

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE
TUESDAY, JUNE 21, 2016, 7:00 PM
MINUTES**

Chairman Edward Perkins called the meeting to order at 7:00 PM in the Town Hall

Members present: Perkins, Capes, Delaney, Hanninen, and McHugh

PUBLIC HEARING – GROTON SCHOOL STORMWATER PERMIT

The Committee continued the public hearing to consider the application submitted by Groton School to construct a new access drive to the athletic center as shown on the plan entitled, "Groton School, North Entry Road," prepared by Samiotes Consultants, Inc., dated November 3, 2015. The proposed access road will be located at Assessors' Map 219, Parcel 9, and Map 107, Parcel 16, on the westerly side of Farmers Row.

Attorney Robert Collins and design engineer Andrew Truman of Samiotes represented Groton School at the public hearing. The Committee's consulting engineer, Tim McGivern of Nitsch Engineering, was present.

Attorney Collins summarized the plan to create a new access road from Farmers Row to the athletic center to accommodate buses and logging trucks. The Conservation Commission and Planning Board have both approved the plan. Attorney Collins noted that the Groton School purchased the DeCilio property along the Nashua River and gifted the land to the Conservation Commission as mitigation for the wetlands crossing.

Mr. McGivern presented his report dated June 21, 2016 addressing the applicant's request for five waivers and the outstanding issues with the plans and calculations. The Stormwater Regulations require TSS removal of 80%, but the proposed plan will only remove 50% TSS. Mr. McGivern said the 50% TSS removal does not meet the stormwater requirements. He recommended changing the design of the swales. Design engineer Andy Truman said he would consider it.

Attorney Collins said the soils are not good on this site and the groundwater elevations are high which make it difficult to meet water quality standards. However, the drainage design will treat runoff from Farmers Row which is currently untreated.

Attorney Collins requested a continuation of the public hearing.

The Committee voted unanimously to continue the public hearing on July 12, 2016 at 7:00 PM. *(Note: The July 12, 2016 meeting was rescheduled because there would not be a quorum. The continuation of the public hearing was held on July 19, 2016.)*

NESSP TEMPLE – COMPLIANCE AND PROPOSED MODIFICATIONS

The Committee met with representatives of the NESSP Temple, Scott Nelson of Mistry Associates and Lewis Lunn of LL & S Development Corporation. Committee Chairman Ed Perkins and Stormwater Inspector Michelle Collette reported on the site walk with the applicant and Tim McGivern on June 15,

June 21, 2016

Page 2

2016. The observations are outlined in the Nitsch Engineering report dated June 15, 2016. The contractor is working on implementing the recommendations in the report.

Mr. McGivern said the proposed modifications to the plan do not include any changes to the drainage system or impervious area.

The Committee had not received a report from Nitsch Engineering reviewing the most recent revisions to the plan submitted on Monday, June 20, 2016. The Committee will review the proposed modifications at its July meeting.

PUBLIC HEARING – INDIAN HILL MUSIC STORMWATER PERMIT

In accordance with the provisions of Chapter 198 of the Code of Groton, the Earth Removal Stormwater Advisory Committee held a public hearing to consider the application submitted by Indian Hill Music for a Full Stormwater Management Permit for Phase 1 Site Construction Activities as shown on the plan entitled, "Plans to Accompany Permit Applications for the Music Center at Indian Hill – Phase 1, Old Ayer Road, Groton, Massachusetts" prepared by Beals Associates, Inc., dated June 3, 2016. The proposed access road will be located at 122 Old Ayer Road, Assessors' Map 222, Parcel 55, on the westerly side of Old Ayer Road.

Chairman Perkins called the public hearing to order. Susan Schulman of Indian Hill Music, project manager Gary Shepherd, design engineers Larry Beals and Todd Morey of Beals Associates, the Committee's consulting engineer, Tim McGivern of Nitsch Engineering, and many abutters were present.

Mr. Morey presented the first phase of the construction plans including a gravel access road off Old Ayer Road and temporary and permanent stormwater facilities as described in the application submitted on June 6, 2016. The applicant submitted the site plan to the Planning Board for site plan approval and will submit a Notice of Intent to the Conservation Commission.

Mr. Morey said he met with Tim McGivern of Nitsch Engineering and Land Use Department staff to discuss the comments in the Nitsch Engineering report dated June 20, 2016. Mr. Morey submitted his response dated June 21, 2016 including waiver requests.

