



CONSERVATION COMMISSION
Pequitside Farm – Tavern Room
79 Pleasant Street, Canton, MA 02021
Wednesday, March 13, 2019 @ 7:00 P.M.
PUBLIC HEARING
MINUTES

Attendance: Joshua Cohen- Chairman, Kevin Colmey Vice-Chairman, Paul Degnan – Clerk,
Elizabeth Sugameli, Melissa Mayer
Absent: Robert MacDonald, Gerald Carmichael
Conservation Agent: Regen Milani

Recording Secretary: Heather Cahill

Complete hearings are recorded and available on Canton Community Television.

7:00 P.M. Open Meeting

Chairman Cohen Called hearing to order at 7:00 PM

Minutes:

February 27, 2019

Motion Made by Paul Degnan vote to approve minutes of February 27, 2019 as written.

Seconded by Elizabeth Sugameli

Vote: 4-0

WETLAND HEARINGS:

Notice of Intent. Canton Public Schools/Barry Nectow. 100 Dedham Street, Map 30, Lot 190 (DEP # 124-XXXX)

Notice of intent for the addition of four modular classrooms, removal of existing pavement, repaving, restriping of parking, including removal of existing catch basin and replacing with new drainage structures.

Erin Gallagher and William Scheefer of Nitche Engineering presented the following:

- Proposing construction for 4 modular classrooms within 100' Buffer Zone of a Bordering Vegetated Wetlands.
- Removal of existing pavement, removal of existing drainage structure and installation of new drainage structure.
- Relocating 18 parking spaces, relocating, and upgrading drainage, relocate existing water main,
- Working with Eversource for the removal of the existing telephone pole and install underground electrical duct bank within the 30'No Build Zone, revised plan to be submitted if Eversource approves request.
- Erosion control barriers to be installed along limit of work.
- Tentative start date to be determined, early to mid-July.

Agent Milani –

No comments, No DEP File number which is required in order to close the hearing.

Motion Made by Paul Degnan vote to continue 100 Dedham to 3/27/19.

Seconded by Elizabeth Sugameli

Vote: 5-0

Request for Minor Modification Joseph McCarthy 738 Turnpike Street Map 90, Lot 2 (SMP -163-17).

Request for Minor Modification to the Stormwater permit for the expansion a commercial building and parking lot. For the demolition of an existing commercial building, construction of a proposed larger commercial building and expansion of an existing parking lot including grading, utilities, and installation of a stormwater management system, within the 100' Buffer Zone of a Bordering Vegetated Wetland (Continued from 2/27/19).

Fred Geisel of CEC presented the following:

- Conservation issued Stormwater permit and DOA in 2017.
- Existing building has been demolished.



CONSERVATION COMMISSION
Pequitside Farm – Tavern Room
79 Pleasant Street, Canton, MA 02021
Wednesday, March 13, 2019 @ 7:00 P.M.
PUBLIC HEARING
MINUTES

Attendance: Joshua Cohen- Chairman, Kevin Colmey Vice-Chairman, Paul Degnan – Clerk,
Elizabeth Sugameli, Melissa Mayer

Absent: Robert MacDonald, Gerald Carmichael

Conservation Agent: Regen Milani

Recording Secretary: Heather Cahill

Complete hearings are recorded and available on Canton Community Television.

- Plans were submitted to ZBA, Planning Board, DPW, Engineering and Water Department for review with revisions. Applicant is requesting a Minor Modification showing changes made after other boards' review.

The following revisions were made to the plans –

- Shallower infiltrators to catch 50% of run-off,
- Install stormceptors with deep sump catch basins and hoods,
- Increase pavement for two additional parking spaces and raise catch basins by 3'.

Agent Milani –

Recommended approval of a minor modification.

Motion Made by Paul Degnan vote to close the hearing for 738 Turnpike St., SMP-163-17.

Seconded by Elizabeth Sugameli.

Vote: 5-0

Motion Made by Paul Degnan vote to approve the changes as a Minor Modification for SMP-163-17 for 738 Turnpike Street.

Seconded by Elizabeth Sugameli

Vote: 5-0

Stormwater Notice of Intent (SMP- 180-19 & LDP 288-19) Patricia Cohen. 2 Randolph Street (Map 63 Lot 3). For proposed plans to construct a single-family home including grading, utilities, and installation of a stormwater management system. (Continued from 1/23/19, 2/13/19, 2/27/19)

Agent Milani –

No action required, Commission voted at a previous meeting to continue this hearing to March 27, 2019.

