

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE
THURSDAY, DECEMBER 27, 2018, 9:00 AM
MINUTES**

Chairman Perkins called the meeting to order at 9:00 AM at Town Hall.

Members present: Edward Perkins, George Barringer, and Bob Hanninen

Members absent: Tom Delaney and Eileen McHugh

OLIVIA WAY DRAINAGE PROBLEMS

The Committee met with developer Peter Cricones, his attorney, Carla Page, and Olivia Way residents to discuss remediation of the severe flooding problems on Olivia Way.

The Committee did a site walk at Olivia Way at 8 AM in response to concerns from property owners regarding the potential damage from the Phase 1 plan showing temporary measures to alleviate the flooding problems. The Committee received an email message, dated December 23, 2018, from Scott Hepburn, 14 Olivia Way, which states:

“First off wanted to thank you and the town for being extremely helpful with this situation we are dealing with. As you know I was out of town on business in Australia for the past 2.5 weeks so I have missed most of the town meetings regarding the proposed changes.

I wanted to recap our discussion as well as outline all the concerns I have in preparation for the potential meeting on Thursday December 27th. After reviewing the plans that were discussed during the meeting, I have a few major concerns.

The first concern is around my property and the damage it will sustain and the fear it will not be returned to its original state as Peter will do it on the cheap. We bought our house and per contract Peter had to do loam and hydroseed for 30 feet around our foundation. My property being the largest in the neighborhood means we had 11,000 sq ft of yard to finish on our own. To do this, I bought 160 yards of loam to have a 4-inch base graded and raked, high quality hydroseed made up of Kentucky blue grass and had an irrigation system installed which totaled nearly \$15,000 of personal expenses (receipts can be provided) I did to get my yard to its current state. The company Peter used for his landscaping used lower quality hydroseed and it generated 80% Japanese Knot weed which is very evasive (Current lawsuit in his Pepperell development underway). I used my landscaping company to dig up 70% of what Peter did to re do it with my own dirt and hydroseed. I have had several discussions with other neighbors in the neighborhood and they had the same concerns over the quality.

Now with this plan Peter will destroy my entire yard as the entire sprinkler system will need to be redone thus digging up my whole yard and he will "repair" it with uncertified irrigation specialists and with hydroseed made up of knotweed.

I propose we modify the contract to state that both myself (14 Olivia Way) and Andy (13 Olivia Way) hire the same company we used to do our yards and Peter will pay the bill. If this does not occur, I will have to re-do the yard once Peter is done at a personal expense of nearly \$5000.00.

Second concern is the proposed stone overflow. Based on the design the grade of the land does not support the drawing. One month ago, Peter moved the drainage pipe pumping water out of my neighbor's basement to no longer go into the street but to drain thru my backyard (following

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path of proposed pipe) thus destroying my yard (picture attached). For 6 hours Peter had this diversion going and it damaged that whole area of my yard and this is the same area Peter plans to install the stone dry well. When walking out to the yard tonight I sunk 1-4 inches as the ground is completely saturated so my concern is this drywell will not even work. If the ground is this saturated to begin with, I am concerned the drywell will not even be able to handle the absorption of the water that will now be introduced. As an example, the current situation my neighbor has been pumping water nearly 24 hours a day out of his basement directly into the collection tank. To alleviate the street flooding Peter has installed a temporary pipe to pump the water from the collection tank into the conservation land (which is now nearly completely submerged). This alone shows the current design will not work since there is water continuously being pumped out of the collection tank 24/7 so the new dry well will not be able to drain anywhere with the current saturation.

I do see the drawing took into the account the slope for a gravity fed pipe to work but nonetheless it will ruin my yard and flood nearly 30% of it thus decreasing resale value and opportunity to resell. Because of the temporary pipe Peter has installed my yard has already begun to gather water (picture attached).

Peter has already been by to measure and spray paint my yard as per my security cameras I had installed to monitor this. He is ready to begin work immediately which makes this very pressing due to the fact the digging of the trench will incur my \$3500 sprinkler system to be completely dead based on its zones and design.

I have attached pictures of the flooding already occurring in my backyard from the conservation land and the damage in which Peter caused last month by running a drainage pipe to my yard."

Looking forward to the meeting on Thursday and please don't hesitate to reach out with any questions.

Mr. Hepburn reiterated his concerns at the meeting and questioned the validity of the Phase 1 remediation plan which would result in flooding of his yard and destruction to his property. He requested a delay in the implementation of Phase 1 until more engineering has been done.

Chairman Perkins said the Committee's engineer reviewed the Phase 1 plan and was present at the December 18, 2018 meeting when the Committee voted.

Member Barringer asked if the flow of water between the catch basins was by gravity. Mr. Cricones said the catch basins are at the 203.5 ft elevation. Pumps are not being used for the catch basins. He said he plans to go to the Conservation Commission and request permission to discharge onto the conservation property.

Elizabeth Esielionis, 3 Olivia Way, said her backyard is still flooded and her basement has had water since the last rain. Member Barringer asked if she is pumping water from her basement. Ms. Esielionis said only one area of the basement floods now.

Channing Lambert, 10 Olivia Way, said he must pump out his basement constantly. Mr. Hepburn, 14 Olivia Way, said the Lambert's pump turns on 12 times an hour.

Andrew George, 13 Olivia Way, said his basement is dry.

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Mr. Cricones said his engineer, Doug Lees, did elevation measurements two weeks ago as shown on the Phase 1 & 2 plans. Member Barringer said a 2' elevation change is not sufficient to drain the water. The area around the turtle barrier and ponded area is flooded and not draining.

Member Hanninen said the Committee should know what the elevation of Reedy Meadow Brook is.

Chairman Perkins agreed that the overflow pipe outlet must go beyond the turtle barrier and ponded area on the conservation land.

Member Barringer said the Phase 1 plan isn't working now and cannot work if everything is at the same elevation.

Stormwater Inspector Michelle Collette said the Committee is meeting to address the homeowners' concerns about Phase 1. The developer must submit more engineering information for the Phase 2 plan including topographic information, drainage calculations, and permission of the Conservation Commission to install the overflow pipe on conservation land.

Mr. Lambert, 10 Olivia Way, said his sump pump runs into the catch basin and then flows to the StormTec infiltration system.

Attorney Page stated that Nitsch Engineering recommended implementation of the Phase 1 plan as soon as possible.

Member Hanninen said the developer must meet with the Conservation Commission as soon as possible to alleviate the flooding problems. The flooding will continue which is untenable.

Mr. Lambert said they have the affordable home. He said they decided to buy their house in Groton rather than Billerica because they wanted a basement. The continuous pumping of their basement is an issue. They really need a permanent solution.

Member Hanninen said there are times engineering does not work. Contractors may have insurance to cover this situation. There may be more than one error, but there must be a fix. Constantly pumping is not a solution.

The motion was made by Hanninen, seconded by Barringer, to reconsider the Committee's vote on December 18, 2018 approving the Phase 1 plan. The reconsideration is based upon additional information from homeowners and the Committee's observations in the field.

The motion passed unanimously.

Member Barringer reiterated that the developer must meet with the homeowner as soon possible. Mr. Cricones said he will make an appointment to meet with the Conservation Commission.

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The motion was made by Perkins, seconded by Hanninen, not to implement Phase 1, to move forward with the Phase 2 remediation plan, and to extend the Stormwater Management Permit #2014-12 for six months. The motion passed unanimously.

The motion was made by Perkins, seconded by Hanninen, that the Phase 2 plan requires modification of the Stormwater Management permit including submission of topographic information and drainage calculations. The motion passed unanimously.

The Committee will meet with the Conservation Commission on Tuesday, February 8, 2019, to discuss the proposed work on conservation land.

Meeting adjourned at 10:00 AM

Respectfully submitted,

Michelle Collette
Earth Removal Stormwater Inspector