Committee members had several questions regarding the proposed curtain drain at the top of the hill. Mr. Morey explained that the curtain drain would be installed this summer to lower the water table in this area. The curtain drains would remain in place as part of the final design. The discharge from the interceptor drain will only be a trickle because the soils are very tight. The area over the curtain drains will be loamed and seeded

Mr. Morey said there would be no pavement, no buildings, and no impervious surface installed during the first phase of the project. Two stormwater features, one temporary and the other permanent, will be installed now. The proposed drainage basin and forebay near Old Ayer Road will discharge to the drainage swales along Old Ayer Road. The applicant is working with the Town's DPW to remove invasive species and improve existing drainage conditions at the intersection on Old Ayer Road and Peabody Street. The basin and forebay will be permanent structures.

Mr. Morey said a temporary sedimentation basin would be installed in the location of the proposed permanent subsurface drainage structure which would be installed in the future.

Mr. McGivern presented his report dated June 20, 2016 and recommendations to the Committee. Mr. Morey said the applicant is requesting five waivers of the Stormwater Regulations as itemized in his letter dated June 21, 2016.

The Committee stressed that a new application for a Stormwater Permit and final plans would be required. The applicant and design engineer responded that they understood and will submit a new application for the final design in the fall of 2016.

Mr. Shepherd said the work is being done in phases to allow the applicant to learn about conditions in the field including soils, bedrock, water table, and drainage. The information gathered in the field will help inform the final design of the music school and performance center. The applicant understands that constructing the first phase is at the applicant's risk and the applicant has agreed to restore the site to its natural condition if the project is not constructed.

Chairman Perkins asked for comments from the public.

Abutter Melinda Stewart, 78 Old Ayer Road, expressed concern about ponding from the existing wetlands at the intersection of Old Ayer Road and Peabody Street and the potential adverse impact on her property. Mr. Shepherd explained how they are working with the DPW to make improvements to the drainage swales at the intersection. Committee Member and DPW Director Tom Delaney said the ponding on the Stewart's property may be a result of the mounded sewage disposal system that was installed recently on her property.

Ms. Stewart said they would like to connect to the public sewer system that will be extended to the Indian Hill Music site. Mr. Shepherd said the proposed sewer extension to the site will private, not public. The Committee advised Ms. Stewart to meet with the Sewer Commission to discuss the possibility of connecting to the sewer system.

Mr. Robertson, 135 Peabody Street, said there is an existing 30" pipe from the wetlands and rail trail. He expressed concerns about the impact of the proposed project on the wetlands. He asked about headlight glare and proposed screening for homes on Peabody Street. He asked about trucks causing dust. There are groundwater issues on both sides of the road, and runoff will head toward the residents. He also stated that this proposal is a plan for segmented construction without the Town seeing the full picture. Mr. Shepherd said he appreciates the abutters' concerns. No large trees will be removed along Peabody Street. They are cleaning out an existing swale, not creating a new one. This is an existing wetlands and the drainage basin will have minimal amount of water. He said the applicant will address the concerns of the neighborhood.

Abutter Alan Hoch, 106 Peabody Street, inquired about the site walk conducted on Saturday, June 18, 2016. He asked which members attended the site walk. Members Perkins, Capes, and Hanninen and

June 21, 2016

Page 4

Stormwater Inspector Michelle Collette attended the site walk. Mr. Hoch asked whether the site walk had been posted and whether abutters had been notified.

Member Hanninen said the site walk was to look at the plans in the field. No issues were discussed on the site walk.

Stormwater Inspector Michelle Collette said the site walk is not considered a meeting under the Open Meeting Law. Therefore, posting and notice to abutters are not required.

Note: MGL Chapter 30A, §18, Definitions, states:

“Meeting,” a deliberation by a public body with respect to any matter within the body’s jurisdiction; provided, however, “meeting” shall not include:

(a) an on-site inspection of a project or program, so long as the members do not deliberate;”

Mr. Morey said the Planning Board will walk the site on Thursday, June 23, 2016. Some Planning Board members went on the site walk with the ERSWAC because they could not attend the June 23, 2016. The landowner/applicant does not want people going on the site alone.

Mr. Hoch asked about traffic studies and the number of vehicles on Old Ayer Road. He said the amount of impervious surface, the location of buildings and impact of drainage on the Nashua River Rail Trail are all unknown at this time. No analysis has been provided regarding the impact on the seep to the wetlands. He said the Committee does not have enough information to make a decision at this time. The only reasonable action is to deny the permit.

Member Delaney stated that the ERSWAC only has jurisdiction on “dirt and water.” Other concerns should be addressed to the Planning Board or Conservation Commission.

Member Capes said the ring road, the drainage basins and the curtain drains are the only things proposed in this permit. Phase 2 will require a full stormwater permit in the future.

