

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

September 14, 2020

The remote ZOOM meeting was brought to order at 7:00 p.m. by Dr. James Lederer, Chair.

The following members were present:

Dr. James Lederer, Chair

Ed Chisholm, Daniel Lee, Christine Gavin, Carol Hayes, John Steadman

Marta Nover, BETA Group, Inc.

Julia Stearns, BETA Group, Inc.

Laura Krause, BETA Group, Inc.

Camille Standley, Administrative Assistant

Members Absent:

Others present:

Daniel Merrikin, Legacy Engineering

Tina Giampietro, 12 Lawrence St., Milford

Joe Zachelli, Milford

Ted Merchant, Toll Bros., Inc.

Sakhmani Khalsa, 10 Buddy Kearny Ln.

Scott Goddard, Goddard Consulting

Gerald Nunnaley, 123 Orchard St.

**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 7:01 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.)

Mr. Merrikin, representing the applicant, summarized the status of the Open Space Development Definitive Subdivision. He stated that there have been ongoing discussions between BETA Group and Goddard Consulting regarding the streams and performance standards. Mr. Merrikin stated that Stream 1 meets the criteria for being intermittent and BETA agrees. He will revise the plans to show Riverfront Area and update the Riverfront Area calculations on Form 3. Mr. Merrikin will also revise the plans to reflect the off-site perennial status of Stream 1. The second stream is presumed intermittent. There was discussion regarding the classification of Stream 3. Interpretations based on a press release from DEP was discussed.

Ms. Stearns of BETA Group provided an update on their findings for the project and most of their comments have been addressed. She summarized their review letter, dated September 14, 2020.

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As the plans need to be revised, the public hearing will be continued. BETA will prepare a draft Order of Conditions for the Commission to review should the application be approved.

On a motion made by Mr. Chisholm, seconded by Mr. Lee, it was voted at 7:38 p.m. to continue the public hearing to Monday, October 5, 2020, 7:00 p.m. By Roll Call Vote: Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye; Steadman - aye. The motion passed unanimously.

**DEP FILE#CE225-0428, NOTICE OF INTENT, PUBLIC HEARING
121 ORCHARD STREET - GIAMPIETRO**

The public hearing was opened at 7:40 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Zachelli, representing the applicant, presented the application. The Notice of Intent is for construction of a single family dwelling with detached accessory building. An Order of Conditions was issued for this location (different applicant) on June 18, 2008, however, the construction never took place. Mr. Zachelli stated that the erosion controls have been installed.

Mr. Gerald Nunnaley, an abutter to the proposed project, questioned where the water runoff from the driveway would flow. According to Mr. Zachelli, it would flow towards the drainage easement.

The Commission had questions about the plan regarding contours, elevations and impervious surface calculations. Mr. Chisholm stated that existing and proposed contours should be shown on the plan. The Commission requested that Mr. Carlson revise the plan with the missing information for clarification.

On a motion made by Dr. Lederer, seconded by Mr. Steadman, it was voted at 8:10 p.m. to continue the public hearing to Monday, October 5, 2020, 7:05 p.m. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye; Steadman – aye. The motion passed unanimously.

**TOLL BROTHERS; REGENCY AT GLEN ELLEN
INFORMAL DISCUSSION**

(Note: Mr. Steadman was recused from these discussions as he is a resident.)

Mr. Merchant stated that a pre-construction meeting was held on September 1, 2020, as required for starting work on Phase III. The following issues came up at that time.

(1) PARTIAL CERTIFICATE OF COMPLIANCE REQUEST (CE225-0400 Regency at Glen Ellen On-Site Work)

Mr. Merchant stated that they are still working on filing the Partial Certificate of Compliance. Ms. Krause of BETA Group stated that the filing of the Partial COC was part of the approval for beginning Phase III. Mr. Merchant requested that the Commission grant an extension for the filing of the Partial COC.

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On a motion made by Ms. Hayes, seconded by Mr. Lee, it was voted to approve an extension for filing a Partial Certificate of Compliance Request to November 2, 2020, 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.

(2) REMOVAL OF DEAD TREES PROPOSAL

Mr. Merchant requested permission for removal of dead trees outside the Limit of Work area that are near proposed houses. During the pre-construction site walk, the Commission and BETA Group agreed that the trees should be removed, however, no stumping or stump grinding is permitted.

On a motion made by Ms. Hayes, seconded by Ms. Gavin, it was voted to approve the removal of the trees discussed with no stump grinding or stump removal permitted. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

(3) SHEETING INSTALLATION ASSOCIATED WITH ROAD H/TREE REMOVAL

Mr. Merchant requested that the Commission approve steel sheeting installation where work is located up to the wetland line associated with “Road H.” A tree will also need to be removed due to potential root damage from the installation.

On a motion made by Ms. Hayes, seconded by Ms. Gavin, it was voted to approve the sheeting installation as shown/discussed and removal of the tree discussed with no stump grinding or stump removal permitted. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

(4) GLEN ELLEN OPEN SPACE STATUS

Mr. Steadman, who is a resident of Regency at Glen Ellen, discussed his document entitled, “Glen Ellen Open Space Status As of September 1, 2020.” One of the issues, he stated, was that areas which were to be left undisturbed were mowed by a neighboring resident. These areas are prohibited from being mowed as they are Bordering Vegetated Wetland areas. No signage is in place to prevent this, Mr. Steadman stated, and resource markers are not in place.

Mr. Merchant stated that he will work with BETA to mark areas for signage so they are left undisturbed not mowed.

**DEP FILE #225-106 – 137 FARM STREET (DENAPOLI) AND
DEP FILE #225-178 – 137 FARM STREET – REQUESTS FOR CERTIFICATE OF
COMPLIANCE**

A letter from Brent T. Warren, Esq., was received, dated August 14, 2020, wherein two Requests for Certificate of Compliance applications were filed. The above-mentioned Orders of Conditions were issued back in 1991 and 1998. The old Orders were discovered when the DeNapoli’s were selling their home.

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DEP File #225-106 was for installation of a septic system, which has since been replaced by connecting to public sewer. DEP File #225-178 was for an addition in 1998. A waiver from Special Condition #23 for an as-built plan was also requested.

The Commission conducted a site visit on August 22, 2020.

On a motion made by Mr. Lee, seconded by Mr. Chisholm, it was voted to approve a complete Certificate of Compliance for DEP File #CE225-106 for 137 Farm Street. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye; Steadman – aye. The motion passed unanimously.

On a motion made by Mr. Lee, seconded by Mr. Chisholm, it was voted to approve a complete Certificate of Compliance for DEP File #CE225-178 for 137 Farm Street and to waive Special Condition #23. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye; Steadman – aye. The motion passed unanimously.

UNFORESEEN:

CONSERVATION COMMISSION MEMBERSHIP

Ms. Sukhmani Khalsa met with the Commission to discuss her interest in joining the Conservation Commission to replace the seat made available by RamCharan Khalsa's resignation. The Commission reviewed Ms. Khalsa's Volunteer/Talent Form and discussed her areas of interest/expertise.

The Commission has another applicant who may be interested in the position. The Commission will meet with them prior to making a recommendation.

DOREEN HAYES

3 DEAN STREET - EMAIL

The Commission received an email from Ms. Hayes, dated September 11, 2020. She is seeking guidance on whether or not an application would need to be filed for some tree work and driveway widening/paving on the property. The Commission scheduled a site visit for October 19, 2020.

**NORFOLK COUNTY MOSQUITO CONTROL
MAP REVISION REQUEST – AGRICULTURAL
TANGERINI FARM/HIDDEN HILL FARM**

Mr. Chisholm stated his concern regarding the designation of "ditches" on the map provided by Norfolk County Mosquito Control for Tangerini Farm and Hidden Hill Farm. The Commission will send a letter requesting the revision of the document/map to designate the "ditch" as "intermittent stream." This will ensure that the farm owners are aware that any future non-agricultural activity within 100' of the intermittent stream will require the filing of a Notice of Intent with the Commission.

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On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted to approve a letter be sent from the Commission requesting that the “ditches” be properly identified as “intermittent streams.” By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye; Steadman – aye. The motion passed unanimously.

Other Business:

Minutes

A motion was made by Ms. Hayes, seconded by Dr. Lederer, to approve the ZOOM regular session minutes from August 10, 2020 as written. By Roll Call Vote: Lederer – aye; Chisholm – aye; Lee – aye; Gavin – aye; Hayes – aye. The motion passed unanimously.

A motion was made by Dr. Lederer, seconded by Ms. Gavin, to approve the ZOOM Executive session minutes from August 10, 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: October 5, 2020
November 2, 2020

There being no further business, a motion was made by Mr. Lee, seconded by Mr. Steadman, to adjourn the remote meeting at 9:15 p.m. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Lee – aye; Hayes – aye; Steadman – aye. The motion passed unanimously.

Respectfully submitted,

*Camille Standley,
Administrative Assistant*