

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

**May 3, 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

Jonathan Niro, BETA

Members Absent:

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

Jason Lobisser

Ted Merchant, Toll Bros., Inc.

Matthew Bird, 434 Union St.

Wayne Carlson

Fred Odoardi, 105 Orchard St.

Bruce Berard, Stanley Tree

Jamie Nash, 107 Orchard St.

Brett Allaire, 107 Orchard St.

Edie Wieder

**REQ. FOR DETERMINATION OF APPLICABILITY, 434 UNION ST., PUBLIC HEAR.**

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

Mr. Carlson, on behalf of the applicant, presented the application for removal of an 8' x 10' deck and construction of a 12' x 16' first floor deck. Installation of two downspout infiltration structures for roof runoff is also proposed. Most of the area is previously disturbed and a small isolated wetland is off locus, Mr. Carlson stated.

A site visit was scheduled for Saturday, May 8, 2021 at 9:00 a.m.

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted at 7:14 p.m. to continue the public hearing to Monday, June 7, 2021, 7:00 pm. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

**105 ORCHARD STREET – ENFORCEMENT ORDER  
ODOARDI**

An Enforcement Order was issued to Mr. Odoardi and Stanley Tree on April 16, 2021, for unpermitted tree removal/work within the Buffer Zone to BVW and multiple trees within the

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BVW. Prior to the Enforcement Order being issued, the Commission conducted a site visit on April 14, 2021.

Mr. Odoardi stated that in October of 2020, a tornado ripped through their property, causing damage to the home and private lot. He said that the “sole intent” was to clear their land of the uprooted, damaged and/or broken trees. Mr. Berard of Stanley Tree stated that everything they “cleaned up” was storm damage only.

Jonathan Niro of BETA, the Commission’s peer reviewer, presented his findings of the site visit. He stated that some of the trees cut/removed were within the wetlands, floodplain and riverfront of Bogastow Brook. There was also evidence of soil disturbance from machinery. Mr. Niro stated that snapped or damaged trees provide valuable wildlife habitat. BETA recommends keeping the stumps in place and stabilize the area. He noted that seven additional white pines were tagged for removal. Mr. Niro stated that the work should have been permitted before it was done. He also stated that removal of the trees tagged would require the filing on a Notice of Intent. Mr. Niro recommended that Mr. Odoardi submit a restoration plan.

Mr. Odoardi stated that he will not move forward with removal of the other trees that would require the filing of the Notice of Intent. He will provide a restoration plan. BETA will provide some recommendations and review what is submitted prior to the next meeting.

Mr. McPhee expressed his concern to Mr. Berard of Stanley Tree and stated that it is important to check with the homeowner and the Town regarding wetlands and review of any bylaws prior to performing any tree work. Discussion was continued to the June 7, 2021, meeting.

**107 ORCHARD STREET – ENFORCEMENT ORDER  
NASH/ALLAIRE**

An Enforcement Order was issued to Jamie Nash and Brett Allaire on April 16, 2021, for unpermitted tree removal/work within the Buffer Zone to BVW and multiple trees within the BVW. Prior to the Enforcement Order being issued, the Commission conducted a site visit from an abutting property on April 14, 2021.

Mr. Nash made a presentation showing photos of the area. He stated that the damage to the wooded area in his backyard was caused by the tornado in October 2020. He stated they were afraid of property damage causing injury, so they had Yankee Tree come to remove the fallen trees. They had no intent to expand the yard and no stump grinding was done. They were not aware of any “wetlands protection issues.” A company has been hired to help with the restoration and remediation process, he said.

Mr. Niro of BETA summarized his observations from a site visit. What was cleared was within the buffer zone, he said. There is a great amount of ground disturbance that will need to be stabilized. Mr. Nash will provide a restoration plan. BETA will provide some recommendations and review what is submitted prior to the next meeting. Discussion was continued to the June 7, 2021, meeting.

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**TANGERINI FARM, 139 SPRING STREET – INFORMAL DISCUSSION**

Dewey & Cassidy Field Use: Steven and Linda Chiarizio of Tangerini Farm were in attendance to continue the discussion 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 would also like the arrangement to be for at least ten years – preferably more.

Mr. Chiarizio stated that they have an informal meeting scheduled with the Army Corps of Engineers regarding Bogastow Brook on Wednesday.

Dr. Lederer explained that the Commission is still waiting on review by Town Counsel, so nothing can be determined at this time. It was suggested that the Chiarizio's attend a Select Board meeting to discuss the proposal with them as well.

Verderber/72 Pleasant Street License Agreement Amendment: The current License Agreement for this property was issued to Charles and Laura Tangerini, the former farm owners. The Chiarizios would like to use an additional two acres of the property. The Commission has no issues with that proposal. The existing License Agreement for Agricultural Property will need to be amended.

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted to amend the current Verderber/72 Pleasant Street property License Agreement by changing the names to reflect Steven and Linda Chiarizio and by changing "two acres, more or less" in Section 1. 2. to read "four acres, more or less" pending Town Counsel approval. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

**KATY RILEY – BOGASTOW FARM – INFORMAL DISCUSSION**

Ms. Riley was not in attendance. Note: Ms. Riley emailed the Commission on May 4, 2021, stating that she would not be pursuing the use of the Conservation Commission fields at this time.

