

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
VIRTUAL/REMOTE MEETING VIA ZOOM PLATFORM**

July 13, 2020

The remote ZOOM meeting was brought to order at 7:07 p.m. by Dr. James Lederer, Chair.

The following members were present:

Dr. James Lederer, Chair

Ed Chisholm, Daniel Lee, Christine Gavin, Carol Hayes

Marta Nover, BETA Group, Inc.

Julia Stern, BETA Group, Inc.

Camille Standley, Administrative Assistant

Members Absent: Anne Rich
 Ram Charan Khalsa

Others present: J. Richard Tarara, 266 Orchard St.
 Wayne Carlson, Carlson Survey
 Rainer Franz Felber, 68 Meadow Cartway
 Robert Fox, Benjamins Gate, Plymouth
 Daniel Merrikin, Legacy Engineering, 730 Main St.
 Beau Grassia, 39 Main St., King Café
 Joyce Hastings, GLM Engineering
 Brian & Sara Dmytryck, 1275 Main St.
 Scott Goddard, Goddard Consulting

**REQUEST FOR DETERMINATION OF APPLICABILITY, PUBLIC HEARING
68 MEADOW CARTWAY – FELBER**

The public hearing was opened at 7:08 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Wayne Carlson, representing the applicant, presented the application. The proposed work is for construction of an 8-ft. by 10-ft. first floor addition between the first floor and the basement and construction of a 12-ft. by 30-ft. wood deck over the existing concrete patio. Mr. Carlson stated that proposed erosion controls will be in place as shown on the plan.

On a motion made by Ms. Gavin, seconded by Ms. Hayes, it was voted at 7:16 p.m. to close the public hearing. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted to approve a Negative 3 Determination of Applicability, with Special Conditions, for 68 Meadow Cartway. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

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REQUEST FOR DETERMINATION OF APPLICABILITY, PUBLIC HEARING

1 CHELSEA WAY - SAGHBINI

The public hearing was opened at 7:19 p.m. with notice being read by Dr. Lederer, Chair. (Note: Mr. Chad Saghbini was unable to log in/connect to the remote meeting)

The Commission reviewed the application which is for proposed construction of an in-ground pool. A site visit had been conducted on June 13, 2020. During the site visit, the proposed pool location was spray painted on the grass. The closest edge of the proposed pool site lays eighteen feet to the existing fence. The sketch/plan submitted by Mr. Saghbini did not provide enough detail for the location and size of the pool. The applicant will be requested to provide a revised sketch with more detail.

On a motion made by Mr. Lee, seconded by Ms. Gavin, it was voted at 7:34 p.m. to continue the public hearing to Monday, August 10, 2020, at 7:00 pm. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

**DEP FILE#CE225-0426, NOTICE OF INTENT, PUBLIC HEAR., CONT.
RIDGE STREET OPEN SPACE DEVELOPMENT (“EMERSON PLACE”)
T.D. DEVELOPMENT, LLC**

The public hearing continuation was opened at 7:35 p.m. by Ms. Hayes. (Dr. Lederer recused himself from the public hearing as he is a direct abutter to the proposed project.)

Mr. Merrikin, representing the applicant, summarized the proposed project for construction of infrastructure for a 43-lot single-family Open Space Development. Mr. Merrikin updated the Commission on the status of the review. He stated that BETA is reviewing the documents/report from Goddard Consulting from June 6, 2020. He stated that two crossings have work proposed in jurisdictional areas. According to Mr. Merrikin, stormwater management has been reviewed and “blessed by BETA.” Goddard Consulting has also provided wetland replication plans. Mr. Merrikin stated that there are three stream channels: two are presumed perennial and one intermittent.

Ms. Nover of BETA Group summarized the status of their review. She stated that they received a comprehensive package from Goddard Consulting and are, in part, making sure the plan construction notes correlate with Goddard’s report and the Notice of Intent. There are common details to be worked through, she said. Ms. Nover stated that there may be a “Riverfront issue,” classifying streams as perennial. She does believe this is a “limited project” and Army Corps of Engineers authorization may be needed. Mr. Merrikin stated that a Riverfront analysis will be provided. Ms. Nover expects to have their comments to Mr. Merrikin in a week’s time.

On a motion made by Mr. Lee, seconded by Ms. Gavin, it was voted at 7:59 p.m. to continue the public hearing to Monday, August 10, 2020, 7:10 p.m. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

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DEP FILE #CE225-0421 – 1275 MAIN STREET (“0” MAIN ST.)

CEASE & DESIST - BRIAN DMYTRYCK

Mr. Dmytryck and Ms. Sara Dmytryck attended the ZOOM meeting as requested to discuss the Cease and Desist letter he was sent regarding work observed outside of the scope of his Order of Conditions; clear-cutting of trees and re-grading of land within the Bordering Vegetated Wetland. Mr. Dmytryck stated that he had trees he needed to take down and he did not install erosion controls. He said that he “did some clearing in an area twenty-five feet from the street.” Ms. Dmytryck stated that the tree company “dumped the wood chips in the area outside of the buffer zone,” and she was confident that “nothing was going off” their property into the wetlands/buffer zone. Mr. Dmytryck stated that the proposed tree plantings approved in the Order of Conditions have not been done yet. According to Mr. Dmytryck, where the property is an “investment property,” he is trying to enlarge it and clean it up to rent it out.

Creation of a berm for protection of the wetland was discussed. Mr. Dmytryck stated that the grade has not been changed. Mr. Chisholm stated that Mr. Merrikin, or someone, has to confirm that statement.

Mr. Chisholm stated that they should have come before the Commission for permission prior to any tree-cutting or any work not authorized in the Order of Conditions. They were instructed to file a Request for Determination of Applicability for the work already done and anything else they propose to do on the property. Once that is done, the Cease & Desist can be rescinded.

**REQUEST FOR DETERMINATION OF APPLICABILITY, PUBLIC HEARING
266 ORCHARD STREET - TARARA**

The public hearing was opened at 8:16 p.m. with notice being read by Dr. Lederer, Chair. (Ms. Gavin recused herself from the public hearing as she is a direct abutter to the proposed project.)

Mr. Tarara, as instructed at the June 8th meeting, filed a Request for Determination. The Commission reviewed the application. Mr. Tarara presented photographs and discussed the proposed fence location. In addition to the after-the-fact work already done (brush removal), Mr. Tarara requested approval to rake and evenly grade, re-seed and loam the area. He would also like to re-install an “aesthetically and environmentally friendly” security fence for the pool enclosure. The Commission discussed the installation of straw wattles/erosion controls behind the proposed fence.

On a motion made by Mr. Lee, seconded by Dr. Lederer, it was voted at 8:28 p.m. to close the public hearing. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Hayes – aye. The motion passed unanimously.

On a motion made by Dr. Lederer, seconded by Mr. Lee, it was voted to approve a Negative 3 Determination of Applicability, with Special Conditions, for 266 Orchard Street. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Hayes – aye. The motion passed unanimously.

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**DEP FILE #CE225-0403 AMENDED OOC– 39 MAIN STREET; KING CAFÉ
CEASE & DESIST - BEAU GRASSIA**

Ms. Hastings of GLM Engineering, representing the applicant, presented her letter, dated July 1, 2020 (attached). Ms. Hastings stated that site inspections were conducted on May 15 and July 1, 2020. She compared what has been done on the site and what was approved in the Order of Conditions/Amended Order of Conditions. Ms. Hastings presented items/activities that need to be addressed **before** any work can continue on the project, along with items that are in compliance with the Orders and approved site plan. She also presented activities that were not included on the approved site plan, which she considered to be “minor modifications that do not impact the adjacent wetland resource areas.”

Ms. Hastings addressed the issue of the erosion controls discussed at the June 8, 2020 meeting. She stated that a row of straw wattles had been added to the front of the fabric silt fence. She agreed and stated that a portion of the erosion control is off the property. According to Ms. Hastings, it will be properly removed at the completion of the project.

The plan submitted, entitled “Grading As-Built Plan” is the same plan as previously submitted. Once the project is complete, a final as-built plan will be prepared and submitted with a Request for Certificate of Compliance, Ms. Hastings said.

On a motion made by Mr. Chisholm, seconded by Dr. Lederer, it was voted that the CEASE AND DESIST is hereby lifted, provided the activities discussed and listed in the letter are addressed **prior** to the project continuing. Once that work is completed, only **approved work as stated** in the Order of Conditions and shown on the approved site plan entitled, “Amended Site Plan, 39 Main Street, Millis, MA,” dated July 14, 2018 is permitted. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Hayes – aye. The motion passed unanimously.

**8 & 10 PADDOCK LANE – INFORMAL DISCUSSION
LEDERER/GIBBONS - TREE REMOVAL**

Dr. Lederer, speaking as a resident and not the Commission Chair, presented a letter, dated July 10, 2020, and photos to the Commission. He and his neighbor at 8 Paddock Lane, Craig Gibbons, would like permission to remove some pine trees on their properties that are within the 100-foot wetland buffer zone. According to Dr. Lederer, these trees are relatively healthy but are large and dangerously close to the homes. He stated that one of the trees was “topped during a storm” and came close to hitting 8 Paddock Lane. Dr. Lederer and Mr. Gibbons would like to be proactive with preventative measures to avoid serious property damage.

Commission member, Ms. Gavin, conducted a site visit and agreed that the trees could potentially cause significant damage.

Dr. Lederer and Mr. Gibbons will file a Request for Determination for the proposed tree work.

