

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
Room 104, Veterans Memorial Building, 900 Main St., Millis, MA
October 29, 2018**

The meeting was brought to order at 7:30 p.m. by Dr. James Lederer, Chair.

The following members were present:

Dr. James Lederer, Chair

Christine Gavin, Ed Chisholm, Charles Tangerini

Members Absent: Ram Charan Khalsa, Daniel Lee, Anne Rich

Others present: Nathan Maltinsky, 431 Exchange St.
Brian Dmytryck, 1275 Main St.
Scott Miccile, Toll Bros., Inc., 134 Flanders Rd., Westborough
Peter Bemis, Engineering Design Consultants
Dan Merrikin, Merrikin Engineering, 730 Main St.

DEP FILE#CE225-0403, AMENDMENT TO ORDER OF CONDITIONS, PUBLIC HEARING, CONT. – 39 MAIN STREET - BEAU GRASSIA

The public hearing continuation was opened at 8:11 p.m. by Dr. Lederer, Chair.

An email, dated October 29, 2018, was received by Mr. Grassia stating that his engineer/wetlands person was sick and unable to attend the meeting. He requested a continuance to the December 10, 2018, meeting.

On a motion made by Mr. Chisholm, seconded by Mr. Tangerini, it was voted unanimously at 7:33 p.m. to continue the public hearing to Monday, December 10, 2018, 8:15 p.m.

Nathan Maltinsky – 431 Exchange St.

Informal Discussion re: Cassidy Farm

Mr. Maltinsky stated that he would like to use a portion of the Town owned land behind his house to raise some beef cattle. The “municipal portion” of the land, under the jurisdiction of the Board of Selectmen, is where he is proposing to farm and would like a two year lease. Mr. Maltinsky stated that he will be meeting with the Selectmen and the Board of Health over the next few weeks.

The Commission has no issue with his proposal, as long as it is done legally and with the knowledge and approval of the Selectmen and Town Counsel.

BSD Holdings, LLC – Brian Dmytryck

1275 Main Street – Cease & Desist Letter

Mr. Dan Merrikin of Merrikin Engineering, representing the applicant, addressed the Commission. Mr. Dmytryck was issued a Cease & Desist letter, dated October 9, 2018, from the Commission for clearing/dumping in the buffer zone. Mr. Merrikin stated that Mr. Dmytryck recently acquired the adjacent property and did clear some areas in the buffer zone. Mr. Dmytryck would like to “store materials” in the area. Mr. Chisholm stated that there should be no storage in the flood plain and that the applicant should verify Army Corps easements on

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the property as well. Mr. Merrikin stated that “things seem to be stabilized” in the area and the Commission authorized the installation of compost socks only. Mr. Merrikin stated that a Notice of Intent would be filed for the unauthorized work and proposed work.

**Regency at Glen Ellen Senior Residential Community Development
Orchard Street Culvert Repair
Informal Discussion - Toll Brothers**

Mr. Scott Miccile stated that they received a “Notice of Violation” letter, dated October 9, 2018, regarding wetland impacts to a culvert on Orchard Street, downstream of the property. He said that Toll Brothers has a very good relationship with the Town and that the letter “came as a surprise.” The issues were not caused by the work Toll Brothers did, he said, but they did correct everything. Mr. Miccile provided information on the “emergency culvert” repair work done by the DPW, which was a temporary fix. He requested that the Commission rescind the Notice of Violation.

On a motion made by Mr. Tangerini, seconded by Mr. Chisholm, it was voted unanimously to rescind the Notice of Violation letter dated October 9, 2018.

**DEP File# CE225-0393 221 Orchard Street
Request for Certificate of Compliance**

A site visit was conducted on Wednesday, October 10, 2018. Mr. Bemis stated that the as-built plan was revised to include contour lines for the east side of the property where the slope was cut. The Commission reviewed the plan.

On a motion made by Mr. Chisholm, seconded by Mr. Tangerini, it was voted unanimously to approve a complete Certificate of Compliance for 221 Orchard Street.

**DEP File# CE225-0350 219 Orchard Street
Request for Certificate of Compliance**

A site visit was conducted Wednesday, October 10, 2018. Deviations were noted from the approved plan as follows:

- the paved driveway (ConCom approved gravel)
- stone retaining wall behind the house (no retaining wall on approved plan)
- significant fill on the west side of the property off the paved drive
- extension of garage footprint (ConCom said no to extension)
- the approved plan included planting three new trees on the slope - these have not been planted

Mr. Bemis states that the house plan he “worked with” said nothing about not paving. According to Mr. Bemis, the owner of the home who he worked with did not know and paved the driveway. He stated that the three trees did not get planted and they will plant them if the Commission deems it necessary. Mr. Chisholm stated that the elevations shown on the plan are

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not correct and that fill was brought in. There was discussion regarding the flood plain, flood zones and elevations. The Commission requested that the plan be revised and a certification letter regarding the historic fills in and near the Bogastow Brook 100-year flood limit be submitted as well.

On a motion made by Mr. Chisholm, seconded by Mr. Tangerini, it was voted unanimously to approve a complete Certificate of Compliance for 219 Orchard Street, **pending receipt of the certification letter and the approval of the revised plan.** (Note: requested items were received/reviewed and Certificate of Compliance was issued on 12/7/2018).

Other Business:

DEP File#225-224 313 Village Street, Request for Certificate of Compliance

The Commission received a Request for Certificate of Compliance for an Order of Conditions issued in June 2001. The approved project was for a septic system replacement at 313 Village Street. It appears that the original applicant did not follow through after completion of the project for a Certificate of Compliance from the Conservation Commission to release the Order of Conditions.

On a motion made by Mr. Chisholm, seconded by Ms. Gavin, it was voted unanimously to approve a complete Certificate of Compliance for 313Village Street.

DEP File #CE225-0402 – 1280 Main Street Solar Project

The Commission received a Request for Certificate of Compliance. A site visit was conducted on October 22, 2018 with Mr. Mark Anderson.

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted unanimously to approve a complete Certificate of Compliance for 313Village Street.

Minutes

On a motion made by Mr. Tangerini, seconded by Ms. Gavin, the minutes from October 1, 2018, were unanimously approved as written.

Scheduled Conservation Commission Meetings: December 10, 2018

There being no further business, on a motion made by Ms. Gavin, seconded by Mr. Tangerini, and voted unanimously, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

*Camille Standley
Administrative Assistant*