

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE
TUESDAY, JULY 18, 2023, 6:30 PM
MINUTES**

Chairman Savage called the meeting to order at 6:30 PM at the Town Hall.

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

Members absent: George Barringer and Tom Delaney

PUBLIC HEARING – NATE NUTTING ROAD TURTLE NESTING AREA

In accordance with the provisions of the Code of the Town of Groton, Chapter 198, the Earth Removal Stormwater Advisory Committee held a 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 March 9, 2023. The property, owned by Massachusetts Audubon Society, is located on Assessors Map 236, Parcel 24, off Nate Nutting Road.

Member Easom read the public hearing notice published in the June 27, 2023 issue of the *Groton Herald*. Attorney Robert Collins and design engineer Stan Dillis were present at the hearing.

Mr. Collins presented the revised plan to create a turtle nesting area. The Committee had issued Stormwater Permit 2023-02 on April 4, 2023. The location of the nesting area was changed at the direction of Massachusetts Department of Fisheries and Wildlife. The plan was not changed otherwise.

Chairman Savage asked if the Committee could reissue Stormwater Permit 2023-02 with the same conditions. Mr. Collins said, "yes."

Member Easom asked when the earth moving would begin and how much material would be brought onto the site. Mr. Collins said he did not know at this time but would let the Committee know when work begins.

The Committee voted unanimously to close the public hearing and will vote on the permit at a future meeting.

CERTIFICATE OF COMPLETION – STORMWATER PERMIT 2020-06, 60 ORCHARD LANE

John Guinee, owner of 60 Orchard Lane, design engineer Stan Dillis, abutter Josh Degen, and DPW Director in Training Brian Callahan were present.

Member Bruce Easom stated that he is an abutter to the property and therefore has a conflict. He said the Conflict of Interest law allows him to participate under the Rule of Necessity because the Committee would not have a quorum if he left the meeting. The motion was made by Hanninen, seconded by Savage, that Member Easom can participate in the 60 Orchard Lane matter. The motion passed unanimously.

Chairman Savage said he understands that there is a serious stormwater runoff problem from the Guinee property to the Degen property as shown on the video from Joshua Degen.

Mr. Guinee explained that he had completed all the work shown on the approved plan as required in Stormwater Permit #2020-06 including installing an additional berm along the Degen's property line. He described what happened recently with 5" of rain.

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Chairman Savage said he would like to see resolution to solve the existing problem without making any judgment on the parties.

Mr. Degen explained what happened in this location historically with water running off into his basement. He said runoff also flows onto Orchard Lane, a public way, and onto Martins Pond Road. He said there was significant breach of the berm resulting in a washout two weeks ago. The DPW and Police came to fix the problem. Mr. Degen said he dug a trench to direct water to the Town's catch basin. He said the water has been diverted as shown in the video.

Chairman Savage said the problem will continue every time it rains unless there is a resolution. The Committee must rely on a resolution designed by the engineer.

Brian Callahan said the DPW did what it could do to correct the situation. He said he would go back and check on the catch basins and inlets to be sure everything is working properly.

Mr. Dillis said the installation of the berm was done after consultation with DPW Director Tom Delaney.

Mr. Guinee said the runoff problem is a pre-existing condition. Member Hanninen said this is a new driveway to the house, not the previous agricultural access to the orchard.

Member Hanninen suggested that the Committee postpone voting on the request for a Certificate of Completion to the next meeting.

Chairman Savage asked whether postponing the vote would be acceptable to both parties to implement the solution to be designed by engineer Stan Dillis. He said he really wants to see the problem resolved for all parties.

Mr. Dillis said he would like to visit the site again and check elevations to see what is needed. Mr. Guinee said he understands and wants to do the right thing to solve the problem.

Mr. Degen said it is not only the design of the solution, it is the implementation of the plan. He requested that we wait until DPW Director Tom Delaney gets back from vacation because Orchard Lane and the Town's drainage system must be considered. He also requested that the work be inspected by the engineer and DPW Director.

Mr. Degen requested that the trench he dug to the catch basin be allowed to remain until the solution is in place.

Chairman Savage requested that Mr. Callahan check on the Town's drainage system tomorrow to be sure everything is working properly. Mr. Callahan said he would do so.

The motion was made by Easom to continue the discussion to September 5, 2023. The motion passed unanimously.

The Committee postponed voting on the June 6, 2023 minutes until the September 5, 2023 meeting.

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Meeting adjourned at 7:45 PM

Respectfully submitted,

Michelle Collette
Earth Removal Stormwater Inspector