

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
Room 229, Veterans Memorial Building, 900 Main St., Millis, MA
November 1, 2021**

The 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, John Steadman

Members Absent: Scott McPhee

Others present: Catherine MacInnes, 78 Island Rd.
Nathan Maltinsky, 431 Exchange St.
Christine Maltinsky, 431 Exchange St.
Diane Hubbard, 307 Orchard St.
Mohamad Khalil, 393 Exchange St.
Stephen MacInnes, 78 Island Rd.
Steven & Linda Chiarizio, 139 Spring St.
Wayne Carlson, 121 Orchard St.
Michael Giampietro, 121 Orchard St.
James McKay, Millis DPW
Kirsten Ryan, Kleinfelder, 1 Beacon St., Boston
John McVeigh, Board of Health
Robert Fox, 38 Benjamins Gate, Plymouth
Arnold & Faye Kalmbach, 236 Curve St.
Chris Marsicano, 236 Curve St. (contractor)

FARMING OF CASSIDY PROPERTY, PUBLIC HEARING, CONT.

(Note: abutters were notified by regular mail of the continued public hearing.)

The public hearing continuation was opened at 7:00 p.m. by Dr. Lederer, Chair.

Dr. Lederer summarized the farming proposal submitted by the Chiarizios, owners of Tangerini's Spring Street Farm. He stated that the Commission obtained a License Agreement drafted by Town Counsel. The Conservation Commission finds this use as an appropriate use of the property, he said.

Mr. Chiarizio provided an updated map showing the entrance to the Cassidy property. He stated that he did place stakes on the property to delineate the area he wishes to use for farming. Mr. Chiarizio said that he is aware of the wetland replication areas on the property and he will not be near those areas. The proposed area to use for farming has gone from approximately seven acres to now under five acres, he said.

Mr. Chiarizio stated that he responded to questions from Ms. MacInnes in an email dated October 27, 2021. Ms. Hayes read the email into the record (attached). He said he is familiar with all of the chemicals Ms. MacInnes mentioned. According to Mr. Chiarizio, that is a list of

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“possible” chemicals, however, he does not use all of the ones listed. All the chemicals listed, he said, have been approved by the State of Massachusetts.

Ms. MacInnes provided information on the list of chemicals used. She expressed concern over the toxicity of most of them towards butterflies, bees, birds and fish. Ms. MacInnes and other abutters have beehives on their properties. She also stated that there is danger of these chemicals getting into the brook/stream. Also of concern is the noise produced by the proposed 9-horsepower pump, she said.

The use of frequency of chemicals was discussed. Mr. Chiarizio stated that the types/names of chemicals/pesticides used depends on varying factors; such as crops planted, weather, etc. He said that he is required to keep records of pesticide use for EPA. Mr. Chiarizio can provide the Conservation Commission with this record as well.

Mr. Khalil requested that Mr. Chiarizio contact him when he is going to spray the pesticides so he can cover his beehives. Mr. Chiarizio stated that they typically spray in the evening.

Mr. McKay stated that the replication area plans were found and presented to the Commission for review. He stated that nothing can go near the replication area which was required as part of the project for the Paine Town wells (5 & 6). Mr. Chisholm stated that there does need to be a 100-foot buffer from the replication area. There was discussion as to whether or not the Commission could allow a lower buffer restriction. Dr. Lederer stated that the proper bounds would be re-staked to take the replication areas and Army Corps of Engineer land into account, and then a revised exhibit plan will be prepared.

On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously at 7:27 p.m. to close the public hearing.

On a motion made by Mr. Steadman, seconded by Ms. Gavin, it was voted unanimously to approve the License Agreement for Agricultural Property for the Cassidy property.

**236 CURVE STREET – POSSIBLE VIOLATION
ARNOLD & FAYE KALMBACH**

Construction of a concrete pad had been observed on the property. A letter was sent from the Commission requesting that the Kalmbach’s attend the meeting. Ms. Hayes summarized the site visit report, conducted on October 23, 2021. Mr. Mariscano, the contractor hired by the Kalmbach’s, stated that the erosion controls were in place. They are hoping to remove the piles of soil on Tuesday. Mr. Mariscano stated that they were not aware of the wetlands. A Request for Determination of Applicability was filed as requested and the hearing will be scheduled for the December 6, 2021 meeting.

