

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
Room 104, Veterans Memorial Building, 900 Main St., Millis, MA
October 19, 2015**

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
Ed Chisholm, Christine Gavin, Cara Krinsky, Daniel Lee, Anne Rich

Members Absent: Tim Chorey

Others present:

Dan Feeney, 144 Turnpike Rd., Southborough
Doug Carter, CEC, 146 West Boylston Dr., Worcester
Tom & Tess Ward, 16 Alma Rd.
Peter Harkey, 256 Orchard St.
Colleen DeBenedetto, Clean Energy, 146 W. Boylston Dr.
Mark Raimondi, 2001 Marina Dr., No. Quincy
Dan Merrikin, Merrikin Engineering, 730 Main St.
Robert A. Cantoreggi, 7 Blueberry Lane
Matt Miller, 3 Blueberry Lane
Liz Barber, 2 Evergreen Terr.
Matt Iorlano, 62 Norfolk Rd.
Janice Tinkham, 144 Norfolk Rd.
Norman Tinkham, 144 Norfolk Rd.
Marti Nover, Nover-Armstrong

**DEP FILE #CE225-0390, NOTICE OF INTENT, PUBLIC HEARING, CONT'D.
OFF MAIN ST., SOLAR ARRAY**

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

Mr. Feeney of Beals & Thomas, representing the applicant, stated that since the September 14, 2015, hearing, another wetlands consultant was hired. The wetland line has been revised, he said, but no revised plans have been submitted yet. The arrays will be out of the 50-foot buffer, he said. Mr. Feeney stated that they are also trying to limit the proposed pollarding and the final design is still in progress. Mr. Scott Goddard, the applicant's wetlands specialist, was not available for tonight's meeting, Mr. Feeney said. Ms. Nover will conduct a site visit to review the revised wetland line. Since the plans are not available for her site visit, Ms. DeBenedetto stated that the applicant has no issue with Ms. Nover going out for an additional site visit once the design plans are complete.

Mr. Feeney stated that he will respond to the Commission's previous concerns/questions (perennial stream delineation; pollarding; cross sections) in writing when the final revised design plans are completed.

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Mr. & Ms. Ward expressed many concerns about the project; one being over the level of pollarding and the significant effect it will have on weakening the trees. Ms. Ward stated that she read the report prepared by Beals & Thomas and found that the “regrowth” the applicant spoke of was “insulting and a fallacy,” in her opinion. They both raised many questions as to whether or not the stumps would be removed and if any grading was proposed. The documentation was “vaguely written,” Ms. Ward said. Mr. Feeney stated that it is their goal to limit the amount of grading and there will be “some micro-grading.” The area would be changed from “a wooded area to a meadow mix,” he said.

The Commission was in agreement that the applicant must complete the design, plans, written responses, and mitigation recommendations and submit everything together well before the next hearing to allow time for Ms. Nover to review. The Commission would like the applicant to address all the unanswered questions and issues that have been raised.

On a motion made by Mr. Chisholm, seconded by Ms. Krinsky, it was voted unanimously at 7:59 p.m. to continue the public hearing to Monday, December 7, 2015, 7:30 p.m.

**DEP FILE #CE225-0383
41 AUBURN ROAD
REQ. FOR CERTIFICATE OF COMPLIANCE
STEPHEN MCCLARY/WAYNE CARLSON**

Mr. Wayne Carlson, representing Mr. McClary, submitted the Request for Certificate of Compliance. He went over the list, dated August 15, 2015, from Mr. McClary, listing the “as-built changes post construction.” The Commission also reviewed the letter from Lorusso Building and Remodeling, Inc., dated September 4, 2015.

Mr. Carlson stated that it appears that the Order of Conditions “was missed” when Mr. McClary purchased the home from Lorusso Brothers. “As of today,” Mr. Carlson said, “there is nothing on the deed for the Order of Conditions.” Mr. Carlson stated that the “conservation bounds were destroyed during construction” and he “did not see if the drain structures were put in.” Mr. Lee stated that the current owner, Mr. McClary, will have to see that either he or Mr. Lorusso must re-install the boundary markers.

A Certificate of Compliance cannot be approved at this time. There must be resolution of the Order of Conditions being referenced in the chain of title and any granite bounds must be replaced if they are missing. A letter will be sent to Mr. McClary and Lorusso Brothers.

**REQUEST FOR DETERMINATION OF APPLICABILITY, PUBLIC HEARING
FARM STREET (MAP 31, PARCELS 76 & 100)**

The public hearing was opened at 8:24 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Merrikin presented the application and plans. He stated that the application relates to proposed Lot 5A and Parcel A, located on the north side of Farm Street. The existing site is vacant and located in a wooded area. Mr. Merrikin said that the applicant obtained permission

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from the Board of Selectmen to extend the drainage. The proposed work includes the construction of a single family dwelling, including other appurtenances. No work is proposed within a resource area or buffer zone, he said. Erosion controls will be provided between the proposed work and the buffer zone.

There were no further questions.

On a motion made by Ms. Rich, seconded by Ms. Krinsky, it was voted unanimously at 8:28 p.m. to close the public hearing.

On a motion made by Mr. Chisholm, seconded by Ms. Rich, it was voted unanimously to approve a Negative 1 Determination of Applicability for the proposed project.

DEP FILE #CE225- , NOTICE OF INTENT, PUBLIC HEARING
7 BLUEBERRY LANE – FARM POND
ROBERT CANTOREGGI

The public hearing was opened at 8:36 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Cantoreggi presented the application and plan for construction of an irrigation pond for agricultural purposes on his farm. Mr. Cantoreggi stated that he operates as a farm and is in need of irrigation. His proposal is to construct a ground-water pond due to the high water table in the area. It would be “on the upland,” he said, and will be “about four feet deep.” The dirt dug up for the pond will be spread out in the upland, he said.

As DEP had not yet assigned a file number or provided comments, the public hearing must be continued.

On a motion made by Mr. Chisholm, seconded by Ms. Krinsky, it was voted unanimously at 8:50 p.m. to continue the public hearing to Monday, November 9, 2015, 7:30 p.m.

DEP FILE#225-0368
29 BEECH STREET (LOT 31 HOUSE #29)
REQUEST FOR PARTIAL CERTIFICATE OF COMPLIANCE

Mr. Merrikin presented the request. He stated that the Order of Conditions was issued for six lots. A lot that was sold to a developer has since been sold. The site was looked at on October 6, 2015, during the site visit for Southend Farm, he said. Mr. Merrikin stated that he is seeking a partial Certificate of Compliance for this lot and he will come back for a final Certificate of Compliance when the last house is done.

On a motion made by Dr. Lederer, seconded by Ms. Krinsky, it was voted unanimously to approve a partial Certificate of Compliance for DEP File#CE225-0368, Lot 31, House #29 Beech Street.

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**310 VILLAGE STREET
MARK & LIZ BARBER
INFORMAL DISCUSSION**

Mr. Barber stated that they are considering purchasing this lot and “it has wetlands on it.” He said that a driveway “would have to run through the wetlands boundary.” Mr. Barber asked the Commission if construction of a driveway in the buffer would be acceptable. The Commission stated that there are ways to do it, but a Notice of Intent would be required for approval and conditions for the proposed work.

NEW BUSINESS:

**DEP FILE #CE225-0388
NEW POLICE STATION
LETTER FROM THOMAS HEVNER**

The Commission reviewed the letter and plan from Mr. Thomas Hevner of Sovereign Consulting Inc., dated October 16, 2015. Mr. Hevner is requesting a determination by the Commission to allow the asbestos encapsulation option for removal of the contaminants at the site of the new police station without having to amend the original Order of Conditions.

The Commission discussed the letter and determined that if the MassDEP CERO Bureau of Waste Site Cleanup (BWSC) approves the plan for the encapsulation option for removal of the asbestos, the Conservation Commission will allow the plan. No modifications/amendments to the existing Order of Conditions will be required at this time. Once their plan is finalized with DEP, the Commission must be notified, in writing.

(Note: The Commission was notified by email from Brian Main, dated October 28, 2015, that the Project Team has decided to abandon the above-mentioned option and instead, move forward with the original DEP approved plan to dispose of the contamination off-site.)

OTHER BUSINESS:

**DEP File #CE225-0295 Southend Farm Infrastructure
DEP File #CE225-0328 – Orchard Street Drainage (Southend Farm)
Requests for Certificate of Compliance**

The Commission conducted a site visit on October 6, 2015. All was in substantial compliance with the Orders of Conditions. (Note: Ms. Rich was recused from this discussion and vote.)

On a motion made by Dr. Lederer, seconded by Mr. Lee, it was voted unanimously to approve a Certificate of Compliance for DEP File#CE225-0295.

On a motion made by Dr. Lederer, seconded by Mr. Lee, it was voted unanimously to approve a Certificate of Compliance for DEP File#CE225-0328.

