



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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APPROVED 5-8-2024

BOARD: Conservation Commission
MEETING DATE: **April 10, 2024**
MEETING PLACE: Town Hall and Zoom
TIME: 7:00 PM
COMMISSIONERS PRESENT: B. Formosi, M. Dempsey, S. Bartelt, T. Grim, F. O'Connor, T. Schaefer
COMMISSIONERS ABSENT: R. York,
GUESTS: Thor Akerley (6 Hemlock Ln, representative), David & Annie Wilson (6 Hemlock Ln), Rob Giuffrida (6 Cherry Tree Lane), Jay Ogden (2 Federal Way, representative), Eric Harper (2 Federal Way)

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

MOTION: Grim motions to open the meeting at 7:01. Bartelt seconds the motion. Voted all in favor, the motion passes.

PUBLIC HEARINGS

194 KING STREET *Continued* – NOI for a replacement septic system at a single-family home.

MOTION: Dempsey motions to reopen the hearing for 194 King Street. Grim seconds the motion. Voted all in favor, the motion passes unanimously.

Dempsey: We went through this hearing last meeting, we were just waiting on a DEP number, which has now been issued with no comments. Does anyone have any further questions?

Commission: No questions.

MOTION: Grim motions to issue the Order of Conditions and close the hearing. Bartelt seconds the motion. Voted all in favor, the motion passes unanimously.

6 HEMLOCK LANE *NEW* – NOI for the construction of an addition, deck, and driveway expansion within the 100' buffer zone.

MOTION: Dempsey motions to open the hearing for 6 Hemlock Ln. Bartlet seconds the motion. Voted all in favor, the motion passes unanimously.

Akerley: Thor Akerley, PWS & RS with Williams & Sparages. Tonight, I'm representing the property owners of 6 Hemlock Ln, David and Annie Wilson. This subdivision was built in the early 2000s. This is an existing single-family home, with a front yard primarily of grass and a driveway, the backyard is partially grass that backs up to a wetland system. There are three pieces of a project. The first is a 24x16

foot addition off the rear of the property and along that a 27x16 foot deck with a stairway. There is about a 150 square foot section of pavement to be added along the addition. The addition would have an additional garage bay, and above the garage a living space. Typically for a project like this I would say that it is proposed entirely within lawn, no trees coming down, however, a part of the addition is in the 75-foot no build zone. We have been in front of this Commission with similar projects and in those situations, we offer mitigation for additional stormwater and additional buffer zone restoration. I think the wetland has encroached towards the house as time has passed. We are proposing a 550 square foot conversion of lawn to buffer zone with a variety of native shrubs and species, detailed on the plan. We also have a stone drip edge next to the driveway. The closest the addition is to the wetland is 62.2 feet, the deck is about 74.2 feet from the wetland. There is an existing wood deck where the addition is proposed to go. For alternatives, the property is pretty limited as to where you could construct an addition and deck. My feeling is that we have tried to include mitigation that is commensurate to the work being proposed. We think stormwater is being mitigated for the increase of impervious surface, in addition to restoring some buffer zone.

Dempsey: The DEP has issued a number for this project and has not issued any comments yet.

Bartlet: I'm concerned about the wetland further encroaching. And I know we talked about whether or not this is a vernal pool, how do we determine whether or not it is, and how does that affect our decision?

Akerley: Regarding further encroachment, there is a bit of a slope going down to this wetland which should limit the encroachment. There isn't anything that can stop it, but any area you can get rid of lawn is helpful. In my opinion, any addition that is over 50 feet away, I don't think you're looking at a huge impact when it's replacing lawn and is mitigated.

Schaefer: When did you delineate the wetlands?

Akerley: February 6th, 2024.

Dempsey: The homeowner can report it as a vernal pool themselves if they believe it meets the criteria. It currently isn't one. Anyone can document/report a vernal pool.

Bartelt: Would that affect our decision?

Grim: What is the concern?

Bartelt: That if it is a vernal pool, it will be negatively affected.

Grim: Enlarging the wetland would provide more buffer for the vernal pool.

Dempsey: I think what Grim means is that not all of the wetland there is vernal pool.

Schaefer: When was the deck added to the house?

D. Wilson: It was constructed with the home.

Akerley: The value of a vernal pool is to provide habitat to for breeding. They aren't using upland lawn. They may venture there, but they aren't actively in that area.

Grim: You're proposing converting existing lawn to wetlands, not converting vernal pool to wetlands, correct?

Akerley: Correct.

Grim: So, you're making more of a buffer to the active area.

Akerley: Exactly, and it is in the 25 foot no disturb zone, so you are providing additional habitat. The area proposed for mitigation is within this zone and is closest to the wetland and makes the most logical sense.

Schaefer: My concern is that we set a precedent that we allow developers to put stuff close to 75 feet, and this wasn't built in the 50s/60s, my fear is if we allow this, what is the precedent for the next one. This had a deck on it so it's a bit different than if there was nothing there.

Dempsey: When people are coming in, even though we have a 75 foot no build zone for residences, when new houses are built, we keep them completely out of the 100-foot buffer zone. The other thing, in visiting the site, I was happy to see that the residents weren't abusing their backyard. We've seen residents pile leaves and brush along the wedge of the buffer zone. I think the residents have been

respectful of the value of the wetlands. I would say in this case, along with the mitigation that's being offered, that we could allow it.

Schaefer: Is the stairway out of the 50-foot buffer?

Akerley: Yes.

Bartelt: Can you explain the driveway to me? How much is that expanding?

Akerley: Only 150 square feet to allow access into the garage bay. That is also within the lawn.

Formosi: Does the stone run along the length of that as well?

Akerley: The stone is just on the addition. I didn't add it to the driveway because my understanding was the driveways can be up to 50 feet and was not part of the 75-foot buffer zone. We can add it if the Commission would like.

Formosi: Is there a little bit of slope on the driveway?

Akerley: Yes.

Formosi: Just think about it, because you're adding a little bit more asphalt, I don't think it's going to create an issue, but something to think about. For mitigation, you have just lawn, anything that happens there just flows right over it.

Akerley: It is not a significant portion of pavement.

Schaefer: Was there any existing run off issues on the edge of the driveway currently?

Dempsey: No.

Schaefer: Will it be concrete posts for the stairs?

Akerley: Yes, standard concrete footings.

MOTION: Schaefer motions to approve the plans as submitted with the proposed buffer zone reclamation area of at least 575 square feet and that they contemplate mitigation of gravel or drainage to try and slow down the flow from the driveway before it hits the wetlands and close the hearing. Grim seconds the motion. Voted all in favor, the motion passes unanimously.

PUBLIC MEETINGS

6 CHERRY TREE LANE – GRDA for tree work in a jurisdictional area.

Rob Giuffrida: As you can see in the photos, some of the trees are already dead. One is bordering the corner of the back yard, and my main concern is protecting the structures and my neighbors' homes. There are about 9 trees in total. I'm looking to leave the stumps and disturb as little as possible. This will free up more light for the saplings.

Schaefer: How many are dead?

Giuffrida: At least two are not showing any growth. The others do have several dead branches and are often dropping them. My biggest concern is a tree falling on a house. I believe all are white oak trees.

Grim: How far are they from the wetlands?

Giuffrida: Most of them are closer to the house than to the wetland. It's about 30-40 feet away.

Dempsey: When would you like to have this done?

Giuffrida: As soon as possible. I have someone lined up.

Schaefer: Do they have to bring in equipment on the lawn?

Giuffrida: They would be able to keep it on the driveway.

Bartelt: Typically, when we allow people to take trees down, we ask them to replant a native species in their stay.

Giuffrida: That's why I'm looking to be able to preserve the saplings and give them more light so they are able to grow.

Bartelt: Since these trees haven't been identified, and we have a problem with Norway Maples, I don't want them to continue to grow. Our Agent can give you a list of native species. They don't have to be planted in the same spot.

Grim: I mean if he has an understory, it could be okay. It seems like people want to do a site visit.
Commission schedules a site visit.

MOTION: Dempsey motions to allow up to 9 trees at 6 Cherry Tree Lane pending a site visit on Saturday the 13th. Grim seconds the motion. Voted all in favor, the motion passes unanimously.

2 FEDERAL WAY – GRDA for parking within the 100’ buffer zone in the Industrial Zone.

Ogden: There is a proposed 5,000 sqft commercial building on it. The site is comprised of two parcels, Map 49 Parcel 5 F, and adjacent to the east, Map 49 Parcel 5A. There is an existing septic system on the site that is adequate to serve the proposed building. The septic system is outside of the buffer zone. The entire site is existing lawn, up to about 25 feet from the wetland. At the TRC it was noted that there would need to be an Aquifer Overlay special permit because there will be more than 2,500 sqft of impervious area added. Also, will have to file a Stormwater and Land Disturbance permit. The Building Inspector said the building will need to be sprinkled. The Fire Department said they were satisfied with access around the building. And ConCom had a few more comments. They mentioned the Natural Heritage area that is near the site. We had someone from MESA come to the site and said there would be no issues, but there was nothing in writing, so now we’re working with them again to get an updated letter saying they have no issues with the site as it’s proposed. The major objection from Conservation was the parking in the rear of the building that falls within the buffer zone. I suspect this is your first time viewing this plan, we wanted to bring it in front of you and discuss the overall limitations of the site that the wetlands create.

Schaefer: Our bylaw for industrial parcels does not permit any parking at all within 100 feet, and this is just a flat grassed area right now.

Ogden: There is an existing septic system on site.

Schaefer: It is similar to the discussion we just had. Unlike other properties that have buildings on them and have been used for a historic purpose, this is a brand-new parcel, we would be going against what is in our bylaw.

Grim: We rejected an application at our last meeting.

Ogden: The parcel has existed for a while, when the septic system went in there was a proposed 8,000 sqft commercial building which may have predated the prohibition of parking within the buffer zone. That is why the system went in originally, and that was the plan to develop the property. This was in 1997.

Dempsey: The bylaw was created in 1996. The septic system is outside of the 100 ft buffer. Our hands are tied on this. We’ve been pushed on this recently and on three other sites. In two of the last cases, they were able to come up with something different. I don’t think we can go with this plan.

Ogden: That’s why we’re here. The area that isn’t buffer zone has setbacks from Salem Street and Federal Way, which is why the building has an odd shape. Our plan to present to the Zoning Board is to square off the building and rotate it around the northeast corner, so it is still outside the Salem St setback, but encroaches on Federal Way, which would pull it out of the buffer zone. It would reduce parking. The other issue is that the Zoning Regulations prohibit parking within the front setbacks, we will be seeking relief for this. If we eliminate all parking, is there a path forward there?

Commission: It’s a clearer path.

Dempsey: We don’t have the ability to override this.

Ogden: The parking to the rear is an issue, but if I have a fire lane that circles the building, that is permissible as long as it’s 25 feet from the wetland?

Grim: It would depend on the material used maybe. We would have to review the bylaw more closely.

Ogden: In your bylaw it says that a driveway is permissible within 25 feet.

Schaefer: For residential buildings it is.

Ogden: Your bylaw doesn’t distinguish between uses.

Dempsey: We do though. Maybe it could be allowed, as long as it wasn't regularly used, paved or parked on.

Ogden: Would it be possible to improve the wetland and receive some wiggle room?

Dempsey: We've never done that with commercial properties. Only when there was a hazardous situation and they cleaned it up.

Formosi: I don't see a building that size fitting there.

Ogden: It's an existing buildable lot according to the building department and along one of the corridors identified in the Master Plan as being a priority development area. The wetland behind it that we are encroaching on, the property behind it was a hazardous waste site and is now being turned into a gas station where they are putting in fuel tanks. The wetland across the street is already paved with a state highway and the property across the street on Federal Way is an automotive lot that is paved to about 25 ft of the wetland and the pitch goes right into the area. We are proposing a paved area that would have stormwater management, all of the water would be captured, filtered, treated and released. Any site that gets reduced there; stormwater mitigation isn't required. It would be one of the smallest buildings along that corridor.

Grim: The argument that a lot of stuff that happened that we wouldn't allow now doesn't carry a lot of weight. A lot of the things you mentioned we wouldn't have allowed now. That was then.

Ogden: If we can't fit a building in then you're basically making the property useless.

Grim: I wouldn't go as far as that. You may not be able to optimize it as much as you want to, but that doesn't make it useless.

Dempsey: Does Groveland allow for two story buildings?

Ogden: Yes, but it would still require parking.

Dempsey: Are the requirements under the Zoning restrictive, or do they grant waivers? We have already said we are not granting waivers to what the bylaw says, but I know the Planning and Zoning Board do grant waivers. The only out we can really offer is a fire lane. If you want, we can continue this or we can just turn it down.

Harper: We'd like to continue it.

MOTION: Grim motions to continue the meeting to the next hearing. Schaefer seconds the motion. Voted all in favor, the motion passes unanimously.

WASHINGTON ST DAM – Emergency Certificate for work by the Highway Department.

Dempsey: At the bottom of Veasey Park, across the street from the boat launch. The side of the culvert is falling apart. I met the Highway Superintendent with the Conservation Agent at the site, and he proposed putting boulders to hold it up and add rip rap. We issued an Emergency Order, which says a Notice of Intent needs to be filed. That is in the process because the Town is looking for a grant to be able to replace the culvert, so it makes more sense to include it all at once.

EARTH DAY CLEANUPS DAYS – Vote to Sponsor.

Dempsey: We have three cleanups during April. The first is April 13th at 8 AM at Lower Center St, on April 18th at 10 AM which is a cleanup at Salem Street which will start at Chesterton, and on April 21st on the Community Trail starting at Main Street. If you can't make any of those, I urge you to do you a cleanup on your own street.

MOTION: Grim motions to sponsor Earth Day Cleanup Days. Bartelt seconds the motion. Voted all in favor, the motion passes unanimously.

NEW ENGLAND BOILAN FOUNDATION GRANT FOR THE REWILDING PROJECT – Vote to authorize.

Dempsey: Dianne Elardo, who is working on the Rewilding Project, would like to apply for a Biolab Grant for the project. We need to approve and write a letter of support.

MOTION: Grim motions to authorize the New England Biolan Foundation Grant for the Rewilding Project at Veasey Park. Bartelt seconds the motion.

Schaefer: If we get this, do we give up any control of the project?

Dempsey: I'll have to ask, I'm not sure if the grant is going to the Town, the Commission, or Dianne with the Master Gardeners. They can't do anything without our approval.

Schaefer: I just want to make sure we don't apply for something and then have to do something we don't want to, or any restrictions.

MOTION cont.: Voted all in favor, the motion passes unanimously.

MINUTES - Approval of September 27, 2023, and March 13, 2024, meeting minutes.

MOTION: Grim motions to approve the minutes from September 27, 2023. Bartelt seconds the motion. Voted all in favor, the motion passes unanimously.

MOTION: Grim motions to approve the minutes from March 13, 2024, as submitted. Bartelt seconds the motion. Voted all in favor, the motion passes unanimously.

CONSERVATION AGENT UPDATE

Dempsey: The Agent gave an update. The busy season is here and there will be two NOIs on the next agenda.

OPEN DISCUSSION

None.

OTHER ITEMS NOT REASONABLY ANTICIPATED AT TIME OF POSTING

None.

NEXT MEETING April 25th @ 7 PM

ADJOURNMENT

MOTION: Grim motions to adjourn at 8:23 PM. Schaefer seconds the motion. Voted all in favor, the motion passes unanimously.