

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE  
TUESDAY, MARCH 2, 2021, 7:00 PM  
MINUTES**

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

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

Members absent: George Barringer

**PUBLIC HEARING – VILLAGE AT SHEPLEY HILL**

Chairwoman McHugh called to order the continuation of the public hearing to consider the application for a Full Stormwater Management Permit submitted by Shepley Hill Capital Partners, LLC, to construct a proposed subdivision as shown on the plan entitled, “The Village at Shepley Hill,” prepared by Meridian Associates, dated November 23, 2020. Applicants Larry Smith and Julia Dickinson of Shepley Hill Capital Partners, LLC, Attorney Jill Mann, design engineers Charles Wear and Christopher Rokos of Meridian Associates were present at the hearing.

Attorney Mann updated the Committee on the project. She said the Conservation Commission issued the Order of Conditions for the project, the Planning Board is holding a public hearing on March 11, 2021.

The Committee received a report dated March 2, 2021 from its consulting engineer, Jared Gentilucci of Nitsch Engineering.

Mr. Wear responded to the comments in the Nitsch Engineering report and described the revisions to the plan. He said the location of the sewage disposal systems have changed and three private wells have been added because Town water will not be extended to the site as previously discussed. Cut and fill is balanced so there will be no earth removal from the site. Mr. Smith said they removed one building (two units) to minimize the cut and fill.

Mr. Wear said a new stormwater basin has been added to the plan. A swale from Lots 3 and 4 will direct runoff to the basin. TSS removal meets the requirements, and there will be no net increase in the rate or volume of runoff. The road is 300-400 ft shorter and there are two fewer units resulting in less impact.

Chairwoman Eileen McHugh noted that the comments in the Nitsch Engineering report were addressed in letters dated February 5, 2021 and February 25, 2021 from Meridian Associates. Members all agreed.

Member Perkins asked about the construction entrance. Mr. Wear said it would be 50’ x 20’. The Committee asked that the dimensions be added to the plan.

Chairwoman McHugh asked about the change in the water main extension. Mr. Smith said they were not able to meet the pressure requirements in the water system. Ms. Dickinson said the water system on Longley Road and Martins Pond Road would have to be improved to increase the pressure in the system. Attorney Mann said the water system is greater than 5000 ft away from the site, so the improvements would be very costly.

Chairwoman McHugh asked if the binder would be installed prior to construction of the homes. Mr. Smith said, "yes," all the infrastructure would be in place. Attorney Mann added that the stormwater management system would also be installed.

*The motion was made by Delaney, seconded by Perkins, to close the public hearing. The motion passed unanimously by roll call vote: Delaney – aye, Hanninen – aye, Perkins – aye, McHugh – aye.*

*The motion was made by Hanninen, seconded by Perkins to grant a Full 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 March 2, 2021, the Earth Removal-Stormwater Advisory Committee voted to grant the permit with the following conditions:

1. 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.
2. 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.
3. As recommended in the Nitsch Report, dated March 2, 2021, Comment #10, the plan shall be modified as follows:

“The orifice elevation for the Outlet Control Structure at Infiltration Basin #2 does not match the information in the HydroCAD report. The Applicant should update the detail to match the HydroCAD report so they are consistent.”

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. A notation showing the dimensions of the construction entrances shall be added to the plan.
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 or abutting properties.
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 Sand Hill Road or 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. 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.
13. 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.

14. The applicant shall comply with the Construction Sequencing Plan detailed “Stormwater Management Report,” prepared by Meridian Associates the SWPPP, and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities.
15. The applicant shall comply with the Operation and Maintenance Plan included in the “Stormwater Management Report,” prepared by Meridian Associates The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
16. 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 semi-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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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).
22. 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.
23. 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 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.
24. The applicant shall submit payment for any outstanding peer review costs as required in Chapter 352, Section 3 Filing Fees.

25. 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.

26. 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. “

27. 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: Delaney – aye, Hanninen – aye, Perkins – aye, McHugh – aye.*

#### **VILLAGE MEADOWS STORMWATER EASEMENT**

The Committee discussed the Stormwater Easement, prepared by Attorney Paul Alphen on behalf of Roger Kanniard, for the Village Meadows subdivision off Townsend Road. Stormwater Management Permit 2019-09 requires the easement for the maintenance of the subsurface drainage structures by the Town in an emergency, if the homeowners fail to do so. The easement was forwarded to the Select Board and Town Counsel for review.

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

The Committee discussed Olivia Way and progress on the stormwater system mitigation plan. Stormwater Inspector Michelle Collette reported that developer Peter Cricones had not installed barriers around the cul de sac to prevent vehicular traffic from driving across the area. He did install orange cones on the catch basins. No additional work had been done at Olivia Way.

Elizabeth Esielionis, 3 Olivia Way, said she just wanted to hear the update and had no problems at the present time. Kristina Hepburn, 14 Olivia Way, said the contractor hired by developer Peter Cricones has been doing a good job plowing Olivia Way. The Committee will send another letter to Mr. Cricones and request that he submit an update for the meeting on April 6, 2021.

### **INDIAN HILL MUSIC**

The Committee received a report dated February 28, 2021 from Tom Christopher of Christopher Environmental Associates detailing work at the site and erosion control measures.

Member Hanninen requested a marked-up drawing that shows the location of the erosion control measures and any changes to the plan. He noted that the side slopes around the drainage basin are very steep and not stable.

Chairwoman McHugh said the Committee should also request that the updated SWPPP be submitted by the next meeting. She added that the Committee is only requesting the report and there is no need for the applicant to attend the meeting.

### **MINUTES**

*The motion was made by Hanninen, seconded by Perkins, to approve the minutes of February 2, 2021. The motion passed by roll call vote: Hanninen – aye, Perkins – aye, McHugh – aye, Delaney – abstain.*

*The motion was made by Hanninen, seconded by Perkins, to adjourn the meeting. The motion passed unanimously by roll call vote: Delaney – aye, Hanninen – aye, Perkins – aye, McHugh – aye.*

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector