

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

**August 10, 2020**

The remote ZOOM meeting was brought to order at 7:01 p.m. by Dr. James Lederer, Chair.

The following members were present:

Dr. James Lederer, Chair

Ed Chisholm, Daniel Lee, Christine Gavin, Carol Hayes

Ram Charan Khalsa: not sworn in/unable to vote

Laura Krause, BETA Group, Inc.

Camille Standley, Administrative Assistant

Members Absent:

Others present:        John Steadman, 26 Glen Ellen Blvd.  
                              Chad Saghbini, 1 Chelsea Way  
                              Joseph Benoit, 87 Ridge St.  
                              Ted Merchant, Toll Bros., Inc.

**REQUEST FOR DETERMINATION OF APPLICABILITY, PUBLIC HEAR., CONT.  
1 CHELSEA WAY – C. SAGHBINI**

The public hearing continuation was opened at 7:01 p.m. with notice being read by Dr. Lederer, Chair.

The Commission reviewed the application for proposed construction of an in-ground pool. Mr. Saghbini provided a revised sketch showing more detail as requested by the Commission for the approximate 20' x 40' pool (including the apron). No filling or significant changes in elevation will be permitted.

On a motion made by Mr. Lee, seconded by Ms. Gavin, it was voted at 7:10 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 Mr. Lee, it was voted to approve a Negative 3 Determination of Applicability, with Special Conditions, for 1 Chelsea Way. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

**REQUEST FOR DETERMINATION OF APPLICABILITY, PUBLIC HEARING  
10 & 8 PADDOCK LANE – LEDERER/GIBBONS**

The public hearing was opened at 7:13 p.m. with notice being read by Ms. Hayes, Vice Chair. (Dr. Lederer recused himself from the public hearing)

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Dr. Lederer presented the application on behalf of himself and his neighbor, Mr. Gibbons. They are seeking permission to remove some pine trees on their properties that are within the 100-foot wetland buffer zone. He stated that the trees proposed to be removed pose a safety hazard. They are hoping to have the tree work done on September 16<sup>th</sup> and 17<sup>th</sup>. Dr. Lederer said there would be no stump grinding and all protocol/rules and will be followed.

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

On a motion made by Mr. Chisholm, seconded by Mr. Lee, it was voted to approve a Negative 3 Determination of Applicability, with Special Conditions, for 10 & 8 Paddock Lane. By Roll Call Vote: 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 7:18 p.m. with notice being read by Ms. Hayes, Vice Chair. (Dr. Lederer recused himself from the public hearing as he is a direct abutter to the proposed project.)

Ms. Hayes read a letter from Mr. Daniel Merrikin, representing the applicant, dated August 10, 2020, into the record, wherein he requested a continuance without discussion until the next scheduled meeting. They are in the process of preparing additional information in response to BETA’s latest comments.

On a motion made by Mr. Lee, seconded by Ms. Gavin, it was voted at 7:20 p.m. to continue the public hearing, without discussion, to Monday, September 14, 2020, 7:00 p.m. By Roll Call Vote: Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

**REQUEST FOR DETERMINATION OF APPLICABILITY, PUBLIC HEARING  
87 RIDGE STREET – J. BENOIT**

The public hearing was opened at 7:32 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Benoit presented the application. A site visit was conducted on August 1, 2020. Mr. Benoit would like approval for yard work to include deck repair, fence replacement, garden bed installation, and replacement of a shed. Erosion controls have been installed. During the site visit, it was requested that Mr. Benoit extend the erosion controls at the driveway end prior to starting the work. Mr. Benoit stated that he would do that.

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On a motion made by Ms. Hayes, seconded by Ms. Gavin, it was voted at 7:38 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 Mr. Lee, it was voted to approve a Negative 3 Determination of Applicability, with Special Conditions, for 87 Ridge Street. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

**TOLL BROTHERS; REGENCY AT GLEN ELLEN**

**(1) EXTENSION PERMIT REQUESTS**

**DEP FILE #'S CE225-0399 (Orchard St. Off-Site Water); CE225-0400 (Regency at Glen Ellen On-Site Work); CE225-0406 (Orchard St. Off-Site Sewer)**

The three Orders of Conditions listed above expire on August 22, 2020. Toll Brothers is requesting an extension for all three Orders of Conditions. Mr. Merchant stated that the two off-site orders are close to being complete. They are “moving steadily through” the on-site work, he said. Ms. Krause of BETA Group, the Commission’s peer reviewer, recommended approval of the extension requests.

On a motion made by Dr. Lederer, seconded by Mr. Chisholm, it was voted to approve an extension to August 22, 2023, for Order of Conditions DEP File #CE225-0399, for Toll Brothers, Inc. 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 Mr. Chisholm, it was voted to approve an extension to August 22, 2023, for Order of Conditions DEP File #CE225-0400, for Toll Brothers, Inc. 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 Mr. Chisholm, it was voted to approve an extension to August 22, 2023, for Order of Conditions DEP File #CE225-0406, for Toll Brothers, Inc. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

**(2) PHASE III WORK AUTHORIZATION DISCUSSION**

Mr. Merchant is requesting approval for them to begin Phase III of the project in the Spring. He presented a plan depicting the area in Phase III that is subject to the request. Ms. Krause updated the Commission on the timeline for the project and some outstanding items to consider before approval.

