

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA
September 13, 2021**

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

The following members were present:

Carol Hayes, Vice Chair

Ed Chisholm , Christine Gavin, John Steadman

Jonathan Niro, BETA

Julia Stearns, BETA

Members Absent: Dr. James Lederer

Scott McPhee

Others present: Fred Odoardi, 105 Orchard St.

Jarad Wainwright, Stanley Tree, 275 George Washington Hwy., Smithfield, RI

Matt Reardon, 49 Causeway St.

Eric Hamilton, 234 Curve St.

James M. Angelo, 34 Lavender St.

Fr. Sinisa Ubiponipari, 111 Exchange St.

Matthew Cooke, Notary Public, 84 Plain St.

Richard Harlow, 50 Walnut St.

REQ. FOR DETER. OF APPLICABILITY, 105 ORCHARD ST., PUBLIC HEARING

The public hearing was opened at 7:00 p.m. with notice being read by Ms. Hayes, Vice Chair.

Mr. Odoardi was required to file the application after issuance of an Enforcement Order for unpermitted tree work performed by Stanley Tree. Mr. Odoardi presented the application. He summarized the soil stabilization and restoration that has taken place by hand raking the disturbed area. He stated that the area has rejuvenated naturally with the growth of ferns and other vegetation and is returning to its original condition. He requested that plant mix no longer be required to be planted due to the regrowth.

Mr. Odoardi stated that two hardwood maple trees will be planted next to the two former up-rooted large tree stumps within the Buffer Zone. Any further removal of remaining downed tree materials outside and abutting the Buffer Zone will be removed by manual labor; no machinery will be used, he said. Mr. Odoardi stated that additionally, no further fallen trees or related materials will be removed from the subject area.

Mr. Niro of BETA, the Commission's peer reviewer, stated that if the Commission feels that what is proposed will ensure that future removal does not have any impacts, then it is acceptable.

On a motion made by Ms. Gavin, seconded by Mr. Chisholm, it was voted unanimously at 7:07 p.m. to close the public hearing.

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On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously to approve a Negative 3 Determination of Applicability, with Special Conditions (1) planting of two hardwood maple trees and (2) removal of remaining downed tree materials outside and abutting the Buffer Zone will be removed by manual labor only – no heavy machinery, for 105 Orchard Street.

REQ. FOR DETER. OF APPLICABILITY, 111 EXCHANGE ST., PUBLIC HEARING

The public hearing was opened at 7:15 p.m. with notice being read by Ms. Hayes, Vice Chair.

Fr. Sinisa, on behalf of St. Thomas Church, presented the application. He would like to construct “a quiet prayer walk” where woodchips or grass would be used, on their property behind St. Thomas Church. According to Fr. Sinisa, this would require the removal of bushes and thistle. No asphalt or cement would be used. Perhaps at a later date, he said, religious statues and/or objects could be placed. Fr. Sinisa stated that the wetlands were previously flagged in the 1990s, however, he does not have a plan showing the wetland delineation. He asked what the process would be if he wanted “to go beyond the flags.” Mr. Chisholm stated that he would need to file a Notice of Intent for anything proposed beyond the flags.

Mr. Angelo, an abutter to the project, asked if abutters were notified of the public hearing. The process of filing a Request for Determination was explained where a public hearing is advertised and held, but abutters are not individually notified, per Massachusetts DEP State regulations. Abutter notification is required for a Notice of Intent filing. Mr. Angelo expressed concerns over security/safety for abutters regarding the walkway. Fr. Sinisa stated that the prayer walkway would be on private property and could have time limits; it would not be lit.

As Mr. Steadman stated there are some “minor activities” that are exempt, such as “unpaved pedestrian walkways” of a certain width. The Commission will require a stamped plan showing the wetland delineation in relation to the proposed walkway before being able to make a determination. Fr. Sinisa will work on having a plan prepared.

On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously at 7:37 p.m. to continue the public hearing to Monday, October 4, 2021, 7:00 p.m.

**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 7:38 p.m.

Mr. Merchant of Toll Brothers emailed to say he was not able to attend the meeting, but wanted the hearing to proceed based on BETA’s review letter.

Mr. Niro of BETA summarized the peer review letter, dated September 13, 2021. He summarized the work associated with removing the culverts which altered Areas Subject to Protection and Jurisdiction under the Act and the Bylaw. Mr. Niro stated that the Applicant has

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submitted the additional requested information such as additional resource area impact quantification, plan detail modifications, and additional information on long-term stabilization and restoration of resource areas. Mr. Niro presented conditions of approval recommended by BETA.

On a motion made by Ms. Hayes, seconded by Mr. Steadman, it was voted unanimously at 7:56 p.m. to close the public hearing.

On a motion made by Mr. Chisholm, seconded by Ms. Gavin, it was voted unanimously to issue an Order of Conditions approving the work, subject to the implementation of the Special Conditions as stated in BETA's letter, dated September 13, 2021, for DEP File#CE225-0431.

UNFORESEEN: DEP FILE#CE225-0426 EMERSON PLACE – DISCUSSION

The Applicant was invited to attend, but due to the short notice, was not able to. Ms. Stearns of BETA summarized the latest Construction Monitoring Report, dated September 3, 2021, for the subdivision project. A site visit was also conducted by BETA prior to tonight's meeting.

