

**MILLIS CONSERVATION COMMISSION  
MEETING MINUTES  
Room 104, Veterans Memorial Building, 900 Main St., Millis, MA  
March 7, 2016**

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, Christine Gavin, Cara Krinsky, Daniel Lee

Henry Nover, Nover-Armstrong Associates, Wetlands Consultant

Members Absent: Tim Chorey

Others present: Virginia Demery, 1293 Main St.  
Matthew Darling, NERP Holdings & Acquisitions Co., LLC  
Michael Dryden, Bohler Engineering  
Eric Wegner, 219 Orchard St.  
Gerald Scaparotti, 219 Orchard St.  
Peter Bemis, Engineering Design Consultants, Inc.  
James Neville, Selectman  
Charles Aspinwall, Town Administrator  
Dan Merrikin, Merrikin Engineering  
Alexandra Burns, 62 Bullard Ln.  
Tom MacDonald, 29 Beech St.  
Mark Kearing, Atlantic Com., Norwood, MA  
Linda Jones, 84 Irving St.  
Renee McDonough, Goddard Consulting, Inc.

**29 BEECH ST.  
TOM MACDONALD  
INFORMAL DISCUSSION**

Mr. MacDonald requested an Informal Discussion with the Commission to discuss “spring plantings” on his property. He presented a sketch of his property and stated that his “goal is to create some privacy from the walkway” that abuts his property. Mr. Merrikin, who was in attendance on another matter, stated that the “shaded area” on Mr. MacDonald’s plan was a “Board of Selectmen protected area” that was designated as part of the Southend Farm Subdivision. Mr. Aspinwall stated that it is a protection area for the aquifer for town well #4. Mr. MacDonald will have to follow up with the Selectmen for any further discussion as the area in question is under their jurisdiction.

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**DEP FILE #CE225- 0395, NOTICE OF INTENT, PUBLIC HEARING  
FARM STREET – SINGLE FAMILY HOME CONSTRUCTION (MAP 31/PAR. 5)  
THOMAS ROCHE/DAN MERRIKIN**

The public hearing was opened at 7:40 p.m. with notice being read by Dr. Lederer, Chair.

Mr. Merrikin, on behalf of the applicant, presented the application and plans. The work proposed is associated with the construction of a single family home on an existing undeveloped lot located on Farm Street. Mr. Merrikin stated that the Bordering Vegetated Wetland had been identified and flagged along the northern and western portion of the site by Russ Waldron of Applied Ecological Services. Mr. Merrikin stated that, per the Millis Wetlands Rules & Regulations, the proposed permanent structure placed within the outer 50-foot area will not be greater than 30 percent – it will be 15 percent.

The Commission scheduled a site visit for Saturday, March 19, 2016, at 9:00 am.

On a motion made by Ms. Rich, seconded by Mr. Lee, it was voted unanimously to continue the public hearing at 7:51p.m. to Monday, April 4, 2016, 8:00 p.m.

**DEP FILE #CE225- 0390, NOTICE OF INTENT, PUBLIC HEARING, CON'T.  
OFF MAIN STREET – LARGE SCALE SOLAR FACILITY  
CLEAN ENERGY COLLECTIVE**

The public hearing continuation was opened at 8:00 p.m. by Dr. James Lederer, Chair.

Ms. Colleen DeBenedetto, via email dated February 26, 2016, requested a continuance for the public hearing.

On a motion made by Ms. Rich, seconded by Ms. Gavin, it was voted unanimously at 8:01 p.m. to continue the public hearing, without discussion, to Monday, May 2, 2016, 7:30 p.m.

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

The public hearing continuation was opened at 8:05 p.m. by Dr. James Lederer, Chair.

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

Mr. Dryden stated that they have addressed the three recommendations made by Nover-Armstrong. He stated that at the last public hearing, there was a lengthy discussion regarding the floodplain and assumed elevation of the 139 contour versus the elevation of 143. According to Mr. Dryden, if they assume the 143 contour, there would be a significant amount of fill and

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to compensate for that would be “very impactful” with a significant amount of work in the buffer zone. He stated they “respect the Commission members’ opinion,” however they would like to discuss the approach to determining elevation and come to a mutually agreeable decision so the project can move forward.