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**DEP FILE#CE225-0428 – 121 ORCHARD STREET; GIAMPIETRO
REQUEST FOR CERTIFICATE OF COMPLIANCE**

Mr. Carlson, representing the applicant, presented the Request for Certificate of Compliance and as-built plan, dated July 20, 2021. Mr. Carlson stated that there were a couple of changes; a farmer's porch was added, which is out of the Commission's jurisdiction; a carport was added to the garage; and a concrete patio for a walkout from the basement.

There was discussion regarding the roof runoff from the carport. Mr. Giampietro stated that there are no gutters; there is a drain where he could put stone to mitigate if the Commission wishes. A site visit was scheduled for Saturday, November 6, 2021, at 9:00 a.m.

DEP FILE #CE225-0432 NOTICE OF INTENT, DPW, PUBLIC HEARING

The public hearing was opened at 7:52 p.m. with notice being read by Dr. Lederer, Chair.

Mr. McKay summarized the application. He stated that the application is for construction of a water treatment facility and associated infrastructure at the D'Angelis Water Treatment plant on Island Road. This is being constructed to treat PFAS, he said. The location is in the Municipal Overlay District and the building is owned by the Town. Mr. McKay stated that the project is being funded through a warrant article approved at Town Meeting and has the support of the Select Board and Town Administrator.

Ms. Ryan of Kleinfelder, representing the DPW, presented the plans. Ms. Ryan stated that all is within the buffer zone; not a resource area. The proposed new building would house giant carbon filters for water treatment.

Mr. Chisholm requested that the erosion control be extended for construction. Mr. McKay stated that the Commission can inspect the erosion controls when in place. A site visit was scheduled for Saturday, November 6, 2021, at 9:45 a.m.

On a motion made by Ms. Hayes, seconded by Ms. Gavin, it was voted unanimously at 8:20 p.m. to continue the public hearing to Monday, December 6, 2021, 7:10 p.m.

**EMERGENCY CERTIFICATION REQUEST
FARM STREET EXTENSION CULVERT
JOHN MCVEIGH, BOARD OF HEALTH**

Mr. McVeigh presented the Emergency Certification Form request on behalf of the Board of Health. He summarized the potential flooding issues caused by beavers at the Farm Street extension culvert. He stated that the beaver deceiver/fencing was working at Farm Street, but the beavers managed to get around it. They are requesting that another beaver control device be installed. The Commission conducted a site visit on Saturday, October 23, 2021.

Mr. McKay summarized the DPW's position on the installation of another beaver control device. He stated that as soon as the DPW "breaks the blockage apart," the beavers dam it right

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back up. He referenced an email from Mike Callahan of Beaver Solutions LLC, dated October 21, 2021. Mr. Callahan references his watershed review and recommendation in his email. He does not recommend a Pond Leveler pipe or beaver deceiver device at this location. As stated in Mr. Callahan's email, "trapping and dam clearing is the only feasible option." Mr. McKay stated that they have to trap and remove the beavers. An Emergency Certification can be issued to clean the debris.

On a motion made by Mr. Steadman, seconded by Mr. Chisholm, it was unanimously approved to issue an Emergency Certification to the DPW for cleaning the culvert.

**DEP FILE #CE225-0426, EMERSON PLACE SUBDIVISION
INFORMAL DISCUSSION RE: CONSULTANT REVIEW BILLING**

Mr. Fox requested a discussion with the Commission to discuss the peer review consultant's construction monitoring invoices (BETA) for the Emerson Place Definitive Subdivision project. According to Mr. Fox, BETA has gone through their Scope & Fee budget of \$8,000.00 since the beginning of site work on the project. In Mr. Fox's opinion, BETA "spent too much time on minor issues/minor violations that were taken care of." Mr. Merrikin suggested that in the future, BETA reach out directly to work with him in coordinating site visits and issues together so as not to incur extra costs. Mr. Merrikin explained the process used with BETA for the Planning Board and Board of Health and requested that a similar process be used for the Conservation Commission.

OTHER BUSINESS:

POTENTIAL CONCOM MEMBER

There was discussion regarding the two potential Conservation Commission members interested in the open position (Michael Giampietro and David Larsen). The individual appointed would take the place of Mr. Daniel Lee who resigned from the Commission. The Commission was of the opinion that Mr. Larsen's relationship with the ACOE would be advantageous.

On a motion made by Ms. Hayes, seconded by Mr. Steadman, it was voted (4-0-1), with Mr. Chisholm abstaining, in favor of recommending to the Select Board that Mr. David Larsen be appointed to the Conservation Commission.

WARRANT ARTICLE FOR FUNDING/PERMANENT BUILDING COMMITTEE

Mr. Steadman stated that the final warrant presented to the Finance Committee for the November 8, 2021, Town Meeting contained a warrant article that included the Conservation Commission's funding request for \$6,730.00 for Pleasant Meadows improvements (picnic tables, benches, and signage). The article must pass Town Meeting vote for the funds to be approved.

MINUTES

On a motion made by Ms. Hayes, seconded by Mr. Steadman, the meeting minutes from October 4, 2021, were unanimously approved as written.

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Scheduled Conservation Commission Meetings: December 6, 2021
January 10, 2021

There being no further business, on a motion made by Mr. Chisholm, seconded by Dr. Lederer, and voted unanimously, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Camille Standley, Administrative Assistant

Camille Standley

From: STEVEN CHIARIZIO <chiarizios@verizon.net>
Sent: Thursday, October 28, 2021 10:40 AM
To: Camille Standley
Cc: Lederer, James Arthur, Ph.D.; Ed Chisholm; Edward Chisholm; Chris Gavin; Carol Hayes; John Steadman; Scott McPhee
Subject: Re: Questions re: Cassidy Farming Proposal
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Guys,

On Oct 27, 2021, at 12:00 PM, Camille Standley <cstandley@millisma.gov> wrote:

Hi All,

Please see the questions/concerns emailed below. Steve – can you please address, in writing, the questions that you can and email them to me as soon as possible?

Jim/ConCom....any thoughts on #6?

Thank you,
Camille

1. I would like list of chemicals to be used. Agreement states only "state approved" chemicals.

Possible chemicals that may be used during the season:

Oxidate
Entrust
Pyganic
Azera
Dipel
Kocide
Life gard
Serenade
Milstop
Botrystop
Neem oil
Grandevo
DoubleNickel
Nordox
Cueva
Root Shield

2. I request the exact equipment that is proposed to bring water to site from the Bogastow Brook be brought to exact area and fired up so I can hear how loud it will be. This unfortunately cannot happen this year.

3. I would like the hours proposed for the water extractor. Possible hours would be from 7:00AM-8:00PM. No pump should ever be running during the town quiet hours from 10:30pm - 7:00am.

4. I vehemently oppose electric fence. The applicant has not shown that an actual fence would be more detrimental. Electric fence is the best and safest pest deterrent. The agriculture industry has been using electric fence to protect crops from pest damage for decades. If a non electric fence is used it would need to be at least 8 ft tall to deter deer from jumping over. With an electric fence it can be only 4-5 feet tall. The electric fence will need to be baited with an apple sent of peanut butter to draw the pest to the fence. Once shocked it deters pests from jumping over. We have found great success. Timing is critical for this application to work.

5. The replicated wetlands area constructed as a result of a well built in another area of town needs to be delineated, as well as the buffer zone. If you had a moment to walk the staked field you can see that the proposed field is away from the replicated wetlands.

6. Specific PFAS testing on both soil and Bogastow Brook must be performed. If PFAS is detected, who is responsible for mandatory cleanup. PFAS is not linked to the agriculture industry. PFAS is found in most fire retardant clothes/foams, nonstick pots, wrappers, stain resistant and water resistant materials. Is there a particular reason you feel like there may be a contamination?

7. There is a discrepancy between proposed acreage stated in the agreement and that proposed by applicant during hearing. Unfortunately I misspoke. The acreage at the Cassidy property is a total of 8 acres and what we marked out the other day is just about 5 acres. My apologies.

Thank you very much.

Cathy MacInnes
78 Island Road

Camille Standley
Town of Millis
Administrative Assistant
Planning Bd./Conservation Comm/CPC



EXHIBIT A - AREA MARKED IN BLUE

Hi guys,