

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE  
THURSDAY, SEPTEMBER 9, 2021, 6:00 PM  
MINUTES**

Chairwoman McHugh called the meeting to order at 6:00 PM in the Town Hall.

Members present: Eileen McHugh, George Barringer (remote), Bob Hanninen, and Tom Delaney

**PUBLIC HEARING – GROTON WATER DEPARTMENT TREATMENT PLANT**

The Earth Removal Stormwater Advisory Committee held a public hearing on Thursday, September 9, 2021 at 6 PM in the Town Hall to consider the application for a Full Stormwater Management Permit submitted by the Town of Groton Water Department to construct a new water treatment plant as shown on the plan entitled, “Whitney Pond Wells Water Treatment,” prepared by Environmental Partners, dated August 2021. The proposed water treatment plant is located on land owned by the Town of Groton, Assessors’ Map 104, Parcel 30, and Map 250, Parcel 96, on the southerly side of Lowell Road.

Chairwoman McHugh called the hearing to order and read the public hearing notice published in the August 31, 2021 issue of The Groton Herald. Water Superintendent, Tom Orcutt, and design engineer Bob Rafferty of Environmental Partners were present.

Mr. Rafferty presented the plan to construct a 3500 SF building for a treatment plant and water filtration lagoons to remove manganese from water pumped by the Whitney Pond as ordered by the Department of Environmental Protection (DEP). There will be no changes to flow patterns and no runoff from the site. The Committee received a peer report, dated September 3, 2021, from Nitsch Engineering recommending that the silt fence be shown on the plan and that all requested waivers be granted.

Members Hanninen and Barringer said they hold no questions and no problems with the proposed plan.

Chairwoman McHugh requested that the general contractor submit a construction phasing plan. Mr. Orcutt agreed.

Stormwater Inspector Michelle Collette asked if there would be any fill removed from the site. Mr. Orcutt said about 2000 cubic yards. The Committee reminded the applicant that a Certificate of Exemption from the Select Board is required to removal the excess material.

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

*The motion was made by Hanninen, seconded by Delaney to grant the ful 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:

- Section 198-8.B.(4) – A waiver is being requested from including a list of easements with the purpose and location of each in the operation and maintenance plan since the property is town-owned land.
- Section 198-8.C. – A waiver is being requested from providing stormwater management easements since the property is town-owned land.
- Section 352-2.F.(1)(k) – A waiver is being requested from preparing street profiles due to the limited scope of the proposed project. • Section 352-11.C.(5) – A waiver is being requested to allow the use of a recharge system as a treatment BMP in soils with an infiltration rate greater than 2.4 inches per hour.
- Section 352-11.C.(7) – A waiver is being requested to allow less than 80% TSS removal prior to discharge to an infiltration structure used for recharge within an area with a rapid infiltration rate greater than 2.4 inches per hour.
- Section 352-13.D. – A waiver is being requested to limit the hydrologic analysis to the cleared area only and not account for all run-on and run-off (including off-site impact) in both pre- and post-development conditions.
- Section 352-13.F. – A waiver is being requested to limit the hydrologic analysis to the cleared area only and not include surface runoff from off-site sources.
- Section 352-13.G. – A waiver is being requested to utilize standard curve number (CN) values from HydroCAD instead of the CN values provided in Table 2 to calculate stormwater runoff rates for pre/post construction ground surface conditions.
- Section 352-14.A. – A waiver is being requested to not detain the one-year storm for an additional 24 hours longer than the predevelopment runoff discharge time.

### **Special conditions:**

At its regular meeting on September 9, 2021, 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. 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.
4. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Lowell 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.
5. 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.
6. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control materials shall be kept on site to stabilize disturbed areas.
7. 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.
8. 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.
9. The General Contractor shall submit a Construction Sequencing Plan as detailed in Item #12 of the Nitsch Engineering Report dated September 3, 2021. The applicant shall comply with the Construction Sequencing Plan detailed in the Stormwater Report, the SWPPP, and the NPDES Construction General Permit.
10. The applicant shall comply with the Operation and Maintenance Plan contained in the Stormwater Report submitted with the application. The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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).
17. 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.
18. 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.
19. 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. “
20. 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: Barringer – aye, Delaney – aye, Hanninen – aye, McHugh – aye.*

**194 LOST LAKE DRIVE**

Stormwater Inspector Michelle Collette said the Building Commissioner received several complaints about steep grading around the house on the lot at 194 Lost Lake Drive. He asked the Committee for its opinion on matter. Ms. Collette said the lot area is only 0.21 acres and does not meet the threshold for a Stormwater Permit. However, she understood why neighbors are concerned about the steep slopes on the site.

*The motion was made by Hanninen, seconded by Barringer, to send a letter of concern to property owner Manuel DeSilva Fihlo about the need to stabilize the site. The motion passed unanimously by roll call vote: Barringer – aye, Delaney – aye, Hanninen – aye, McHugh – aye.*

**INDIAN HILL MUSIC**

*The Committee received an email request from Indian Hill Music and environmental consultant Tom Christopher that they be allowed to submit quarterly reports rather than monthly reports.*

*The motion was made by Hanninen, seconded by Delaney, that quarterly reports are acceptable unless there is more than 3” of rain in 24 hours. The motion passed unanimously by roll call vote: Barringer – aye, Delaney – aye, Hanninen – aye, McHugh – aye.*

Meeting adjourned at 6:45 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector