

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA
January 23, 2017**

The meeting was brought to order at 7:31 p.m. by Dr. James Lederer, Chair.

The following members were present:

Dr. James Lederer, Chair
Anne Rich, Vice Chair
Ed Chisholm, Tim Chorey, Christine Gavin, Daniel Lee

Marta Nover, Nover-Armstrong Associates, Inc. (consultant)

Members Absent: Cara Krinsky

Others present: Scott Miccile, Toll Brothers, Inc., 134 Flanders Rd., Westboro, MA
Mark Manganello, Bohler Engineering, 12 Resnick Rd., Plymouth, MA
Atty. Edward Cannon, Doherty, Ciechanowski, Dugan & Cannon
Austin Turner, Bohler Engineering, 12 Resnick Rd., Plymouth, MA
James Neville, Selectman

DEP FILE#CE225-0400, NOTICE OF INTENT, PUBLIC HEARING, CONT'D.
84 ORCHARD STREET – GLEN ELLEN SENIOR RESIDENTIAL COMMUNITY
DEVELOPMENT
TOLL BROTHERS, INC.

The public hearing was opened at 7:31 p.m. with notice being read by Dr. James Lederer, Chair.

Mr. Mark Manganello of LEC Environmental, representing the applicant, reviewed the three areas where work is proposed in close proximity to the resource areas. He stated that they are aware that the Commission does require a higher level of construction detail for the plans; however they primarily want to discuss the waiver requests further. The Commission reviewed a letter from Atty. Cannon, dated January 13, 2017, in reference to the “No-Build” scenario analysis. Mr. Manganello stated that “the project is not economically viable without the sixty units in the northwest corner.” Other alternatives analysis for this project are not as developmentally sensitive, he said.

Mr. Manganello discussed the letter from Austin Turner and William Goebel of Bohler Engineering, dated January 18, 2017, regarding three exhibits provided for additional information as requested for further discussion on the waiver requests. The exhibits provided were:

- Exhibit 1 – Potential Stormwater Management
- Exhibit 2 – Road J Crossing
- Exhibit 3 – Potential Road H Amphibian Crossing

Mr. Manganello stated that these exhibits, along with the Site Development Plans submitted and the “No Build Analysis” letter, provide sufficient detail for the Commission to make a decision on the waiver requests. He said that additional information and construction detailing will be provided as discussions progress and the project evolves. According to Mr. Manganello,

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granting the three waivers requested is “in the public interest and conforms to the intent and purpose” of the local Bylaw. He said, and as stated in LEC’s letter, dated January 5, 2017, enhanced protection of the following public interests and values will be provided by the extensive active restoration of the 50-foot Buffer, BVW, Riverfront Area, Buffer Zone, and floodplain along Bogastow Brook:

- Flooding and flood control/land subject to flooding
- Erosion and sedimentation control
- Storm drainage/damage prevention
- Water and soil pollution prevention
- Fisheries, wildlife and wildlife habitat
- Passive recreation

There was discussion regarding the retaining wall’s proximity to the buffer zone of a vernal pool. Ms. Nover stated that she contacted the Army Corps of Engineers, who regulates vernal pools, and the retaining wall is close to the wetland boundary on the access road to the northwest corner. It was confirmed that if the wetland impacts are located more than 500 feet from the vernal pools, then the Section 404 filing with the Army Corps would be the submittal of the Self Verification Form, not the Preconstruction Notice. Mr. Manganello stated that they are working with the Army Corps of Engineers.

Mr. Chisholm reiterated that although further details need to be provided, he is more concerned about protective measures during construction. Although Stormwater Management has not been discussed yet, he said, the Commission will want to know “Stormwater concerns during every step of construction.” “There will be no approval until the details are provided,” he stated.

There was discussion regarding the Commission conducting a site visit, however, it was determined that a site visit was not necessary to discuss and vote on the waiver requests. It was determined that more information needs to be provided, and areas of interest located/marked onsite before a site visit should be conducted. Ms. Nover discussed her concerns/comments regarding the waivers requested (see letter dated January 23, 2017). She stated that Stormwater Management still needs to be discussed and more waiver requests may need to be sought.

Mr. Chisholm stated that “approval of a waiver is not an assumption that the Commission will approve the project.” Mr. Lee stated that, if the waivers are approved, the applicant will submit further details. Atty. Cannon stated that the applicant understands that the waivers are preliminary and a waiver has “no bearing on an Order of Conditions.” He said it is “nice to have guidance so” they “can go design and get the details.” Mr. Chisholm stated that Toll Brothers “will be doing a lot for the Town” of Millis for this project.

There was discussion regarding the current conceptual 4x4 foot wildlife tunnel design under Road H. Mr. Chorey requested that the applicant consider two tunnels since the proposed project will result in a barrier to wildlife migration between wetland and upland systems to the

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east and west of the road. Mr. Manganello stated that they would look into it. Final design specifications would need to be provided.

Mr. Turner stated that a decentralized stormwater management system in the northwest corner of the development near the vernal pool complex is likely feasible.

Mr. James Neville, Chair of the Board of Selectmen, updated the Commission on discussions/meetings with Toll Brothers regarding the development. He stated that they have been discussing extending the sewer as well as the water line extension/ improvements proposed on Orchard Street. According to Mr. Neville, “the drawings are within the boundaries for requesting and granting the waivers for this project.” He said that currently there are two proposals for sewer under consideration with the Sewer Committee and then they will go to the Board of Selectmen. There is a “need for timeliness relative to the project,” he said.

On a motion made by Mr. Chorey, seconded by Ms. Rich, it was voted unanimously to grant a conditional waiver to allow the “Road J” stream crossing located west of the clubhouse resulting in disturbance to BVW, Bank, and a permanent structure with the 50-foot Buffer Zone.

On a motion made by Mr. Chorey, seconded by Ms. Gavin, it was voted unanimously to grant a conditional waiver to allow a permanent structure for the westerly access “Road H” extending north between two BVW’s resulting in construction of a permanent structure within the 50-foot Buffer Zone.

On a motion made by Mr. Corey, seconded by Ms. Rich, it was voted unanimously to grant a conditional waiver to allow work in the 50-foot Buffer Zone for the emergency access road extending from “Road I” in the northwest portion of the development to the main loop “Road A.”

On a motion made by Mr. Chisholm, seconded by Ms. Rich, it was voted unanimously at 8:30 p.m. to continue the public hearing to Monday, February 6, 2017, 8:45 p.m.

Other Business:

Minutes

On a motion made by Mr. Chisholm, seconded by Mr. Chorey, the minutes from January 9, 2017, were unanimously approved as written.

Scheduled Conservation Commission Meetings: February 6, 2017
March 20, 2017

There being no further business, on a motion made by Mr. Lee, seconded by Mr. Chisholm, and voted unanimously, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Camille Standley, Administrative Assistant