Based on BETA's site visit on September 13, 2021, and information provided by Legacy Engineering, LLC the contractor has not adequately addressed the violations identified in the September 3, 2021 inspection report. These violations consist of sediment-laden stormwater overtopping erosion controls and discharging to Areas Subject to Protection under the Act and the Bylaw.

The current site conditions were presented by Ms. Stearns, such as issues associated with the 12-inch fiber rolls being too low to adequately detain and filter stormwater during high water conditions, and the contractor's current resolution. Based on information provided by Legacy Engineering, the contractor has stabilized the shoulders of the entrance road from Ridge Street with stump grindings.

BETA's observations during the September 3, 2021, site inspection included stormwater overtopping the 12-inch fiber rolls and turbid water within the stream at Stream Crossing #2. The impact to the stream is in violation of Special Condition #39, and BETA recommended immediate action to address the inadequacies of the erosion controls. The erosion controls have not been reinforced to prevent future overtopping based on observations made at the September 13, 2021 site inspection. As such, the erosion controls in place along Resource Areas are deemed to be inadequate by BETA. It is recommended that the Conservation Commission requires immediate improvements. Based on BETA's information, the Commission will recommend that the contractor install silt fencing along all limits of work within or near Jurisdictional Areas and provide a method of reducing the volume of stormwater being directed at the erosion controls. BETA will follow up and update the Commission.

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**DEP FILE#CE225-0420 – 50 WALNUT STREET
INFORMAL DISCUSSION RE: CERTIFICATE OF COMPLIANCE**

Mr. Harlow had contacted the Commission to request a site visit in preparation for filing a Request for Certificate of Compliance. Mr. Harlow stated that he cannot obtain an Occupancy Permit by the Building Inspector until the Conservation Commission signs off. An as-built plan was emailed to the Commission and a site visit scheduled for September 8, 2021.

During the site visit, it was noted that a number of conditions have not yet been met; especially site soil stabilization; gradation of the property is different on the approved site plan compared to the as-built plan; condition Number 22 drainage requirement not met, etc.

A formal filing must be made by Mr. Harlow and any differences noted between the approved site plan and as-built plan. Once the Request is filed, the Commission can determine/vote on a Partial or Complete Certificate of Compliance for the Order of Conditions.

Mr. Giampietro, the Building Inspector, will be notified by the Commission that they have no issues with his issuance of an Occupancy Permit should he deem it appropriate.

**UNFORESEEN: REQ. FOR DETERMINATION OF APPLICABILITY; DPW
INFORMAL DISCUSSION; SPRING STREET PAVING**

Mr. McKay, DPW Director, was unable to attend the meeting as he had to attend the Select Board meeting for approval of the paving contract. The paving of Spring Street from Main Street to Plain Street is being scheduled and it was determined that a Request for Determination must be filed. In order to expedite the paving so as not to have to postpone it, the Commission was asked to review the application and hold the hearing (after-the-fact) at the next meeting on October 4, 2021.

On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously to issue to the DPW a Negative 3 Determination of Applicability, with Special Conditions, for the paving of Spring Street from Main Street to Plain Street. The DPW will work with the Commission on location and inspection of erosion controls prior to the work being done.

OTHER BUSINESS:

CAPITAL PLANNING COMMITTEE PROPOSAL UPDATE

Mr. Steadman, on behalf of the Commission, attended the Capital Planning Committee meeting on September 20, 2021. After this meeting, Mr. Steadman suggested revising the original request prepared by Ms. Hayes to specifically request funds for maintenance/improvements of one Conservation Commission property, specifically “Pleasant Meadows.” Mr. Steadman will attend the Select Board meeting on September 27, 2021 to present the Capital Funding revised request.

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MASTER PLAN OF TOWN OWNED PROPERTIES REQUEST – UPDATE

Mr. Steadman has taken the lead on this project and provided an overview of the process. In summary, the “broad goal” is to evaluate all of the thirty-four Town-owned properties to recommend the best use of the property. Mr. Steadman will next work of developing the draft RFPs for the plan for the Commission to review. Ultimately, funding from the Community Preservation Committee will be requested.

CASSIDY FARMING AGREEMENT DRAFT REVIEW/ SCHEDULE PUBLIC HEARING FOR CASSIDY PROPERTY FOR FARMING USE

After a site visit with the Chiarizios on August 10, 2021, they decided to move forward on farming the Cassidy property only for now. They will pursue the use of the Dewey property at a later time. The draft agreement will be revised to reflect that change.

A public hearing will be scheduled for the October 4, 2021 meeting.

SITE VISITS SCHEDULE

Site visits for DEP File#CE225-0409 – 125 Dover Road and DEP File #CE225-0429 ORAD Southend Farm were scheduled for Saturday, September 18, 2021, at 9:00am.

MINUTES

On a motion made by Mr. Steadman, seconded by Ms. Gavin, the meeting minutes from August 2, 2021, were unanimously approved as written.

Scheduled Conservation Commission Meetings: October 4, 2021
November 1, 2021
December 6, 2021

There being no further business, on a motion made by Mr. Chisholm, seconded by Ms. Gavin, and voted unanimously, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

Camille Standley, Administrative Assistant