

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE**  
**TUESDAY, MARCH 7, 2023, 7:00 PM**  
**MINUTES**

Chairman Savage called the meeting to order at 7:00 PM at the Town Hall.

Members present: Steven Savage, George Barringer, and Bob Hanninen

Member absent: Tom Delaney and Bruce Easom

**PUBLIC HEARING – NATE NUTTING TURTLE NESTING AREA**

In accordance with the provisions of the Code of the Town of Groton, Chapter 198, the Earth Removal Stormwater Advisory Committee (ERSWAC) held a public hearing on to consider the application submitted by Fox Meadow Realty Corporation for approval of a Limited Stormwater Management to construct a turtle nesting area as shown on the plan entitled, "Plan of Nesting Area, Groton, Massachusetts, Nate Nutting Road (236-24)," prepared by Dillis & Roy, dated December 20, 2022. The property, owned by Massachusetts Audubon Society, is located on Assessors Map 236, Parcel 24, off Nate Nutting Road.

Chairman Savage called the public hearing to order and read the legal notice published in the February 24, 2023 issue of the *Groton Herald*. Attorney Robert Collins and design engineer Stan Dillis represented the applicant at the public hearing. Marion Stoddart, Ann Gagnon, and Julie Lisk were also present

Mr. Collins presented the proposed plan to create a turtle nesting area off Nate Nutting Road as required by the Natural Heritage and Endangered Species Program as part of the conservation permit for the Rocky Hill subdivision. Mr. Collins said the turtle nesting area will be in a remote area adjacent to a wetland that is in pristine condition and has no invasive species. The Conservation Commission would like the turtle nesting area to be relocated to a less sensitive site. Mr. Collins requested that the ERSWAC continue the public hearing until the matter is settled with the Conservation Commission. The Commission, the Conservation Agent, and State Biologist will walk the site tomorrow.

The motion was made by Hanninen, seconded by Barringer, to continue the public hearing on April 4, 2023, at 7:00 PM.

**PUBLIC HEARING (con't) – GROTON SCHOOL TRACK, SOCCER FIELDS & BASEBALL FIELD**

Chairman Savage opened the continuation of the public hearing for the Groton School track, soccer fields, and baseball field. Attorney Robert Collins and design engineer Stan Dillis presented the plans.

Mr. Dillis described the plan to create two new soccer fields surrounded by a track. A subsurface Cul Tec drainage system will be installed underneath the soccer fields. Overflow will be provided and there will be no increase in runoff. Some grading is within the 100 ft wetlands buffer zone, but not grading is required within the 50 ft buffer zone.

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Mr. Dillis said an existing baseball field will be reconstructed with artificial turf on top of 2-3 ft of sand. The runoff will be directed to an existing drainage system and there will no increase in runoff.

Mr. Collins noted that all displaced earth material will remain on the Groton School campus.

Stormwater Inspector Michelle Collette asked if the artificial turf contains any PFAS material. Mr. Collins said, "no."

Marion Stoddart asked if the artificial turf contains any toxic materials. Mr. Collins said only natural materials are used today. Mr. Dillis added that the field designers are very aware of the PFAS issues and are up to date on all current regulations.

The motion was made by Hanninen, seconded by Barringer, to close the public hearing. The motion passed unanimously.

The motion was made by Hanninen, seconded by Barringer, to issue 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:**

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 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.

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 applicant shall comply with the Operation and Maintenance Plan in “Stormwater Report for Track & Field Improvements, Groton School.” The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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).

16. 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.
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.

## **MINUTES**

The motion was made by Barringer, seconded by Hanninen, to approve the minutes of February 7, 2023. The motion passed unanimously.

## **PUBLIC HEARING – HAYES WOODS SUBDIVISION**

Chairman Savage opened the continuation of the public for the Hayes Woods subdivision. Attorney Robert Collins and design engineer Stan Dillis presented the plans.

Mr. Dillis said all the comments in the Nitsch Engineering report dated February 6, 2023 have been addressed. However, the ERSWAC has not received a report from Nitsch Engineering on the latest revisions.

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Mr. Dillis said the Total Suspended Solids (TSS) numbers must comply with the Stormwater Management requirements, so he added a forebay and pipe to the drainage basin. They may need to request a waiver for the runoff numbers, but will wait to receive Nitsch Engineering's response. All other technical issues have been addressed.

Members had no concerns and debated whether to hold a special meeting on March 16, 2023 to act on the permit. Mr. Collins said a special meeting would not be necessary because the Planning Board is still holding its hearing on the definitive subdivision plan.

The motion was made by Barringer, seconded by Hanninen, to continue the public hearing on April 4, 2023, at 7:15 PM. The motion passed unanimously.

**BLOOD EARTH REMOVAL RECOOMENDATION**

The motion was made by Hanninen, seconded by Barringer, to ratify and update the recommendation to the Select Board, as voted on January 11, 2023, recommending that the Earth Removal Permit granted to Richard Blood be extended for two years. The motion passed unanimously.

The Select Board will hold the public hearing on March 27, 2023.

Meeting adjourned at 8:00 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector