

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA  
July 12, 2021**

The meeting was brought to order at 7:00 p.m. by Ms. Carol Hayes, Vice Chair.

The following members were present:

Carol Hayes, Vice Chair

Ed Chisholm, Christine Gavin, Scott McPhee, John Steadman

Jonathan Niro, BETA

Members Absent: Dr. James Lederer, Chair

Others present: Ted Merchant, Toll Bros., Inc.

Fred Odoardi, 105 Orchard St.

Jared Wainwright, Stanley Tree (105 Orchard St.)

Joan Gerring, 142 Glen Ellen Blvd.

Jamie Nash, 107 Orchard St.

Brett Allaire, 107 Orchard St.

Matthew Ashley, Bohler Engineering

Austin Turner, Bohler Engineering

Steven & Linda Chiarizio, 139 Spring St.

**105 ORCHARD STREET – ENFORCEMENT ORDER, CONTINUED  
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 BVW.

The Commission reviewed the Restoration Plan, dated June 16, 2021, submitted by Mr. Wainwright from Stanley Tree. Mr. Niro from BETA summarized his review memo, dated July 8, 2021. Among Mr. Niro's recommendations was that the Enforcement Order should remain open until a report is submitted indicating successful vegetative establishment has occurred following the first growing season (fall of 2022).

Mr. Odoardi asked how he could continue the clean-up as Stanley Tree has not completed their work. Mr. Niro referenced his recommendation #6, which states that "any further removal of vegetation, fallen or otherwise, be carried out only after issuance of a Negative Determination or Order of Conditions approving the work..." The Commission will require the filing of a Request for Determination of Applicability by Mr. Odoardi. Once that is filed, a site visit can be conducted; the clean-up completed as permitted; and restoration plan completed.

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**107 ORCHARD STREET – ENFORCEMENT ORDER, CONTINUED  
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.

Mr. Niro of BETA stated that they reviewed the Restoration Plan prepared by Oxbow Associates, Inc., dated June 7, 2021. Mr. Niro summarized his review memorandum, dated July 8, 2021. The Commission agreed with the summary and recommendations made by Mr. Niro. Mr. Allaire stated that they will work with Oxbow Associates and submit reports as requested in fall of 2022.

The Commission agreed that the restoration plan submitted was acceptable and satisfied that specific portion of the Enforcement Order. On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously to accept the Restoration Plan for 107 Orchard Street, dated June 7, 2021, prepared by Oxbow Associates, Inc.

**REQ. FOR DETER. OF APPLICABILITY, RIDGE ST. PAVING., PUB. HEAR.**

The public hearing was opened at 7:23 p.m. with notice being read by Ms. Gavin.

The Commission reviewed the application for paving of Ridge Street from Union Street to Auburn Road. The Commission will work with the DPW on locations for erosion controls prior to start of work. Once installed, erosion controls will be inspected.

On a motion made by Mr. Chisholm, seconded by Mr. Steadman, it was voted unanimously at 7:24 p.m. to close the public hearing.

On a motion made by Ms. Gavin, seconded by Mr. Chisholm, it was voted unanimously to approve a Negative 3 Determination of Applicability, with Special Conditions regarding erosion controls.

**TANGERINI'S SPRING STREET FARM  
STEVEN & LINDA CHIARIZIO**

**AMENDED LICENSE AGREEMENT – PLEASANT STREET**

The Chiarizio's had reviewed the emailed "Amended License Agreement for Agricultural Property" for the 72 Pleasant Street property. This amended agreement was, in part, to change the name from the previous owners to reflect Steven and Linda Chiarizio as the new owners. They both signed the agreement.

On a motion made by Ms. Gavin, seconded by Mr. Steadman, it was voted unanimously to approve and accept the signed "Amended License Agreement for Agricultural Property."

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**REGENCY AT GLEN ELLEN – INFORMAL DISCUSSION**

**JOAN GERRING**

Ms. Gerring had contacted the Commission to express ongoing concerns regarding a “stockpile/storage waste collection area” across from the sales trailer on the property. According to Ms. Gerring, there was no organization of materials; a pile of rocks remains adjacent to an area of dead and dying trees; and materials were observed within the 50-foot buffer zone. The area has been greatly improved since the Jamison residents complained, she stated. Ms. Gerring referenced the Amended Order of Conditions for the project for compliance concerns. She expressed concern over the viability of the plantings.

Mr. Merchant of Toll Brothers, Inc. updated the Commission on the area in question. He stated that permanent markers are on the plans and will be put into place. He will look into anything being in the wetland buffer, however, he stated that the green silt socks do not delineate the wetlands – they are to delineate their “limit of work” area. The stockpile area in question has been cleaned up. He stated that “the landscaper is contractually obligated to water plants” and they are required to submit reports by wetlands specialists who monitor this issue.

Mr. Steadman stated that the Commission conducted a site visit on July 10, 2021, and no materials were observed in the buffer zone. Mr. Steadman referenced a memorandum, dated July 9, 2021, that was submitted by LEC regarding wetland restoration. The Commission has not yet had opportunity to review it.

Mr. Niro of BETA stated that there are mechanisms in place regarding the survival of the plantings. All of these items will be reviewed before closing of the project, which will not happen for quite a while as the project is ongoing.

**DEP FILE #CE225-0400, AMENDED ORDER OF CONDITIONS, PUBLIC HEARING  
REGENCY AT GLEN ELLEN/TOLL BROS. – IRRIGATION WELL**

The public hearing was opened at 7:54 p.m. with notice being read by Ms. Gavin.

