

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE  
TUESDAY, AUGUST 18, 2020, 7:00 PM  
MINUTES**

Chairwoman McHugh called the virtual meeting to order at 7:00 PM.

Members present: George Barringer, Bob Hanninen, Eileen McHugh, and Ed Perkins

Member absent: Tom Delaney

**MS4 ENTERPRISE FUND UPDATE**

Chairwoman McHugh reported that Committee members attended the Select Board meeting on August 10, 2020 to present the proposed budget for the Stormwater Management Enterprise Fund. The Committee presented two budgets – one in the amount of \$150,000 to cover engineering, testing and operational expenses, and the other in the amount of \$220,000 including an additional \$70,000 for a new DPW employee to be paid out of the Enterprise fund. The Select Board voted, three in favor and two opposed, to support the budget in the amount of \$220,000 at the Fall Town Meeting.

**MINUTES**

The motion was made by Perkins, seconded by Hanninen, to approve the August 4, 2020 minutes. The motion passed by roll call vote with Perkins, McHugh, and Hanninen in favor; Barringer abstaining.

**PUBLIC HEARING – CHESTNUT HILLS FARM, MARTINS POND ROAD & ORCHARD LANE**

The Earth Removal Stormwater Advisory Committee held the continuation of the public hearing to consider the application for a Full Stormwater Management Permit submitted by John Guinee, Chestnut Hills Farm, LLC, for the redevelopment of the site located off Orchard Lane. The construction will consist of a single-family home with an associated driveway, garage, pool and sewage disposal system as shown on the plan entitled, “Stormwater Permit Plan, Martins Pond Road, Groton, Massachusetts,” prepared by Ducharme & Dillis Civil Design Group, dated July 13, 2020.

Chairwoman McHugh said the applicant has requested a continuation of the public hearing. The motion was made by Perkins, seconded by Hanninen, to continue the public hearing on September 15, 2020 at 7:15 PM. The motion passed unanimously by roll call vote with Barringer, Perkins, McHugh, and Hanninen in favor.

**PUBLIC HEARING – TRIO REALTY ESTATE GROUP, 340 LONGLEY ROAD**

The Earth Removal Stormwater Advisory Committee held a public hearing to consider the application for a Full Stormwater Management Permit submitted by the Trio Real Estate Group, LLC, to construct a shared driveway serving three lots, demolish existing structures, construct three new houses, and sewage and disposal systems as shown on the plan entitled, “Site Plan, Trio Real Estate Group, 340 Longley Road, Groton, MA,” prepared by David Ross Associates, dated July 21, 2020. The proposed construction is located on Assessors’ Map 226 Parcel 60, on the easterly side of Longley Road.

Chairwoman McHugh called the continuation of the public hearing to order. Landowner Corey Brook of the Trio Real Estate Group, Attorney Robert Collins, and design engineer Dan Wolfe of David E. Ross Associates were present.

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The Committee received a report dated August 14, 2020 from Nitsch Engineering. The Committee also received revised plans and a letter dated August 18, 2020 from David Ross Associates in response to the Nitsch Engineering report.

Attorney Collins presented the Common Driveway Agreement that will designate the owners of the three lots as responsible parties for the maintenance of the shared driveway and drainage system. Members reviewed the Common Driveway Agreement and all stated that they were satisfied with it.

Attorney Collins said if the homeowners fail to maintain the drainage system, the Town will have the right to mitigate an emergency and will agree to granting the Town an easement to enter the property to perform such mitigation.

Member Hanninen suggested attaching a copy of the Common Driveway Agreement to the Stormwater Permit. Members agreed.

Chairwoman McHugh asked members about sending the plan back to Nitsch Engineering for a second review. Members determined that it was not necessary because the applicant had addressed all the concerns in the report to the satisfaction of the Committee.

The motion was made by Hanninen, seconded by Perkins, to close the public hearing. The motion passed unanimously by roll call vote with Barringer, Perkins, Hanninen, and McHugh in favor.

The motion was made by Hanninen, seconded by Perkins to grant the Stormwater Management Permit with the following findings 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.*

### **Special conditions:**

At its regular meeting on August 18, 2020, the Earth Removal-Stormwater Advisory Committee voted to grant the permit with the following conditions:

1. The "Declaration of Easements for a Common Driveway, Lots 1, 2 and 3, 340 Longley Road," shall be recorded at the Middlesex South Registry of Deeds. No construction or site alteration shall commence until evidence of such recording is submitted to the Earth Removal Stormwater Advisory Committee by the applicant.

