



**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*

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TOWN OF GROVELAND

**APPROVED 4-10-2024**

**BOARD:** Conservation Commission  
**MEETING DATE:** **September 27, 2023**  
**MEETING PLACE:** Town Hall and Zoom  
**TIME:** 7:00 PM  
**COMMISSIONERS PRESENT:** M. Dempsey, S. Bartelt, B. Formosi, T. Schaefer, R. York  
**COMMISSIONERS ABSENT:** F. O'Connor, T. Grim  
**GUESTS:** Dan Wells (LEC Environmental), April Ferraro (RJ O'Connell Associates), Bill Bryan (912 Salem St), Tom Richie (7 Ashcroft Terrace), Bob Hollic (11 Ashcroft Terrace)

*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.*

**CALL TO ORDER**

Dempsey calls the meeting to order at 7 PM on Wednesday September 27, 2023.

**MOTION:** York motions to open the meeting. Schaefer seconds the motion. Voted all in favor, the motion passes.

**NEW 912 Salem Street** – NOI for the construction of a 22,000 sq ft contractors yard/warehouse building and associated drainage structures within jurisdictional area.

**MOTION:** Schaefer motions to open the hearing on 912 Salem Street. Formosi seconds the motion. Voted all in favor, the motion passes.

Dan Wells: *Orients the Commission as to where the property is.* It is a 22.3-acre parcel on Salem St, other side is bordered by the rail trail. The work will be limited to the front portion of the parcel closest to Salem Street. Most of the existing structures are outside of the buffer zone. Grading and drainage within the buffer zone. Most of the grading takes place in "lawn" area. We are limiting the project to the front of the site; it will not expand to the upland on the other side of the wetlands that bisect the property. The building will be completely outside of the buffer zone, but some parking and drainage will be within the buffer zone. Wanted to share that NHESP issued a determination that the work will not affect the turtle habitat, and then under MESA they issued a conditional no-take. If these three conditions are met, no further permitting with NHESP will be needed. The conditions are that there is a turtle protection plan for the construction of the project, the second is that the determination letter must be recorded along with the final plans, and finally permanent monumentation of the limit of work for this project.

April Ferraro: For stormwater, we are designing it to be in conformance with the Towns Stormwater Bylaw and the State required handbook. One way we do that is to mimic the stormwater patterns from the exciting site to the proposed site. We are picking up all of the impervious area, and everything is going through water quality units, and from there we have two retention basins proposed. The basins would treat any water before it leaves. Because it is in Zone 2 there are extra treatments built in. All of this

documentation is in the stormwater report that was submitted to the Commission as well as to TEC, the Town's peer reviewer for this project.

Schaefer: Concerned about the grade on the left-hand side, possible to do one larger retention pond?

Ferraro: We can look into that. We don't like to have one centralized basin, can cause stress on the system to have one release point. There is also better soil on the left rather than at the back of the property, this allows for more recharge and infiltration. If we are concerned about the grades, we can pull back the berms and make them smaller to pull them further back from the wetlands.

Schaefer: Is the basin at a higher elevation than the neighbors? I'm concerned that if it were to catastrophically break the neighbor would get washed out.

Ferraro: No, it is at a lower elevation. There is also a spill way that would cause it to discharge towards the back of the property/wetlands.

Bill Bryan, 912 Salem Street: That area on the left was allowed to be built up and the plaza is about 12-15 feet up from the basin area.

Schaefer: Would you be able to eliminate the parking on the right-hand side of the lot so the whole building can be shifted over?

Ferraro: It would not be as economically feasible.

Agent: Our Zoning Bylaw also has parking requirements, so they must have a certain amount of spaces.

Schaefer: Is the intention of the contractor yard to store equipment with fuels, etc.?

Agent: I can speak to that as I have been at the meetings of the Zoning Board for this project. Under our bylaws, the Planning Board is the permitting authority for that type of material through the Aquifer Overlay. This building is currently going through permitting only for the 22,000 sq ft building use, not specific uses within the building, as those will be determined once the building is constructed. The Planning Board is putting caveats that certain businesses that lease space there will require further permitting.

Schaefer: Would that cover any type of fuel storage?

Agent: Correct.

Formosi: What if someone leases space in there and they park their back hoes and other equipment in the buffer zone, and we don't want that?

Agent: I would think that would be permitted through the Zoning Board as that is generally in their permits.

Formosi: But are we allowed to add to the Zoning permit to say those types of vehicles can't be parked in the buffer zone? Or write that in our permit?

Agent: I would have to confirm that the Commission is given that authority through the WPA or our bylaws.

Bartelt: I would like to hear from TEC.

Schaefer: Do you think the Planning Board would have any appetite for allowing some of the parking to be removed?

Dempsey: I have a related question – Explain how this complies with our Bylaw restriction on any commercial activity within the 100-foot buffer zone?

Ferraro: I know that commercial buildings must be outside of the 100-foot buffer zone which this is. I'm struggling to find in the bylaw where this question is coming from. I can also come back to you with an answer.