Abutter Jim Antonellis, 13 Temple Drive, asked if the existing driveway on Peabody Street would be used as a construction entrance. Mr. Morey said there would be no work and no vehicles using this access on Peabody Street. Mr. Shepherd said access to the site would only be from the new ring road off Old Ayer Road.

Mr. Robertson said he reviewed MEPA thresholds and MEPA does not allow application/plan segmentation. Stormwater Inspector Michelle Collette asked Mr. Morey if the project meets MEPA thresholds. Mr. Morey said, a submission to MEPA is not required under 301 CMR 11.

Robert Hargraves, 21 Temple Drive, asked if the Committee would consult with its engineer prior to voting on waivers. The Committee said, “yes” and reviewed the waiver requests with Mr. McGivern.

June 21, 2016

Page 5

Mr. McGivern said using a 30" drain pipe will enable the design of the future phase. The size of the pipe is based upon storm events. He noted that this is not the final plan which will be reviewed when it is submitted.

Mr. Delaney noted that the 30" pipe is the maximum size for the worst case conditions. The water on the rail trail is from beavers. Mr. Delaney said there will be no work on street trees along Peabody Street without his permission as Tree Warden.

Mr. McGivern said he has no problem with the scale of the plan or locating utilities to the existing house. The applicant must be sure to do due diligence on any existing easements.

Mr. Morey noted that the construction sequence is detailed on Sheet C4.7 of the plan.

Mr. McGivern said a Stormwater Pollution Prevention Plan (SWPPP) and National Discharge Elimination System Permit are required for this phase of construction, so a long-term Operations and Maintenance Plan is not necessary for this phase.

Stormwater Inspector Michelle Collette asked when the Stormwater Permit application and final plans would be submitted. Mr. Shepherd said they plan to submit the final design plans in August so construction can commence in October or November.

Member Delaney noted that the requested waivers do not include any substantial design features.

The Committee voted unanimously to close the public hearing.

The motion was made by Hanninen, seconded by Delaney, to grant a full Stormwater Management Permit to Indian Hill Music, with the following findings, waivers, and conditions

Findings of Significance

The Earth Removal Stormwater Advisory Committee determined that the proposed project is significant to the interests stated in Chapter 198, Section 1 Purposes, including:

It has been determined that proper management of construction sites and post-development stormwater runoff will prevent damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare, protect water and aquatic resources, promote groundwater recharge to protect surface and groundwater drinking supplies, and encourage the appropriate use of the land throughout the Town.

Waivers:

The letter dated June 21, 2016 from Beals Associates requested five waivers from Chapter 352 Stormwater Design Criteria. These waivers only apply to Phase I construction and not to subsequent permits for this site. The Committee voted unanimously to grant the following waivers of the Stormwater Regulations:

1. **Chapter 352-2.F(1)(b)** to allow three drawings in the plan to exceed a scale of 1"= 40". Sheets C1.0, C3.0, and C4.0 are at a scale of 1" = 60' (see Response 1 in the Beals letter dated June 21, 2016).
2. **Chapter 352-2.F(1)(n)** regarding location of utilities associated with the former residential property (see Response 4 in the Beals letter dated June 21, 2016).
3. **Chapter 352-12.A and 352-12.B** requiring calculations for the pretreatment areas (sediment forebays) because there will be no impervious areas for Phase 1 (see Response 6 in the Beals letter dated June 21, 2016).
4. **Chapter 352-19.1** requiring a construction phasing plan. Sheet C4.7 contains a detailed construction sequencing plan for Phase 1 (see Response 7 in the Beals letter dated June 21, 2016).
5. **Chapter 352-352-21.A** requiring a long term operations and maintenance plan because Phase 1 construction activities are covered in the DEP Stormwater Pollution Prevention Plan (SWPPP) and the EPA NPDES Construction General Permit (See Response 8 in the Beals letter dated June 21, 2016).

Special conditions:

The Committee granted the Stormwater Management Permit with the following conditions:

1. The plans shall be revised to incorporate the applicable recommendations contained in the Nitsch Engineering report dated June 20, 2016. The final, "control plan" shall be submitted to the Earth Removal Stormwater Advisory Committee prior to the commencement of construction.
2. Construction shall be done in accordance with the above-referenced plans and construction sequencing detailed on Sheet C4.7.
3. The construction entrance shall be stabilized for a minimum distance of 50 ft as shown on the "Construction Entrance" detail from the "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas." The crushed stone shall be replenished as needed to prevent tracking sediment on the public way. Orange safety fencing shall be installed along the both sides of the entire length of the construction entrance. (See letter dated June 20, 2016 from Nitsch Engineering, page 4, item 19.)
4. The only construction entrance will be on Old Ayer Road as shown on the plan. Construction vehicles shall not access the site from Peabody Street.
5. All work shall be done in compliance with the "Massachusetts Department of Environmental Protection - Stormwater Management, Volume One: Stormwater Policy Handbook, and Volume Two: Stormwater Technical Handbook," dated February 2008.
6. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Old Ayer Road or Peabody Street and causing a safety hazard on the public way. There shall be no net increase in runoff or erosion to the public ways, the municipal storm drain system, or abutting properties.

