



CONSERVATION COMMISSION  
Pequitside Farm, Tavern Room  
79 Pleasant Street, Canton, MA 02021  
Wednesday March 27, 2019 @ 7:00 P.M.  
MINUTES

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

**Absent:** Robert MacDonald, Elizabeth Sugameli

**Conservation Agent:** Regen Milani

**Recording Secretary:** Heather Cahill

**Complete hearings are recorded and available on Canton Community Television.**

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**7:00 P.M. Open Meeting**

Chairman Cohen called hearing to order at 7:00 P.M.

**Minutes:**

March 13, 2019

Motion Made by Paul Degnan vote to accept minutes of March 13, 2019 as written.

Seconded by Gerald Carmichael

Vote: 5-0

March 13, 2019 Executive Session

Motion Made by Paul Degnan vote to accept Executive Session minutes of March 13, 2019 as written.

Seconded by Gerald Carmichael

Vote: 5-0

**WETLAND HEARINGS:**

**Request for Minor Modification. LoPilato Construction Corp. Whitetail Estates Lot 2/10 Albert St. (Map 110, Lot 26) SMP-085-14 LDP 158-14 Stormwater Notice of Intent and Land Disturbance permit for construction of a single-family dwelling with driveway including grading, utilities, and installation of stormwater management system.**

Arthur F. Borden & Associates, Inc. presented the following:

- Original plan with stormwater and land disturbance permits approved September 12, 2014 with plans dated September 2, 2014.
- Requesting a minor modification for relocation of proposed single-family dwelling, grass swale, and private way.
- Proposed stormwater with sediment forebay and vegetated drainage swale to be enhanced.
- Reshaping of grass infiltration basin and enlarging level spreader outlet.
- Trees to be planted along the outer limits of the infiltration basin.
- Erosion control barriers to be installed, inspected, and approved prior to start of construction.
- Proposed minor modification is in compliance with the DEP stormwater standards for TSS removal.

Agent Milani –

Erosion control barriers must be replaced prior to construction. Agent Milani recommended the Commission issue a minor modification for the proposed changes in accordance with plan titled Stormwater and Land Disturbance permit proposed modification of "White tail Estates at 10 Albert Street, Canton MA. Plan dated 11-29-2018.

Motion Made by Paul Degnan to close the public hearing for 10 Albert Street, Lot 2 Whitetail Estates SMP-085-14 and LDP-158-14.

Seconded by Gerald Carmichael

Vote: 5-0



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Motion Made by Paul Degnan vote to approve a minor modification for 10 Albert Street, Lot 2 for SMP-085-14 and LDP 158-14.

Seconded by Gerald Carmichael

Vote: 5-0

**Request for Minor Modification. Chanh Ly. 6 Osage Road (Map 49, Lot 26) SMP-179-18, LDP-287-18**

Stormwater Notice of Intent and Land Disturbance application for the construction of a three-car garage, 18' x 18' addition, sewer connection and installation of a storm water management system.

Frederick Giesel on behalf of Civil Environmental Consultants presented the following:

Commission approved stormwater and land Disturbance permits in December 2018.

Applicant is requesting a minor modification for the following:

- Removal of the existing single-family dwelling and construction of new dwelling, three car garage, farmers porch, and relocation of exiting driveway- previously was only going to raise existing dwelling and add onto it.
- Stormwater management Cultec 330XLHD system to be installed, stormwater management system to accommodate the 2 year 10-year and 100-year storm.
- Erosion control barriers to be installed along the limit of work, area to be loamed and seeded.

Agent Milani-

Recommended Commission issue a minor modification for proposed changes.

Motion Made by Paul Degnan to close the public hearing for 6 Osage Road, SMP-179-18 and LDP-287-18.

Seconded by Gerald Carmichael

Vote: 5-0

Motion Made by Paul vote to approve a minor modification for 6 Osage Road for permits SMP-179-18 and LDP-287-18.

Seconded by Gerald Carmichael

Vote: 5-0

**Request for an Extension. Alberta Realty Trust. 1095 Randolph Street. (Map 106 Lot 27) DEP # 124-1067**

Request for the Extension of a Notice of Intent for the removal of fill in Bordering Vegetated Wetlands.

Owen Hughes owner of 1095 Randolph St. discussed the following:

- Requesting an extension of the existing Order of Conditions 124-1067, however asked the commission to continue this Request until September 2019
- Alberta Realty Trust and SWPCA are working on a proposal for soil testing, revised plan to be submitted to Conservation for review.

Commissioner Carmichael –

What is the time line for soil testing?



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Commissioner Mayer –

What is Mr. Hughes requesting?

Agent Milani –

This permit expires in October 2019. It was issued in 2010. The Alberta Realty Trust has had adequate time to complete the project as permitted and no removal of fill or restoration of wetlands has occurred to date. Milani recommend denying the Request for an Extension.

As soon as a plan for new test pits is submitted then testing can begin with a wetland soil evaluator on-site. If during digging contaminants are found, then work will stop and a Licensed Site Professional would be called in.

Commissioner Colmey –

Agrees with Agent Milani's recommendation to deny request for Extension of Order of Conditions.

Motion Made by Paul Degnan vote to close the public hearing for 1095 Randolph Street, DEP File 124-1067

Seconded by Gerald Carmichael

Vote: 5-0

Motion Made by Paul Degnan vote to Deny the Request for an Extension for 1095 Randolph Street, DEP File 124-1067.

Seconded by Gerald Carmichael

Vote: 5-0

**Request of an Amendment. Request for an Extension. Heng Yang. 56 Indian Lane. (Map 106, Lot 27) SW-129-15, LDP-205-15** Request for an Amendment and Extension of Stormwater Notice of Intent and Request for an Extension of the Land Disturbance Permit application, for construction of a three-bedroom single-family dwelling including grading, utilities, and installation of a stormwater management system.

George Collins of Collins Engineering presented the following:

- Homeowner installed a 2-3 foot block retaining wall and curbing that was no part of the original plan set
- stormwater management system was installed as approved
- Stormwater was supposed to run-off from the driveway into tree box filters- curbing blocks this flow of water and so proposing (4) 18" breaks in the curbing (as described in plan dated March 27, 2019).

Mr. Collins explains "In his opinion" the ponding in front of 56 Indian Lane is due to an existing low point when the road was constructed and an existing condition prior to the construction 56 Indian Lane.



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Agent Milani -

This project was not built in compliance with the approved plans. The applicant changed the grade at the front of the house and added curbing to the driveway which has increased an existing drainage/flooding problem on Indian Lane. Town Engineer Barbara Reardon and Milani have been investigating this issue since November 2018. Milani recommended the Commission denies the Request for an Amendment and requires the applicant to remediate the site so that it matches the approved plan. Milani recommend that the Commission approves the request for an extension (as a courtesy since the permits are already expired) so that they may complete the remediation on site.

**Abutters –**

Binh Ho  
63 Indian Lane

In 2015 during the historical snow storm no ponding, after the construction of new house there is significant ponding. Ponding is and has caused water damage to his house and is safety issue during major rain or snow storms.

Mr. Vesey  
70 Indian Ln.

Lived here for 31 years there was minimal to no ponding, since the construction of new house there is significant ponding problem that is safety concern. Ponding problem not a puddle.

Pauline and Peter Onyemelukwe  
40 Indian Lane

I live at the lowest point of Indian Lane no ponding prior to construction of new house at 56 Indian Road.

The above abutters, along with videos, pictures and comments from Town of Canton Engineering Department provide sufficient evidence the construction of single-family dwelling at 56 Indian Lane wasn't built as approved and is causing significant ponding into Indian Lane.

After due deliberation Conservation Commission is in agreement with Agent Milani that the applicant must bring 56 Indian Lane into compliance as described in Existing Conditions/SWPP Proposed Building Permit , Map 101, Lot 72 – Indian Lane dated 9-25-15.

Motion Made by Paul Degnan to close the public hearing for 56 Indian Lane, SMP-129-15 and LDP-205-15.  
Seconded by Gerald Carmichael

Vote: 5-0



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Motion Made by Paul Degnan to approve the Request for a 6 month Extension to October 27, 2019 for SW-129-15, LDP-205-15.

Seconded by Gerald Carmichael

Vote: 5-0

Motion Made by Paul Degnan vote to deny Request for Amendment for SW-129-15 and LDP-205-15 for 56 Indian Ln.

Seconded by Gerald Carmichael

Vote: 5-0

**Notice of Intent. Canton Public Schools/Barry Nectow. 100 Dedham Street. (Map 30, Lot 190) 124-1228**

Notice of intent for the construction of an addition of four small classrooms, removal of existing pavement, repaving and restriping of parking, including removal of existing catch basin and replacing with new drainage structures. (Cont. from 3/13/19)

Agent Milani -

Applicants requested a variance for temporary work in the 30 foot no disturbance zone in the even that Eversource utility work will require it. Since the work will be temporary and in previously paved area, I recommend the Commission approve this variance request.

Applicants requested a waiver from the Canton Stormwater Management Bylaw and the Canton Soil and Erosion Control Bylaw. Since this project is subject to the state Wetlands Protection Act and MassDEP Stormwater Management Standards which include erosion control and stormwater management I recommend the Commission grant these waivers.

Motion Made by Paul Degnan vote to approve the Variance Request for work within the 30' No Disturbance Zone for DEP File 124-1228, 100 Dedham Street.

Seconded by Gerald Carmichael

Vote: 5-0

Motion Made by Paul Degnan to grant a waiver from the requirement to meet the standards of the Canton Stormwater and Soil and Erosion Control Bylaws for this project.

Seconded by Gerald Carmichael

Vote: 5-0

Motion Made by Paul Degnan vote to close the public hearing for DEP file # 124-1228 100 Dedham Street.

Seconded by Gerald Carmichael

Vote: 5-0

Motion Made by Paul Degnan vote to issue an Order of Conditions for DEP file # 124-1228 100 Dedham Street.

Seconded by Gerald Carmichael

Vote: 5-0



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**Stormwater Notice of Intent Patricia Cohen. 2 Randolph Street (Map 63 Lot 3) SMP- 180-19 & LDP 288-19**

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, 3/13/19)  
(Applicant requested to withdraw without prejudice.)

Motion Made by Paul Degnan vote to approve the withdrawal of SMP-180-19 and LDP 288-19 without prejudice for 2 Randolph Street.

Seconded by Gerald Carmichael

Vote: 5-0

**REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE**

**Pulte Homes of New England**

**Canton Point/475 Turnpike St.**

**DEP #124-1070 & LDP-093**

**Full**

**Map 77, Lot 9 & 16**

For proposed construction of 53 townhouse style units including associated grading and utilities within 100' foot buffer zone of a Bordering Vegetated Wetland.

Agent Milani -

Stormwater repairs and corrections referenced in the letter dated January 11, 2017 from Coughlin Environmental Services have been made by the applicant except the removal of woody vegetation in the detention overflow spillway. Milani will address the vegetation as O & M responsibility through the HOA. I recommend approving the full certificate.

Motion Made by Paul Degnan vote to issue full certificate of compliances for file #124-1070 and LDP-093 for 475 Turnpike Street.

Seconded by Gerald Carmichael

Vote: 5-0

**OLD BUSINESS**

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

Stormwater Bylaw 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.

Paul Brodmerkle of Site Design Professionals presented the following:

- In 2011 a very long driveway and basin constructed.
- Very active sump pump is the problem, as it is bringing groundwater that flows 24/7 from the basement of the house out to the detention basin in the front yard, contributing to water on Indian Lane. Proposed solution is to divert the water from the sump to the rear of the property, towards wetlands.



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**NEW BUSINESS**

- Agent's Report
- 1. Pequitside and Earl Newhouse Waterfront clean-up day Saturday, May 11 with a rain date of Saturday, May 18. Selectman Tom Theodore will provide BBQ hamburgers and hot dogs. Pequitside Task Force member David Hiltz will recruit high school students for service hours.
- 2. Meeting dates July – December 2019 were discussed. Chairman Cohen asked Agent Milani to email the proposed dates to the Commission.
- 3. Acceptance of TopGolf/Dedham Street parcel-Agent Milani asked to use of up to \$2000 of Conservation funds for an Environmental Site Assessment. Commission agreed this was an appropriate expense. Title search will come out of the town's legal budget. Acceptance of Warner Trail Easement on TopGolf property- easement to be held by Conservation.

**ADJOURNMENT –**

Motion Made by Paul Degnan vote to adjourn public hearing of March 27, 2019 at 8:20 P.M.

**Respectfully Submitted,**

Paul Degnan, Clerk  
Conservation Commission

4/10/19  
Date