

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE
TUESDAY, JUNE 20, 2017, 5:00 PM
MINUTES**

Chairman Edward Perkins called the meeting to order at 5:00 PM in the Town Hall.

Members present: Perkins, Delaney, McHugh, and Hanninen

Member absent: Capes

PUBLIC HEARING – RALPH HOGAN, 225 PEPPERELL ROAD

Chairman Perkins opened the continuation of the public hearing to consider the application for a Stormwater Management Permit submitted by Ralph Hogan for Lot 3, 225 Pepperell Road, and for work on the abutting lot owned by Gail Menschel/Miller, 191 Pepperell Road. Applicant Ralph Hogan, realtor Don Black, and design engineer Stan Dillis were present at the public hearing.

Mr. Black submitted a Certificate of Authority signed by Gail Miller authorizing work on Lot 104-18, 191 Pepperell Road. Stormwater Inspector Michelle Collette said she spoke on the telephone with Ms. Miller who stating she had not given consent for construction of the access road but felt she must allow the problem to be corrected. She thanked the Committee for its diligence.

Mr. Dillis presented a revised plan to restore the temporary construction entrance. The crushed stone will be removed and the area will be loamed and seeded. A berm and check dam will be installed. The applicant will plant nine new maple and pine trees as shown on the plan.

Member Delaney said this is a simple solution that will correct the problem.

Mr. Dillis said the original driveway includes a recharge trench along the side of the driveway. The slope must be stabilized and a guardrail will be installed.

Stormwater Inspector Michelle Collette asked how much cut and fill is required. Mr. Dillis said there would be a seven (7) ft maximum cut. The cut and fill on the site will be balanced.

Member Hanninen asked about the large tree that will be taken down. Mr. Dillis said the loggers must deal with removing the tree.

Chairman Perkins asked if only one tree would be removed. Mr. Dillis said that is up to the applicant.

Stormwater Inspector Michelle Collette recommended that the work be done under the supervision of the design engineer or the Committee's peer review engineer at the applicant's expense.

Mr. Black said the DPW Director would supervise the construction entrance in the spirit of cooperation.

Chairman Perkins said he believes more supervision than the DPW Director is required. The Committee must be sure the work is done according to the design plan.

Member Delaney said the construction entrance will be stabilized with a recharge trench and rip rap. He said he has jurisdiction over the curb cuts on Pepperell Road, but not over the work on the abutting Menschel property or the applicant's lot at 225 Pepperell Road.

Stormwater Inspector Michelle Collette recommended that a building permit not be issued until the mitigation on the Menschel property is completed and the new curb cut is stabilized as shown on the design plan.

West Groton resident Jack Risdon complained about the flooding problems on Pepperell Road on May 16 and 17, 2017 and the wood waste and other debris on the side of Pepperell Road.

Abutter Jack Petropoulis said he is very disappointed by the construction process gone awry, especially trespassing on the abutter's property. He said trees were removed in violation of the Scenic Roads permit. He said he did not want to see banks stabilized with rip rap and asked that the site be restored in a more scenic nature.

Member Delaney suggested using darker stones that would blend into the landscape.

Abutter Jim Barrett said he is not opposed to construction or to the landowner's use of his property as long as construction complies with the regulations. He asked about the height of the new trees to be planted. Mr. Dillis said the trees would be 4-6 ft in height.

Mr. Barrett asked about disturbance by trucks on Pepperell Road. Member McHugh said there would be some construction impact on abutters, but the swale along Pepperell Road and the construction entrance must be restored as soon as possible under the supervision of the DPW Director.

Stormwater Inspector Michelle Collette reiterate that a building permit should not be issued until the mitigation on the Menschel property is completed and the new curb cut is stabilized and that an occupancy permit should not be issued until the Committee receives certification from the design engineer that all work has be completed in compliance with the approved plan.

Chairman Perkins asked how long the mitigation work and new curb cut would take. Mr. Black said the work would be done within 30 days from the issuance of the permit.

The Committee voted unanimously to close the public hearing.

The motion was made by Hanninen, seconded by McHugh,

Finding of Significance

The Earth Removal 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.

Special conditions:

1. Mitigation to correct damage on the Lot 104-18, owned by Gail Miller, which caused erosion and flooding on Pepperell Road, must be corrected within thirty (30) days of the issuance of this Stormwater permit.

2. The restoration of the work done on the Miller property (Lot 104-18) shall include planting the nine trees as specified in the "Planting Schedule" shown on the "Stormwater Mitigation Plan."
3. The mitigation work to correct damage and all work within the right-of-way of Pepperell Road must be approved and supervised by the DPW Director.
4. The installation of the new driveway on Lot 104-17.3 shown on the plan entitled, "Stormwater Mitigation Plan" shall be inspected by the design engineer to ensure that the applicant is following the design plan. The work to be inspected includes installation of the construction entrance for the new driveway, the check dam, the stone recharge/infiltration swale, the wooden guardrail, and the slope stabilization.
5. The slope stabilization shall be done with appropriate dark-colored stones for a more natural appearance.
6. The applicant shall submit to the Building Commissioner and Stormwater Advisory Committee certification from the design engineer that the mitigation work on the Miller property (Lot 104-18) has been completed and that the new driveway on Lot 104-17.3 has been installed and stabilized as shown on the Stormwater Mitigation plan prior to the issuance of a building permit.
7. The applicant shall submit to the Building Commissioner and Stormwater Advisory Committee an as-built plan and certification from the design engineer that all work has been done in compliance with the plan prior to the issuance of an occupancy permit.
8. Construction shall be done in accordance with the above-referenced plans as modified at the public hearing on June 20, 2017.
9. 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.
10. 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.
11. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Pepperell Road and causing a safety hazard on the public way. There shall be no net increase in runoff or erosion to the public ways, Wrangling Brook, or abutting properties.
12. Work shall not go beyond the limits of disturbance shown as grading changes on the above-referenced plan. The stakes shall be maintained throughout construction to prevent any disturbance to the vegetation or topography beyond the limits of disturbance.
13. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control material shall be kept on site to stabilize disturbed areas.
14. The applicant shall take effective measures to control dust and windblown erosion at all times.

15. 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.
16. 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.
17. 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 Inspector, DPW Director, Planning Board and Zoning Board of Appeals.
18. 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.
19. 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).
20. The applicant will notify the Earth Removal Stormwater Inspector at least 48 hours prior to the commencement of construction.
21. 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.
22. This permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

Meeting adjourned at 5:50 PM

Respectfully submitted,

Michelle Collette
Earth Removal Stormwater Inspector