

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE  
TUESDAY, NOVEMBER 17, 2020, 7:00 PM  
MINUTES**

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

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

Members absent: George Barringer

**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.

Mr. Cricones said he planted wetland plants in the detention pond on conservation land as shown on the mitigation plan dated April 9, 2019. He also mulched the area around the pond with straw. He has not taken care of the low area in the circle on Olivia Way yet. He said his paving contractor is still planning to install the final paving this year. Stormwater Inspector Michelle Collette reminded Mr. Cricones to notify the Planning Board 48 hours before paving so someone from Nitsch Engineering, the Town's consultant, could be present during paving. Mr. Cricones said he would do so.

Homeowner Elizabeth Esielionis, 3 Olivia Way, said they need to know when the road would be paved in order to make arrangements with a plowing contractor. Mr. Cricones said he would put mortar around the top of the catch basins so plowing would not be a problem.

Member Delaney said paving this late in the season can be very difficult with cold temperatures. He recommended that Mr. Cricones provide a warranty from the paver if the work is done this late in the fall.

Chairwoman McHugh told Mr. Cricones that he only has about two weeks to finish the outstanding work. She requested that he provide a progress report to the Committee for its meeting on December 1, 2020.

**PUBLIC HEARING (continuation) – 111 FARMERS ROW**

Chairwoman McHugh opened the continuation of the public hearing to consider the application for a Full Stormwater Management Permit submitted by Prescott Development to construct a new single-family house and driveway as shown on the plan entitled, "Site Plan, Prescott Development, 111 Farmers Row, Groton, MA," prepared by David Ross Associates, dated September 18, 2020. Applicant Bob Prescott and design engineers, Dan Wolfe and Kevin Mark of David Ross Associates, were present.

Mr. Mark described the revisions to the proposed plan to construct a four-bedroom house, driveway and sewage disposal system. The location of the basin has been changed, infiltration trenches have been added to collect roof runoff, a swale has been added long the driveway, and three, 9" deep rain gardens will be planted. The Historic Districts Commission will be reviewing the plan after this meeting.

Member Hanninen asked about the existing driveway serving the lot to the west and the "Existing Use Area Easement" at the lot line. Mr. Mark said the proposed driveway is separate and no new easements are required. Most of the runoff will be captured on site. Member Hanninen said there should not be any runoff onto Farmers Row, especially in the winter.

Committee members all said they appreciated the revisions to the plan.

Chairwoman McHugh said the landscaping is a very important component of the plan, especially for the correct installation of the rain gardens. Mr. Prescott said David Ross Associates would check elevation to be sure the work is done in accordance with the plan.

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

The motion was made by Hanninen, seconded by Perkins, to grant the Stormwater Management Permit for work shown on the plan entitled, "Site Plan, Prescott Development, 111 Farmers Row, Groton, MA," prepared by David Ross Associates, dated September 18, 2020, revised November 16, 2020, 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 November 17, 2020, the Earth Removal-Stormwater Advisory Committee voted to grant the permit with the following conditions:

1. Construction shall be done in accordance with the above-referenced plans and construction sequencing.
2. 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.
3. 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.
4. 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.
5. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Farmers Row 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.

6. 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.
7. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control materials shall be kept on site to stabilize disturbed areas.
8. 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.
9. 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.
10. 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.
11. 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.
12. The applicant shall comply with the Operation and Maintenance Plan entitled, “Stormwater Collection and Treatment System, Long Term Operation and Maintenance Plan,” dated May 2020. The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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).
19. 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.
20. The applicant shall submit payment for any outstanding peer review costs as required in Chapter 352, Section 3 Filing Fees.
21. 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.
22. 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. "
23. 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 Delaney, Hanninen, McHugh, and Perkins in favor.

**PUBLIC HEARING – GARY DOYLE, 84 PAQUAKWET PATH**

In accordance with the provisions of Chapter 198 of the Code of Groton, the Earth Removal Stormwater Advisory Committee held a virtual public hearing to consider the application for a Limited Stormwater Management Permit submitted by Greg Doyle to construct a new swimming pool, pool decking, and associated landscaping as shown on the plan entitled, "Residential Site Plan, Prepared for Greg Doyle, 84 Paquawket Path, Groton, MA," prepared by Meisner Brem Corporation, dated October 22, 2020. The proposed construction is located at 84 Paquawket Path, on Assessors' Map 227 Parcel 39, on the westerly side of Paquawket Path.

Chairwoman McHugh called the public hearing to order. Design engineer, Ian Ainslie of Meisner Brem Corporation, represented the applicant at the hearing.

Mr. Ainslie presented the plan to clear trees and regrade slopes for more yard space, construct a 10 ft high retaining wall, for installation of a new pool and associated decking. The area to be cleared is about 21,000 SF.

The septic system tank must be relocated, subject to the Board of Health's approval.

Member Perkins asked if any work is near wetlands. Mr. Ainslie said, "no," and that he checked with the Conservation Administrator for confirmation.

Member Hanninen asked about the 10 ft high retaining wall. Mr. Ainslie said the plan for the retaining wall must be prepared and stamped by a Registered Structural Engineer.

The Committee asked about the covenant area shown on the plan. Mr. Ainslie said the "no disturb" covenant area was created on the Longley Estates definitive subdivision plan, approved in 1979. The limit of the covenant area will be staked in the field by a surveyor prior to the commencement of work.

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

The motion was made by Hanninen, seconded by Delaney, to grant the Stormwater Management Permit for work shown on the plan entitled, "Residential Site Plan, Prepared for Greg Doyle, 84 Paquawket Path, Groton, MA," prepared by Meisner Brem Corporation, dated October 22, 2020, with the following findings and conditions:

**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:**

At its regular meeting on November 17, 2020, the Earth Removal-Stormwater Advisory Committee voted to grant the permit with the following conditions:

1. Construction shall be done in accordance with the above-referenced plans.
2. 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.
3. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Paquawket Path 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.
4. Work shall not go beyond the limits of disturbance shown 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.

November 17, 2020

Page 6

5. The "Existing 100' Wide Covenant Area B" shown on the plan shall not be disturbed. The boundary of the covenant area shall be visibly staked in the field by a Registered Land Surveyor.
6. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control material shall be kept on site to stabilize disturbed areas.
7. The applicant shall take effective measures to control dust and windblown erosion at all times.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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).
13. The applicant will notify the Earth Removal 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.
14. 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.
15. 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 Delaney, 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 Delaney, Hanninen, McHugh, and Perkins in favor.

Meeting adjourned at 8:30 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector