

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA
January 9, 2017**

The meeting was brought to order at 7:30 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,

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

Members Absent: Cara Krinsky
 Daniel Lee

Others present: John & Donna Barry, 21 Dyer St.
 Nicole Hayes, Goddard Consulting, ANRAD, 1280 Main St.
 Phil & Linda Cebrowski, 13 Cedar St.
 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
 Shawn Nuckolls, Toll Brothers, Inc., 134 Flanders Rd., Westboro, MA
 Greg Carey, Clean Energy Collective

DEP FILE#CE225-0398, NOTICE OF INTENT, PUBLIC HEARING, CONTINUED
28 EDEN STREET - SINGLE FAMILY HOME CONSTRUCTION
THOMAS ROCHE, ROCHE'S BUILDING

The public hearing continuation was opened at 7:30 p.m. by Dr. Lederer, Chair.

Mr. Roche, via email dated 1/4/2017, requested that the Commission continue the public hearing, without discussion, to the March meeting to allow him time to work with the Selectmen on the sewer extension proposal.

On a motion made by Mr. Chisholm, seconded by Mr. Chorey, it was voted unanimously at 7:31 p.m. to continue the public hearing, without discussion, to Monday, March 20, 2017, 7:30 p.m.

New Business:

21 Dyer Street
Donna & John Barry
Informal Discussion re: Fencing

Mr. & Mrs. Barry are in the process of selling their home. According to Mrs. Barry, they have had it on the market for quite a while. They have “a shallow area of water” on the property and various home inspectors have told them that they should install a fence, “for safety reasons,” to expedite the sale of the home for families with young children who may be interested, she said.

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The Commission reviewed the sketch of the property and the plan submitted with the original home construction. The Commission had no concerns about the proposed fencing as shown (in the approximate location) on the sketch discussed. No heavy machinery shall be used for installation and the fence should be 3” off the ground on the bottom. Mr. & Mrs. Barry will be sent a letter confirming this discussion.

**DEP FILE#CE225-0401, ABBREVIATED NOTICE OF RESOURCE AREA
DELINEATION, PUBLIC HEARING
1280 MAIN STREET
CLEAN ENERGY COLLECTIVE**

Ms. Nicole Hayes, wetland scientist from Goddard Consulting, Inc., representing the applicant, presented the application and plan. Ms. Hayes described the subject property at 1280 Main Street where a solar array is proposed on a portion of the site. This application, she said, is to confirm the wetland boundaries on site. Ms. Hayes stated that the wetland resource areas located on the property are composed of Bordering Vegetated Wetlands (BVW). The delineations were performed by Goddard Consulting on October 26, 2016 and Mr. Wayne Carlson, representative for the Commission, walked the site on November 16, 2016 with Ms. Hayes. Mr. Carlson had agreed with the wetland line as delineated in the field, she said, and no flags were moved and no other resource areas were observed on or near the site. (Site visit report dated November 16, 2016).

The Commission reviewed the plan and application. Mr. Cebrowski of 13 Cedar Street, an abutter to the property, asked about the scope of the project. Dr. Lederer stated that the application before the Commission was to approve the wetland delineation only and the applicant would have to come back with a Notice of Intent for details on the proposed solar facility project. Mr. Cebrowski will be notified as an abutter if and when that application is filed.

On a motion made by Ms. Rich, seconded by Mr. Chorey, it was voted unanimously to close the public hearing at 8:04 p.m.

On a motion made by Mr. Chorey, seconded by Mr. Chisholm, it was voted unanimously to approve an Accurate finding for the Order of Resource Area Delineation as shown on the plan and as approved by Mr. Carlson in the field.

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**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 8:10 p.m. with notice being read by Dr. James Lederer, Chair.

Mr. Mark Manganello of Bohler Engineering, representing the applicant, presented the revised plans and comment letter, dated January 5, 2017. He stated there are two primary items:

- Mitigation Planting Plan sheets, dated January 4, 2017, have been submitted
- A Waiver Request Letter with Alternatives Analysis to the NW corner, dated January 5, 2017, has been submitted

Mr. Manganello went over the plan changes. The profile for the stream banks has been delineated and mitigation by wetland replication is proposed.

Mr. Chorey raised concerns about further construction detail being shown on the plans. Mr. Miccile stated that at this stage of the project, they do not engage a structural engineer; that comes “a little later in the process.” He asked if the Commission would consider a Condition in an Order of Conditions that detailed structural plans be provided prior to construction. Mr. Chorey stated that, in his opinion, that is a “dangerous way” of doing things as there is “no real way of overseeing” the project. “How it is going to be built is important,” he said, in reference to stream crossings, stream restoration, and other work proposed. Mr. Chisholm stated that the Commission is “more concerned with construction; not design.” He said that the Commission needs details to show “what it is going to look like in the end and how are you going to get there?” Mr. Chorey requested that “stream simulation design” be prepared and forwarded to him and Ms. Nover for review.

Access Road “H” was discussed; the roadway/main access road providing access to the NW corner of the property.

The Waiver Request was discussed. Mr. Manganello stated the Waiver Request focuses on the proposed work resulting in permanent structures in the inner 50-foot Buffer Zone and Vernal Pool Buffer Zone in three areas. He stated that the project as proposed has been designed to avoid disturbances to Wetland Resource Areas and Buffer Zones by concentrating development within the existing golf course complex footprint and within upland areas located outside the jurisdictional areas. He described the activities requiring a waiver. The Alternatives Analysis was discussed. According to Mr. Manganello, there are no viable alternatives for access to the 60 units proposed in the northwest corner. Ms. Nover stated that the “issuance of a waiver is the only way they can have access” to the 60 units. “If the Commission does not want to issue the waiver, they won’t have access,” she said. The Commission questioned removing the 60 units from the proposal. Mr. Manganello stated that “for those units to go away, the project is not viable.” Mr. Turner stated that “those 60 units are 20% of the project.” He stated that due to a high pressure gas main running through the property, their options are limited. Trying to

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re-locate those units would cause more disturbance, he said. Mr. Manganello stated that the 60 units are not in the jurisdiction of the Commission. Mr. Turner will provide a written “No-Build” analysis for the Commission’s next hearing.

Atty. Cannon summarized the history of the permitting for this property. He stated that Corcoran-Jennison owns the property and they have an existing valid Special Permit for 341 units. The access roadway, he said, was designed based on feedback from the Commission during Informal Discussions. Atty. Cannon stated that if the Toll Brothers’ proposed project does not get approved, Corcoran-Jennison can fall back on the 341-unit approved Senior Residential Community Development Special Permit – or some other development; “development of the land will not go away,” he said. The proposed project before the Commission, he said, is the “most efficient, most restorative, and least impactful.” Mr. Chisholm said that he would like to see that information as stated by Atty. Cannon in writing. Dr. Lederer stated that the Commission “discussed access roads in Informal Discussions, but nothing was approved.”

Ms. Nover asked the applicant to send BETA’s initial stormwater review comments to her and that she understood they were available. The applicant agreed to send Nover-Armstrong the comments.

Ms. Nover asked if there were any comments that would have a significant impact to the design before the Commission and if there were going to be additional soil evaluation at the site. Mr. Turner stated that there were no “deal breakers” in BETA’s comments and that they would be conducting additional test pits on the site. Ms. Nover asked that they contact her when they were going to be on-site so that she could observe and review the site conditions. Mr. Turner agreed to provide notice to Nover-Armstrong.

Ms. Nover discussed the vernal pools and activity associated with them. She would like to see suggestions for mitigation of vernal pools. LEC will look into that, Mr. Manganello said. Mr. Chorey stated that he has “huge concerns about vernal pools; wildlife passage and hydrology.” Mr. Manganello requested feedback on voting on the waiver as they cannot proceed without that issue being resolved. The Commission requested additional information to support the waiver request. The applicant will provide further information and requested an additional meeting in January to address the issue.

On a motion made by Ms. Rich, seconded by Mr. Chorey, it was voted unanimously at 10:00 p.m. to continue the public hearing to Monday, January 23, 2017, 7:30 p.m.

DEP FILE#CE225-0399, NOTICE OF INTENT, PUBLIC HEARING, CONT’D.
ORCHARD STREET – GLEN ELLEN- WATER MAIN EXTENSION
TOLL BROTHERS, INC.

The public hearing was opened at 10:00 p.m. with notice being read by Dr. Lederer, Chair.

On a motion made by Dr. Lederer, seconded by Mr. Chorey, it was voted unanimously at 10:01 p.m. to continue the public hearing to Monday, February 6, 2017, 8:30p.m.

