

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 206, Veterans Memorial Building, 900 Main St., Millis, MA  
November 13, 2023**

The meeting was called 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, David Larsen, John Steadman

Jonathan Niro, BETA Group

Members absent: Christine Gavin, Scott McPhee

Others present: Steven & Linda Chiarizio, 139 Spring St.

Paul McGovern, 10 Springdale Ave., Dover

Daniel Merrikin, P.E., Legacy Engineering, 730 Main St., Suite 2C

Katie Nelson, 5 Ryan Rd.

James McKay, Millis DPW

Greg Avenia, Kleinfelder, 1 Beacon St., Boston

Tyler Bernier, Kleinfelder, 1 Beacon St., Boston

Ted Merchant, Toll Bros., Inc., 126 Flanders Rd., Westborough

Brian Funnell, 24 Charles Way

David Golden, 28 Glen Ellen Blvd.

**TANGERINI'S SPRING STREET FARM  
LICENSE AGREEMENT FOR AGRICULTURAL PROPERTY  
RENEWAL/EXTENSION; 72 PLEASANT STREET PROPERTY/VERDERBER  
LINDA & STEVEN CHIARIZIO**

The document entitled, "License Agreement for Agricultural Property" was discussed. The Chiarizios wish to renew the License Agreement for the use of the property for agricultural use for an additional ten-year term. The Commission requested that they also maintain the area around the picnic tables to be weed-free and whatever trail maintenance they can provide.

On a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously to approve and extend the License Agreement to the Chiarizios up to and including November 13, 2033.

Mr. Chiarizio updated the Commission on the farm's tile drainage system project. They have been working with the State and were able to secure a grant. The project will start in November.

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**DEP FILE#CE225-0441, NOTICE OF INTENT, PUBLIC HEARING  
1060 MAIN STREET – PAUL MCGOVERN; 1060 MAIN ST. REALTY, LLC**

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

Mr. Merrikin of Legacy Engineering, representing the applicant, presented the application and plans. The proposed project is for the construction of a mixed-use building which also includes all appurtenant driveways, parking areas, landscaped areas, utilities, and stormwater management facilities. The existing 1.01-acre site is currently developed with commercial buildings and associated parking areas and driveways. Mr. Merrikin stated that where the project is a 40B development/Comprehensive Permit application, the Notice of Intent is filed under the Wetlands Protection Act only and not the Town of Millis Wetlands Protection Bylaw.

According to Mr. Merrikin, the outer riparian zone of an unnamed stream is the only resource area effected. They will be reducing impervious cover and complying with stormwater standards. The Zoning Board of Appeals has reviewed the Comprehensive Permit application, and they are awaiting the Board's peer review consultant's review of the drainage. Once Mr. Merrikin receives this review, he will forward to the Commission.

The Commission requested two minor revisions to the plan sheet C-6 regarding extending the erosion controls and the definition of the term "SWPPP" being defined in the notes on the plan. The Commission had no further questions or concerns regarding the proposed project.

On a motion made by Mr. Steadman, seconded by Mr. Chisholm, it was voted unanimously at 7:31 p.m. to close the public hearing for DEP File #CE225-0441, 1060 Main Street.

On a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously to approve an Order of Conditions, with Special Conditions, pending receipt of the minor revisions as stated above to sheet C-6 of the plans, for DEP File #CE225-0441, 1060 Main Street. (Note: the revised sheet and plan set, dated revised November 14, 2023, was received and the Order of Conditions was issued.)

**REQ. FOR DETERMINATION OF APPLICABILITY, PUB. HEAR., 5 RYAN RD.**

The public hearing was opened at 7:36 p.m. with notice being read by Ms. Hayes, Vice Chair.

Ms. Nelson presented the application and plan. The proposed work is to add an additional garage bay to the existing two-car garage. As Ms. Nelson stated, the additional bay would be built on a concrete slab and attached to the current structure. Erosion controls will be installed prior to any work, she said.

On a motion made by Mr. Steadman, seconded by Ms. Hayes, it was voted unanimously at 7:43 p.m. to close the public hearing for 5 Ryan Road.

On a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously to approve a Negative 3 Determination of Applicability with the following Special Conditions:

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1. NO stockpiling within the 100-foot buffer zone. 2. Erosion controls (silt sock) to be installed from the steps to the deck at approx. the 146-contour line. 3. Erosion controls to be inspected by ConCom prior to construction.

**DEP FILE#CE225-04412 NOTICE OF INTENT, PUBLIC HEARING  
BIRCH/VILLAGE STREET – DPW PFAS TREATMENT PLANT**

The public hearing was opened at 7:47 p.m. with notice being read by Ms. Hayes, Vice Chair.

Mr. Bernier of Kleinfelder, representing the DPW, presented the application and plans. The proposed project is demolition of the existing water infrastructure and construction of a new treatment/PFAS plant and associated infrastructure to Well #3 on Birch Street. A wetland resource area is located within 100 feet of the proposed limit of work. Any proposed work is in the buffer zone only, he said. There will be no staging within the buffer zone and no tree clearing in the buffer zone is proposed, according to Mr. Bernier.

The Commission requires that the erosion controls be extended on the east side of the property to the tree line. Also, once the erosion controls are in place, the Commission will conduct a site visit.

