

**Recommendations of the Finance Committee
to the Voters of Canton, Massachusetts**

2023

TOWN OF CANTON



SPECIAL TOWN MEETING

MONDAY, MAY 8, 2023 at 7:00 p.m.

**Morse Auditorium
Canton High School
900 Washington Street, Canton, MA**

YOUR VOTE at Town Meeting is important because it establishes the priorities for our schools, public works, public safety, town government and future direction for our environment.

The Town, upon request, will endeavor, to the greatest extent possible, to make available any and all visual and audio devices and assistance for the disabled. For more information, please call 781-821-5000.

SPECIAL TOWN MEETING - MAY 8, 2023

Article 1 To see if the town will vote to adopt certain procedures to govern the conduct of the 2023 Special Town Meeting, or to take any other action related hereto.

Article 1 MOTION

MOVED: That the following individuals be granted all of the rights and privileges of participation in this Annual Town Meeting, except the right to vote, under any article of this warrant which affects matters within their jurisdiction:

David Brauning, Principal, Lt. Peter M. Hansen Elementary School
Paul Brodmerkle, Interim Town Engineer
Meghan Byrne, Director of Student Services, Canton Public Schools
Steve Choiniere, Supervisor of Facilities and Grounds
Paul R. DeRensis, Town Counsel
Paul Feeney, State Senator
Derek Folan, Superintendent of Schools
Tom Houston, Professional Services Corporation, PC-
Donna Kilday, Rodman Early Childhood Coordinator
Louis Jutras, Information Systems Manager
Arafat Knight, Veterans' Agent
Karen Lawlor, Administrative Assistant, Canton Planning Board
Brian Lynch, Facility Director, School
Stephen Lynch, Representative in Congress
Steve Marshall, Director of Finance & Operations, School Department
M. Regen Milani, Conservation Commission Agent
Allison Neff, Canton Community Preservation Committee Administrator
Kristen Phelps, Revere & Son Heritage Trust Administrator
Tyler Radicioni, Parks & Recreation Director
Helena Rafferty, Police Chief
Barbara Reardon, Board of Health Director
Michelle Resendes, Asst. Supt. for Business & Personnel, Blue Hills Reg. Technical School
E. Wendell Robery, Fire Chief
Debbie Rooney, Director of Teaching and Learning PreK-8
Mark Roy, Executive Director, Canton Housing Authority
William Scollins, Finance Director
Sarah Shannon, Interim Asst. Superintendent of Schools
Julianne Shore, Director of Technology and Digital Learning
Jeffrey Sperling Principal of Canton High School
Walter Timilty, State Senator
Michael Trotta, Superintendent of Public Works
Diane Tynan, Director of the Department of Elder & Human Services
Sandra Watson, Principal of John F. Kennedy Elementary School

SPECIAL TOWN MEETING - MAY 8, 2023

ACQUIRE & EXTINGUISH PERMANENT & TEMPORARY EASEMENTS OVER 293 YORK STREET FOR CONSTRUCTION & MAINTENANCE OF A DRAINAGE SYSTEM

Article 2 To see if the Town will vote to authorize the Select Board to:

(1) acquire by purchase, gift, or eminent domain permanent and temporary easements over and under the parcel of real property at 293 York Street, Assessors Map 103, Parcel 30 for the purpose of construction, operation, and maintenance of a storm water drainage system for such water to flow from York Street onto the property identified as 293 York Street and said easements being shown as "Permanent Easement A," "Temporary Easement C," and "Temporary Easement D" in Exhibit 'A', "Amendment to Drainage Easement Plan With Temporary Easements, 293 York Street, Canton, MA" prepared by Norfolk County Engineering Department, on file with the Town Engineer. Said Plan is to amend the easement already owned by the Town and shown on the Plan entitled "Easement Plan of Land, 293 York Street in Canton, MA" dated November 12, 2019, prepared by Site Design Professionals, LLC and recorded with the Norfolk County Registry of Deeds in Plan Book 706, Page 708;

(2) authorize the Select Board to extinguish any and all of the Town's rights in that easement already owned by the Town and now depicted as "Easement B" on "Amendment to Drainage Easement Plan With Temporary Easements, 293 York Street, Canton, MA" after construction of said drainage system has been completed. "Temporary Easement C" and "Temporary Easement D" shall only be valid for thirty (30) days upon notice from the Town to grantor;

(3) to see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, a sum of money for such purposes; or

(4) to take any other action related thereto.