Toll Brothers requests to use the Emergency Access Road as the primary construction access to Phase III so site development could begin in the spring while Road H was under construction. The use of the Emergency Access Road as the primary construction entrance to Phase III would,

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however, have an impact on the vernal pool species spring migration and breeding processes, given the proposed construction schedule.

To avoid the need to use the Emergency Access Road to begin work on Phase III, Toll subsequently requested the Commission instead consider construction of the first 1000 feet of Road H in Phase III for the fall of 2020. Completing the work on Road H in the fall is preferable to avoid construction between vernal pools during the migratory period.

The Commission understands that by authorizing the start of work in Phase III, Toll will begin site work without complying with Special Condition #44 in the Order of Conditions. Special Condition #44 in the Order of Conditions requires submittal of a partial as-built for Phases I and II before work can commence on to Phase III.

On a motion made by Ms. Hayes, seconded by Mr. Lee, it was voted as follows by Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye:

to allow Toll Brothers to work on the 1000-foot stretch of Road H starting at the northwest corner of Phase II-D to proceed without complying with Special Condition #44 at this time. Toll Brothers will still need to submit a partial as-built to the Commission for Phases I and II that are in full compliance with Special Condition #63. Before commencement of Phase III site activities, Toll Brothers must fully comply with the following stipulations:

1. Conduct a “pre-construction” meeting between the project supervisor, the contractor responsible for the work, and the Conservation Commission and/or their representative (Special Condition #34).
2. Prior to conducting clearing or earthwork activities in the area identified as Phase III, the limit of work shall be established in the field, erosion controls installed, and a pre-construction meeting held (Special Condition #43).
3. If necessary, wetland flagging should be reestablished in the field (Special Condition #24).
4. Sheet piling specifications and installation details shall be provided to the Conservation Commission for approval prior to installation of the sheet piling (Special Condition #46).
5. Prior to conducting clearing or earthwork activities in the area identified as Phase III, a copy of the SWPPP that specifically describes construction-related stormwater runoff management associated with Phase III shall be submitted for review and approval by the Conservation Commission’s representative. Contingencies for pumping / dewatering shall be included, along with any flow diversion that might be necessary to avoid runoff from entering resource areas. Contingency dewatering discharge specifications and locations, construction staging areas, and stockpile areas should be included.

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6. Toll Brothers agrees to fully comply with Special Conditions #44 and #63 by the September 14, 2020 meeting of the Millis Conservation Commission.

The motion passed unanimously.

**(3) PUMP HOUSE PLANTINGS FIELD CHANGE REQUEST; DEP FILE #CE225-0400**

Mr. Merchant requested that the Commission approve a field change request regarding pump house plantings. The request is to install landscape elements, including screening plantings and a mulch area, around the pumphouse east of "Road K."

Based on the proposed rendering provided by Toll and the Commission's knowledge of the location at the pump house, the work will not temporarily or permanently impact any resource area. Based on the work's description, the Commission was in agreement that a field change was appropriate.

On a motion made by Dr. Lederer, seconded by Mr. Lee, it was voted as follows by Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye:

To approve that the planting could be completed as a field change associated with DEP File #CE 225-0400, if the work is completed in accordance with the following conditions:

1. A Commission Member, or its representative, shall review site conditions following work completion to confirm site stability.

The motion passed unanimously.

**Other Business:**

**Conservation Commission Membership**

Mr. John Steadman had emailed the Commission on February 21, 2020, expressing an interest in joining the Commission should a seat become available. The Commission reviewed Mr. Steadman's Volunteer/Talent Form and discussed his areas of interest/expertise.

Mr. Steadman would replace long-time, dedicated and well-respected member, Ms. Anne Rich, who sadly passed away in July.

On a motion made by Mr. Chisholm, seconded by Ms. Hayes, it was voted to recommend that the Select Board appoint Mr. Steadman to the Conservation Commission. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

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**Reorganization of the Commission**

On a motion made by Mr. Lee, seconded by Mr. Chisholm, it was voted to nominate Ms. Hayes as Vice Chair of the Commission. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye. The motion passed unanimously.

**Community Preservation Committee Representative**

On a motion made by Dr. Lederer, seconded by Mr. Chisholm, it was voted to nominate Ms. Hayes as the tentative Conservation Commission representative to the Community Preservation Committee. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye. The motion passed unanimously.

**FY21 Payroll Signatories**

Pursuant to MGL Chapter 41, Section 41, on a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted to authorize *either* Dr. James Lederer or Ms. Carol Hayes to sign/approve payroll. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

**Minutes**

A motion was made by Dr. Lederer, seconded by Ms. Hayes, to approve the ZOOM minutes from July 13, 2020 as written. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

Scheduled Conservation Commission Meetings:     September 14, 2020  
October 5, 2020

**Executive Session**

A motion was made by Dr. Lederer, seconded by Ms. Gavin, at 8:14 p.m. to enter into Executive Session and to reconvene in regular session, only to adjourn, to consider the purchase, exchange, lease or value of real estate, as the Chair declares that an open meeting will have a detrimental effect on the negotiating position of the public body. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

*Respectfully submitted,*

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*Camille Standlee,  
Administrative Assistant*