7. The limits of disturbance shown on the plan shall be well delineated in the field in the locations shown on the site plan. The limit of work not delineated by erosion control barriers shall be delineated with yellow flagging to prevent disturbance. These barriers and flagging shall be maintained throughout construction to prevent any disturbance to the vegetation or topography beyond the limits of disturbance.
8. All disturbed areas and stockpiles must be properly stabilized. A supply of mulch hay shall be kept on site to stabilize disturbed areas.
9. During construction, no slope shall be any steeper than 2:1, including any open holes, to prevent any potential public safety hazard. All excavations are to be done in accordance with the latest version of the U.S. Department of Labor, Occupational Safety and Health Administration, 29 CFR 1926, Safety and Health Regulations for Construction, Subpart P – Excavations.
10. Catch basins shall be protected with erosion control barriers and siltation sacks during construction to prevent the basins from becoming clogged with sand and silt.
11. The applicant shall take effective measures to control dust and windblown erosion at all times. All topsoil shall be stockpiled on the site. Erosion control barriers shall be installed around the base of the stockpile. The stockpiles shall be seeded to prevent dust and wind-blown erosion.
12. The applicant shall comply with the Construction Sequencing Plan detailed on Sheet C4.7 of the approved plan, the SWPPP, and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities.
13. The applicant must submit any proposed change in the above referenced plans to the Earth Removal-Stormwater Advisory Committee for its review and approval before the change is implemented.
14. The removal of any excess earth material from the site requires a Certificate of Exemption from the Earth Removal By-law, Chapter 134 of the Code of the Town of Groton. Chapter 134, Section 10 Exemptions.
15. The applicant is responsible for obtaining any other permits (including but not limited to) those required by the Board of Selectmen, Board of Health, Conservation Commission, Building Commissioner, DPW Director, Planning Board and Zoning Board of Appeals.
16. It is the applicant's responsibility to ensure that the contents of this permit are made known to all contractors who perform work at this site.
17. It is the applicant's responsibility to contact Dig Safe prior to the commencement of any work at the site. The applicant is responsible for obtaining a trench permit, if required by G.L. c. 82A §1 and 520 CMR 7.00 et seq (as amended).

18. The applicant will notify the Earth Removal Stormwater Inspector, by calling 978-448-6606 or 978-732-4695, at least 48 hours prior to the commencement of construction. Additionally, the applicant will provide the Earth Removal Stormwater Inspector with emergency contact information for all site contractors.
19. If the project is not completed within two (2) years from the date the permit is issued, it is the responsibility of the applicant to request an extension. The Committee may grant extensions for additional time provided that the applicant submits a written request for renewal no later than 30 days prior to expiration of the permit.
20. The applicant is required to obtain a Certificate of Completion as required in Section 352-5A Project Completion which states:
 - a. "When the construction of a project is completed, the applicant shall request that the Committee conduct a final inspection. For full stormwater management permits, the applicant must submit a statement from a registered professional engineer certifying that the project was completed in accordance with the approved plans and construction conditions of the permit. The Committee shall determine whether the project complies with the approved plans, construction conditions of the permit, and Chapter 198, Stormwater Management. If completion is satisfactory, the Committee shall issue a Certificate of Completion.
21. This Stormwater Permit is only for Phase 1 Construction. If the project does not advance beyond Phase 1, the roadway shall be loamed and seeded to restore site to the pre-construction condition.
22. This Stormwater Permit is issued for the project proposed by Indian Hill Music. The permit is non-transferrable and does not apply to successors in interest, successors in control, or beneficial interests.

The motion passed unanimously.

MINUTES

The Committee voted unanimously to approve the minutes of April 5, 2016; May 3, 2016; and June 7, 2016.

NEXT MEETING

The Committee will not meet on Tuesday, July 5, 2016, as regularly scheduled because it is the week of July 4th. Several Committee members said they were not available to meet on July 12, 2016. The motion was made by McHugh, seconded by Delaney, to hold the next meeting on Tuesday, July 19, 2016, at 7 PM. The motion passed unanimously.

Meeting adjourned at 10:00 PM

Respectfully submitted,

Michelle Collette
Earth Removal Stormwater Inspector