we will install silt socks at the limit of work which is at the limit of the grading. On this plan you can see the roof run off and recharge, and that is located at 70 feet from the wetlands. During the design process it was done to meet stormwater management standards. I have shown ConCom markers that were shown on the original subdivision plan.

Dempsey: What is the dotted red line?

Holt: That is the erosion control.

Dempsey: The solid red line? Solid yellow? Solid blue?

Holt: 75-foot, 100-foot, 25-foot buffer zone, respectively. There is no tree removal proposed for this property. Where the erosion controls are proposed the area has been historically mowed as part of the prior farming operation

Dempsey: Why does this house have to be in the 75-foot buffer zone?

Holt: Mainly the septic system, the detention pond also squeezed it, it was as far as we could get from the wetlands given the various constraints of zoning etc. There is no proposed alteration of the wetlands, it is outside of the flood zone, no natural heritage.

Dempsey: Do you anticipate the rear yard to go all the way down to the erosion controls?

Holt: The grading will go down pretty far. There will be some slope that will lead down there.

Dempsey: You're saying there's plenty of yard on either side of the house?

Holt: The grading does dip in the back.

Dempsey: We typically like these markers at least on the 75-foot buffer.

Holt: We can move the one that is closest to the wetlands next to the roof run off area.

Dempsey: I think we would like to visit before we make any decisions.

Holt: We can have the house and septic staked prior to the site visit.

Burt: I will note that a lot of the grading that is closest to the wetlands is already done because of the retention pond that was constructed.

Agent: Alesse, how much fill will need to be brought in?

Alesse: Not much, mostly just topsoil.

Dempsey: Any questions from abutters?

Paul Kinch, 118 King St: I don't think they should have another lot, and my question is, why are they asking for the lot? Has the septic changed? Why are they asking to build within the buffer zone?

Dempsey: In our bylaw they are allowed to build in the buffer zone.

P. Kinch: You are okay with houses being built there?

Dempsey: Obviously I would prefer not, but they are allowed to. This is when we have the most control. We can hear why they have to put the house where it is.

P. Kinch: What are their reasons?

Dempsey: Because of the grading, the proximity to the roadway, and the offsets from the septic systems. I don't like it, but I can understand what constraints are there.

P. Kinch: The environment has changed on them within the last year as they've built stuff. You are just here to make a judgment on the land, and I don't think you should give it to them.

Dempsey: So, you're saying you would prefer the house to be outside of the buffer zone?

P. Kinch: Yes, they've supplied town water and overstepped there.

Dempsey: I understand what you're saying. The Commission has a chance to take a look at it and that's what we'll do. But our bylaws allow for things to be built up to the 75-foot buffer zone.

Agent: I will note for zoning that the home cannot be closer than 30 feet to the front of the roadway.

Holt: I would like to refute a couple of things Mr. Kinch said. This house has always been shown within the 100-foot buffer zone but outside of the 75-foot on the original plan. Buffer zones are also not a

resource area, the wetlands are. The wetlands must be protected while working in a buffer zone. Just to reiterate there's no resource disturbance in this whole project.

Burt: You can't build on the leech reserve area either, another reason the house has to be where it is.

Holt: Again, it meets the regulations.

Denise Kinch, 118 King Street: So, the buffer zone protects the wetlands, which protects the pond which protects the stream that runs to the wells. Anyone who lives there knows that there has been damage, and some of it has been somewhat fixed. Maybe they need to build a smaller house to be out of the buffer zone, although I know they won't do that, to say nothing is being disturbed is not true because all of us on the street are experiencing that.

Dempsey: This plan does not violate the rules, so we can do our best to suggest something different, but if this is what they argue must be done, then we can't deny it.

D. Kinch: Don't talk about following the rules with these people.

Dempsey: Okay we've heard their points and we've heard yours, to me I can't believe we would carve out a lot that was that restriction so that there was no other option than to do what they are proposing, so I don't think we would be able to change it. Hopefully a site visit will show that there's a reason the house is going where it is supposed to.

D. Kinch: And maybe you can deny it when you see it.

Dempsey: No, if we do that, they will sue us, and we will lose. August 2<sup>nd</sup> at 5 PM for a site visit?

**MOTION**: Dempsey motions to continue the hearing for 6 Katie Lane to August 9<sup>th</sup>, 2023, at 7 PM.

Bartelt seconds the motion. Voted unanimously in favor, the motion passes. *Minus Grim.*

*Grim rejoins the meeting.*

#### **ENVIRONMENTAL PROGRAM COORDINATOR UPDATE**

Agent: No major updates. All projects are moving along well. PRSD is working on achieving stability. I have one question for the Manor Drive application. They were curious about the fee schedule, specifically the NOI fee for multi-family homes. Because they aren't building any more units they were wondering if their application fee would still have to be per unit, or if it could just be for the two units on the second floor that are being impacted by the stairs.

Commission: We are still interpreting it as before; it is per units per the entire dwelling.

#### **OPEN DISCUSSION**

Dempsey: I received a request from Robyn Wright from 102 King St for a conservation restriction on her property for 7 acres and she wants the Commission to hold it for her. She is pursuing it with an attorney right now. No decisions now, we still need to look at the documentation.

#### **OTHER ITEMS NOT REASONABLY ANTICIPATED AT TIME OF POSTING**

**NEXT MEETING** – August 12<sup>th</sup>, 2023

**MOTION**: Grim motions to adjourn at 8:19 pm. York seconds the motion. Voted unanimously in favor, the motion passes.