

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE  
TUESDAY, SEPTEMBER 5, 2023, 6:30 PM  
MINUTES**

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

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

**REQUEST FOR CERTIFICATE OF COMPLETION – 60 ORCHARD LANE**

The Committee received a request for a Certificate of Completion for 60 Orchard Lane. Homeowner, John Guinee, requested a continuation because the work to remediate flooding and erosion on Orchard Lane had not been completed.

The motion was made by Hanninen, seconded by Barriger, to continue the discussion to the meeting on October 3, 2023, at 6:30 PM. The motion passed unanimously.

**REQUEST FOR CERTIFICATE OF COMPLETION – GROTON HILL MUSIC, 122 OLD AYER ROAD**

The Committee received a request for a Certificate of Completion for Groton Hill Music, 122 Old Ayer Road. Project manager, Gary Shepherd, requested a continuation because the work to on the slope for outdoor seating behind the building had not been completed.

The motion was made by Hanninen, seconded by Barriger, to continue the discussion to the meeting on October 3, 2023, at 6:30 PM. The motion passed unanimously.

**REQUEST FOR A FIELD CHANGE – 92 COMMON STREET**

Design engineer Frank McPartlan, of Dillis and Roy, presented plans to modify the turnaround area at the end of the driveway at 92 Common Street. The new plan will disturb an additional 45 square feet in the wetlands buffer zone. The area has been previously disturbed.

Member Easome said the Conservation Commission had concerns about erosion control for the work within the 100 ft buffer zone. He asked if the area had been loamed and seeded yet.

Chairman Savage said the approval of work in the buffer zone is up to the Conservation Commission.

The motion was made by Easom, seconded by Barringer, to approve the field change as described in the letter dated August 29, 2023 from Dillis and Roy and as shown on the plan entitled, "Field Change, Groton, Massachusetts, Tim Scarczkopf, 92 Common Street," dated August 28, 2023.

The motion passed unanimously.

## **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 on Tuesday, July 18, 2023, 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.

The Committee reviewed the draft Stormwater Management permit for the proposed turtle nesting area which was relocated at the request of MassWildlife. Attorney Collins was present for the discussion.

The motion was made by Hanninen, seconded by Barriner, to issue a new permit for the Nate Nutting Turtle Nesting area 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.

#### **VILLAGE AT SHEPLEY HILL PROPOSED FIELD CHANGE**

The Committee reviewed the proposed plan to stabilize the steep slope at the Village at Shepley Hill. Developer Larry Smith and design engineer Frank McPartlan, of Dillis and Roy, were present.

Mr. McPartlan presented the plan to stabilize the 1:1 slope which has had severe erosion and slumping problems for several months. Mr. McPartlan said more geo-textile fabric will be installed with a rock reinforcement structure to hold the slope in place. The slope will also be stabilized with 24-inch rip rap and bed of 6-inch crushed stone. The plan complies with MassDOT engineering specifications.

Stormwater Inspector Michelle Collette asked if the Committee wanted to consider this as a field change or require a modification of the Stormwater Permit. She also asked if Nitsch Engineer should review the proposed plan. Committee members agreed that getting the work done is time sensitive and will consider it a field change.

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Member Easom asked if the material in the basin will be cleaned out. Mr. Smith said they will clean the basin out in the spring after the restoration work is completed.

The motion was made by Hanninen, seconded by Delaney, to approve the field change to the Village at Shepley Hill as described in the letter dated August 8, 2023 from Dillis and Roy and as shown on the plan entitled, "Sketch – Slope Reinforcement Plan," dated August 8, 2023, revised August 16, 2023.

1. The Committee's consulting engineer, Nitsch Engineer, shall inspect the work during construction.
2. The changes to the plan shall be shown on the as-built plans.

The motion passed unanimously.

### **SERGIO VALERIO, 731 MARTINS POND ROAD**

The Committee met with Sergio and Andreia Valerio of 731 Martins Pond Road regarding concerns expressed by abutter, James Luening, regarding erosion and runoff from the Valerio's driveway onto their lot. (See Stormwater Inspector's report dated August 14, 2023 for details)

Mr. Valerio said when he paved the existing driveway, he pitched the slope away from Mr. Luening's property. He realizes that there is some erosion at the switch back in the driveway that must be repaired. He said this driveway is at binder coat, and he will install 3" of gravel on each side when he does the final coat of pavement. He also said he installed two large catch basins – one at the switch back at the top of the driveway and the other near the base of the driveway at Martins Pond Road.

Stormwater Inspector Michelle Collette recommended that Mr. Valerio install straw wattles along the side of the driveway to prevent runoff to Mr. Luening's property until construction is completed.

Member Delaney suggested that Mr. Valerio install a monolithic berm when the top coat of pavement is installed.

The motion was made by Delaney, seconded by Barringer, that the work on the lot at 731 Martins Pond Road does not meet the thresholds of the by-law and does not require a Stormwater Management Permit. The motion passed unanimously.

### **60 ORCHARD LANE UPDATE**

Member Delaney said he is working with engineer, Stan Dillis, of Dillis and Roy, on a plan to pipe runoff from the driveway at 60 Orchard Lane to the Town's catch basin to alleviate runoff problems. Member agreed with the proposed solution.

### **MINUTES**

The motion was made by Easom, seconded by Barringer, to approve the minutes of June 6, 2023. The motion passed unanimously.

The motion was made by Easom, seconded by Barringer, to approve the minutes of May 17, 2023. The motion passed unanimously.

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The motion was made by Easom, seconded by Barringer, to approve the minutes of July 18, 2023. The motion passed unanimously.

Meeting adjourned at 7:45 PM

Respectfully submitted,

Michelle Collette

Earth Removal Stormwater Inspector