Select Board

Article 2 MOTION:

MOVED: That the Select Board be authorized to acquire by purchase, gift, or eminent domain permanent and temporary easements for general municipal purposes including to construct, operate, and maintain a storm water drainage system for York Street, as printed in the Special Town Meeting Warrant and further that the Select Board is authorized to convey, extinguish, and relinquish back to the underlying property owner all the Town of Canton's rights and interest in that easement depicted as "Easement B" no longer needed as printed in the Special Town Meeting warrant.

FINANCE COMMITTEE VOTE: 7-0-0

DISCUSSION: The Finance Committee unanimously supports this article.

Article 2 of the 2023 Special Town Meeting would authorize the Select Board, Board of Water Commissioners, and Canton Conservation Commission to acquire permanent and temporary easements over and under the property at 293 York Street regarding construction, operation, and maintenance of a storm water drainage system at that site. This article would also authorize the Select Board to extinguish certain easements once they are no longer needed at 293 York Street. The area was subject to flooding and the Town mitigated that through a project to construct storm water infrastructure improvements for that part of York Street. For this purpose, temporary and permanent easements were taken to allow temporary space for the construction and installation phase and permanent space for the operation and maintenance of the storm water infrastructure (Article 28, ATM 2020). Based on the final plan and work done, one of the pipes was not installed in the area originally taken for easements. The article would correct this issue by taking and extinguishing easements as needed to permanently have the appropriate easement for the infrastructure as built and to conclude the project. There are no funding requests associated with this article. Some legal fees will be covered through the Town's legal budget.

APPROVED _____

DISAPPROVED _____

SPECIAL TOWN MEETING - MAY 8, 2023

HOME RULE PETITION: DISPOSITION OF TOWN OF CANTON LAND IN STOUGHTON FOR ROUTE 138 ROADWAY IMPROVEMENTS

Article 3 To see if the town will vote

- (1) To transfer the care, custody, management, and control of certain portions of land in Stoughton, subject to enactment of a special act of the Commonwealth, from the Conservation Commission to the Select Board, and to authorize the Select Board to convey or dispose of such portions of such land to the Commonwealth of Massachusetts for Roadway use, to support the roadway improvements project being undertaken by the Commonwealth of Massachusetts for Route 138 as identified as those portions of Canton land depicted as “permanent” as shown on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans” identified on said plan as:

<u>Permanent Easements</u>	<u>Square Footage</u>
9-D-4	402 sq. ft.
9-3	623 sq. ft.
9-S-3	5,458 sq. ft.

- (2) To transfer the care, custody, management, and control of certain portions of land in Stoughton, subject to enactment of a special act of the Commonwealth, from the Canton Board of Water Commissioners to the Select Board, and to authorize the Select Board to convey or dispose of such portions of such land to the Commonwealth of Massachusetts for Roadway use, to support the roadway improvements project being undertaken by the Commonwealth of Massachusetts for Route 138 as identified as those portions of Canton land depicted as “permanent” as shown on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans” identified on said plan as:

<u>Permanent Easements</u>	<u>Square Footage</u>
9-1	1,556 sq. ft.
9-1-T	96 sq. ft.
9-D-1	236 sq. ft.
9-D-2	278 sq. ft.
9-D-3	305 sq. ft.
9-D-PUE-1	100 sq. ft.
9-D-PUE-2	114 sq. ft.
9-D-PUE-3	331 sq. ft.
9-GR-PUE-S-1-T	26 sq. ft.
9-GR-S-1-T	231 sq. ft.
9-GR-S-2-T	221 sq. ft.
9-PUE-1	271 sq. ft.

SPECIAL TOWN MEETING - MAY 8, 2023

9-PUE-2	534 sq. ft.
9-PUE-S-1	317 sq. ft.
9-PUE-S-2	1,228 sq. ft.
9-PUE-S-3	350 sq. ft.
9-PUE-S-4	11 sq. ft.
9-PUE-S-1-T	83 sq. ft.
9-S-1	7,509 sq. ft.
9-S-1-T	4,585 sq. ft.