A letter from Michael Carter, P.E., of GCG Associates, dated March 3, 2016, was discussed, along with an email from John Goldrosen, Esq., Town Counsel, dated March 4, 2016. Determination of “Bordering Land Subject to Flooding” and approaches to determining elevation was discussed.

Mr. Dryden presented the plan showing the “Zone A Overlay” which shows the limits of the BLSF correlating to elevation 139 on the applicant’s plans. He stated that “barring some detailed study” that would be very costly, in his opinion, the Wetlands Protection Act “allows the overlay to be used and presumed accurate.” He stated that he understands there is a difference of opinion, but he would like to discuss the issue.

Mr. Henry Nover of Nover-Armstrong, the Commission’s peer review consultant, stated that in their review letter dated February 4, 2016, they recommended that “at a minimum, the Applicant use the overlay of the Zone A as the 100-year flood boundary for the project.” Mr. Nover said that there are “conflicting detail studies” and Medway “made an assumption at the time.” The facts that Mr. Chisholm mentioned are true, he said, and discussed possible reasons for the elevation differences.

Mr. Dryden stated that he is not asking the Commission to “bend any rules,” however, he would like to avoid the time and expense to wait for a detailed study. According to Mr. Dryden, they are presenting an idea to the Commission with a reasonable sense of accuracy to move forward.

Mr. Chisholm stated that the 139 elevation was computed with no knowledge of what was happening in Millis. He requested that the applicant submit a letter providing a calculation to demonstrate what the theoretical increased ponding elevation would be within the Great Black Swamp as a result of the project if the floodplain elevation were assumed to be elevation 143. Mr. Chisholm would like this letter to be provided for information purposes. Mr. Dryden stated that he would provide this information. (Note: Mr. Dryden provided the information in an email dated March 9, 2016.)

Mr. Dryden stated that there would be less impact and smaller footprint using the Zone A Overlay. He understands it is a unique situation and a complex issue and this would be a reasonable compromise. Mr. Nover stated it was satisfactory to him how the applicant applied the Zone A Overlay.

The Commission agreed to adopt the Zone A floodplain overlay as the official boundary of Bordering Land Subject to Flooding (BLSF) for the Tractor Supply Project. Mr. Dryden submitted the revised plans.

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There being no further questions and on a motion made by Ms. Rich, seconded by Ms. Krinsky, it was voted unanimously at 8:31 p.m. to close the public hearing.

On a motion made by Mr. Chisholm, seconded by Ms. Rich, it was voted unanimously to approve an Order of Conditions, with Special Conditions, for DEP File #CE225-0392, pending receipt of Mr. Dryden's letter.

**DEP FILE#CE225-0356  
28 EDEN STREET  
ORDER OF RESOURCE AREA DELINEATION**

Ms. McDonough of Goddard Consulting, Inc., met with the Commission. She stated that the ORAD issued in July, 2010, was "Inaccurate" and the plan was not approved. She said that Goddard Consulting worked with DEP on behalf of the applicant and agreed upon a plan. She presented the plan entitled, "Existing Conditions Plan of Land in Millis, MA," dated 10/18/14, Revised 10/05/15, by Colonial Engineering Inc.

Ms. McDonough asked if the Commission would like to hold another hearing or if DEP should issue a Superseding Order of Resource Area Delineation. The Commission was in agreement that DEP issue a Superseding Order of Resource Area Delineation.

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

The public hearing was opened at 8:38 p.m. by Dr. Lederer, Chair.

Mr. Bemis of Engineering Design Consultants, Inc., presented the revised plan, dated February 23, 2016. He stated he highlighted the "FEMA A-Zone limits" on the plan. Mr. Bemis said that notes were added to the plan requiring the project engineer to stake and check Erosion Control Barrier (ECB) Limits and that no work shall occur below Floodplain Elevation 143.0 or the ECB limit. Mr. Bemis submitted an additional \$125.00 for work in the Riverfront Area, per DEP.

On a motion made by Mr. Chisholm, seconded by Mr. Lee, it was voted unanimously at 8:45 p.m. to close the public hearing.

On a motion made by Ms. Rich, seconded by Mr. Lee, it was voted unanimously to approve an Order of Conditions, with Special Conditions, for DEP File #CE225-0393 (Lot #2 on the plan).