Wetland/Stormwater Notice of Intent and Land Disturbance Application (DEP # 124-1218, LDP-284-18) Springdale Gardens. 41 Plymouth Street (Map 26, Parcel 83). For the removal of an existing dwelling and construction of multi-family units including parking, grading, utilities, and installation of a stormwater management system within 200' Riverfront Area of the East Branch of the Neponset River. (Continued from 11/14/18, 11/28/18, 12/19/18, 1/9/19, 1/23/19, 2/13/19, 2/27/19)

Arthur Borden of Borden Associates, LLC. presented the following:

Modifications made in accordance to the stormwater peer review conducted by Strongpoint Engineering.

Operation/Maintenance plan, planting plan and Home Association to be included with the Order of Conditions.



CONSERVATION COMMISSION
Pequitside Farm – Tavern Room
79 Pleasant Street, Canton, MA 02021
Wednesday, March 13, 2019 @ 7:00 P.M.
PUBLIC HEARING
MINUTES

Attendance: Joshua Cohen- Chairman, Kevin Colmey Vice-Chairman, Paul Degnan – Clerk,
Elizabeth Sugameli, Melissa Mayer
Absent: Robert MacDonald, Gerald Carmichael
Conservation Agent: Regen Milani

Recording Secretary: Heather Cahill

Complete hearings are recorded and available on Canton Community Television.

Abutter:

Ed Keselman

Lives at 45/47 Plymouth Street and owns 39 Wall Street. -

Mr. Ed Keselman requested Chairman Cohen read into record a two-page statement, (see attached statement).

Chairman Cohen –

Read the statement into the record. Indicated that the project met the legal requirements.

Agent Milani –

Recommended issuing Order of Conditions and Land Disturbance permit with Special Conditions for 41 Plymouth Street.

Motion Made by Paul Degnan vote to approve variance request for work in the 30' No Build Zone.

Seconded by Elizabeth Sugameli

Vote: 5-0

Motion Made by Paul Degnan vote to close hearing for DEP 124-1218 and LDP-284-18 for 41 Plymouth Street.

Seconded by Elizabeth Sugameli

Vote: 5-0

Motion Made by Paul Degnan vote to issue Order of Conditions DEP File 124-1218 with special conditions for 41 Plymouth Street

Seconded by Elizabeth Sugameli

Vote: 5-0

Motion Made by Paul Degnan vote to issue Land Disturbance permit LDP-284-18 with special conditions for 41 Plymouth Street.

Seconded by Elizabeth Sugameli

Vote: 5-0

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

Jay Bullens/Able Realty 20 Beatrice Way, Map 19-18 Parcel 5 DEP#124-1140, LDP 187-15

For the construction of a single-family home with stormwater management system within 100 feet of a wet meadow.

Agent Milani –

Chairman Cohen, Building Commissioner Ed Walsh, and Agent Milani conducted a site visit with the homeowner Charisse Powell, the following deficiencies were found:

Existing basement floor elevation 105.5, proposed elevation 109.5, Brick patio, fence, and deck added, , Additional pavement added, Infiltration inspection port paved over , Existing 400 s.f. of driveway



CONSERVATION COMMISSION
Pequitside Farm – Tavern Room
79 Pleasant Street, Canton, MA 02021
Wednesday, March 13, 2019 @ 7:00 P.M.
PUBLIC HEARING
MINUTES

Attendance: Joshua Cohen- Chairman, Kevin Colmey Vice-Chairman, Paul Degnan – Clerk,
Elizabeth Sugameli, Melissa Mayer
Absent: Robert MacDonald, Gerald Carmichael
Conservation Agent: Regen Milani

Recording Secretary: Heather Cahill

Complete hearings are recorded and available on Canton Community Television.

**within 30 buffer, Existing retaining walls within 30 foot buffer , Existing sewer connection within 30 ‘
buffer , Existing fence and grading within 30 foot buffer**

Charisse Powell, homeowner at 20 Beatrice Way, explained to the Commission that she purchased the home with an open Order of Conditions which is clouding the title; that she is still having water issues due to poor construction design. Ms. Powell had to hire contractors to fix most of the issues but they are still on-going. She has hired a lawyer and is in litigating with the seller/contractor.

Agent Milani –

The project was not built in compliance with the approved plan nor the conditions of the order. The applicant should have come back to the Commission for an Amendment to the permits if he wished to make changes, such as increasing the pervious surfaces and building a deck and patio in the back yard. In addition, there was unapproved work done in the 30 foot no disturbance zone. Milani recommended denying the Request for a Certificate of Compliance.

Motion Made by Paul Degnan vote to deny the Request for a Certificate of Compliance for DEP File 124-1160, 20 Beatrice Way.

Seconded by Elizabeth Sugameli

Vote: 5-0

Motion Made by Paul Degnan vote to deny the Request for a Certificate of Compliance for LDP File 187-15. 20 Beatrice Way.

Seconded by Elizabeth Sugameli

Vote: 5-0

NEW BUSINESS

Potential Violation – Geoffrey and Haisun Ricks. 62 Indian Lane. Map 100, Parcel 126.

Potential violation of local stormwater regulations for not maintaining stormwater management BMPs as required contributing to stormwater runoff and flooding issues currently being experienced on Indian Lane.

Agent Milani –

Issues with flooding on Indian, Town Engineer and Agent Milani inspected site work was not completed in accordance to approved permits. Homeowner did not know about Operation and Maintenance plan Regen will request homeowner attend next meeting.

Motion Made by Paul Degnan vote to continue hearing for 62 Indian Lane to March 27, 2019.

Seconded by Elizabeth Sugameli

Vote: 5-0



CONSERVATION COMMISSION
Pequitside Farm – Tavern Room
79 Pleasant Street, Canton, MA 02021
Wednesday, March 13, 2019 @ 7:00 P.M.
PUBLIC HEARING
MINUTES

**Attendance: Joshua Cohen- Chairman, Kevin Colmey Vice-Chairman, Paul Degnan – Clerk,
Elizabeth Sugameli, Melissa Mayer**

Absent: Robert MacDonald, Gerald Carmichael

Conservation Agent: Regen Milani

Recording Secretary: Heather Cahill

Complete hearings are recorded and available on Canton Community Television.

Violation – James and Catherine Walsh. 301 York Street. Map 103, Lot 29.

Wetland Protection Act & Bylaw, Soil & Erosion Control Bylaw

Violation of state and local wetland regulations for vegetation removal within wetland, within 30' no disturbance zone, and within 100' of a Bordering Vegetated Wetland without the benefit of a permit. Violation of local soil and erosion control bylaw for vegetation removal over 5,000 s.f. of disturbance.

James and Catherine Walsh owners of 301 York Street, Mr. Walsh distributed pictures showing the existing house and clearing of property. Mr. Walsh further explained property is on a dangerous curve of York Street, in a scenic way and did not know he needed approval for removal of trees and did not know he needed approval from the Planning Board for work within a scenic way. Only dead trees removed (pictures distributed), no grading or construction done.

Paul Brodmerkle of Site Design Professionals has been hired by Mr. Walsh and presented the following:

- Existing historical house is beyond repair and needs to be removed, filed septic plans with Board of Health (waiting for BOH approval).
- Mr. Walsh is working with Mr. Brodmerkle and will be returning to Conservation with new plans for single family dwelling and a septic system that will be within the 30 foot No Build zone.

Commissioner Sugameli –

Drove by house, there has been a sizable number of trees removed and rear of the property is in the wetlands.

Agent Milani–

The removal of the trees is a clear violation of the Wetlands Protection Act and the town Wetlands Bylaw and also the Soil and Erosion Control Bylaw. Even in an emergency situation, homeowners are required under state law to come to the Conservation Commission before doing any work in a wetland or within the 100 foot buffer zone. Any trees removed from the wetland will need to be replanted and the wetland and 30 foot buffer restored. This will need to be a part of any plans that are brought forth to the Commission.

Paul Brodmerkle of Site Design Professionals presented the following for 287 York Street and 289 York Street -

Potential Violation – Todd Burne, 287 York Street. Map 103, Parcel 32.

- Potential Wetland Protection Act & Bylaw, Soil & Erosion Control Bylaw
- Potential violation of state and local wetland regulations for vegetation removal and grading within 100' of a Bordering Vegetated Wetland without the benefit of a permit; Violation of local soil and erosion control bylaw for vegetation removal and grading over 5,000 s.f. of disturbance.
- Property in on a scenic meaning any work within a scenic way requests approval from the Planning Board.



CONSERVATION COMMISSION
Pequitside Farm – Tavern Room
79 Pleasant Street, Canton, MA 02021
Wednesday, March 13, 2019 @ 7:00 P.M.
PUBLIC HEARING
MINUTES

Attendance: Joshua Cohen- Chairman, Kevin Colmey Vice-Chairman, Paul Degnan – Clerk,
Elizabeth Sugameli, Melissa Mayer

Absent: Robert MacDonald, Gerald Carmichael

Conservation Agent: Regen Milani

Recording Secretary: Heather Cahill

Complete hearings are recorded and available on Canton Community Television.

Potential Violation – Linda A Hamdan. 289 York Street. Map 103, Parcel 31.

- Wetland Protection Act & Wetland Bylaw, Soil & Erosion Control Bylaw
- Potential violation of state and local wetland regulations for vegetation removal and grading within 100' of a Bordering Vegetated Wetland without the benefit of a permit; Violation of local soil and erosion control bylaw for vegetation removal and grading over 5,000 s.f. of disturbance.
- Homeowner contacted Town Hall to find out if he has wetlands and was erroneously transferred to the Department of Public Works who then informed Mr. Christopher Breedlove, resident at 289 York) there were no wetlands on or near his property using Geographic Information Systems maps available from the state. Mr. Breedlove did not know about the local stormwater or soil erosion control by law. They are now working with Site Design Professionals to ensure they come into compliance with all applicable laws. Mr. Breedlove suggested that mailings are sent out to new residents of Canton- a "welcome to canton" – which informs residents of such matters.

Paul Brodmerkle of Site Design Professionals is working with Mr. Burns and Ms. Hamdan, will need to hire a botanist to confirm if wetlands and properties to be flagged to confirm boundary lines. Mr. Brodmerkle will be returning to update Conservation Commission of their findings.

Agent Report

Agent Milani –

Milani contacted by the Canton Citizen and they will be publishing an article about the town-wide leash law, which includes town-owned properties, due to complaints from residents both in person and on social media of the common occurrence of off-leash dogs at Pequitside Farm. The article will be published in the Canton Citizen on Thursday, March 14, 2019.

Below is the existing Town of Canton Leash Law:

Section 5: Full Time Leash Law Any person owning or harboring a dog shall not cause or allow said dog to roam at large * in any of the streets or public ways or places within the confines of the Town of Canton, or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises expressly grants permission. Under no circumstances shall a dog even though secured by suitable lead be allowed on private property, unless specific permission has been granted by the owner of said property. No dog shall be permitted in any public place or on any public thoroughfare **inclusive of all Town owned property** and properties under the authority of the Commonwealth of Massachusetts that are situated in the Town of Canton, unless said dog is restrained by a chain or lead not exceeding seven (7) feet in length that is of suitable test for the size of dog that is being restrained, and is attended by a person of adequate age and discretion to properly control its actions or is at the heel ** position beside a competent person and demonstrably obedient to the person's command.



CONSERVATION COMMISSION
Pequitside Farm – Tavern Room
79 Pleasant Street, Canton, MA 02021
Wednesday, March 13, 2019 @ 7:00 P.M.
PUBLIC HEARING
MINUTES

Attendance: Joshua Cohen- Chairman, Kevin Colmey Vice-Chairman, Paul Degnan – Clerk,
Elizabeth Sugameli, Melissa Mayer
Absent: Robert MacDonald, Gerald Carmichael
Conservation Agent: Regen Milani

Recording Secretary: Heather Cahill

Complete hearings are recorded and available on Canton Community Television.

EXECUTIVE SESSION

Discuss strategy in executive session with respect to an existing project (1095 Randolph St.) related to an Enforcement Order and an Order of Conditions issued by the Commission (DEP File #124-1067) if the chair declares discussing the matter in open session may have a detrimental effect on the negotiating and litigating position of the public body; votes may be taken.

Motion Made by Paul Degnan to enter Executive Session and to not return back to Open Session. Roll Call was taken Paul Degnan- yes, Melissa Mayer – yes, Elizabeth Sugameli – yes, Kevin Colmey – yes, Joshua Cohen – yes, Paul Degnan – yes. Entered Executive Session at 8:10 PM

ADJOURNMENT - 8:45

Respectfully Submitted,

Joshua Cohen, Chairman
Conservation Commission

Date