

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

December 7, 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

Carol Hayes, Vice Chair

Ed Chisholm, Christine Gavin, Daniel Lee, John Steadman

Jonathan Niro, BETA Group, Inc.

Camille Standley, Administrative Assistant

Members Absent:

Others present:

Daniel Merrikin, Legacy Engineering

Carmine LaVita, 13 Rosenfeld Rd.

Ted Merchant, Toll Bros., Inc.

Mark Robbins, 58 Walnut St.

Nicole & Pablo Velez, 23 Spencer St.

Beverly Fagerheim, 21 Spencer St.

Scott McPhee, 8 Walnut Hill Rd.

**DEP FILE#CE225-0429, ABBREV. NOTICE OF RESOURCE AREA DELINEATION
PUBLIC HEARING, CONT.**

12 EVERGREEN TERRACE – SOUTHEND FARM LLC

The public hearing continuation was opened at 7:00 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Merrikin, representing the applicant, via email dated December 2, 2020, requested a continuance, without discussion, to the next available meeting.

On a motion made by Mr. Lee, seconded by Ms. Gavin, it was voted at 7:01 p.m. to continue the public hearing to Monday, January 4, 2021, 7:00 p.m. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Lee – aye; Steadman – aye. The motion passed unanimously.

**DEP FILE#CE225-0400 – ORCHARD STREET – REGENCY AT GLEN ELLEN
PARTIAL CERTIFICATE OF COMPLIANCE REQUEST – TOLL BROS.**

Mr. Merchant of Toll Brothers stated that the revised as-built plans and documentation requested has been submitted and reviewed by BETA.

Mr. Jonathan Niro of BETA Group, the Commission's peer reviewer, summarized their review memorandum, dated December 7, 2020. He stated that based on their review, the submitted as-built plans and request for the Partial Certificate of Compliance adequately meet the

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

December 7, 2020

requirements of Special Conditions #44 and #63 of the Order of Conditions. BETA recommended the issuance of a Partial Certificate of Compliance for the work associated with Phases 1 and 2 of the project. Additional comments in the letter will be addressed during the request for a final Certificate of Compliance.

On a motion made by Mr. Lee, seconded by Mr. Chisholm, it was voted to approve a Partial Certificate of Compliance for DEP File#CE225-0400 Regency at Glen Ellen/Toll Brothers By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Lee – aye; Steadman – abstain. The motion passed unanimously.

**DEP FILE#CE225-0400 – ORCHARD STREET – REGENCY AT GLEN ELLEN
SIGNAGE DISCUSSION**

Mr. Merchant stated that the sign for the Walking Trails was installed. He said that if the Commission wishes for any changes, to let him know and they will revise the sign. Dr. Lederer stated that the Commission will look into it further. Mr. Merchant will check with BETA as well. It was recommended that Toll Brothers go with what is stated in the Covenant.

**13 ROSENFELD ROAD – INFORMAL DISCUSSION
LAVITA – TREE REMOVAL**

Mr. & Mrs. LaVita stated that they had trees in the wetlands area on their property come down during the microburst/tornado. During the most recent wind storm, Mr. LaVita stated that a tree fell, missing the house by two feet.

The Commission conducted a site visit on November 21, 2020. Mr. Lee summarized the site visit. As the trees/debris is now on the ground in the yard, the LaVita's will attempt to contract with a tree company and will then contact the Commission for Emergency Certification for removal. No stump removal would be permitted.

**DEP FILE#CE225-0420, AMENDED ORDER OF CONDITIONS, PUBLIC HEARING
50 WALNUT STREET – JANE HARDIN**

The public hearing was opened at 7:41 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Merrikin, representing the applicant, presented the request and revised site plan for the single family home construction. He stated that the applicant is requesting an Amendment to the Order of Conditions to allow the installation of a well and water line. According to Mr. Merrikin, the DPW required them to extend the water service all the way to and across Walnut Street, which “ended up being cost prohibitive.” The proposed well is slightly inside the 50’ buffer zone. Mr. Merrikin stated that some invasive vegetation will be removed and this would be a “one-time disturbance.”

Mr. Robbins, an abutter to the proposed project, asked if the well installation would impede his water line on his property. Mr. Merrikin stated that this would not impede the existing swale, nor his water line.

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

December 7, 2020

On a motion made by Mr. Steadman, seconded by Ms. Hayes, it was voted at 7:54 p.m. to close the public hearing. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Lee – aye; Steadman – aye. The motion passed unanimously.