2. The applicant agreed to grant a "Stormwater Management Easement" to the Town to allow the Town and its agents to access to the stormwater management system to maintain, or repair the system due to the failure of the developer or condominium association or any agent thereof to adequately operate, maintain, or repair the same. The developer or condominium association or any agent thereof shall be required to reimburse the Town for any expenses the Town incurs in such operations, maintenance or repair. The final easement shall be reviewed and approved by Town Counsel prior to execution by the Town.
3. This stormwater permit shall not be in effect until the Stormwater Management Easement is recorded at the Middlesex South Registry of Deeds. As required in GL Chapter 40A, Section 11, and Groton Zoning By-Law Section 218-32.1. No construction or site alteration shall commence until evidence of such recording is submitted to the Earth Removal Stormwater Advisory Committee by the applicant.
4. Construction shall be done in accordance with the above-referenced plans and construction sequencing.
5. 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 or abutting properties.
6. The applicant shall take all reasonable measures to ensure that vegetation, brush, slash, and earth materials, etc. remain in vehicles leaving the site and are not deposited or blown on to 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 Longley 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, 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. 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.

13. The applicant shall comply with the Construction Sequencing Plan detailed August 18, 2020, the SWPPP, and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities.
14. The applicant shall comply with the Operation and Maintenance Plan entitled, "Residential Development, 340 Longley Road, Groton, Massachusetts, Stormwater Collection and Treatment System, Long Term Operation and Maintenance Plan." The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
15. 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 1<sup>st</sup> annually, as required in Section 352-6D.
16. 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.
17. 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.
18. The applicant is responsible for obtaining any other permits (including but not limited to) those required by the Select Board, Board of Health, Conservation Commission, Building Commissioner, DPW Director, Planning Board and Zoning Board of Appeals.
19. 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.
20. 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).
21. The applicant shall return the signed "Maintenance Agreement" and "Illicit Discharge Compliance Statement" prior to the commencement of construction. The applicant will notify the Stormwater Inspector at least 48 hours prior to the commencement of construction. Erosion control measures shall be in place prior to the 48-hour notice to the Stormwater Inspector. Additionally, the applicant will provide the Earth Removal Stormwater Inspector with emergency contact information for all site contractors.
22. The applicant or the applicant's consultant shall submit, at least every two weeks in which construction activity occurs on site and for as long thereafter as the ground remains unstabilized, a

report for the Committee's review, certifying that, to the best of his or her knowledge and belief, based on a careful site inspection, all work is being performed in compliance with the plan and these conditions.

23. If the project is not completed within three (3) 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.

24. The applicant is required to obtain a Certificate of Completion as required in Section 352-5A Project Completion which states:

“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. “

25. This permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously by roll call vote with Barringer, Perkins, Hanninen, and McHugh in favor.

#### **OLIVIA WAY PROGRESS REPORT**

The Committee met with developer Peter Cricones and his design engineer Doug Lees, and residents of Olivia Way. The Committee walked the site on Saturday, August 15, 2020.

Mr. Lees said he did a site walk on August 18, 2020 with the Jared Gentilucci of Nitsch Engineering, the Stormwater Inspector, Land Use Director, Conservation Administrator, and homeowners. The wet pond on conservation land is under construction and the impervious barrier was installed at 10 Olivia Way as required in the Stormwater Permit.

Mr. Lees responded to the questions from Scott Hepburn, on behalf of the residents. (See email dated August 17, 2020 from Mr. Hepburn and the email dated August 18, 2020 from Mr. Lees in response.) The Committee was satisfied with Mr. Lees explanations.

Member Perkins reminded Mr. Lees that the 12" pipe must be solid and not perforated as observed on the Committee's site walk on August 15, 2020. Mr. Lees agreed and will be sure it is a solid pipe.

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Mr. Cricones said he plans to pave Olivia Way on October 29, 2020 as stated in his email message dated August 18, 2020.

Member Hanninen said he did not have any questions and thanked Mr. Cricones for the progress he has made. Other members thanked Mr. Cricones as well.

Member Barringer reminded Mr. Cricones that he should follow up with Ms. Esielonis, 3 Olivia Way, regarding the on-going drainage issues in her yard. Mr. Cricones said he and Mr. Lees discussed the matter with Ms. Esielonis, and they will correct the problem.

Mr. Hepburn thanked Mr. Lees for responding to the homeowners' questions in his email.

The Committee will discuss progress at its meeting on September 15, 2020 at 7 PM.

The motion was made by Barringer, seconded by Hanninen, to adjourn the meeting. The motion passed unanimously by roll call vote with Barringer, Perkins, Hanninen, and McHugh in favor.

Meeting adjourned at 8:15 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector