

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA
August 2, 2021**

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

The following members were present:

Dr. James Lederer, Chair

Carol Hayes, Vice Chair

Christine Gavin, Scott McPhee, John Steadman

Jonathan Niro, BETA

Members Absent: Ed Chisholm

Others present: Robert Weiss, Economic Development & Planning Director

Ted Merchant, Toll Bros., Inc.

Austin Turner, Bohler Engineering

Paul Guzzi, 5 Pine House Rd.

Anthony Capachietti, Hayes Engineering, Inc., 603 Salem St., Wakefield

REQ. FOR DETER. OF APPLICABILITY, 114 UNION ST., PUBLIC HEARING

The public hearing was opened at 7:01 p.m. with notice being read by Dr. Lederer.

Mr. Capachietti of Hayes Engineering, representing the applicant, Ocean City Development, LLC, presented the application and plans. He stated that the application is being filed as part of a proposed 40B housing project at the former Herman Shoe Boot Factory site. Their hearings with the Zoning Board of Appeals have been closed, he said. The project is subject to the Massachusetts Stormwater Standards and a comprehensive stormwater management system is proposed. Compliance with these requirements has been peer reviewed by BETA Group for the ZBA as part of the Comprehensive Permit process, Mr. Capachietti stated.

The applicant proposes to work within the Buffer Zone but does not believe the proposed work will alter an area subject to protection. Portions of the site are located within 100 feet of an inland bank associated with approximately 120 feet of intermittent stream located northerly of the railroad tracks that abut the locus parcel to the north. There are no resource areas located on the locus parcel, he stated. All proposed work within the 100 foot buffer to inland bank is located within previously disturbed areas that consist of gravel parking areas and fill piles, according to Mr. Capachietti.

On a motion made by Ms. Hayes, seconded by Mr. McPhee, it was voted unanimously at 7:15 p.m. to close the public hearing.

On a motion made by Ms. Hayes, seconded by Mr. Steadman, it was voted unanimously to approve a Negative 3 Determination of Applicability, with Special Conditions (1) silt fence/erosion controls shall be placed as shown on the "Erosion Control Plan" and (2) the Commission must be contacted for a pre-construction meeting and erosion control inspection.

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

(Note: Mr. Steadman was recused from this discussion.)

Mr. Turner of Bohler Engineering, representing the applicant, presented a request for Toll Brothers to pursue the conversion of stormwater Detention Basin #2 to its final state. Mr. Turner stated that they “would like to be able to convert the basin, stabilize and vegetate before the fall.” A letter from thirteen residents of Regency at Glen Ellen in favor of converting the basin was submitted with the request.

Mr. Niro of BETA, the Commission’s peer reviewer, stated that they reviewed the request and conducted a site visit, however, they do not recommend conversion at this time due to concerns of sedimentation from the portion of Phase 2 that interfaces with Phase I; sediment track out from construction in Phase 2 is still being observed in Phase I, he said. Mr. Niro said that although they understand the concerns of the residents, it is generally “good engineering practice” to only establish permanent stormwater BMPs once the site is fully established. BETA does not recommend approval of the request at this time. BETA’s general recommendation is to “hold off until the project is complete.”

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted unanimously to deny the detention basin conversion request for Basin #2 submitted by Mr. Merchant of Toll Brothers.

**NOTICE OF INTENT, REGENCY AT GLEN ELLEN/TOLL BROS., PUB. HEAR.,
CONT. – DEP FILE #CE225-0431**

TOLL BROS./AFTER-THE-FACT-NOI FOR FAILING CULVERTS

The public hearing continuation was opened at 7:36 p.m. (Note: Mr. Steadman was recused from this discussion.)

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. Turner summarized their response to comments letter, dated August 2, 2021. He stated that the plans have been updated as well. Mr. Niro of BETA requested that LEC Environmental provide a memo to the Commission regarding a monitoring schedule and protocol for the plantings, etc. Mr. Turner stated that although a DEP file number has been assigned, the applicant listed is in error; the applicant is actually the Regency at Glen Ellen Condominium Trust, not Toll Brothers. Additional filing fees are also due by the applicant. To allow time for BETA to review and resolve the other issues, the public hearing will be continued.

