

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE
TUESDAY, JUNE 6, 2017, 7:00 PM
MINUTES**

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

Members present: Perkins, Delaney, McHugh, and Hanninen

Member absent: Capes

PUBLIC HEARING – NJL PROPERTIES, INC., 788 BOSTON ROAD

Chairman Perkins called the continuation of the public hearing to order. Applicant Frank Hartnett of NJL Properties, Inc. and design engineer Bruce Ringwall of GPR, Inc, were present at the public hearing.

Mr. Ringwall said all the outstanding items in the Nitsch Engineering site plan review and stormwater management reports have been addressed. He described latest revisions, dated May 31, 2017, to the plan. He said the intersection of the access road and Boston Road has been widened and scored concrete added to the median as recommended by the Planning Board's traffic engineer. The Fire Chief prefers flushed rather than raised concrete so fire truck can drive over it in an emergency. The intersection of the access road and Sandy Pond Road has 14 ft wide travel lanes. The crosswalk on Sandy Pond Road has been moved to the western side of the access road. The erosion control around the wetlands replication area has been added as required by the Conservation Commission. The planting plan has been changed as requested by the Planning Board. A limited construction sequence has been added to the plan. Work on the retaining wall at the rear of the site will be done first so the area can be stabilized by the fall. Three site pads will be done next. The site is being used as the present time as a staging area for J. D'Amico, the contractor for the Town's sewer extension project.

Member Delaney said he did not have a problem with the applicant's requested waivers. Member McHugh agreed with the waivers for pipes and the components of the drainage system.

Mr. Ringwall said the pipes will be capped and the catch basins will be plated so no earth material will enter the system during construction. A temporary basin will be constructed as described in the Stormwater Pollution Prevention Plan (SWPPP). Member McHugh requested that the basin be kept clean. Mr. Ringwall said, "yes," they will also have to clean out the forebays near the National Grid property.

Mr. Ringwall said the applicant requested that the Planning Board allow construction to commence as soon as possible. He hopes the Planning Board will close its public hearing on June 8, 2017 since all the peer review concerns have been addressed. He said he would like to have the pre-construction meeting on June 21, 2017 or later.

The Committee voted unanimously to close the public hearing.

The motion was made by Hanninen, seconded by McHugh, to issue the Full Stormwater Management Permit with the following findings, waivers, and conditions:

Finding 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 Committee voted to grant the following waivers of the Stormwater Regulations:

- 1. Section 352-2F(1)(o) requiring a description of construction activities, in sequence, which specifies the expected date of soil stabilization and completion.*
- 2. Section 352-19.1 states that land disturbance activities exceeding 2 acres in size should not be disturbed without a sequencing plan that requires stormwater controls to be installed and the soil stabilized, as disturbance beyond the 2 acres continues. Mass clearings and grading of the entire site should be avoided. Prior to any construction on the site, the applicant should submit a Construction Phasing Plan to the Committee for review and approval. The Plan should show how construction should proceed with a minimum of disturbance at any one time and should specify approximate dates for initial disturbance and final stabilization for each phase. (See Nitsch report dated May 24, 2017)*

Special conditions:

1. Construction shall be done in accordance with the above-referenced plans.
2. The 27,000 cubic yards of fill used on the site shall be clean, MassDOT approved process material (“gravel borrow” and “ordinary borrow”). The fill shall be consistent with the specifications on Sheet C6.2 of the plans. The fill shall not contain any hazardous materials, construction materials, or recycled asphalt pavement (RAP). Prior to the placement of fill on site, soil samples from each source pit shall be obtained and analyzed for contamination by a qualified professional, and the results shall be submitted to the Planning Board and the Board of Health prior to placement of fill on the site. The fill shall be tested using EPA methods 8260 and 8270 and RCRA-5.
3. There shall be no erosion or siltation of the wetland replication area. A row of straw bales shall be butted and staked around the replication area. The straw bales shall be in place prior to the commencement of work and shall remain in place until all disturbed areas have been properly stabilized. Alternative erosion control measures could include straw wattles with biodegradable netting.
4. Application of road salt is prohibited. The use of alternative de-icing compounds such as calcium chloride or calcium magnesium acetate mixed with sand is strongly encouraged.
5. Snow banks and stockpiles shall not exceed a height of three (3) feet at any time. Snow in excess of three feet in height shall be removed from the site within 72 hours of the end of the snow storm. Snow shall not be plowed onto abutting properties.
6. 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.