- (3) To authorize the Canton Conservation Commission, subject to enactment of a special act by the Commonwealth, to grant temporary easements for construction use by the Commonwealth, provided that the Commonwealth return such land upon completion of the Route 138 project free of easements, cleaned, restored, and in their original natural condition, such land being described as follows:

<u>Temporary Easements</u>	<u>Square Footage</u>
9-TE-4	3,956 sq. ft.
9-TE-66	4,997 sq. ft.
9-TE-5	8,140 sq. ft.
9-TE-7	1,787 sq. ft.

- (4) To authorize the Canton Board of Water Commissioners, subject to enactment of a special act by the Commonwealth, to grant temporary easements for construction use by the Commonwealth provided that the Commonwealth return such land upon completion of the Route 138 project free of easements, cleaned, restored, and in their original natural condition, such land being described as follows:

9-TE-1	3,349 sq. ft.
9-TE-2	2,438 sq. ft.
9-TE-65	1,108 sq. ft.
9-TWLR-1	4,505 sq. ft.

- (5) further to authorize the Select Board to receive and accept on behalf of the Town of Canton replacement conservation or watershed protection land, or sums of money in lieu thereof as may be authorized by law, offered by any source public or private, for mitigation of the permanent easements granted by the Town of Canton pursuant Chapter 3, section 5A of the general laws of the Commonwealth, and upon such receipt and acceptance, to authorize the Select Board to transfer said replacement land to the care custody and control of Conservation Commission or the Board of Water Commissioners as may be applicable, or deposit such sums of money in a Conservation Commission land acquisition fund pursuant to chapter 40, section 8C of the general laws, or deposit

SPECIAL TOWN MEETING - MAY 8, 2023

such funds in a similar fund to be set up under the jurisdiction of the Board of Water Commissioners as may be applicable, to be used only to acquire additional conservation land under the care custody and control of the Conservation Commission or watershed protection land and the care, custody and control of the Board of Water Commissioners; and

- (6) to authorize the Select Board to request the Town's representatives in the General Court to introduce legislation to authorize the Town to grant permanent easements relative to said conservation land and watershed protection land described as "permanent easements" and temporary use of conservation land and watershed protection land described as "temporary easements" for other than conservation, water shed purposes or other than Article 97 purposes in order to support the roadway improvements project for Route 138 and further to authorize the Select Board and the General Court to make constructive changes in perfecting the language of this legislation in order to secure passage, it being the intent to authorize the Select Board and the General Court to vary the specific text of the legislation consistent with the scope of the general objectives of this home rule petition, such legislation to read substantially as follows:

AN ACT AUTHORIZING THE TOWN OF CANTON TO GRANT TEMPORARY AND PERMANENT EASEMENTS OF CERTAIN LAND OF THE TOWN SITUATED IN THE TOWN OF STOUGHTON FOR HIGHWAY PURPOSES

SECTION 1. Pursuant to chapter 3 § 5A of the general laws of the Commonwealth, notwithstanding the provisions of any other general or special law to the contrary, the Town of Canton Select Board may grant certain permanent easements, and the Town of Canton Conservation Commission may grant certain temporary easements, related to certain conservation land owned by the Town of Canton under the jurisdiction of the Canton Conservation Commission situated in the Town of Stoughton, and the Board of Water Commissioners may grant certain temporary easements related to certain watershed protection land owned by the Town of Canton under the jurisdiction of the Canton Board of Water Commissioners situated in the Town of Stoughton, to the Commonwealth of Massachusetts for highway purposes, to support the roadway improvements project being undertaken by the Commonwealth of Massachusetts for Route 138 as identified as those permanent and temporary easements on a Plan entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans" being a portion of those parcels owned by the Town of Canton and described in the Assessor's records of the Town of Stoughton as Map 57, Parcels 91, 92, and 93, and Map 58, Parcel 1, and Parcel 7. The Select Board on behalf of the Town of Canton, is authorized to accept and receive replacement land, or alternatively pursuant to said chapter 3 section 5A, accept and receive certain sums of money offered as mitigation pursuant to said statute and to transfer said replacement land for conservation land without further vote of the Town to the care, custody, management and control of the Canton Conservation Commission or transfer said replacement land for watershed protection land without further vote of the Town to the care, custody, management and control Board of Water Commissioners, or deposit such sums of money in a Canton Conservation Commission land acquisition fund without further vote

SPECIAL TOWN MEETING - MAY 8, 2023

of the town, to be used only for the purposes of acquiring replacement Canton conservation land or in a similar fund to be established for the Board of Water Commissioners to be used only for the purposes of acquiring replacement watershed protection land, as applicable.