On a motion made by Ms. Hayes, seconded by Mr. McPhee, it was voted unanimously at 7:51 p.m. to continue the public hearing to Monday, September 13, 2021, 7:15 p.m.

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**5 PINE HOUSE ROAD – PAUL GUZZI
INFORMAL DISCUSSION RE: POOL**

Mr. Guzzi previously met with the Commission in January of 2020 to discuss the possibility of an above ground pool being installed. He was instructed at that time to file an Abbreviated Notice of Intent. Mr. Guzzi stated that he never moved forward with the pool, however, they are now considering the installation of an in-ground pool in a different location on the property. Mr. Guzzi presented a proposed sketch with a pool location. The Commission provided some guidance as to where he may want to propose the pool location. Mr. Guzzi will try to revise the plan in time to present it at the September 13th meeting for discussion.

OTHER BUSINESS:

**RATIFY EMERGENCY CERTIFICATION
RICHARDSON POND PROPERTY**

The DPW was able to schedule a tree service for removal of damaged/dying trees next to 233 Curve Street at Richardson's Pond. An Emergency Certification was issued on July 21, 2021.

On a motion made by Dr. Lederer, seconded by Ms. Hayes, it was voted unanimously to ratify the Emergency Certification issued July 21, 2021 to the Dept. of Public Works.

CAPITAL PLANNING PROPOSAL FOR WARRANT ARTICLE

Ms. Hayes prepared a "Capital Project Detail Sheet" on behalf of the Commission requesting \$50,000.00 in funding for FY2022 for the Commission to maintain some of their properties. A memo will be prepared, along with the sheet, and submitted to the Town Administrator, Select Board and Capital Planning Committee. The hope is to have an article placed on the fall Town Meeting warrant to allocate funds for the Commission to spend on maintenance; repair; upkeep, etc. on Conservation Commission properties for the public to enjoy.

The Commission also authorized Mr. Steadman to represent the Commission in discussions with the Town Administrator and Select Board to proceed with requests for securing proposals for a master plan of town owned properties.

PLEASANT MEADOWS – MAINTENANCE

The Commission was notified that Mr. Dave Dodsworth of Treeworks.pro had offered his services, free of charge, to remove the fallen tree and debris blocking the trail at Pleasant Meadows. Mr. McPhee will contact him and arrange for the work to be done. The Commission thanks Mr. Dodsworth for his generous offer for this work.

CASSIDY/DEWEY SITE VISIT - STEVEN & LINDA CHIARIZIO

The Commission needs to know specifically which areas the Chiarizios are interested in farming so a map exhibit can be prepared. This is necessary before a License Agreement can be

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drafted and discussed. A site visit will be scheduled with them for either August 9th or August 10th at 5:00 p.m. (Note: a site visit was scheduled for August 10th at 5:00 p.m.)

**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. On a motion made by Mr. Steadman, seconded by Mr. McPhee, it was voted unanimously to appoint Dr. Lederer as the Conservation Commission representative to the Community Preservation Committee.

FY22 PAYROLL & AP BILLS SIGNATORIES

On a motion made by Mr. Steadman, seconded by Mr. McPhee, it was voted unanimously to authorize *either* Dr. Lederer or Ms. Hayes to sign/approve payroll on behalf of the Conservation Commission.

On a motion made by Mr. Steadman, seconded by Mr. McPhee, it was voted unanimously to authorize Dr. Lederer to sign/approve bills on behalf of the Conservation Commission.

MINUTES

On a motion made by Ms. Hayes, seconded by Mr. McPhee, the meeting minutes from July 12, 2021, were unanimously approved as written.

Scheduled Conservation Commission Meetings: September 13, 2021
October 4, 2021
November 1, 2021

There being no further business, on a motion made by Mr. Steadman, seconded by Ms. Gavin, and voted unanimously, the meeting adjourned at 9:06 p.m.

Respectfully submitted,

Camille Standley, Administrative Assistant