Mr. Turner of Bohler Engineering, representing the applicant, presented the application and plans. The applicant has requested an Amendment to their Order of Conditions to allow installation of a new irrigation well and associated electrical/water line connections following the abandonment of an existing well adjacent to Bogastow Brook. The applicant proposes installation of a new irrigation well rather than restore a former irrigation well as restoration of the existing well would result in additional BVW impacts. Mr. Turner stated that the project will not alter the surface hydrology of the area and summarized the work proposed.

Mr. Niro summarized his peer review letter, dated July 8, 2021. BETA’s findings and recommendations require additional information from Toll Brothers. Mr. Turner stated that everything requested will be provided prior to work starting. Mr. Chisholm stated that an engineering report by a registered well driller must be provided. The applicant requested

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closing the public hearing and voting on the amendment with the caveat that they provide what BETA recommended.

On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously at 8:18 p.m. to close the public hearing.

On a motion made by Mr. Steadman, seconded by Mr. McPhee, it was voted unanimously to approve an Amended Order of Conditions for DEP File #CE225-0400 for installation of a new irrigation well, pending submission of additional information to be reviewed and approved by BETA.

**NOTICE OF INTENT, REGENCY AT GLEN ELLEN/TOLL BROS., PUB. HEARING  
TOLL BROS./AFTER-THE-FACT-NOI FOR FAILING CULVERTS**

The public hearing was opened at 8:20 p.m. with notice being read by Ms. Gavin.

Mr. Turner of Bohler Engineering, representing the applicant, presented the application and plans. The proposed project is for the emergency removal of two existing culverts located at the east side of the development and which are located proximate to the publicly accessible open space. An Emergency Certification for this work was issued by the Commission on May 19, 2021, hence the "After-the-Fact" filing.

Mr. Niro of BETA summarized his peer review letter, dated July 8, 2021. There were many items/issues to be resolved noted by BETA such as; incorrect fees were provided; revisions to the plans recommended; quantification of impacts on the WPA 3 Form; timeline for restoration, etc. A DEP file number has not yet been issued.

On a motion made by Mr. Steadman, seconded by Mr. McPhee, it was voted unanimously at 8:35 p.m. to continue the public hearing to Monday, August 2, 2021, 7:30 p.m.

**UNFORESEEN:**

**DEP FILE#CE225-0400 REGENCY AT GLEN ELLEN – TOLL BROTHERS  
PHASE 3B EARTHWORK DISCUSSION**

Mr. Turner of Bohler Engineering requested discussion regarding an unscheduled topic. He presented a plan entitled "Phase 3B Sequencing Exhibit." They would like to complete stumping Phase 3B to get the site stabilized by fall/winter. Time is critical in regard to completing this work this growing season to allow for stabilization, he stated. According to Mr. Merchant, they would plan to complete the cuts in each zone before moving onto the next one. Fill zones would be broken up into three distinct areas. They requested permission to proceed with the balance of stumping and earthwork on the balance of the project.

Mr. Chisholm stated that there must be "staged construction;" they must be "real clear about sequencing."

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Mr. Niro of BETA stated that they had comments and recommendations as stated in an email dated July 12, 2021. The Commission was in favor of the work continuing as long as the information needed is provided to BETA for review and approval beforehand. BETA will work with Bohler and let the Commission know when the applicant can proceed. The Commission can then issue a letter of approval.

**DEP FILE#CE225-0400 REGENCY AT GLEN ELLEN – TOLL BROTHERS  
DETENTION BASIN CONVERSION - DISCUSSION**

Mr. Turner of Bohler Engineering asked to discuss another unscheduled topic – the conversion of Phase I detention basins to permanent status. Mr. Niro of BETA stated that their recommendation would be that the entire site should be 100% stable. He stated that the Planning Board's Decision also addressed this topic from an engineering standpoint. Mr. Niro stated that there are many "variables at play" and he "has reservations about this."

The applicant must submit a request in writing so this can be further reviewed appropriately. This item will be scheduled for the August 2, 2021 meeting, provided the request is submitted with adequate time for BETA to review.

**OTHER BUSINESS:**

**APPOINTMENT OF CONCOM MEMBER FOR  
COMMUNITY PRESERVATION COMMITTEE REP.**

Ms. Hayes can no longer remain as the Conservation Commission representative to the Community Preservation Committee due to work commitments. Another Conservation Commission member will be needed to replace her. This will be discussed at the next meeting on August 2, 2021.

**SITE VISIT UPDATES**

**DEP FILE#CE225-0419 #1,3,5,9 FRONTIER LANE**

A site visit was conducted at #1, 3, & 5 Frontier Lane on Saturday, 7/10/2021, due to complaints received. The builder met the Commission on site. The DEP sign was not properly posted on site. There were no other violations noted.

**CAPITAL PLANNING PROPOSAL FOR FUNDING ARTICLE**

It was suggested that the Commission draft a warrant article for funding to present to the Capital Planning Committee through the Town Administrator. These funds could be used for maintenance/improvements, etc. of Conservation Commission properties. The Commission will prepare a draft.

**MINUTES**

On a motion made by Mr. Steadman, seconded by Ms. Gavin, the remote meeting minutes from June 7, 2021, were unanimously approved as written.

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Scheduled Conservation Commission Meetings: August 2, 2021  
September 13, 2021

There being no further business, on a motion made by Mr. Steadman, seconded by Mr. McPhee, and voted unanimously, the meeting adjourned at 9:35 p.m.

*Respectfully submitted,*

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*Camille Standley, Administrative Assistant*