On a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously at 8:09 p.m. to close the public hearing for DEP File #CE225-0442, Birch/Village Street.

On a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously to approve an Order of Conditions, with Special Conditions, for DEP File #CE225-0442, Well #3 PFAS water treatment plant project.

**DEP FILE#CE225-0400 – REGENCY AT GLEN ELLEN  
CONSTRUCTION MONITORING REPORT PROGRESS UPDATE  
DETENTION BASIN & IRRIGATION WELL #2 DISCUSSION  
TED MERCHANT, TOLL BROS., INC.**

Mr. Merchant of Toll Brothers stated that he received BETA's memo, dated November 8, 2023. He summarized his email, dated November 13, 2023, wherein he addressed BETA's comments. He stated that the only item remaining is the removal of the metal debris. According to Mr. Merchant, it is lodged heavily underneath roots of a nearby tree and could cause extensive damage to remove. It was his opinion that leaving it in place may be more prudent. The Commission agreed. Mr. Merchant stated that they are awaiting a final report from LEC, which has not yet been received. Mr. Merchant presented an email from Andrew Johnson of LEC, dated November 13, 2023, wherein their observations are outlined. The formal report should be issued soon. Mr. Niro from BETA stated that things are in substantially good shape.

Mr. Merchant discussed the area at the open space bridge crossing where there is knotweed. He does not believe it is in Toll Brothers' scope to remove the invasive species. Mr. Niro stated it could be considered outside the scope of the project. The Commission agreed.

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Mr. Merchant discussed irrigation well #2. He stated that this well was approved for use, however, work impactful to the wetlands/resource area may be necessary to get the well operational. There was some confusion as to where the well was located as it may not be shown correctly on the plan. Mr. Merchant will investigate and get back to the Commission. Mr. Niro stated that work on the well would require its own Notice of Intent filing with an alternatives analysis.

Mr. Merchant proposed finalizing detention basins 3, 8, 9, 11, 12 and 13. BETA's memo, dated November 9, 2023, was discussed. Mr. Niro stated that it is appropriate to take the basins down to final grade and stay consistent with Order of Conditions as they are generally stabilized. Recommendations by BETA must be followed.

On a motion made by Mr. Steadman, seconded by Mr. Larsen, it was voted unanimously to bring detention basins 3, 8, 9, 11, 12 and 13 down to final grade, following the recommendations made by BETA.

Mr. Merchant discussed the trees he would like permission to remove. BETA performed a site visit on November 2, 2023, to view the trees flagged for removal. Conditions and locations of thirteen (13) trees north and west of Units 305 and 306 were discussed. Special considerations shall be made for the removal of the four (4) trees within the 100-foot Buffer Zone to BVW and the two (2) trees with the 100-foot Buffer Zone to a Vernal Pool. A tree removal plan must be prepared by Toll Bros. and submitted to the Conservation Commission for review and approval prior to tree removal. Mr. Niro stated that it was appropriate to take the trees down as they could pose a potential hazard. Wherever feasible, trees should be cut in a manner that retains a snag of at least ten (10) feet in height, he said.

On a motion made by Mr. Steadman, seconded by Ms. Hayes, it was voted unanimously to allow the removal of thirteen (13) trees by Toll Brothers as discussed with the requirements presented by BETA.

**OTHER BUSINESS:**

**DEP FILE# CE225-0286 – #224 CURVE STREET  
REQUEST FOR COMPLETE CERTIFICATE OF COMPLIANCE**

The Commission received a Request for Complete Certificate of Compliance for the address above. The project was for the addition of a porch to an existing home. A site visit will be conducted on Saturday, November 18, 2023, at 9:00 a.m.

On a motion made by Ms. Hayes, seconded by Mr. Steadman, it was unanimously voted to approve the Certificate of Compliance for DEP File #CE225-0286, 224 Curve Street, pending the results of the scheduled site visit. (Note: On November 18, 2023, all was observed to be in compliance with the Order of Conditions. The Certificate of Compliance was issued.)

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**REGENCY AT GLEN ELLEN**

**SELECTIVE VEGETATION TRIMMING - DISCUSSION**

Mr. Larsen stated that there are invasive species encroaching on some of the walking paths. He asked how “selective cutting” in these areas could be done. Dr. Lederer and the Commission agreed that any requests for trimming, etc. would have to go through the Regency at Glen Ellen HOA first for approval. If approved, the HOA can file the appropriate application with the Commission.

**43 AUBURN ROAD**

**POTENTIALLY DANGEROUS DEAD TREES**

The Commission received an email, dated November 6, 2023, regarding several large dead trees that could potentially cause property damage. A site visit was scheduled for Saturday, November 18, 2023, at 9:15 a.m. (Note: a site visit was conducted and the homeowner was advised that a Request for Determination of Applicability would need to be filed for the tree removal.)

**MINUTES**

On a motion made by Mr. Steadman, seconded by Ms. Hayes, the meeting minutes from October 2, 2023, were unanimously approved as written.

Scheduled Conservation Commission Meetings: December 4, 2023

There being no further business, on a motion made by Mr. Chisholm, seconded by Ms. Hayes and voted unanimously, the meeting adjourned at 9:10 p.m.

*Respectfully submitted,*

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*Camille Standley  
Administrative Assistant*