

**EARTH REMOVAL STORMWATER ADVISORY COMMITTEE**  
**THURSDAY, JANUARY 2, 2025, 3:00 PM**  
**MINUTES**

Chairman Savage called the virtual meeting to order at 3:02 PM

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

Others present: Michelle Collette, Earth Removal Stormwater Inspector; Jared Gentilucci of Nitsch Engineering, and resident Judy Anderson

**PROPOSED AMENDMENTS TO CHAPTER 352 EARTH REMOVAL STORMWATER REGULATIONS**

The Earth Removal Stormwater Advisory Committee (ERSWAC) met with its consulting engineer, Jared Gentilucci of Nitsch Engineering, to discuss proposed amendments to the Stormwater Regulations. The Committee will hold a public hearing on January 7, 2025, at 6:30 PM.

Mr. Gentilucci said the proposed revisions are Phase I of the amendments to the regulations. The changes are necessary for the Town to be in compliance with Environmental Protection Act (EPA) updates on Municipal Separate Stormwater Sewer System (MS4) requirements. The proposed changes are contained in Section 352-11 Post Construction Stormwater Management. This section includes standards for new construction and for redevelopment. There are changes to the water quality requirements for Total Suspended Solids (TSS) and phosphorous removal.

Chairman Savage asked who will be responsible for compliance on private property. Mr. Gentilucci said if the project has greater than 40,000 land disturbance, a Stormwater Management Permit must be submitted to the ERSWAC for review and approval. The permit includes conditions on future maintenance. The design requirements must address water quality standards and other technical issues. The standards for new development are more stringent than for redevelopment.

Member Hanninen asked what percentage of the project is the threshold for new development rather than redevelopment. For example, if there is one house on a portion of a large property, are changes to the remainder of the property considered new development or redevelopment. Mr. Gentilucci said the new development if there is clearing of an undisturbed area. Michelle Collette asked if new development is disturbance of land in its natural state. Mr. Gentilucci said "Yes."

Mr. Gentilucci said the sections on new development and redevelopment have different Best Management Practices (BMP's) for treatment.

Mr. Gentilucci said the new regulations also have provisions for off-site mitigation. Mr. Gentilucci said off-site mitigation is only an alternative for redevelopment, not for new development.

Michelle Collette asked whether connection to the MS4 system is considered off-site mitigation. Member Delaney, who is also DPW Director, said projects are only allowed to tie into the Town's system for emergency overflows and this happens rarely. Member Hanninen

asked if this should be addressed in the regulations. Member Delaney said, “No,” because we do not want to encourage it. Connections to the Town’s system require a variance.

Member Hanninen said if the definition of “BMP’s” is spelled out in the regulations. Mr. Gentilucci said is included in the by-law, Chapter 198 Stormwater Management – Low Impact Development, Section 198-2 Definitions, which states:

“BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.”

Michelle Collette said the Committee discussed including a provision that “No finished slope shall be greater than a gradient of 30°,” as required in Chapter 134 Earth Removal.

Mr. Gentilucci said the proposed amendments only address the MS4 requirements. Other amendments will be proposed during round two of the updates to the regulations.

Chairman Savage asked who follows up to monitor compliance with the post-construction requirements. Mr. Gentilucci said the conditions requiring annual reports will be included in the Stormwater Management Permits. Michelle Collette said the Committee and the Stormwater Inspector must follow up.

Member Barringer stated that we include conditions on compliance with the Operations and Maintenance Plans in the Stormwater Permits.

The Committee understands that the new requirements will only apply to applications submitted after the changes to the regulations have been adopted.

All members agreed that the Committee will consider the proposed draft amendments at the public hearing on January 7, 2025.

The motion was made by Hanninen, seconded by Delaney, to adjourn the meeting. The motion passed by roll call vote with Delaney, Barringer, Hanninen, Easom, and Savage in favor.

Meeting adjourned at 3:40 PM.

Respectfully submitted,

Michelle Collette  
Earth Removal Stormwater Inspector