**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.

Mr. Lobisser stated that the work would be performed mid to late June and then again early to mid-September.

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On a motion made by Mr. Steadman, seconded by Mr. McPhee, it was voted to authorize Mr. Jason Lobisser to mow/hay the Conservation Commission properties listed below:

1. Village Street property
2. Dewey property (Exchange Street)
3. Bogastow Meadows (Cassidy Farm property) - Conservation Commission portion

By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

**DEP FILE#CE225-0400 REGENCY AT GLEN ELLEN – TOLL BROTHERS  
UPDATE ON CULVERT FINDING/REMEDIAL PLANS**

Mr. Merchant of Toll Bros. updated the Commission on the culvert status and proposed removal process. A site visit was conducted on April 15, 2021, to observe the existing culverts located on the southwest corner of the property. Mr. Merchant stated that the situation has worsened and they recommend removal of the culvert as part of an Emergency Certification from the Commission. The Commission reviewed the Bogastow Brook Culvert Exhibit, planting plan, and intended construction sequencing narrative for the removal of the culverts.

Ms. Krause of BETA Group stated that they had reviewed the plan and provided comments/recommendations to be addressed for the work. She stated that the Emergency Certification should be issued the day before the work is to start and it should include work to be allowed and any special conditions. Toll Bros. must follow up with an “after the fact Notice of Intent” filing. Mr. Chisholm stated that a condition of Emergency Certification must include that the Commission be notified in writing/email after each sequence is completed before continuing on to the next sequence. Mr. Merchant stated that Toll Bros. has “no problem” with BETA’s comments/recommendations.

An Emergency Certification can be issued when needed and ratified at the next Conservation Commission meeting. (Note: an Emergency Certification was issued May 18, 2021.)

**UNFORESEEN:**

**DEP FILE#CE225-0400 REGENCY AT GLEN ELLEN – TOLL BROTHERS  
STUMPING FIELD CHANGE REQUEST**

Mr. Merchant stated that the Commission had previously approved a stumping plan for Phase 3. Due to an oversight on his part, the grading of the detention basin was not considered and they request permission for additional stumping. Ms. Krause stated that grading was not incorporated into the limit of stumping. The request to grade it back is reasonable, she said.

Mr. Merchant requested the Commission’s approval to conduct additional stumping to the southwest of Basin 15, generally west of the approved Stakeout Points 15397 through 15399 as depicted on the plan entitled, “Phase 3 ‘No Stumping’ Limits Stakeout Sketch, Regency at Glen Ellen” dated 3/9/2021, revised through 3/24/2021. As stated, this additional stumping is required to properly grade the western slope of Basin 15, as the current elevations in this area are too high to allow for grading to the design elevations.

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A motion was made by Dr. Lederer, seconded by Mr. Steadman, to approve the minor modification request as a field change to allow additional stumping as discussed. Additional stumping should only extend as far as is needed to grade the Basin 15 side slopes to the design elevation. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

**OTHER BUSINESS:**

**DEP FILE #225-175 - 111 ACORN ST.**

**RATIFY CERTIFICATE OF COMPLIANCE**

A Request for Certificate of Compliance was filed for 111 Acorn Street by Mr. Colin Sullivan from Lynch Fink Harrington & Gray, LLP. There was an outstanding old open Order of Conditions for installation of a septic system back in 1998 and the property was due to sell with a closing scheduled. A site visit was conducted on Saturday, April 10, 2021. A Certificate of Compliance was issued on April 13, 2021.

On a motion made by Mr. Steadman, seconded by Mr. McPhee, it was voted to ratify the complete Certificate of Compliance for DEP File #225-175, 111 Acorn Street. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

**SITE VISITS SCHEDULED**

The Commission scheduled the following site visits:

DEP File #CE225-0428 121 Orchard Street – Saturday, May 8, 2021, at 9:15 a.m.

DEP File #CE225-0425 7 Water St./DPW – Saturday, May 8, 2021, at 9:45 a.m.

**PREPARE CPC FUNDING REQUEST**

**CONWAY SCHOOL – PREPARATION OF PLAN FOR PROPERTIES**

Ms. Hayes contacted the Conway School for information. She stated that they choose a project in July. Ms. Hayes will draft a funding request for the Community Preservation Commission to file for an upcoming meeting. The Commission would like to engage the Conway School in creation of a management plan for conservation lands using funds from the CPA.

**OPEN SPACE COMMITTEE**

There was discussion regarding the possibility of an Open Space Committee being re-instated. Ms. Hayes and Mr. Steadman both expressed interest in volunteering for the Committee.

**MINUTES**

A motion was made by Mr. Steadman, seconded by Ms. Hayes, to approve the ZOOM regular session minutes from April 5, 2021 as written. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

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Scheduled Conservation Commission Meetings: May 3, 2021

There being no further business, a motion was made by Mr. Chisholm, seconded by Mr. McPhee, to adjourn the remote meeting at 9:43 p.m. By Roll Call Vote: Lederer – aye; Chisholm – aye; Gavin – aye; Hayes – aye; Steadman – aye; McPhee - aye. The motion passed unanimously.

*Respectfully submitted,*

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*Camille Standley, Administrative Assistant*