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

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 Tim Chorey, Ed Chisholm (arrived at 8:15pm), Cara Krinsky, Daniel Lee, Anne Rich

Others present: Scott Goddard, Goddard Consulting, LLC Joanne & Mark Basham, 26 Eden St.

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

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

Materials presented for this application:

- Letter to Millis Conservation Commission from Scott Goddard, Goddard Consulting, LLC, dated September 8, 2016
- WPA Form 3 Notice of Intent with attachments
- Plan entitled, "28 Eden Street, Septic Design, Plan of Land in Mills, MA," (1 sheet) dated August 2, 2016, prepared by Merrikin Engineering, LLP

Mr. Scott Goddard, representing the applicant, Mr. Roche, presented the application and plan. He provided background on this lot stating that Mr. Roche had filed an Abbreviated Notice of Resource Area Delineation for the lot, which was denied by the Commission. Mr. Goddard was then hired by Mr. Roche to establish a new wetland line and submitted a new plan to DEP for review. According to Mr. Goddard, Mr. Gary Dulmaine and Ms. Judy Schmidtz from DEP conducted a site walk and affirmed the wetland boundary. A Superseding Order of Resource Area Delineation was issued by DEP, he said.

The proposed project is for a single family home construction with septic system within the western portion of the parcel. It is within the 50 and 100-foot buffer of a Bordering Vegetated Wetland (BVW). Mr. Goddard stated that the applicant must meet Board of Health regulations for the septic system and setbacks per the Zoning Board of Appeals. The septic area was perked by Daniel Merrikin of Merrikin Engineering, he stated. The proposed project meets all Title 5 standards for a three-bedroom dwelling. The applicant is requesting a waiver from the Wetlands Rules and Regulations No Disturbance Zone within 50 feet from a wetland boundary. The waiver request states, "Goddard believes that the proposed project, consisting of a house, driveway and septic system has been strategically positioned with the highest consideration given to protection of the resource area. The existence of the lot (1962) pre-dates the existence of the Town of Millis Wetlands Protection Rules and Regulations (July 23, 2007). Without a waiver granted from the Commission, the 44,343 square foot lot is unbuildable under the Town of Millis Wetlands Protection Rules and Regulations."

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October 3, 2016

The Commission reviewed the plan. Dr. Lederer stated that the project as proposed violates the local bylaws. Mr. Lee stated that the intent of the waiver request is to "demonstrate existing hardship." Mr. Chorey stated that this application "does not fit" for a waiver request. The Commission was of the opinion that the waiver requested was not the intent of the bylaw. Ms. Rich stated that "there is a 50 foot no disturb area;" "unless it is a hardship for an existing property," it does not apply.

Mr. and Mrs. Basham, direct abutters to the project, expressed concern over drainage issues. Mr. Basham stated that the area "never perked" and it has always been a "badly drained piece of land."

Mr. Goddard requested time for the applicant to consider "mitigation measures."

On a motion made by Ms. Rich, seconded by Ms. Krinsky, it was voted unanimously at 7:55 p.m. to continue the public hearing to Monday, November 14, 2016, 7:30p.m.

New Business:

DEP File #225-0330

72 Pleasant Street- Replication

The Commission discussed the status of the replication project required as part of the Centennial Place project. The replication should have been completed at this time; however, it appears that nothing has been done. The Order of Conditions will be expiring. The Commission will request that Mr. Kazis attend the next meeting to discuss the plan and extension request.

Other Business: 43 Auburn Road-James & Kathleen Giles Plantings

A site visit has been scheduled for Saturday, October 15, 2016 at 9:00 a.m.

Amendments to Rules & Regulations

Mr. Lee will discuss the revisions at the next meeting.

Minutes

On a motion made by Mr. Chisholm, seconded by Mr. Lee, the minutes from September 12, 2016, were unanimously approved as written.

Scheduled Conservation Commission Meetings: November 14, 2016

December 5, 2016

There being no further business, on a motion made by Dr. Lederer, seconded by Mr. Chorey, and voted unanimously, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Camille Standley, Administrative Assistant