On a motion made by Dr. Lederer, seconded by Ms. Hayes, it was voted to approve an Amended Order of Conditions for DEP File#CE225-0420 50 Walnut Street, with a Special Condition for re-seeding the area with Conservation Mix. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Lee – aye; Steadman – aye. The motion passed unanimously.

**DEP FILE#CE225-_____, NOTICE OF INTENT, PUBLIC HEARING
23 SPENCER STREET – JANE HARDIN**

The public hearing was opened at 7:55 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Merrikin, representing the applicant, presented the application and plan. The proposed project is for re-grading of the yard and relocation of an existing shed. Mr. Merrikin stated that the shed currently sits at the edge of the wetlands and they wish to move it closer to the driveway, further from the wetlands. Also proposed is levelling off a portion of the existing backyard by raising the grade slightly. As part of this work, the applicant would demarcate the edge of the formal yard with either a row of stones or a fence. The area behind the demarcation will be left to re-vegetate naturally and will be overseeded with an upland seed mix. The landscaping will be updated with new lawn seeding and other minor landscape improvements. A fence is proposed along the westerly property line. Everything will continue to drain the same way, Mr. Merrikin stated.

Ms. Fagerheim, an abutter at 21 Spencer Street, raised concerns over any work being done at 23 Spencer Street affecting her property. She stated that she currently has problems with excess water draining onto her property. Mr. Merrikin stated that what Ms. Fagerheim refers to is an off-site issue/condition that all neighbors in the area are dealing with. According to Mr. Merrikin, this project will not cause more problems. The drainage patterns will remain the same.

Due to no DEP file number being assigned yet, the hearing will be continued.

On a motion made by Mr. Chisholm, seconded by Mr. Lee, it was voted at 8:13 p.m. to continue the public hearing to Monday, January 4, 2021, 7:15 p.m. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Lee – aye; Steadman – aye. The motion passed unanimously.

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

December 7, 2020

OTHER BUSINESS:

**RATIFY EMERGENCY CERTIFICATION PERMIT
PLEASANT STREET CULVERT ISSUED 12/1/20**

An Emergency Certification was requested by the Board of Health. It was issued on December 1, 2020, for Beaver Solutions to install a flow device for beaver control at the 20 Pleasant Street culvert. Beaver activity (materials) were blocking the culvert and storm drain which would cause flooding and endanger public safety.

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted to ratify the Emergency Certification Form for 20 Pleasant Street culvert, issued December 1, 2020. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Lee – aye; Steadman – aye. The motion passed unanimously.

BOH BEAVER SOLUTIONS DISCUSSION

Mr. Chisholm expressed concern over the clearing of culverts causing problems downstream in various locations. Mr. Steadman volunteered to be the Conservation Commission liaison and work with the Board of Health and other town departments as requested by Ms. JaiKaur LeBlanc, dated November 25, 2020.

DOWNED TREES ON CONCOM PROPERTIES/SIGNAGE

The Commission conducted a site visit of ConCom properties on November 7, 2020. Ms. Hayes prepared a listing of the properties and provided links to photos taken. The Commission would like to pursue proper signage/markers at their property locations for these open spaces to be enjoyed and utilized. Seeking volunteers to help was also discussed.

Ms. Hayes will meet informally with the Community Preservation Committee to see if funds can be requested to help with signage and trail maintenance funding.

Dr. Lederer will request meeting with the Select Board to discuss funding options for the tree removal on the Pleasant Street structure.

CONSERVATION COMMISSION MEMBERSHIP

Mr. Scott McPhee attended the meeting. He stated that after sitting in on a few meetings, he is interested in joining the Commission. Mr. McPhee would replace member Mr. Ram Charan Khalsa, who recently resigned from the Commission, and whose term expires the last day of June 2023. The Commission was in agreement that Mr. McPhee would be a great asset due to his background and experience.

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

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

December 7, 2020

MINUTES

A motion was made by Mr. Steadman, seconded by Ms. Gavin, to approve the ZOOM regular session minutes from November 2, 2020 as written. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Lee – aye; Steadman - aye. The motion passed unanimously.

Scheduled Conservation Commission Meetings: January 4, 2021
February 1, 2021

There being no further business, a motion was made by Mr. Chisholm, seconded by Ms. Gavin, to adjourn the remote meeting at 8:57 p.m. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Lee – aye; Steadman – aye. The motion passed unanimously.

Respectfully submitted,

*Camille Standley,
Administrative Assistant*