

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE
TUESDAY, MARCH 21, 2017, 7:00 PM
MINUTES**

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

Members present: Perkins, Capes, McHugh, and Hanninen

Member absent: Delaney

PUBLIC HEARING – REVISIONS TO CHAPTER 352 STORMWATER REGULATIONS

In accordance with the provisions of Chapter 198, Section 6, of the Code of Groton, the Earth Removal Stormwater Advisory Committee held a public hearing to consider revisions to Chapter 352 of the Code of the Town of Groton, Section 352-3 Filing Fees and Section 352-27 Waivers.

Chairman Perkins called the public hearing to order and read the legal notice published in the March 10, 2017 issue of the *Groton Herald*. The Committee continued the public hearing until later in the meeting.

EARTH REMOVAL EXEMPTION – 41 & 71 TAVERN ROAD

The Committee met with excavator Jay Mathis and homeowners William Lambirth, 41 Tavern Road, and Jamie Caloggero, 71 Tavern Road, to review the application submitted to the Board of Selectmen to remove 4500 cubic yards of material at the property line between 41 & 71 Tavern Road. The applicant submitted photographs of the area.

Member Hanninen commented that the hill to be removed has a steep, 20-ft vertical drop from the top of the hill to Tavern Road.

Chairman Perkins asked if the excavator could work around the utility pole. Mr. Mathis said GELD will move the utility pole and transformer.

Stormwater Inspector Michelle Collette said the hill blocks sight distance on Tavern Road so the removal of earth material would address a public safety concern. Mr. Caloggero said children playing on the steep slope is also a safety issue.

Member McHugh asked the applicant to submit a plan showing the area to be excavated and calculations of the amount of material. The applicants agreed to do so.

Member Hanninen asked about the proposed retaining wall. Mr. Mathis said it would not be constructed. He revised the plan to show a berm in the location of the retaining wall.

The motion was made by McHugh, seconded by Hanninen, to determine that the removal of excess earth material qualifies as an exemption under Chapter 134 Earth Removal, section 134-10 Exemptions. The existing mound of gravel, with a 20-ft vertical drop, is located at the property line and Tavern Road. Removing the gravel will improve existing conditions for both yards, allow the utility pole to be moved, prevent runoff from flowing toward the new single-family homes. In addition, the change in grades will improve sight distance and address safety concerns.

And to recommend that the Selectmen grant the exemption with the following conditions:

1. The applicant shall submit red-line plans showing the approximate area of material to be removed. (Copies of the as-built sewage disposal system plans will be sufficient.)
2. The applicant shall submit calculations demonstrating the amount of excess material to be removed.
3. The applicant shall coordinate work with the Groton Electric Light Department so GELD can move the utility pole.
4. A retaining wall will not be constructed as discussed at the ERSWAC meeting and as indicated on the revised application. Rather, a berm will be created along Tavern Road to prevent runoff onto the public way. The applicants shall work with the DPW Director to protect Tavern Road during excavation and on finished grading. There shall be no increase in runoff onto Tavern Road.
5. There shall be no operating on site before 7:00 AM or after 5:00 PM unless the Selectmen determine otherwise.
6. The public roadway must be cleaned at the end of the workday.
7. Applicant shall notify the Earth Removal Stormwater Inspector prior to commencement of activity.
8. Slope of any stockpiles shall not exceed 2:1.
9. Appropriate dust control measures to be undertaken at all times.

PUBLIC HEARING (con't) – REVISIONS TO CHAPTER 352 STORMWATER REGULATIONS

The Committee continued the public hearing to consider revisions to the Stormwater Regulations.

The revisions included deleting the filing fee formula for Full Stormwater Management Permits and continuing to rely on the peer review engineers' estimates. The waiver procedures, as stated in the by-law, Chapter 198 Stormwater Management, will be added to Chapter 352 Stormwater Regulations.

The Committee voted unanimously to close the public hearing.

The motion was made by McHugh, seconded by Hanninen, to adopt the following revisions to Chapter 352 of the Code of the Town of Groton:

Delete the existing Section 352-3 Filing fees and insert a new Section 352-3 Filing fees which reads as follows:

§ 352-3 Filing fees.

- A. Limited stormwater management permit. The filing fee for administration (public hearing, notice, mailings, etc.) of a limited stormwater permit is \$100, check made payable to the Town of Groton. This fee is deposited into a revolving fund established for this purpose. There is no project review fee unless the Committee determines that technical expertise is required to review the application.
- B. Full stormwater management permit. The filing fee for administration (public hearing notice, mailings, construction inspections, etc.) of a full stormwater management permit is \$500, check made payable to the Town of Groton. This fee is deposited into a revolving fund established for this purpose.

- C. Project Review Fee. The cost for the consultant to review the project shall be the amount deposited into the revolving fund, the applicant is responsible for the cost of the project review. The Committee shall utilize the following procedure:
- 1) Request a written estimate from the consultant on the cost to review the project, including the cost to attend meetings with the design engineer and public hearing(s), if necessary;
 - 2) The Committee shall vote to accept the estimate with a provision that the cost to review the project shall not exceed the estimate without written approval from the Committee; and
 - 3) The Committee shall inform the applicant of the cost estimate for project review and of any additional costs that may be incurred.
 - 4) The applicant shall submit a check made payable to the Town of Groton for the project review fee prior to the commencement of the project review by the consultant.

Insert a new Section 352- 27 Waivers which reads as follows:

§ 352-27 Waivers.

- A. The Committee may waive strict compliance with any requirement of this chapter where such action:
- 1) Is allowed by federal, state and local statutes and/or regulations;
 - 2) Is in the public interest; and
 - 3) Is not inconsistent with the purpose and intent of this chapter.
- B. Any applicant must submit a written request to be granted such a waiver. Such a waiver request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of this chapter does not further the purposes or objectives of this chapter.
- C. All waiver requests shall be discussed by the Committee and a decision shall be made by the Committee within 30 days of receiving the waiver request.

The motion passed unanimously.

Meeting adjourned at 7:45 PM

Respectfully submitted,

Michelle Collette
Earth Removal Stormwater Inspector