7. 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.
8. It is the applicant’s responsibility to prevent the products of erosion and sedimentation from reaching Boston Road and Sandy Pond Road 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.
9. The limits of disturbance shown on the plan shall be well delineated in the field with erosion control barriers in the locations shown on the above-referenced 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.
10. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control materials shall be kept on site to stabilize disturbed areas.
11. During construction, no slope shall be any steeper than 2:1 (except as shown on permit plans C4.1 and C5.1, not 4, and as permitted herein), including any open cellar holes, to prevent any potential public safety hazard. All excavations are to be done according to 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.
12. 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.
13. 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.
14. The applicant shall comply with the SWPPP, and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities.
15. The applicant shall comply with the Operation and Maintenance Plan entitled, “Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan,” prepared by GPR, Inc.
16. The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
17. After a project is issued a Certificate of Completion the Responsible Party or Owner as listed in the Long-Term Operation and Maintenance Plan shall submit annual BMP Inspection and Maintenance logs to the Committee and if applicable an updated Long-Term Operation and Maintenance Plan on or before June 1st annually^{as} required in Section 352-6D.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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).
23. The applicant will notify the Earth Removal Stormwater Inspector 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.
24. 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.
25. 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 applicant shall also submit an on-the-ground surveyed as-built plan prepared by a professional land surveyor. 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. "
26. This permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

PUBLIC HEARING – RALPH HOGAN, 225 PEPPERELL ROAD

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 for a Limited Stormwater Management Permit submitted by Ralph Hogan to repair damage from clearing lot 104-17.3 and

constructing an access drive on Lot 104-18, and for construction of a house, sewage disposal system and driveway as shown on the plan entitled, "Sewage Disposal System Design, Lot #3, Pepperell Road, Groton, Massachusetts," prepared by Ducharme & Dillis Civil Design Group," dated June 2, 2015. The proposed lot development will be located on Assessors' Map 104, Parcel 17.3, on the westerly side of Pepperell Road.

Chairman Perkins opened the public hearing and read the notice published in the May 26, 2017 issue of the *Groton Herald*. Applicant Ralph Hogan and realtor Don Black were present at the public hearing.

Stormwater Inspector Michelle Collette said the Stormwater Management Permit was submitted by the applicant in response to a Request for Compliance issued on May 8, 2017 when runoff from the construction entrance flooded Pepperell Road.

Mr. Black described the proposed new driveway as shown on the plan. He said a recharge trench and turn around area would be constructed. Rip rap and a fiber lining will be used to stabilize the trench.

Chairman Perkins asked about the slope of the new driveway. Mr. Black said it would be about 8% and a guardrail would be installed.

Chairman Perkins asked about the type of soils. Mr. Black said there are sandy soils with some shale.

Chairman Perkins asked about the access road on the abutting property to the south. Mr. Black said the logger used the access road for his skidder with the property owner's consent.

Chairman Perkins asked about the removal of trees on the abutting property to the south. Member Delaney said the trees that were removed were not good trees. Mr. Hogan's lot (Lot 3) has been cleared for construction of the sewage disposal system as shown on the plan.

Stormwater Inspector Michelle Collette noted that Gail Menschel (aka Gail Miller), owner of the abutting lot, did not sign the Stormwater Permit application and that the Committee cannot authorize work on someone's property without their consent. Mr. Black said he is working on getting written consent from Gail Miller.

Member Hanninen said the applicant must take care of flooding on Pepperell Road first, then start construction on Lot 3.

The motion was made by Hanninen, seconded by Delaney, to send a memo to the Building Commissioner requesting the he not issue a building permit for Lot 3, 225 Pepperell Road, until the mitigation work is completed to the satisfaction of the Committee. The motion passed unanimously.

The motion was made by Hanninen, seconded by McHugh, to authorize Member/DPW Director Tom Delaney to work with design engineer Stan Dillis to alleviate flooding on Pepperell Road. The motion passed unanimously.

Abutter Lynn Spadone asked if the proposed work is a temporary solution. Member Delaney said the work will correct the flooding problem on Pepperell Road.

Member McHugh stated that the work on Lot 3 and the Menschel property was never authorized by the Committee.

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Abutter Jack Petropoulis objected to the use of rip rap on a Scenic Road. Member Delaney said the Scenic Roads by-law , Chapter 184 of the Code of the Town of Groton, applies only to trees and stonewalls.

Abutter Diana Walden said just repairing the vegetation will not work to correct the flooding problems. She said the flooding is in the vicinity of Wrangling Brook. Stormwater Inspector Michelle Collette said the work on the Menschel lot is within 100 ft of Wrangling Brook.

The Committee will walk the site on Tuesday, June 20, 2017 at 4:00 PM.

The Committee voted unanimously to continue the public hearing on June 20, 2017 at 5:00 PM.

Meeting adjourned at 8:30 PM

Respectfully submitted,

Michelle Collette
Earth Removal Stormwater Inspector