Agent: It is under general provisions Section 30-2.1(C)(3) "Commercial, institutional, industrial structures and associated parking facilities shall not be installed within 100 feet of any resource area described in § 30-1.2 (except for 100-foot buffer areas)".

Ferraro: I will have to go back and have a discussion with the teams about that. I'm not sure we realized that covered parking in addition to the building.

Dempsey: Does the Commission want to see any peer review? What is TEC doing?

Agent: They are doing a site plan review as well as stormwater review. They are not doing a peer review on the wetland delineation.

Dempsey: Are we worried about this or not?

Bartelt: Yes.

Schaefer: I am worried about it, but I don't have concerns that the flagging is incorrect.

Bartelt: I would love a peer review.

Agent: Of what specifically though, since it may be covered under what TEC is reviewing? I don't want to over expend resources.

Dempsey: The only thing TEC wouldn't provide is wetland delineation.

Agent: Correct.

Dempsey: We can wait until we know exactly what is going in the 100-foot buffer, or we can decide tonight to go with a wetland delineation because it could impact where the 100-foot buffer is because that could impact if we have any restrictions about parking. Do we at least want to get some pricing on a peer review, and we can decide at the next meeting.

Bartelt: Yes.

Formosi: Yes, I think we need to be 100% as to where the delineation is.

Tom Richie, 7 Ashcroft Terrace: I have two concerns, will anything be visible from Ashcroft Terrace, and will it be compatible with the neighborhood? Are there noise restrictions, time restrictions, etc.?

Dempsey: Both of those concerns have nothing to do with us. The Commission doesn't have jurisdiction on those matters.

Agent: That is correct, those concerns would be covered under the Zoning Board application. If you look at our zoning bylaws under special permit it calls out two of your concerns, neighborhood character and hours of operation. The applicant will be on the Zoning Board agenda for next Wednesday October 4<sup>th</sup>.

Bryan: There is no way in the world you would be able to see this building from Ashcroft Terrace.

Bob Hollick, 11 Ashcroft Terrace: We just witnessed a house get redone and the main thing was the septic system, and it took them forever for them forever to get it done. And they can't drive on it.

Schaefer: It's on the plan, it shows that it will be under the parking lot on the left-hand side.

Agent: You can put septic systems under a parking lot if it is designed properly.

Hollick: It took them forever to get the clearances at the property near our home and that was just for a single-family home. If you drive heavy equipment over it, it will crush through it.

Formosi: We understand your concerns, but it is up to the engineers to properly design it.

Agent: And the Board of Health to review it.

Hollick: You have to limit where the parking can be, maybe on the front side only but they are requesting on both.

Schaefer: Right now, the septic is outside of our jurisdiction, so it is up to the Board of Health to take a look at it.

Hollick: You don't want to put up a building and then not be able to build it because you can't place a septic system there.

Ferraro: The Commission members are correct; the system will be outside the 100-ft jurisdiction which is a requirement and so that is exactly what we're going to do. It hasn't been fully designed yet because we want to get these permits first, but we've done preliminary calcs on it and the proposed box should fit what you need for this type of use.

*The Commission will do a site visit October 11<sup>th</sup> at 5 PM, other interested parties are welcome to come.*

**MOTION**: Dempsey motions to continue to this hearing until 7 PM on October 11<sup>th</sup>. Bartelt seconds the motion. Voted all in favor, the motion passes.

**MINUTES** – Approval of May 10, 2023, meeting minutes.

**Bartelt:** Bartelt is spelt incorrectly on the second page halfway down.

**MOTION:** Bartelt motions to accept with one correction. Schaefer seconds the motion. Schaefer, Formosi, Dempsey and Bartelt vote aye, York abstains. The motion passes.

**OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING**

**Bartelt:** Can you go over the 37 Dwinnell situation with DEP?

**Agent:** Sure. When you take a look at the DEPs data portal, that is where the DEP numbers are generated. There are other items within this data portal, one of them is an area for technical comments from the DEP. There is currently no mechanism in place on that website that notes whether their “No Comments” means that the DEP has no comments, or that they have no comments yet. So, when the Commission voted to approve this NOI, there were no comments listed at the time. When I went back to look at the data portal, there were technical comments. I reached out to Groveland’s DEP Circuit Rider for guidance and there were two options; have the applicant re-notice the hearing, or issue the OoC and the DEP may or may not appeal the OoC. I asked the applicant what they wanted to do, and the applicant chose to move forward with issuing the OoC. The comments were extensive.

**Commission:** Discussion on requiring all NOI applicants to have a professional complete the application. Discussion regarding always having a peer reviewer for NOIs.

**Dempsey:** On Monday I got a request for a beaver dam modification permit which I typically handle because they are straightforward. This one is pretty common. This is on state land over at the West Newbury/Groveland border. Every year or two they have to deal with breaching it. They have someone on staff who is permitted to deal with the issue.

**NEXT MEETING**

October 11<sup>th</sup>, 2023 @ 7 PM.

**ADJOURNMENT**

**MOTION** Schaefer motions to close the meeting at 8:14 PM. Bartelt seconds. Voted all in favor, the motion passes.