

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

April 5, 2021

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, Scott McPhee, John Steadman

Laura Krause, BETA

Members Absent:

Others present: Steve & Linda Chiarizio, Tangerini Farm, 139 Spring St.

Katy Riley, Bogastow Farms, 243 Ridge St.

Craig Roberts, 13 Beech St.

Jason Lobisser

Ted Merchant, Toll Bros., Inc.

Richard Nichols, Planning Board Chair

Mark Manganello, LEC Environmental

Abutters/Neighbors of Dewey & Cassidy Properties

REQ. FOR DETERMINATION OF APPLICABILITY, 13 BEECH ST., PUBLIC HEAR.

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

Mr. Roberts presented the application for construction of a 10' x 14' shed in the side yard and a raised organic garden at his property. Two Commission members conducted a site visit on March 22, 2021. Mr. Chisholm stated that some of the area is pre-disturbed. Erosion controls will be required for construction. There should be no runoff from the garden into the wetlands. The proposed shed and garden are deemed a minor activity under Section 10.02(2) (e) of the Wetlands Protection Act so a Notice of Intent filing is not required. A gutter system on the shed with a rain barrel was suggested.

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted at 7:11 p.m. to close the public hearing. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

On a motion made by Mr. Chisholm, seconded by Ms. Gavin, it was voted to approve a Negative 3 Determination of Applicability, with two Special Conditions: (1) Erosion controls are to be in place prior to and during construction (2) A gutter system with a rain barrel will be used for water runoff from the shed, at 13 Beech Street. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

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TANGERINI FARM, 139 SPRING STREET – INFORMAL DISCUSSION

Steven and Linda Chiarizio of Tangerini Farm would like to continue the discussion from the March 1st meeting regarding the use of the Cassidy and Dewey properties for their vegetable farming operation. Their proposal for use of the fields is to move some of their vegetable crops from their Spring Street farm to free up space to plant fruit trees/ bushes. They summarized their process for use of the fields and the steps they will need to take to adequately prepare the land for planting. Ms. Chiarizio stated that their vegetables are “grown organically.” Mr. Chiarizio stated that they visited the site with the Conservation Commission. They have reached out to the Army Corps of Engineers and they will conduct a site visit with them as well. They have contacted the Select Board and are waiting to hear back from them. The Chiarizios would like to “lease the land” long-term; for more than ten years. He stated that they “could do twenty-five years.” They would be maintaining the properties by farming them. He said that they would most likely “pump” from the Bogastow Brook for water. Ms. Chiarizio said they would be meeting with the ACOE and conducting a site visit to discuss irrigation.

Abutters and neighbors to the Cassidy and Dewey properties in attendance had numerous questions/concerns, such as: who would be on the property; privacy concerns; what type of equipment would be used; noise issues, etc. Mr. Maltinsky stated that the fields are currently hayed annually by a Millis resident and they would need to be made aware of this arrangement. Dr. Lederer stated that the Commission is in talks with Mr. Jason Lobisser regarding the haying and they will keep him apprised of any developments.

There is another farmer interested in the Dewey property. No final decision can be made at this time as the Select Board and Town Counsel will need to be consulted.

KATY RILEY – BOGASTOW FARM – INFORMAL DISCUSSION

Ms. Riley stated she is currently leasing land at 243 Ridge Street for Bogastow Farms. The Bogastow Farm Project, she said, is focused on working with volunteers to grow food for the expanding community fridge network and for local food pantries. She stated they are “all organic” and no spray is used. The land she is leasing will be going on the market soon and she is looking for a new location. Ms. Riley is interested in the use of the Dewey property to continue the farming operation due to its location and visibility.

Mr. Maltinsky expressed concern over the difficulty of access to the Dewey field for community farming. Abutters/neighbors would want the Commission to take the rural features of the property into consideration. Concerns were raised over what type of equipment might be stored on-site.

Dr. Lederer suggested that Ms. Riley and Mr. & Ms. Chiarizio discuss the property usage together outside of a meeting. The Commission may also suggest other Conservation Commission properties that might be available for Ms. Riley. No final decision can be made at this time as the Select Board and Town Counsel will need to be consulted.

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JASON LOBISSER – HAYING OF CASSIDY & DEWEY PROPERTIES - DISCUSSION

Mr. Lobisser stated that he cuts hay on many Millis-owned properties. He currently has permission from the Commission to mow/hay and fertilize the Village Street property. He stated that he has a verbal agreement with Mr. Jim McKay, DPW Director, to mow other properties. Mr. Lobisser would like the Commission to grant him permission to mow/hay the Cassidy and Dewey properties.

