

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE
TUESDAY, APRIL 6, 2021, 7:00 PM
MINUTES**

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

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

Member absent: Tom Delaney

PUBLIC HEARING – HAYES WOODS, MAPLE AVENUE

Chairwoman McHugh called the continuation of the public hearing to order to consider the application for a Full Stormwater Management Permit submitted by Maple Realty Trust, Robert Kiley, Trustee; LLC, to construct the proposed subdivision as shown on the plan entitled, “Definitive Subdivision Plan,” prepared by Dillis and Roy Civil Design Group, dated February 10, 2021. The proposed subdivision is located on land owned by the Hayes Family Real Estate Trust, George Hayes, Trustee; Assessors’ Map 104, Parcel 30, and Map 212, Parcel 13, on the easterly side of Pepperell Road, the northerly side of Hill Road, and westerly side of Maple Avenue.

The Committee received a letter dated April 6, 2021 from Attorney Collins requesting a continuation of the public hearing.

The motion was made by Perkins, seconded by Hanninen, to continue the public hearing on April 6, 2021 at 7 PM. The motion passed unanimously by roll call vote: Barringer – aye, Hanninen – aye, Perkins – aye, McHugh – aye.

BOYNTON MEADOWS HOMEOWNER REQUEST

Stormwater Inspector Michelle Collette reported that homeowner Melissa Manzi, 27 Blacksmith Row, requested approval to cut off the top of a pipe in the drainage basin behind her home. Ms. Collette said she reviewed the plans and sent a copy to Jared Gentilucci of Nitsch Engineering. He agreed the pipe is there for clean out purposes and could be lowered by the homeowner as long as there is a minimum height of 3” above the ground level for access.

The motion was made by Barringer, seconded by Hanninen, that the pipe may be lowered, that the cap on the pipe must be replaced with a threaded cap for easier removal, and that the minimum height should be 6” inches above ground level. The motion passed unanimously by roll call vote: Barringer – aye, Hanninen – aye, Perkins – aye, McHugh – aye.

INDIAN HILL MUSIC

The Committee received a report dated April 1, 2021 from Tom Christopher of Christopher Environmental Associates detailing work at the site and erosion control measures.

Committee members McHugh and Perkins, and Stormwater Inspector Michelle Collette walked the site on Saturday, March 27, 2021 with site contractor Gary Shepherd and engineer Stan Dillis. The site is in stable condition and grass is beginning to grow well.

At the site walk, Mr. Shepherd inquired about leaving the temporary drainage swale on the southern side of the access road when the work is completed. The Committee members all agreed the applicant should request this as a minor field change that would be shown on the as-built plan.

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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. Mr. Cricones has not responded to the multiple letters and email messages from the Committee requesting a progress report.

Sandra McNabb, 5 Olivia Way, asked what the Committee's next steps would be.

Member Barringer said the Planning Board had released the performance bond for Red Pepper Lane. Final paving of Olivia Way should be done as soon as possible.

Member Perkins suggested that the Committee fine Mr. Cricones. Stormwater Inspector Michelle Collette suggested that the Committee issue an Enforcement Order first and that the Enforcement Order be delivered in hand by the Constable.

The motion was made by Hanninen, seconded by McHugh, to issue an Enforcement Order to developer Peter Cricones, notifying him that the SW Permit 2018-04 expires on April 16, 2021, and that he must request an extension of the permit, with a plan to complete the outstanding items (see Enforcement Order), no later than April 16, 2021. Failure to do so may result in fines or legal action.

The motion passed unanimously by roll call vote: Barringer – aye, Hanninen – aye, Perkins – aye, McHugh – aye.

Chairwoman McHugh said the Committee will discuss other options such as fines and legal action at its meeting on May 4, 2021, if there is no response from Mr. Cricones.

The Committee discussed concerns and other options with homeowners Gary and Sandra McNabb, Scott Hepburn, and Channing Lambert.

The motion was made by Hanninen, seconded by Barringer, to have the Constable hand deliver the Enforcement Order. The motion passed unanimously by roll call vote: Barringer – aye, Hanninen – aye, Perkins – aye, McHugh – aye.

VILLAGE MEADOW STORMWATER EASEMENT

The Committee received a message from Town Manager Mark Haddad with an opinion from Town Counsel stating that the Stormwater Easement for the Village Meadow subdivision must be accepted by a vote of Town Meeting.

Stormwater Inspector Michelle Collette said it is too late to submit an article for the Spring 2021 Town Meeting. The next regularly scheduled Town Meeting will be in October 2021. The Stormwater Permit requires that the easement be recorded at the Registry of Deeds for the maintenance of the subsurface drainage system. The developer has applied for two building permits. Ms. Collette suggested asking the developer to refer the matter to his legal counsel for a solution. The Committee agreed.

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The motion was made by Perkins, seconded by Hanninen, to approve the March 2, 2021 minutes. The motion passed unanimously by roll call vote: Barringer – aye, Hanninen – aye, Perkins – aye, McHugh – aye.

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

Meeting adjourned at 8:00 PM

Respectfully submitted,

Michelle Collette
Earth Removal Stormwater Inspector