

**TUESDAY, APRIL 4, 2023, 7:00 PM  
MINUTES**

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

Members present: Steven Savage, Tom Delaney, Bruce Easom, and Bob Hanninen

Member absent: George Barringer

**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 the continuation of the public hearing 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. Attorney Robert Collins and design engineer Stan Dillis represented the applicant at the public hearing.

Mr. Collins presented the revised 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 state biologist requires that the turtle nesting area be in an open area with certain types of grasses with pockets for turtle nesting. Approximately three-quarters of an acre will be cleared.

Chairman Savage asked if the work would be done this year. Mr. Dillis said the work would not be done during nesting season, but later in the year. Access to the area will be from the existing cart path. The wetland area is prime turtle habitat, so access should be limited to foot traffic.

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

The motion was made by Hanninen, seconded by Easom, to grant a Limited Stormwater Management Permit with the following findings and conditions:

**Finding of Significance**

The Earth Removal 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 April 4, 2023, 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.
2. 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.
3. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Nate Nutting 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.
4. Work shall not go beyond the limits of disturbance shown on the above-referenced plan. The stakes shall be maintained throughout construction to prevent any disturbance to the vegetation or topography beyond the limits of disturbance.
5. The applicant shall take effective measures to control dust and windblown erosion at all times.
6. 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.
7. 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.
8. The applicant is responsible for obtaining any other permits (including but not limited to) those required by the Board of Selectmen, Board of Health, Conservation Commission, Building Inspector, DPW Director, Planning Board and Zoning Board of Appeals.
9. 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.
10. 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).
11. The applicant will notify the Earth Removal 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.

12. The applicant or the applicant's consultant shall submit, at least every three months 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.
13. 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.
14. This permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

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

Chairman Savage opened the continuation of the public hearing 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 March 31, 2023 have been addressed. The applicant is requesting the following waiver:

*Section 352-11.C.(7) requiring "At least 80% of the TSS must be removed prior to discharge to an infiltration structure used for recharge if the discharge is within an area with a rapid rate greater than 2.4 inches per hour."*

Mr. Dillis said three Stormceptor systems will be installed in the site to address Total Suspended Solids (TSS) concerns. The grades of the basins have been raised and adjusted.

Member Easom asked if there would be a parking area for people using the conservation land. Mr. Dillis said, "Yes," four parking spaces will be created for access to the open space.

Member Delaney asked if anything other than Stormceptors could be used for TSS removal. Mr. Dillis said, "No," Stormceptors are the best solution. Member Delaney expressed concerns about the Town's ability for long-term maintenance of underground drainage systems. Member Delaney said there is no impact on wetlands. Basins can be cleaned regularly and Stormceptor are cleaned less frequently.

Member Easom said he did not support the requested waiver on the TSS removal because it is a significant difference from what is required in the regulations. Mr. Dillis said it meets the Massachusetts Stormwater Regulations, but not the local regulations.

April 4, 2023

Page 4

The motion was made by Delaney, seconded by Hanninen, to allow the use of catch basins as shown on the original design plan, to grant a waiver on TSS removal because it meets Massachusetts Stormwater Standards, and that the applicant must submit an updated plan showing the revisions. The motion passed with Delaney, Hanninen, and Savage in favor; Easom opposed.

The motion was made by Hanninen, seconded by Easom, to continue the public hearing on April 18, 2023, at 7 PM. The motion passed unanimously.

**PARTIAL CERTIFICATE OF COMPLETION, 60 ORCHARD LANE**

The motion was made by Hanninen, seconded by Easom, to issue a partial Certificate of Completion for Stormwater Management Permit 2020-06 for 60 Orchard Lane with a deadline to complete the work by July 1, 2023. The motion passed unanimously.

**PARTIAL CERTIFICATE OF COMPLETION, 92 COMMON STREET**

The motion was made by Easom, seconded by Delaney, to issue a partial Certificate of Completion for Stormwater Management Permit 2022-01 for 92 Common Street with a deadline to complete the work by July 1, 2023. The motion passed unanimously.

**CERTIFICATE OF COMPLETION, 240 MAIN STREET**

The motion was made by Easom, seconded by Delaney, to issue a Certificate of Completion for Stormwater Management Permit 2019-03 to Gus Widmayer for work at Kilbourn Place, 240 Main Street. The motion passed unanimously.

Meeting adjourned at 7:45 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector