

**MILLIS CONSERVATION COMMISSION
MEETING MINUTES
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA
February 22, 2016**

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, Wetlands Consultant
Kim Burlingame, Nover-Armstrong

Members Absent: Cara Krinsky

Others present: Virginia Demery, 1293 Main St.
Matt Darling, NERP Holdings & Acquisitions Co., LLC
Michael Dryden, Bohler Engineering
Paul Revell, 70 Oakland St.
Rich Vantour, 70 Grove St.
Claudia Vantour, 70 Grove St.
Eric Wegner, 219 Orchard St.
Stephen Boston, 60 Orchard St.
Larry & Gail Pisapio, 100 Gretchen Lane, Holliston
David Bauer & Shawn Nuckolls, 134 Flanders Rd., Westborough
Marlaine Fasanello, 104 Orchard St.
Janet Perkins, 266 Willow Gate Rise
Randall Perkins, 266 Willow Gate Rise
Ed Petrush, 45 Bullard Ln.
Chris Levasseur, 289 Willow Gate Rise
Todd Burns, 62 Bullard Ln.
Mark Sterling, 76 Bullard Ln.
Kate Lunny, 296 Willow Gate Rise, Holliston
Angela Hastie, 288 Willow Gate Rise
Scott Miccile, 134 Flanders Rd., Westborough
Jeff Ritter, Town of Holliston
Daniel Nissi, 30 Bullard Ln.
Rob Hubbell, 68 Orchard St.
Ben Miele, 276 Willow Gate Rise
Peter Bemis, Engineering Design Consultants, Inc.

**DEP FILE #CE225- 0392, NOTICE OF INTENT, PUBLIC HEARING
1313-1319 MAIN STREET – TRACTOR SUPPLY RETAIL STORE
NERP HOLDINGS & ACQUISITIONS CO., LLC**

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

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Mr. Michael Dryden of Bohler Engineering, representing the applicant, presented the application and plans. The project is for construction of a Tractor Supply Company Retail Store.

Mr. Dryden stated that they have received their variances from the Zoning Board of Appeals and will be before the Selectmen later in the evening for their Stormwater Permit hearing. Lastly, he said, they will need a permit from the Board of Health. They plan to receive all comments from all the Boards and revise the plans once. Mr. Dryden discussed the comment letter, dated February 4, 2016, from Nover-Armstrong. He discussed the recommendations made by Ms. Nover. There had been discussion regarding the elevation used on the plans. According to Mr. Dryden, they reviewed the flood maps and FEMA maps and “assumed a 139 elevation” for the plans. Mr. Dryden explained how they came to the 139 elevation conclusion and requested that there be resolution to the issue tonight so the plans could be revised. He presented a plan demonstrating the Zone A overlay and asked if the Commission would be agreeable to that model.

Mr. Chisholm explained “the glitch with the FEMA maps” from Medway to Millis. In his opinion, “we have to focus on what was done in Millis” and the 139 elevation is “very much suspect,” he said. Mr. Chisholm stated that he believes the 143 contour should be used. Mr. Dryden stated that this may be “very difficult for a small project and cost prohibitive for this project.” Floodplain compensation was discussed. Mr. Dryden stated that GCG, the engineers who reviewed the project on behalf of the Board of Selectmen, was “in complete agreement with the 139 elevation.” Mr. Chisholm stated that the Commission must remain consistent and requires the elevation of 143. “The layout is OK; it’s the floodplain” the Commission takes issue with, he said. Also, the area is part of the Army Corps of Engineers Natural Valley Storage Area, Mr. Chisholm said.

Ms. Nover added that the Wetland Regulations define 100-year floodplain boundary as the most current FEMA flood profile information determined for that community. The Applicant is using the flood profile calculated for Medway. She also reinforced that the Commission is charged with ensuring a project meets the Performance Standards before projects can be approved and that filling floodplain requires floodplain compensation.

Mr. Dryden stated that they will make the BVW and mean annual high water boundary /200-foot Riverfront Area adjustments as requested by Nover-Armstrong. He said they “digitized” the location of the transition area mentioned in recommendation #3. The Commission finds their approach to be reasonable. Mr. Dryden will make the requested changes to the plans.

There being no further discussion and on a motion made by Ms. Rich, seconded by Mr. Lee, it was voted unanimously at 8:06 p.m. to continue the public hearing to Monday, March 7, 2016, 8:05 p.m.

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**DEP FILE #CE225- 0393, NOTICE OF INTENT, PUBLIC HEARING
(PORTION OF) 219 ORCHARD ST. – SINGLE FAMILY HOME
GERALD SCAPAROTTI**

The public hearing was opened at 8:06 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Bemis of Engineering Design Consultants, Inc., presented the application and plans on behalf of the applicant. Mr. Bemis stated that there is currently a home under construction at 219 Orchard Street with an Order of Conditions. The Planning Board approved an ANR plan to subdivide the property, he said. Mr. Scaparotti proposes the construction of a single family home on the “new lot.”

Mr. Chisholm stated that the applicant proposes filling considerably above the 143 flood plain elevation. Mr. Bemis stated he “was not aware of the 143 elevation” and that was not what he used. Mr. Bemis will revise the plans accordingly.

On a motion made by Ms. Rich, seconded by Mr. Lee, it was voted unanimously at 8:17 p.m. to continue the public hearing to Monday, March 7, 2016, 8:25 p.m.

**REQUEST FOR DETERMINATION OF APPLICABILITY, PUBLIC HEARING
60 MEADOW CARTWAY
DAVID TIEDMAN**

The public hearing was opened at 8:17 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Tiedman was not in attendance. The Commission reviewed the request for approval of the removal of six white pine trees. The trees are in danger of falling and causing damage to the home. No stump work was proposed. Commission members Mr. Chorey and Mr. Chisholm had visited the site. The Building Inspector had also visited and agreed that the trees should be taken down.

On a motion made by Mr. Lee, seconded by Ms. Gavin, it was voted unanimously at 8:20 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 3 Determination of Applicability, with conditions. No filing of a Notice of Intent is required.

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ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION, PUBLIC HEARING

**84 ORCHARD STREET – GLEN ELLEN COUNTRY CLUB
TOLL BROTHERS, INC.**

The public hearing was opened at 8:30 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Manganello of LEC Environmental, representing the applicant, presented the wetland delineation application and plans. Mr. Manganello stated that the plans are to confirm the boundaries of jurisdictional Wetland Resource Areas on the Glen Ellen Country Club property. He stated that the wetlands were delineated in December of 2015 to determine the extent of Wetland Resource Areas and to delineate the boundaries of Bordering Vegetated Wetlands (BVW), Isolate Vegetated Wetlands (IVW), and the Bank/Mean Annual High Water (MAHW) line to Bogastow Brook. The wetland boundaries on the property were previously delineated in 2006 and confirmed through an Order of Resource Area Delineation (ORAD) issued by the Commission in December, 2006. Potential vernal pools will be studied in the spring, he said. Mr. Manganello stated that they met with Kim Burlingame of Nover-Armstrong, the Commission's peer review consultants, on-site in the field and they do have some additional work to do as requested by Nover-Armstrong. He summarized the changes to be made based on Nover-Armstrong's comments (letter dated February 4, 2016). Ms. Burlingame stated that the applicant should provide the original source of the topography. The applicant will provide this documentation at the next meeting.

Questions/concerns regarding endangered species, priority habitat, and vernal pools were raised by abutters in attendance. There were questions as to how the maps indicating endangered species were modified - and by whom - since 2006. Ms. Nover explained the process with Natural Heritage and how things are based. She will look into it and make recommendations, she said. Nover-Armstrong will also study the seven vernal pools that were identified. There were also concerns regarding impartial information, to which Dr. Lederer responded that Nover-Armstrong works for the Conservation Commission, not the applicant.

Ms. Marlaine Fasanelo asked why the delineation was done in December and not in the summer months. She expressed concern over contamination and/or flooding of her property by the project. Dr. Lederer explained that they are not approving a project at this time, rather the delineation of the wetlands. Ms. Nover explained some of the methodology and criteria for delineating the wetlands. Ms. Burlingame stated that the applicant expanded the delineation from 2006. Ms. Nover stated that they would conduct a site inspection during or immediately after a significant rain event to confirm bankfull and golf course flooding conditions.

The Commission requires that any areas not delineated by the applicant be clearly noted and identified on the plan. Mr. Manganello stated he would work with Nover-Armstrong on that. He will also provide topographic information on the previous survey.