The Commission is agreeable to work with Mr. Lobisser, however, they want to wait to see what transpires with the farming discussions.

**DEP FILE#CE225-0400 REGENCY AT GLEN ELLEN – TOLL BROTHERS
UPDATE ON STATUS OF MONITORING REPORT ISSUES**

Mr. Merchant was asked to attend the meeting to provide an update on the outstanding issues from BETA's latest construction monitoring memorandum, dated April 1, 2021. Mr. Merchant summarized the Toll Brothers "Construction Monitoring Report Action Items" memo, dated April 5, 2021. Ms. Krause of BETA stated that the revised snow storage plan was just submitted and they will review it and provide comments. All action items must be satisfactorily completed before the stumping/clearing of Phase 3B can proceed. Ms. Krause will conduct another site visit during the week to determine if they can move forward. BETA will continue to monitor the construction for compliance.

Ms. Krause discussed the collapsing culvert crossing that was observed. She stated there was evidence that someone had driven over the earthen stream crossing/culvert located just downstream of the new pedestrian bridge over Bogastow Brook. The crossing is now collapsing into the stream and this needs to be addressed as soon as possible. Ms. Krause stated that this is a FEMA controlled floodway and the Army Corps of Engineers would have to be involved. Mr. Merchant stated that these culverts have been there for a long time and have rotted over time. Mr. Manganello of LEC stated that Bohler Engineering would be conducting a site visit. It will have to be determined if this will be repaired, or removed, and what type of permitting may be needed. The Commission could issue an Emergency Certification permit for the work once a course of action is determined. Bohler Engineering will send the details to BETA and the Commission for review.

OTHER BUSINESS:

**DEP FILE #CE225-0414 – 28 & 30 ACORN ST.
CERTIFICATE OF COMPLIANCE REQUEST**

A Request for Certificate of Compliance was filed for 28 & 30 Acorn Street. A site visit was scheduled for Saturday, April 10, 2021 at 9:00 a.m.

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted to approve a complete Certificate of Compliance for DEP File #CE225-0414, pending the results of the scheduled site visit. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously. (Note: A Certificate of Compliance was issued April 15, 2021.)

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PREPARE CPC FUNDING REQUEST

PICNIC TABLES/SIGNAGE FOR CONCOM PROPERTIES

Ms. Hayes and Mr. Steadman will work on preparing a funding request to the Community Preservation Committee for trail markers and property signage. If the funding request is approved, a warrant article can be placed on the November 2021 Town Meeting.

CONWAY SCHOOL – PREPARATION OF PLAN FOR PROPERTIES

Ms. Hayes researched the Conway School as a resource to prepare a conservation and recreation plan for the Conservation Commission properties. She provided information to the Commission on the school. Ms. Hayes will contact the school to discuss working with them prior to contacting the Select Board. This plan may also qualify for CPA funds.

BOGASTOW MEADOWS ENCROACHMENTS

During a recent site visit, Mr. Steadman noted various encroachments upon the Bogastow Meadow property on Exchange Street. Of note was a chicken coop, goat pen, wood piles, etc. The Commission will hold off on doing anything at this time until it is determined what, if anything, is going to be done with the property.

GROVE STREET – YARD WASTE DUMPING

Mr. Steadman noted yard waste being dumped on a Conservation Commission property on Grove Street. The yard waste was discarded on the edge of the property along the road. A letter will be sent to abutters on Grove Street to arrest continued dumping. (Note: a letter was sent to abutters from the Commission on April 7, 2021.)

COMPILATION OF TREE REMOVAL REQUEST LIST

The Commission has received numerous inquiries regarding tree removal in resource areas due to the severe wind storms over the past year. There are no funds available for tree removal by the Conservation Commission. The Commission will work with property owners for issuance of Emergency Certifications for the tree work once a company performing the tree work and date of removal is determined. At this time, the Conservation Commission will create a list of Tree Removal Requests even though they cannot fund the tree work.

MINUTES

A motion was made by Ms. Gavin, seconded by Mr. Steadman, to approve the ZOOM regular session minutes from March 1, 2021 as written. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

Scheduled Conservation Commission Meetings: May 3, 2021

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There being no further business, a motion was made by Mr. Chisholm, seconded by Mr. McPhee, to adjourn the remote meeting at 9:42 p.m. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

Respectfully submitted,

Camille Standley, Administrative Assistant