

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 104, Veterans Memorial Building, 900 Main St., Millis, MA  
December 6, 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, Scott McPhee, John Steadman

David Larsen – appointed/sworn in and arrived at 7:25 p.m.

Jonathan Niro, BETA

Members Absent:

Others present: Arnold & Faye Kalmbach, 236 Curve St.

Chris Marsicano, 236 Curve St. (contractor)

Franco A. DeSantis, 5 Beech St.

James McKay, Millis DPW

Kevin Curry, 252 Pleasant St.

Devlan Curry, 252 Pleasant St.

Ted Merchant, Toll Bros., Westborough

Kirsten Ryan, 1 Beacon St., Boston, Kleinfelder

Joan Gerring, 142 Glen Ellen

Daniel Merrikin, Legacy Engineering

**REQ. FOR DETERMINATION OF APPLICABILITY, 236 CURVE ST., PUB. HEAR.**

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

Mr. & Mrs. Kalmbach filed the Request for Determination of Applicability as required by the Commission. The project was for refurbishing an existing porch, renovations, installation of a walkway and cement pad. The Kalmbach's had also been instructed to install erosion controls prior to removing two piles of dirt within the buffer zone. A site visit was conducted on November 6, 2021. The Kalmbachs satisfied the issues raised by the Commission.

On a motion made by Mr. Steadman, seconded by Mr. McPhee, it was voted unanimously to close the public hearing at 7:05 p.m.

On a motion made by Mr. Steadman, seconded by Ms. Hayes, it was voted unanimously to approve a Negative 3 Determination of Applicability, with conditions, for Faye and Arnold Kalmbach at 236 Curve Street.

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

The public hearing continuation was opened at 7:10 p.m. by Dr. Lederer, Chair.

Mr. McKay summarized the project for upgrades to the DPW's water treatment plant to deal with PFAS. A site visit was conducted by the Commission on November 6, 2021. The Commission reviewed the ten-sheet plan set entitled, "Town of Millis, Massachusetts, D'Angelis WTP PFAS Upgrades," Issue Date: Nov. 2021.

Mr. Chisholm expressed concern over various "Soil Erosion and Sediment Control Notes" as written on the plans. In his opinion, some needed to be removed and others amended or more clearly defined on the contract drawings. Mr. Chisholm stated that there was "not enough detail protecting the wetlands."

To allow time for Ms. Ryan of Kleinfelder to attend the meeting, a continuance was requested to later in the evening by Mr. McKay.

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted unanimously at 7:33 p.m. to continue the public hearing to 8:00 p.m.

**CEASE & DESIST – 0 TURNER STREET  
CURRY – 252 PLEASANT STREET**

A Cease & Desist letter was issued to Mr. Kevin Curry for unpermitted construction activities taking place on his property. Construction equipment was observed working on the property. Mr. Curry stated that he was "filling in ruts on" his "road." He stated there is an existing access road on the property that he was maintaining. Dr. Lederer stated that even maintenance of an existing roadway would require permitting from the Conservation Commission. The area is within two hundred feet of the river and a floodplain area. It was also noted that it is one of the parcels subject to the 1977 Order by the State of Massachusetts regulating and restricting inland wetlands in the Town of Millis.

Mr. Curry stated that clean fill was brought in. He also would like to install a gate to deter trespassers on the property. A Request for Determination of Applicability or other application may need to be filed.

The Commission scheduled a site visit for Saturday, December 11, 2021, at 9:00 a.m.

**DEP FILE CE225-0400 – REGENCY AT GLEN ELLEN  
TED MERCHANT – TOLL BROS., INC.  
REMOVAL OF EROSION CONTROLS/STOCKPILE AREA (JOAN GERRING)  
INFORMAL DISCUSSION**

Mr. Merchant of Toll Bros. discussed his request for removal of certain erosion control measures from areas within Phase 2 and 2D of the project. The Commission reviewed the plans presented. Mr. Niro of BETA, the Commission's peer reviewer, referenced his Construction

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Monitoring Report, dated October 20, 2021. Mr. Niro summarized his recommendation as stated in the report that it was appropriate to remove certain ones. As Jon stated, BETA also recommends demarcation of the Open Space area behind certain units to prevent unintentional expansion of the mowed area. Mr. Merchant will look into similar signage installed previously in another area.

A site visit was scheduled for Saturday, December 11, 2021, at 9:30 a.m., to review the proposed erosion controls to be removed.

On a motion made by Ms. Hayes, seconded by Mr. McPhee, it was voted unanimously to approve removal of the erosion controls as described in BETA's Construction Monitoring Report, dated October 20, 2021, pending results of the site visit on December 11, 2021. (Note: the site visit was conducted and removal of erosion controls approved.)

Mr. Steadman suggested that the Planning Board address the ponding within the entrance to the open space trail mentioned on the Construction Monitoring Report, dated November 16, 2021.

Ms. Gerring requested a discussion with the Commission. She presented a poster entitled, "Wetland Conservancy Area on Jamison." Ms. Gerring raised concerns over the "waste/storage debris area and grove of trees." According to Ms. Gerring, the area is very disorganized and only cleaned when a site visit is approaching. She stated that the area is negatively impacting the vegetation "within the wetland boundaries and contributing to the death of the contained trees." She requested "a map" showing the staging area and that the area be stabilized and restored.

Mr. Niro of BETA stated that his site visits are unannounced and he was onsite on November 16, 2021, and looked at the area in question. The stockpiling remains outside of the 50-foot Buffer Zone. He stated that the applicant is well within the bounds of the Order of Conditions and has the right to stockpile in this location/use it as a construction staging zone. Mr. Merchant stated that the area in question will eventually be homes.

**DEP FILE #CE225-0368 – 5 BEECH STREET  
PARTIAL CERTIFICATE OF COMPLIANCE REQUEST  
SOUTHEND FARM LL**

Mr. Merrikin of Legacy Engineering, representing the applicant, requested a partial Certificate of Compliance for one of the six house lots under DEP File #CE225-0368. He stated that there are only minor differences between the approved site plan and the as-built plan, specifically the orientation and configuration of the house and driveway.

Ms. Hayes summarized the site visit report from Saturday, December 4, 2021.

On a motion made by Dr. Lederer, seconded by Mr. Chisholm, it was voted unanimously to approve a partial Certificate of Compliance for 5 Beech Street, DEP File #CE225-0368, Southend Farm LLC.

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

Mr. Dan Merrikin of Legacy Engineering, representing the applicant, presented a letter, dated December 6, 2021, wherein a withdrawal of the Certificate of Compliance application was requested. He stated that the backyard is not fully stabilized and the owner may undertake some additional landscaping within the backyard next season. Once all the site work is complete, Mr. Merrikin said, the owner will request a Certificate of Compliance.

On a motion made by Mr. Chisholm, seconded by Mr. Steadman, it was voted unanimously to accept the withdrawal request for the Certificate of Compliance application for DEP File #CE225-0428, 121 Orchard Street, Mr. Michael Giampietro.

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

The public hearing continuation was opened at 8:14 p.m. by Dr. Lederer, Chair.

Ms. Ryan reviewed the plans with Mr. Chisholm to address his comments/concerns. In addition to suggested removals of some of the construction notes on the plans, excavation support and protection system designs should be shown. The plans must also be stamped. Mr. McKay stated that they will do whatever is needed to get the project moving forward. In the meantime, so as not to hold up the bidding process, the Commission will provide a “Draft Order of Conditions” if needed. To allow time for the revisions and for comments to be addressed, the public hearing will be continued.

On a motion made by Ms. Hayes, seconded by Ms. Gavin, it was voted unanimously at 8:46 p.m. to continue the public hearing to Monday, January 10, 2022, 7:00 p.m.

**OTHER BUSINESS:**

**DEP FILE #CE225-0412 – 72 & 76 FARM STREET  
RATIFY CERTIFICATE OF COMPLIANCE**

On a motion made by Ms. Hayes, seconded by Ms. Gavin, it was unanimously voted to ratify the Certificate of Compliance, issued November 22, 2021, for DEP File #CE225-0412, 72 & 76 Farm Street, Mr. Michael Ryan.

**WARRANT ARTICLE FOR FUNDING**

The warrant article for \$6,730.00 for Pleasant Meadows improvements (picnic tables, benches, and signage) was passed at Town Meeting.

**MINUTES**

On a motion made by Ms. Gavin, seconded by Mr. Chisholm, the meeting minutes from November 1, 2021, were unanimously approved as written.

Scheduled Conservation Commission Meetings: January 10, 2021  
February 7, 2022

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There being no further business, on a motion made by Mr. Chisholm, seconded by Mr. McPhee, and voted unanimously, the meeting adjourned at 9:00 p.m.

*Respectfully submitted,*

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*Camille Standley, Administrative Assistant*