SECTION 2. Pursuant to chapter 40, § 15A of the general laws, the care, custody, management, and control of a portion of the land in Stoughton owned by the Town of Canton, identified as “permanent easements” on a Plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Washington Street (Route 138) in the Town of Stoughton, Norfolk County, Preliminary Right of Way Plans” being part of those parcels owned by the Town of Canton described in the Assessor’s records of the Town of Stoughton as Map 57, Parcels 91, 92, and 93, and Map 58, Parcel 1, and Parcel 7, is approved notwithstanding Article 97 of the Constitution of the Commonwealth, to be transferred from the Canton Conservation Commission and the Board of Water Commissioners, as applicable, to the Canton Select Board for the purposes stated in section 1 of this Act.

SECTION 3. Any temporary easements taken upon such conservation commission land owned by the Town of Canton, for the Route 138 roadway project construction shall be extinguished, and returned to the Town of Canton Conservation Commission clean, restored, and in its natural state, upon completion of said project. Any temporary easements taken upon such watershed protection land owned by the Town of Canton, for the Route 138 roadway project construction shall be extinguished, and returned to the Town of Canton Board of Water Commissioners clean, restored, and in its natural state, upon completion of said project

SECTION 4. This act shall take effect upon its passage.

Select Board,

Article 3 MOTION:

Moved, that the Select Board, Board of Water Commissioners, and Conservation Commission be authorized as printed in the warrant.

FINANCE COMMITTEE VOTE: 7-0-0

DISCUSSION: The Finance Committee unanimously supports this article.

Article 3 of the 2023 Special Town Meeting would authorize the Select Board to dispose of land that the Town owns on York Street and Washington Street in Stoughton, Massachusetts, along the Route 138 corridor to the Commonwealth of Massachusetts for permanent and temporary easements. The Massachusetts Department of Transportation is planning a road improvement project for that portion of the Route 138 corridor in Stoughton. The land that Canton owns is currently designated as conservation land (mostly wetlands) and abuts the road corridor. For the state road improvement project to go forward, Canton would need to allow permanent easements and temporary easements on this land as described in the article to allow for the temporary construction phase and the permanent use and maintenance of those road improvements. Article 97 of the Massachusetts Constitution requires that if conservation land is taken for such an easement, that taken conservation land would need to be replaced by comparable conservation land elsewhere by the Commonwealth of Massachusetts (or the Town of Stoughton) to ensure that there is no net-loss of conservation land by Canton. In rare cases where the conservation land cannot be replaced elsewhere, there can be a payment in lieu of land. No privately-owned land would be involved in these takings for easements, as that relevant land that belongs to Canton in Stoughton is directly owned by the Town.

SPECIAL TOWN MEETING - MAY 8, 2023

This article would also request that the Town's representation in the Massachusetts General Court (Massachusetts Senate and Massachusetts House of Representatives) introduce legislation allowing the Town to dispose of this conservation land for non-conservation purposes. The Select Board and the Massachusetts General Court would both have power over the exact language of this legislation and it would need to be authorized through state legislative action. The state legislature must approve such a transfer of conservation land that is currently protected under Article 97 of the Massachusetts Constitution to a land use that is not a conservation use recognized by that provision of the Massachusetts Constitution.

If this article is agreed to and the appropriate legislation is enacted by the Massachusetts General Court, this land would be transferred from the Canton Conservation Commission to the Select Board for the purpose of disposing this land to the Commonwealth of Massachusetts for the aforementioned easements. Following the construction project, the Canton Conservation Commission would recover the land designated as temporary easements in a clean, restored, and natural condition from the Commonwealth of Massachusetts and the Canton Conservation Commission would resume control of those said lands. As necessary, the Select Board would be authorized to accept matching conservation land or compensation from any allowed source to make the loss of Town-owned conservation land to permanent state easements net-neutral, under the applicable laws.

APPROVED _____

DISAPPROVED _____