

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE
TUESDAY, APRIL 18, 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, Tom Delaney, Bruce Easom, and Bob Hanninen

PUBLIC HEARING – HAYES WOODS SUBDIVISION (con't)

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 the plan had been revised to show the three Stormceptor systems to address Total Suspended Solids (TSS) concerns. The grades of the basins have been raised and adjusted as discussed at the previous hearing.

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

The motion was made by Hanninen, seconded by Delaney, to grant 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.

Waivers:

The Committee voted to grant the following waivers of the Stormwater Regulations:

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."

Special conditions:

At its regular meeting on April 18, 2023, the Earth Removal-Stormwater Advisory Committee voted to grant the permit with the following conditions:

1. 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.
2. 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.
3. Construction shall be done in accordance with the above-referenced plans and construction sequencing.
4. 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.
5. 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.
6. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Pepperell 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.
7. 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.
8. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control materials shall be kept on site to stabilize disturbed areas.
9. 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.

10. 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.
11. 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.
12. The applicant shall comply with the Construction Sequencing Plan, the SWPPP, and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities.
13. The applicant shall comply with the Operation and Maintenance Plan entitled, “Long Term Pollution Prevention Plan,” as detailed in the Stormwater Report dated, December 12, 2022. The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
14. 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 1st annually as required in Section 352-6D.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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).

20. 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.
21. The applicant or the applicant's consultant shall submit, at least every two months in which construction activity occurs on site and for as long thereafter as the ground remains unstabilized, a report for 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.
22. 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.
23. 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. "
24. This permit runs with the land and applies to any successor in interest or successor in control.

The motion passed unanimously.

COMMENTS TO ZBA – GROTON FARMS

The Committee discussed the proposed Groton Farms Comprehensive Permit application to create 200 units of rental housing under the provisions of MGL Chapter 40B.

The motion was made by Hanninen, seconded by Barringer, to recommend that the Zoning Board of Appeals deny the waiver requested in Section Six, Page 2, which states:

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“Section 218-2.SH.1(e)[3} Soil log submission

The applicant requests a waiver from the requirement for witnessed soil testing for stormwater areas. Soil testing has been performed by a Competent Soils Professional (Licensed Soil Evaluator) as required by the Massachusetts Stormwater Management Policy.”

The Committee believes it is essential to have a qualified representative from the Town, such as the peer review engineer, witness the soil testing for all drainage areas. The deadline for seasonal soil testing is May 1, 2023, so the applicant should schedule the soil testing as soon as possible.

The motion passed unanimously.

The Committee will post a meeting when the ZBA holds a public hearing on the project so a quorum of members can attend.

Meeting adjourned at 7:35 PM

Respectfully submitted,

Michelle Collette
Earth Removal Stormwater Inspector