

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

June 17, 2019

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, Daniel Lee, Ram Charan Khalsa

Marta Nover, Nover-Armstrong/BETA Group

Members Absent: Anne Rich

Others present:

Austin Turner, Bohler Engineering

Ted Merchant, Toll Bros.

James Ash, PE, LSP, GEI Consultants, Woburn

Carol Hayes, 3 Dean St.

Ellen Rosenfeld, 730 Main St.

Dan Merrikin, Legacy Engineering, 730 Main St.

**“Regency at Glen Ellen” – Glen Ellen/Toll Bros. (Orchard Street)
DEP File #CE225-0400 – Partial Certificate of Compliance Request
Phase 2 Start Work Approval**

The Commission received a Partial Certificate of Compliance Request for Phase 1 of the above-mentioned project. Ms. Nover, the Commission’s wetlands consultant, conducted a site inspection. Ms. Nover updated the Commission on her discovery of site information from DEP’s website that the Commission was not aware of. There was a reportable Sudden Release of diesel fuel to ponded surface water within the development site along with removal of two undocumented USTs (underground storage tanks) – diesel and gasoline in the same location. Contaminated soil was encountered upon removal of the USTs warranting two rounds of removal and disposal. Given that the site development is currently collecting groundwater via foundation drains in this area and an intermittent sheen on the discharge from this groundwater collection system has been documented, Ms. Nover believes that the groundwater may be impacted and this needs to be investigated further. Based on this information, Ms. Armstrong does not recommend issuance of a Partial Certificate of Compliance until supporting evidence is provided to the Commission adequately documenting that groundwater discharging to the resource area is not impacted.

Ms. Armstrong stated that DEP is in the process of auditing the latest information provided by Toll Brothers and the audit finding has not been issued yet. She stated that she discovered this information on Friday and never knew anything about the incident and she was disappointed that she/the Commission were not made aware of the situation when it occurred back in May. Mr. Merchant apologized for the Commission not receiving a copy of the report.

Mr. Ash, the LSP for Toll Brothers, updated the Commission on the Oil Release Notification to DEP, dated May 14, 2019, prepared by GEI Consultants. He summarized the incident, stating

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that there was a release of an unknown quantity of oil at the development which occurred near the former maintenance shed for the golf course. He stated that the release constituted a 2-hour reportable condition under the Massachusetts Contingency Plan and the Massachusetts DEP was notified of the Immediate Response Action condition. Letters were also sent to the Millis Town Manager and Board of Health as required, he said. The cause of the release was not known at the time, Mr. Ash stated, and then they encountered the abandoned tanks. In Mr. Ash's opinion, there is no indication that the groundwater has been impacted, but it will be evaluated.

Ms. Armstrong recommended that Toll Brothers come up with a plan on investigating the groundwater and document that it is clean. She stated that BETA was in receipt of a revised foundation plan which depicts a connection to the drainage system in Orchard Street that directly discharges to the stream/wetland at the intersection of Orchard Street and Grove Street. She requested that the Commission not approve the design change until a full evaluation of the impacts from this discharge is determined.

Mr. Turner stated that an action plan would be prepared for review and approval by Dr. Lederer and Ms. Armstrong.

**DEP FILE #CE225-0422 - NOTICE OF INTENT, PUBLIC HEARING
1575 MAIN STREET – ELLEN ROSENFELD**

The public hearing was opened at 8:16 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Merrikin, representing the applicant, presented the application and plans. Mr. Merrikin stated that due to the possibility of a surge in traffic due to the marijuana dispensary, they want to be prepared. The proposed project is for construction of a temporary 45 space gravel parking lot at 1575 Main Street. The proposed work includes activities in the buffer zone. All areas proposed to be disturbed have been previously disturbed, he said. The temporary parking lot will begin construction this summer and expects to be completed by this fall. It will be completely removed by November 1, 2023, unless extension is approved, Mr. Merrikin stated. Erosion controls will be installed prior to any restoration work. All gravel parking areas are to be excavated to 6" below grade and replaced with loam and seed. The stormwater basin will remain on the site as an additional stormwater management system.

There was discussion regarding the FEMA's Flood Plain elevation. Mr. Chisholm stated that Millis does not recognize FEMA's elevation of 138.0; rather elevation of 143.0 is to be used. Mr. Merrikin will revise the plan to note that the flood elevation is considered to be elevation 143.0 as requested by the Commission.

On a motion made by Mr. Lee, seconded by Mr. Khalsa, it was voted unanimously to close the public hearing at 8:27 p.m.

On a motion made by Ms. Gavin, seconded by Mr. Lee, it was voted unanimously to approve an Order of Conditions, with Special Conditions, for DEP File #CE225-0422 for 1575 Main Street, pending revision of plan to elevation 143.0. (Note: revised plans, dated 6/21/19, submitted and Order of Conditions issued.)

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**DEP FILE #CE225- - NOTICE OF INTENT, PUBLIC HEARING
1475, 1485 & 1512 MAIN STREET – BRENT HARDY, MERIT HILL CAPITAL**

The public hearing was opened at 8:28 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Merrikin, representing the applicant, presented the application and plans. The proposed project is for redevelopment of two existing commercial sites. At 1512 Main Street, the applicant proposes to redevelop an existing building pad and paved parking lot into a single-story commercial self-storage building. At 1475/1485 Main Street, the applicant proposes to demolish existing commercial buildings and paved areas on the easterly half of the site and to construct a new three-story commercial self-storage building.

Mr. Merrikin will revise the plan to note that the flood elevation is considered to be elevation 143.0 as requested by the Commission. A DEP File number is also still pending.

On a motion made by Mr. Lee, seconded by Ms. Gavin, it was voted unanimously at 8:40 p.m. to continue the public hearing to Monday, July 8, 2019, 7:30 p.m.

**DEP FILE #CE225-0421 - NOTICE OF INTENT, PUBLIC HEARING
0 MAIN STREET – BRIAN DMYTRYCK**

The public hearing was opened at 8:41 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Merrikin, representing the applicant, presented the application and plans. The filing is an “after-the-fact” Notice of Intent for work done within the buffer zone and BLSF without a permit. The work entailed limited clearing with some stumping. No appreciable amount of filling was conducted and the cut trees were chipped and the wood chips spread over the affected area. The area has been stabilized since the work occurred, Mr. Merrikin stated. The applicant proposes to restore the area within the 50-foot buffer zone with new plantings. According to Mr. Merrikin, Mr. Dmytryck pulled everything back from encroaching on the wetlands and he will clean up the area as well. He is moving his landscape business off the site, Mr. Merrikin said. Mr. Merrikin will revise the plan to note that the flood elevation is considered to be elevation 143.0 as requested by the Commission.

On a motion made by Mr. Lee, seconded by Mr. Khalsa, it was voted unanimously to close the public hearing at 8:49 p.m.

On a motion made by Ms. Gavin, seconded by Mr. Lee, it was voted unanimously to approve an Order of Conditions, with Special Conditions, for DEP File #CE225-0421 for 0 Main Street (Map 22 Parcel 6), pending revision of plan to elevation 143.0. (Note: revised plans, dated 6/24/19, submitted and Order of Conditions issued.)

Other Business:

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Potential Conservation Commission Member

Carol Hayes

The Commission met with Ms. Hayes, who expressed her interest in joining the Conservation Commission. On a motion made by Dr. Lederer, seconded by Mr. Khalsa, it was voted unanimously to recommend to the Board of Selectmen that Ms. Hayes be appointed to the Commission.

DEP File #CE225-0411 – 1525 Main Street

Partial Certificate of Compliance Request

The Commission received a Partial Request for Certificate of Compliance for 1525 Main Street (structure only). A site visit was conducted Wednesday, June 12, 2019. On a motion made by Dr. Lederer, seconded by Mr. Lee, a Partial Certificate of Compliance for the structure construction only was approved.

DEP File #CE225-0414 – 30 Acorn Street

Partial Certificate of Compliance Request

The Commission received a Partial Request for Certificate of Compliance for 30 Acorn Street (house construction only). A site visit was conducted Wednesday, June 12, 2019. A revised Foundation As-built plan was requested and submitted. On a motion made by Dr. Lederer, seconded by Mr. Lee, a Partial Certificate of Compliance for the house construction only was approved.

Tangerini Farm – Mowing Verderber Field

Mr. Steven Chiarizio emailed the Commission on June 16, 2019. He and his wife are the new owners of Tangerini's Spring Street Farm. Mr. Chiarizio would like to continue using the portion of the field used by the Tangerini's in return for mowing the back fields. The Commission authorized Mr. Chiarizio to mow the field any time now and an additional mow in the fall.

OSRP 2019 Draft (MAPC)

A letter of endorsement was approved in support of the draft Open Space Recreation Plan prepared by MAPC.

Minutes

On a motion made by Mr. Lee, seconded by Ms. Gavin, the minutes from May 6, 2019, were unanimously approved as written.

On a motion made by Dr. Lederer, seconded by Mr. Chisholm, the notes from June 3, 2019, were unanimously approved as written.

Scheduled Conservation Commission Meetings: July 8, 2019
August 5, 2019

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There being no further business, on a motion made by Mr. Lee, seconded by Ms. Gavin, and voted unanimously, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Camille Standley, Administrative Assistant