

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE  
TUESDAY, APRIL 5, 2022, 7:00 PM  
MINUTES**

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

Members present: Eileen McHugh, George Barringer, Bob Hanninen, Tom Delaney, and Steven Savage

**PUBLIC HEARING (continuation) – PLATT BUILDERS, 32 COURT STREET**

Chairwoman McHugh called the continuation of the public hearing to order to consider the application submitted by Platt Builders, Inc. for approval of a Full Stormwater Management Permit to construct a 12,500 square-foot building and associated parking, driveways, stormwater management system, and landscaping as shown on the plan entitled, "Site Plan, 32 Court Street, Groton, Massachusetts," prepared by Dillis and Roy, dated January 14, 2022. Applicant Halsey Platt, Attorney Robert Collins, and design engineer Stan Dillis were present.

The Committee received a report dated April 4, 2022 from Nitsch Engineering reviewing the latest revisions to the plan.

Mr. Dillis said the recommendations in the Nitsch report are minor and would be addressed. Attorney Collins agreed that there are no changes to the design of the plan, only notes and drainage calculations.

Member Hanninen asked if the new proposed drainage system would tie into the Town's stormwater system. Mr. Dillis said all runoff would be collected on the Platt building site, but there is an overflow to the Town's system. Member Delaney said he did not have a problem with the proposed overflow connection.

Chairwoman McHugh asked if there would be any pre-treatment prior to the connection to the Town's system. Mr. Dillis said, "yes," there is pretreatment prior to runoff entering the Cul Tec system with overflow to DMH #5 as shown on the plan.

Abutter Fran Stanley said she is fully in support of the proposed project.

Attorney Collins asked since there is no plan redesign required, would the Committee close the hearing and vote to issue the permit.

Member Savage asked if the permit can be granted to Mr. Platt if he is not the owner of the property. Attorney Collins said Mr. Platt will purchase the property from the present owner Anne Elliot on May 5, 2022. Member Delaney stated that the permit runs with the land as stated in the conditions.

Committee members said they were willing to vote on the permit but not sign it until the next meeting pending receipt of Nitsch Engineering's review.

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

**PUBLIC HEARING (continuation) – HAYES WOODS, MAPLE AVENUE**

The Earth Removal Stormwater Advisory Committee held the continuation of the virtual public hearing to consider the application submitted by Maple Avenue Realty Trust (Robert P. Kiley, Trustee) for approval of a Full Stormwater Management Permit. The project is located on Groton Assessors' Parcels 104-30 and 212-13 and will result in the subdivision of the existing 90-acre property on the easterly side of Pepperell Road and the westerly side of Maple Avenue. Attorney Robert Collins and design engineer Stan Dillis were present.

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Attorney Collins said there have been minor changes to the plan as a result of the recent meeting with the Department of Fisheries and Wildlife (DFW). Previously there were seven, approved ten-acre lots on Maple Avenue that had proposed conservation restrictions. The size of the lots will be reduced to four acres each and the remaining 61 acres will be donated in fee to the Groton Conservation Commission. The donation of conservation land is acceptable to the DFW.

Chairwoman McHugh asked if the plan has to go back to the Planning Board. Attorney Collins said a new ANR plan will be submitted, but there will be no change to the Special Permit.

Mr. Dillis addressed the Nitsch Engineering report dated March 28, 2022 on the shared driveway serving Lots 1 and 2. All Committee members were satisfied that their concerns regarding Lots 1 and 2 had been addressed.

*The motion was made by Delaney, seconded by Barringer, to close the public hearing for Lots 1 and 2. The motion passed unanimously by roll call vote: Barringer-aye, Delaney – aye, Hanninen – aye, Savage – aye, McHugh – aye.*

### **STORMWATER PERMIT – PLATT BUILDERS, 32 COURT STREET**

*The motion was made by Hanninen seconded by Barringer to grant the 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 352-11 C (1) – A waiver the curve number (CN) values provided in Table 2 to calculate stormwater runoff rates for pre-/post-construction ground surface conditions.

#### **Special conditions:**

1. Revisions to the plan, as recommended in the Nitsch Engineering report dated April 4, 2022, shall be incorporated into the plan. The revised plan shall be submitted to the Committee for review by Nitsch Engineering. The Committee will not sign the Stormwater Permit until Nitsch Engineering recommends approval of the plan. Construction shall not commence until the permit is signed.
2. Construction shall not begin until the land is conveyed from the current owner (Anne Elliot) to the applicant (Platt Builders).
3. The applicant agreed to grant a “Stormwater Management Easement” to the Town to allow the Town and its agents to access 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.

4. *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.*
5. Construction shall be done in accordance with the above-referenced plans and construction sequencing.
6. 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.
7. 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.
8. 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.
9. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Court Street 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.
10. 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.
11. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control materials shall be kept on site to stabilize disturbed areas.
12. 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.
13. 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.
14. 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.
15. The applicant shall comply with the Construction Sequencing Plan detailed in the SWPPP and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities. The application must submit a copy of the SWPPP to the Committee prior to the commencement of construction.

16. The applicant shall comply with the Operation and Maintenance Plan entitled, ““Operation and Maintenance Guidelines.” The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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).
23. 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.
24. The applicant or the applicant’s consultant shall submit, at least monthly 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.
25. The applicant shall submit payment for any outstanding peer review costs as required in Chapter 352, Section 3 Filing Fees.
26. 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.
27. 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. “

28. 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, Savage – aye, McHugh – aye.*

### **EARTH REMOVAL EXEMPTION – FLORENCE ROCHE ELEMENTARY SCHOOL**

The Committee considered its recommendation to the Select Board on the application, submitted by the Town of Groton and Groton Dunstable Regional School District (GDRSD), for a Certificate of Exemption from the Earth Removal By-law to remove excess earth material from the Florence Roche Elementary School site. Town Manager Mark Haddad, and Tripp McElroy of Gilbane Company, construction manager for the Town and GDRSD, and design engineer Jeffrey Pilat of Samiotes Consultants presented the application.

Mr. McElroy said the request is to remove up to 55,000 cubic yards of excess material, but the actual amount to be removed may as low as 30,000 cubic yards if some of the material is utilized on site. The destination of the excess material will be determined, but they are looking for local projects that can use the material to reduce trucking costs and transportation time.

Chairwoman McHugh asked if the applicant had verified the location of any well or sewage disposal systems with 100 ft of the area to be excavated as required in Items #3 and 4 of the application. Mr. Tripp said they will confirm the location of any possible well and sewage disposal systems and revise the language in their application.

Member Barringer encouraged the applicant to keep top soil in Town. Mr. Haddad said they are working with local developers to keep as much material in Town as possible.

Member Delaney said the DPW will take up to 5000 cubic yards.

Member Hanninen asked if the Chapter 21E site evaluation was done. Mr. Tripp said testing the soils is in process and there is a Licensed Site Professional on the site taking samples. The results will be received next week.

*The motion was made by Delaney, seconded by Barringer, to send the following recommendation to the Select Board:*

“The Earth Removal Stormwater Advisory Committee reviewed the Request for a Certificate of Exemption submitted by the Groton Dunstable Regional School District and the Town of Groton to remove 55,000 cubic yards of excess earth material generated by the construction of the new Florence Roche Elementary School, new athletic track, and associated hardscape and landscaping. The proposed construction is shown on the plans entitled, “Florence Roche Elementary School,” prepared by Samiotes Consultants, dated December 22, 2021, and supporting documentation including the cut and fill analysis provided by Gilbane Building Company and stamped by Stephen Powers, PE, of Samiotes Consultants, on March 22,

2022. The Committee determined that the removal of material qualifies as an exemption under Chapter 134, Section 10, of the Code of the Town of Groton, because the excess material results from construction of the new school, athletic track, hardscape, and landscaping. The Committee granted Stormwater Management Permit #2022-02 for the project on February 15, 2022.

“The Committee voted unanimously to recommend that the Select Board grant the exemption to remove up to 55,000 cubic yards of excess earth material from the site with the following standard conditions:

1. The applicant shall confirm that there are no wells or sewage disposal systems within 100 ft of the area to be excavated.
2. No operating on site before 7:00 AM or after 5:00 PM unless the Select Board determines otherwise.
3. Loaded trucks shall depart from the site only within such hours as the Select Board, after consultation with the Police Chief, may prescribe in the interest of public safety.
4. The public roadway must be cleaned at the end of the workday.
5. Applicant shall notify the Earth Removal Stormwater Inspector prior to commencement of activity.
6. Slope of stockpiles shall not exceed 2.1.
7. Stockpiles shall be stabilized with non-invasive, fast-germinated seed such as annual rye to prevent dust and wind-blown erosion. Erosion control barriers shall be installed around the base of the stockpiles.
8. Town water is available on the site. It is imperative that appropriate dust control measures to be undertaken at all times.”

*The motion passed unanimously by roll call vote: Barringer-aye, Delaney – aye, Hanninen – aye, Savage – aye, McHugh – aye.*

#### **STORMWATER PERMIT – HAYES WOODS, MAPLE AVENUE, LOTS 1 & 2**

*The motion was made by Hanninen seconded by Barringer to grant the permit for Lots 1 and 2 only 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 waiver of the Stormwater Regulations:

- Section 352-11C(5) states that to qualify as a treatment BMP, a recharge system must discharge to soils with infiltration rates less than or equal to 2.4 inches per hour when used as a treatment BMP.

**Special 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 Maple Avenue 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. 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.
10. The applicant shall comply with the Construction Sequencing Plan detailed March 10, 2022, the SWPPP, and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities. The application must submit a copy of the SWPPP to the Committee prior to the commencement of construction.

11. The applicant shall comply with the Operation and Maintenance Plan entitled, "Operation and Maintenance Guidelines." The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
12. 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<sup>as</sup> required in Section 352-6D.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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).
18. 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.
19. The applicant or the applicant's consultant shall submit, at least quarterly, 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.
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 unanimously by roll call vote: Barringer-aye, Delaney – aye, Hanninen – aye, Savage – aye, McHugh – aye.*

At the meeting on May 3, 2022, the Committee will review the design plans and Nitsch Engineering reports and discuss whether or not a Stormwater Management Permit is still required for Lots 3-7, Maple Avenue, in response to the request from Attorney Collins and Mr. Dillis that a permit is not necessary for these lots.

#### **INDIAN HILL MUSIC CLOSE-OUT**

Stormwater Inspector Michelle Collette reported that representative of the Land Use Departments met with the Indian Hill Music construction manager and others to discuss project close out. Opening the new music center is planned for September 2022.

In addition to the required reports, as-built plans, and engineer’s certification, the Committee said it would like to have a final site inspection by Nitsch Engineering.

#### **MINUTES**

*The motion was made by Hanninen, seconded by Delaney, to approve the minutes of March 1, 2022, as amended. The motion passed unanimously by roll call vote: Barringer-aye, Delaney – aye, Hanninen – aye, Savage – aye, McHugh – aye.*

Meeting adjourned at 8:45 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector