

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

**June 19, 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, Daniel Lee

Marta Nover, Nover-Armstrong

Phil Paradis, BETA Group

Members Absent:      Cara Krinsky

Others present:

James McKay, DPW

Bruce A. Berry, 25 Cedar St.

Brandon Faneuf, Ecosystems Solutions, Inc.

Shawn Nuckolls, Toll Brothers, 134 Flanders Rd., Westboro

Scott Miccile, Toll Brothers, 134 Flanders Rd., Westboro

Austin Turner, Bohler Engineering

Brian Madden, LEC Environmental

Jacob Gadbois, Master Touch

John Ashe, 71 Bullard Lane

Greg Carey, Clean Energy Collective

Daniel Feeney, Beals & Thomas

**REQUEST FOR DETERMINATION, PUBLIC HEARING**

**VILLAGE AND EXCHANGE STREETS**

**PAVING – DPW**

**JAMES MCKAY**

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

Mr. McKay presented three Requests for Determination for cold planing and bituminous concrete in the following areas:

Village Street from Himelfarb St. to Tara Terrace

Village Street from Main St. to Pine View Way

Exchange Street from Curve St. to Union St.

The only area under the jurisdiction of the Commission was a portion of Village St. from Himelfarb Street to Tara Terrace. The Commission will require erosion controls be placed where the wetland resource area is within 100-feet of the work area. Mr. McKay stated that they would be sure to do that before working in that area. The other two locations were outside of areas under the Commission's jurisdiction.

On a motion made by Ms. Rich, seconded by Mr. Lee, it was voted unanimously at 7:40 p.m. to close the public hearing for the three applications.

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA  
June 19, 2017**

On a motion made by Dr. Lederer, seconded by Ms. Gavin, it was voted unanimously to approve a Negative 3 Determination of Applicability, with a condition for erosion control placement, for Village Street from Himelfarb St. to Tara Terrace.

On a motion made by Dr. Lederer, seconded by Ms. Rich, it was voted unanimously to approve a Negative 1 Determination of Applicability for Village Street from Main St. to Pine View Way.

On a motion made by Dr. Lederer, seconded by Mr. Lee, it was voted unanimously to approve a Negative 1 Determination of Applicability for Exchange Street from Curve St. to Union St.

**DEP FILE#CE225-0398, NOTICE OF INTENT, PUBLIC HEARING, CONT.  
28 EDEN STREET- THOMAS ROCHE**

The public hearing continuation was opened at 7:41 p.m. by Dr. Lederer, Chair.

A letter from Scott Goddard, dated June 16, 2017, was received requesting a continuance to the next meeting.

On a motion made by Mr. Chisholm, seconded by Mr. Lee, it was voted unanimously at 7:42 p.m. to continue the public hearing to Monday, July 17, 2017, 7:45 p.m.

**REQUEST FOR DETERMINATION, PUBLIC HEARING  
71 ORCHARD STREET-JOSEPH HINCKLEY  
SEPTIC SYSTEM REPLACEMENT**

The public hearing was opened at 7:45 p.m. by Dr. Lederer, Chair.

Mr. Faneuf of Ecosystem Solutions, Inc., representing the applicant, presented the application and septic design plan ("Septic Design Plan in Millis Massachusetts, 71 Orchard Street," dated June 2, 2017, Revised June 14, 2017). The work proposed is a septic replacement per Title V. The house was built in 1979, he said. All work is at least fifty feet from the Bordering Vegetated Wetland, and all work is greater than 200-feet from the stream, Mr. Faneuf stated. No work is proposed within the Bordering Land Subject to Flooding. Work will occur in the existing lawn, he said. According to Mr. Faneuf, the Board of Health has approved the septic plan.

On a motion made by Mr. Chisholm, seconded by Ms. Rich, it was voted unanimously at 7:56 p.m. to close the public hearing.

On a motion made by Dr. Lederer, seconded by Mr. Chisholm, it was voted unanimously to approve a Negative 3 Determination of Applicability, with a condition for erosion control placement as shown on the plan, for septic replacement at 71 Orchard Street.

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

**June 19, 2017**

**DEP FILE#CE225-0402, NOTICE OF INTENT, PUBLIC HEARING, CONT.  
1280 MAIN STREET - SOLAR ARRAY  
CLEAN ENERGY COLLECTIVE**

The public hearing continuation was opened at 7:58 p.m. by Dr. Lederer, Chair.

Mr. Carey of Clean Energy Collective summarized the solar project. He stated that due to the “split zoning” of the 33 acre property, the owner filed a Citizen’s Petition to re-zone the entire parcel Industrial. A small portion of the property was zoned Residential, he said. The article to re-zone 1280 Main Street passed at the June Town Meeting, so they are going forward with the proposal, Mr. Carey said.

Mr. Feeney of Beals & Thomas presented the plans. He stated that the wetlands were previously approved/confirmed in an Order of Resource Area Delineation. Mr. Feeney said that the application is for work within the buffer to Bordering Vegetated Wetland. The proposed development includes the clearing of vegetation, construction/installation, operation and maintenance of a 1,350 kilowatt DC Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI), stormwater management facilities, and security fence.

There are no solar arrays proposed within the 50-foot buffer. Trees will be cut, but “not grubbed” in front of the arrays. Cross-sections of the arrays were provided as requested, along with an updated Operations and Maintenance plan. Mr. Feeney stated that this is proposed as a “one phase” project and once the erosion controls are in place, they intend to proceed.

Mr. Chisholm stated his concern would be the sequencing of construction. Mr. Feeney stated this would be stated in the final Stormwater Pollution Prevention Plan (a draft version was contained in the Notice of Intent). According to Mr. Feeney, there is no sound emitted from the transformers that would be of concern to abutters and screening will be provided along the stockade fencing. Seventy shrubs are proposed, he said, and they added gates to fence in the basins.

Mr. Chorey raised concerns over clearing the resource area and asked if the project could be moved closer to the existing business and further from the buffer zone. Mr. Carey stated that they are trying to make the project “economically feasible” and there are other tenants/businesses on the property. Mr. Chorey stated he was “not comfortable cutting down a healthy wetland.” Mr. Feeney stated that they are not proposing “clearing the wetland,” rather working in a buffer zone to a resource area. There was discussion regarding mitigation on-site as a compromise. Mr. Berry, owner of the property, stated that he would not be opposed to the applicant adding plantings elsewhere on the property.

On a motion made by Mr. Lee, seconded by Mr. Chorey, it was voted unanimously to close the public hearing at 8:47 p.m.

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA  
June 19, 2017**

**DEP FILE#CE225-0400, NOTICE OF INTENT, PUBLIC HEARING, CONT.  
84 ORCHARD STREET – GLEN ELLEN SENIOR RESIDENTIAL COMMUNITY  
DEVELOPMENT  
TOLL BROTHERS, INC.**

The public hearing continuation was opened at 8:48 p.m. by Dr. Lederer, Chair.

Mr. Turner of Bohler Engineering, representing the applicant, summarized the comment letters from Nover-Armstrong, dated June 19, 2017, and BETA Group, dated June 15, 2017. He stated that additional test pits will be done on Friday and they will compile the logs and provide the information to both BETA and Nover-Armstrong. Mr. Turner stated that the Phasing Plans were updated. He discussed the updates/additions to the plans and stated that they are “getting close to the finish line” in finalizing the plans.

There was discussion regarding the open space/trails. Mr. Turner stated that the Planning Board wants meadow and asked if mowing annually would be acceptable to the Commission. He said that they will identify areas on the plans to be mowed on an annual basis and forest area.

There was discussion regarding the vernal pools. Ms. Nover wanted it noted that if there is a confining soil layer under the vernal pool, the reduction in surface discharge to the vernal pools could cut off a significant amount of water resulting in possible adverse impacts.

Silt socks were discussed. Mr. Turner stated they would like to use the 12” silt socks, where Ms. Nover recommended the use of 18” silt socks. Mr. Turner will collaborate with Ms. Nover on discussing this further.

The plans will be revised; therefore the applicant requested a continuance.

On a motion made by Ms. Rich, seconded by Ms. Gavin, it was voted unanimously at 9:51 p.m. to continue the public hearing to Monday, July 17, 2017, 8:00 p.m.

**REQUEST FOR DETERMINATION, PUBLIC HEARING  
71 BULLARD LANE – KATHY & JOE ASHE  
REPLACE EXISTING PORCH & DECK**

The public hearing was opened at 9:52 p.m. by Dr. Lederer, Chair.

Mr. Gadbois of Masters Touch, representing the applicant, presented the application and plan (“Site Plan Located at 1 Bullard Lane, Millis, MA,” dated May 10, 2017, prepared by Land Planning, Inc.). He stated that there is currently a porch and deck on the rear of the home, next to a pool. The work area is between the pool and the left side of the home. The proposed work is to remove and replace the porch and deck with new structures, on a “slightly different footprint.” There will be no new digging or disturbing of soil as the new structure will be supported by helical piles driven into the ground.

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA  
June 19, 2017**

The existing porch corner extends into the buffer zone and the proposed porch will do the same, Mr. Gadbois said. The proposed porch will be 40' from the wetlands (10' into the 50' buffer zone). Compost sock is proposed for erosion control.

On a motion made by Ms. Rich, seconded by Mr. Lee, it was voted unanimously to close the public hearing at 10:00 p.m.

On a motion made by Mr. Chisholm, seconded by Mr. Chorey, it was voted unanimously to approve a Negative 3 Determination of Applicability, with the condition that erosion control measures be installed as shown on the plan. Also, a waiver of the Millis Wetlands Bylaw, Article XIX, 50-foot no build, was granted.

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

The public hearing continuation was opened at 10:02 p.m. by Dr. Lederer, Chair.

Mr. Turner of Bohler Engineering, representing the applicant, summarized the comment letter from Nover-Armstrong, dated June 19, 2017. The plans will be updated to show the dewatering details, Mr. Turner stated.

The plans will be revised; therefore the applicant requested a continuance.

On a motion made by Mr. Lee, seconded by Ms. Rich, it was voted unanimously at 10:08 p.m. to continue the public hearing to Monday, July 17, 2017, 8:30 p.m.

**Other Business:**

**Deliberation/Vote on 1280 Main Street Solar Notice of Intent**

The Commission reviewed the application and plans. In addition to the standard Special Conditions, "Construction Staging related to Wetlands Protection" will be specified in addition to Wetland Replication/Mitigation regarding tree plantings in an area defined on sheet C5.1 of the plans.

On a motion made by Dr. Lederer, seconded by Mr. Lee, it was voted unanimously to approve an Order of Conditions, with Special Conditions, for the solar project at 1280 Main St., DEP File #CE225-0402.

**DEP FILE#225-0287 – Request for Certificate of Compliance  
68 Meadow Cartway – Reyes**

A Request for Certificate of Compliance was filed. Mr. Wayne Carlson will be contacted to conduct the site visit. A Certificate of Compliance was approved pending the results of the site visit. (Note: Mr. Carlson conducted a site visit and all work was done according to the approved Order of Conditions/Plan. A Complete Certificate of Compliance was issued.)

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 130, Veterans Memorial Building, 900 Main St., Millis, MA  
June 19, 2017**

**DEP FILE#225-0323 – Request for Certificate of Compliance**

**73 Farm Street (formerly Lot 5 Farm St. – Cedar Farms) - Thomas Roche**

A Request for Certificate of Compliance was filed. According to Mr. Roche, the Order of Conditions was never acted upon. An “Invalid Order of Conditions” Certificate of Compliance was approved/ issued.

**DEP FILE#225-0395 – Request for Certificate of Compliance**

**69 Farm Street - Thomas Roche**

A Request for Certificate of Compliance was filed. A Certificate of Compliance was approved pending the results of the site visit. (Note: Mr. Carlson conducted a site visit and all work was done according to the approved Order of Conditions/Plan. A Complete Certificate of Compliance was issued.)

**Minutes**

On a motion made by Mr. Chisholm, seconded by Ms. Rich, the minutes from May 22, 2017, were unanimously approved as written.

Scheduled Conservation Commission Meetings:     July 17, 2017

There being no further business, on a motion made by Mr. Lee, seconded by Mr. Chisholm, and voted unanimously, the meeting adjourned at 10:25 p.m.

*Respectfully submitted,*

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*Camille Standley  
Administrative Assistant*