

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE  
TUESDAY, OCTOBER 3, 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, Bob Hanninen, and Tom Delaney

Member absent: George Barringer

**PUBLIC HEARING – NASHOBA HOMES DEVELOPMENT, NASHUA ROAD**

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 Nashoba Homes Development, LLC, for approval of a Full Stormwater Management Permit for residential construction on Lots 1 & 2 as shown on the plan entitled, "Site Plan (Lot 1 & 2), Nashua Road, Groton MA," prepared by Dillis & Roy, dated August 30, 2023. The proposed lots are located on Assessors Map 227, Parcel 117.1, on the easterly side of Nashua Road.

Chairman Savage called the public hearing to order and read the notice published in the September 29, 2023 issue of the *Groton Herald*. Design engineer Greg Roy of Dillis and Roy presented the plan.

Mr. Roy said the plan includes two ANR lots. Lot 1 contains 2.5 acres, and Lot 2 has 2.3 acres. The amount of disturbance exceeds 80,000 square feet, so the lots will have a stormwater management system. Ira Grossman of the Nashoba Associated Boards of Health witnessed the soil testing as required in the regulations. The drainage basin complies with all Massachusetts Stormwater management standards and is designed to manage up to the 100-year storm. The Conservation Commission issued a negative determination for the project. The Board of Health is reviewing the sewage disposal system design plans.

Member Delaney expressed concerns about the sight distance at the bend on Nashua Road. Mr. Roy said they will address the sight distance issues when they apply for a curb cut.

Chairman Savage asked if the hill in the center of the site would be flattened. Mr. Roy said, "yes," the grades may be terraced with retaining walls to be installed at the rear of the lots.

Stormwater Inspector Michelle Collette asked how much excess fill would be removed from the site and noted that the Select Board must issue a Certificate of Exemption if the amount to be removed exceeds 500 cubic yards.

Chairman Savage said the drainage basin must be constructed first. Member Easom said there was overflow onto Nashua Road during the severe rain storm on September 11, 2023.

Mr. Roy said the infiltration rate of the soils is very good. The basin is designed to handle the 100-year storm.

Chairman Savage asked about the adjacent land recently conveyed to the Conservation Commission. Mr. Roy said the Town purchased the adjoining 58-acre parcels from the applicant.

*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 the 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:**

At its regular meeting on October 3, 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 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. The applicant shall take all reasonable measures to ensure that vegetation, brush, slash, and earth materials, etc. remain in vehicles leaving the site and are not deposited or blown on to the public way or abutting properties.
4. 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.
5. It is the applicant's responsibility to prevent the products of erosion and sedimentation from reaching Nashua 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.
6. 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.
7. All disturbed areas and stockpiles must be properly stabilized. A supply of erosion control materials shall be kept on site to stabilize disturbed areas.
8. 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.

9. 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.
10. 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.
11. The applicant shall comply with the Construction Sequencing Plan detailed in the SWPPP, and the NPDES Construction General Permit. The applicant shall keep a log of spring and fall maintenance activities.
12. The applicant shall comply with the Operation and Maintenance Plan included in the "Stormwater Report for Nashua Road," submitted with the application. The applicant shall keep a log of spring and fall maintenance activities. The Operation and Maintenance plan shall comply with Section 352-22.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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).
19. The applicant shall submit payment for any outstanding peer review costs as required in Chapter 352, Section 3 Filing Fees.
20. 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.
21. 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. “

22. This permit runs with the land and applies to any successor in interest or successor in control.

*The motion passed unanimously.*

**REQUEST FOR COMPLIANCE, ROBERT PRESCOTT, 111 FARMERS ROW**

The Committee met with Robert Prescott regarding the single-family house he is constructing at 111 Farmers Row. The Committee issued Stormwater Management Permit 2020-07 on November 17, 2020 for development of the lot. The Stormwater Inspector issued a Request for Compliance on September 20, 2023 as a result of complaints from abutter Rhonda Zambenardi because her yard and basement were flooded from the construction at 111 Farmers Row.

Mr. Prescott described the measures he is taking to mitigate the flooding onto the adjacent property. He said he has installed a 100 ft infiltration trench and is trying to redirect runoff from the runoff to an excavated area.

Mrs. Zambenardi and her daughter Ashley described the hardship they have suffered as a result of the flooding. They have been pumping water out of their basement 24 hours a day for three weeks.

Mr. Prescott said he is trying to correct the flooding issues and will oversize the basins.

Stormwater Inspector Michelle Collette said Mr. Prescott should consult with his design engineer, Dan Wolfe of David Ross Associates, on mitigation measures and possible revisions to the plan.

Mr. Prescott said when the site is stabilized there will not be any flooding problems.

Member Hanninen stated that the Stormwater Management Permit conditions states:

“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.”

Mr. Prescott said he is willing to reconstruct a portion of the Zambenardi’s driveway that was flooded. He noted that the groundwater table is at record high levels.

Mrs. Zambenardi said she is buying a new sump pump and installing a drainage system that costs \$19,000. Her daughter Ashley said they have never had flooding problems before this summer, even when Broadmeadow Road has been flooded.

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*The motion was made by Hanninen that Mr. Prescott is required to ensure that runoff does not increase off his lot and that the design must be prepared by his civil engineer to be sure water does not flow off site.*

Chairman Savage said the design engineer must come up with the remediation plan by Friday, October 5, 2023.

Member Easom said the plan must include both a temporary and permanent solution and address both surface water and groundwater issues for the Committee's review.

*The motion was seconded by Delaney and passed unanimously.*

#### **60 ORCHARD LANE UPDATE**

The proposed mitigation work for the driveway at 60 Orchard Lane had not been completed.

*The motion was made by Delaney, seconded by Hanninen, to postpone discussion until the meeting on December 5, 2023. The motion passed unanimously.*

#### **GROTON HILL MUSIC CERTIFICATE OF COMPLETION**

The motion was made by Hanninen, seconded by Easom, to issue a Certificate of Completion to Groton Hill Music, 122 Old Ayer Road. *The motion passed unanimously.*

#### **FLORENCE ROCHE ELEMENTARY SCHOOL**

*The motion was made by Hanninen, seconded by Easom, to agree that the design engineer and project managers may submit quarterly reports rather than monthly reports for construction of the new Florence Roche Elementary School. Conditions at the site are stable and there are no stormwater issues. The motion passed unanimously.*

#### **MINUTES**

*The motion was made by Hanninen, seconded by Easom, to approve the minutes of September 5, 2023. The motion passed unanimously.*

Meeting adjourned at 8:15 PM

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector