

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE  
TUESDAY, OCTOBER 6, 2020, 7:00 PM  
MINUTES**

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

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

Members absent: George Barringer and Tom Delaney

**OLIVIA WAY PROGRESS REPORT**

The Committee met with developer Peter Cricones and residents of Olivia Way to discuss progress on the stormwater system mitigation plan. Stormwater Inspector Michelle Collette said the base coat of pavement was installed today.

Chairwoman McHugh expressed concerns that, although wetland vegetation had been planted, it had not been watered regularly. Resident Andy George said the homeowners had watered the detention pond at least three or four times as they had agreed to do. Peter Cricones said any wetland plants that do not survive will be replaced in the spring. He said he will hydroseed the area and place straw to control erosion.

**NASHUA RIVER RAIL TRAIL KIOSK**

The Committee met with senior volunteer Barbara Griffin to discuss her volunteer project to update the information posted on the kiosk at the end of Station Avenue on the Nashua River Rail Trail. The kiosk was constructed in 2003 by Nashoba Valley Technical High School students as part of the Town's public education requirement of the Chapter 319 grant for Stormwater Improvements for James Brook.

Ms. Griffin described what she wanted to do to refresh the kiosk with information about upcoming events, the Town's history, and local businesses. She said trail etiquette issues should be addressed. She said she would also include a poster on the importance of picking up dog waste to protect water quality.

The Committee expressed enthusiasm for the project and asked Ms. Griffin to attend the next meeting with a draft of the proposed information to be posted.

**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. Design engineer Stan Dillis represented the applicant at the hearing.

Mr. Dillis presented the recent revisions to the plan. He said DPW Director Tom Delaney installed rip rap at the edge of the field and constructed a berm to prevent runoff from flowing onto Orchard Lane. A rain garden forebay has been added to the plan as requested by the Conservation Commission.

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Member Hanninen asked what would happen if the long driveway is paved. Mr. Dillis said the applicant or future owner would have to come back to the ERSWAC for a new Stormwater Permit. Mr. Dillis agreed that this should be a condition of the Stormwater Permit.

Chairwoman McHugh asked whether the Committee should send the revised plans to Nitsch Engineer for another review. Members Perkins and Hanninen said they did not think it was necessary.

Abutter Dean Luther thanked Mr. Dillis for reconfiguring the driveway cut on Orchard Lane. He asked if a snow fence could be installed to prevent snow drifts on the road. Mr. Dillis said the new berm will help prevent snow drifts.

Abutter Josh Degen thanked Mr. Dillis for the changes to the plan. He noted that the final plan should reflect the changes in the layout of Orchard Lane (Plan 683 of 2002).

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

The motion was made by Hanninen, seconded by Perkins, to grant 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 352-11 – A waiver was requested from the stormwater recharge requirements. As noted in the Stormwater Report, the majority of the site contains soils within HSG D. MassDEP requirements for minimum infiltration rate of 0.17 inches per hour, which is obtained through HSG C Soils. Therefore, infiltration is unable to be used on site.

#### **Special conditions:**

At its regular meeting on October 6, 2020 the Earth Removal-Stormwater Advisory Committee voted to grant the permit with the following conditions:

1. The location of the layout of Orchard Lane, as relocated, shall be shown accurately on the final plan.
2. If the access driveway is paved in the future, the landowner must submit a new Stormwater Management permit application to the Earth Removal Stormwater Advisory Committee for its review.
3. Construction shall be done in accordance with the above-referenced plans and construction sequencing.

4. 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.
5. 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 or abutting properties.
6. 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.
7. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Orchard Lane or Martins 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.
8. 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.
9. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control materials shall be kept on site to stabilize disturbed areas.
10. 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.
11. 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.
12. The applicant shall comply with the Construction Sequencing Plan, the SWPPP, and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities.
13. The applicant shall comply with the Operation and Maintenance Plan entitled, "Stormwater Operations and Maintenance Manual," prepared by Ducharme & Dillis, dated July 13, 2020, with revisions through October 1, 2020. The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
14. 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.

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 Select Board, Board of Health, Conservation Commission, Building Commissioner, 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 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.
21. The applicant or the applicant's consultant shall submit, at least every two months in which construction activity occurs on site and for as long thereafter as the ground remains unstabilized, a report to 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.
22. 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.
23. 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. "
24. This permit runs with the land and applies to any successor in interest or successor in control.

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

**ACADEMY HILL FIELD CHANGE & EXTENSION**

The Committee received a request for an extension of the Academy Hill Stormwater Management Permit #2011-03 from George Gallagher of Academy Hill Realty Trust. The motion was made by Perkins, seconded by Hanninen, to grant the extension for a period of two years to October 6, 2022. The motion passed by roll call vote with Hanninen, McHugh, and Perkins in favor.

The Committee received a letter dated August 24, 2020 from Desheng Wang, wetland scientist of Creative Land and Water, requesting a minor field change to eliminate a culvert under Cherry Tree Lane. Nitsch Engineering reviewed and recommended the proposed field change, and the Planning Board and Conservation Commission both approved the change.

The motion was made by Perkins, seconded by Hanninen, to approve the elimination of the 12” culvert under Cherry Tree Lane as requested in the letter dated August 24, 2020 from Desheng Wang. The motion passed by roll call vote with Hanninen, McHugh, and Perkins in favor.

**ROCKY HILL EXTENSION**

The Committee received a request dated October 1, 2020 from Attorney Robert Collins for an extension of the Rocky Hill Stormwater Management Permit #2018-04. The motion was made by Perkins, seconded by Hanninen, to grant the extension for a period of two years to October 6, 2022. The motion passed by roll call vote with Hanninen, McHugh, and Perkins in favor.

**WAIVER OF AS-BUILT PLAN – 225 PEPPERELL ROAD**

The Committee received a letter from design engineer Stan Dillis of Ducharme & Dillis stating that there have been no erosion problems at the new house located at 225 Pepperell Road. The Limited Stormwater Management Permit #2017-05 required submission of an as-built plan. The new house was recently sold by developer Ralph Hogan to a new homeowner.

The motion was made by Hanninen, seconded by Perkins, to waive the requirement for submission of an as-built plan. The motion passed by roll call vote with Hanninen, McHugh, and Perkins in favor.

The Committee noted that the applicant should request a Certificate of Completion to close out the file.

**MINUTES**

The motion was made by Hanninen, seconded by McHugh, to approve the September 15, 2020 minutes. The motion passed by roll call vote with Hanninen, McHugh, and Perkins in favor.

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

Meeting adjourned at 8:30 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector