



Canton Conservation Commission
Pequitside Farm – Tavern Room
79 Pleasant Street
Canton, Ma. 02021
(781) 821-5035

Con.Com@town.canton.ma.us

January 11, 2017@ 7:00 P.M.
MINUTES

Attendance: Joshua Cohen – Chairman, Donald MacAdam Vice-Chairman,
James Fitzpatrick – Clerk, Gerald Carmichael, Elizabeth Sugameli
Absent: Robert MacDonald – Treasurer, Debra Sundin
Conservation Agent: Cynthia O’Connell
Recording Secretary: Heather Cahill

MINUTES

Chairman Cohen –

Introduced and welcomed new Conservation Commissioner, Elizabeth Sugameli.

Review of Minutes

December 14, 2016

Motion Made by Donald MacAdam vote to approve December 14, 2016 minutes as amended.

Seconded by Gerald Carmichael

Vote: 4-0

REQUESTS FOR CERTIFICATES OF COMPLIANCE

Chestnut Hill Realty 333 Bolivar St. 124-785

(Continued from Dec. 14, 2016)

Request for a Certificate of Compliance.

Agent O’Connell –

Recommended to issue Certificate of Compliance for DEP File# 124-785.

Motion Made by Donald MacAdam vote to issue Certificate of Compliance for DEP File #124-785, 333 Bolivar Street.

Seconded by Gerald Carmichael

Vote 4-0

Pulte Homes of New England 475 Turnpike St. 124-1070

% Marchionda Assoc.

(Continued from Dec. 14, 2016)

Request for a Certificate of Compliance.

Agent O'Connell –

Recommended not to issue a Certificate of Compliance for the following reasons:

- Report provided to Agent O'Connell by Scott Winter HOA Trustee 1/11/2017 at 4:00 P.M., Agent O'Connell needs time to read the report.
- Developer and Home Owners Association need a chance to review report.
- Minor repairs to stormwater management system are necessary before Certificate of Compliance can be issued.

Abutters:

Scott Winter – HOA Trustee

6 Kelly Way

Inspection done by Coughlin for HOA. Negotiating with Pulte Homes of New England to make repairs as stated in the report. Pulte Homes of New England verbally agreed to repairs but hasn't submitted a written agreement. Mr. Winter requesting Conservation Commission not issue a Certificate of Compliance until agreement is reached.

David Ribak

23 Kelly Way

Requesting the Conservation Commission/Agent O'Connell inspect and confirm proposed work has been completed before issuing a Certificate of Compliance.

Chairman Cohen-

All work will be inspected and in compliance prior to issuing a Certificate of Compliance.

Motion Made by Donald MacAdam vote to table DEP File # 124-1070, 475 Turnpike Street indefinitely until work is complete.

Seconded by Gerald Carmichael

Vote: 4-0

George Pickering

50 Beatrice Way

124-1141

LDP-190-15

(Continued from Dec. 14, 2016)

Request for Certificates of Compliance.

Agent O'Connell –

Recommended issuing complete Certificates of Compliance for DEP File #124-1141 and LDP-190-15, 50 Beatrice Way.

Motion Made by Donald MacAdam vote to issue a complete Certificate of Compliance for DEP File # 124-1141, 50 Beatrice Way

Seconded by Gerald Carmichael

Vote 4-0

Motion Made by Donald MacAdam vote to issue a complete Certificate of Compliance LDP-190-15, for 50 Beatrice Way.

Seconded by Gerald Carmichael

Vote 4-0

ABT Abichaker Bldg.

34 Wall St.

**SMP-126-15
LDP-202-15**

Request for Certificates of Compliance.

Agent O'Connell

Recommended issuing complete Certificates of Compliance for Stormwater SMP-126-15 and Land Disturbance Permit LDP-202-15, 34 Wall Street.

Motion Made by Donald MacAdam vote to issue a Certificate of Compliance SMP -126-15, for 34 Wall Street.

Seconded by Gerald Carmichael Vote 4-0

Motion Made by Donald MacAdam vote to issue Certificate of Compliance LDP-202-15, 34 Wall Street.

Seconded by Gerald Carmichael Vote: 4-0

David Giangrasso

50 John Rd.

**124-235
124-279
124-351
124-524
124-296**

Requests for partial Certificates of Compliance for outstanding Orders of Conditions. Request for a true attestation for a previously issued Certificate of Compliance.

Attorney Giangrasso, representing owner of 50 John Road presented the following:

- Detailed memorandum regarding each open Order of Conditions, requesting Certificates of Compliance for the above DEP File numbers.
- 50 John Rd., is an empty wooded lot, surrounded by wetlands, (see section I in memorandum), for lot 44, 50 John Rd.
- Open Orders of Conditions, 124-524 plan exists, see section "I" of memorandum.
- Orders of Conditions for DEP Files 124-279,124-351,124-235 of 1987 plans are referenced in Order of Conditions but aren't for Lot 44, surrounding lots have been developed.

Agent O'Connell –

Visited 50 John Road, found it to be undeveloped, vacant land. Plan for 124-524 (Copley Pharmaceutical) doesn't include any proposed work on subject lot. Work regulated in the above Orders of Conditions (124-235, 124-279, 124-351, 124-524), language to be added "No work commenced" for 50 John Road.

Attorney Giangrasso –

Work doesn't apply to 50 John Road,

Motion Made by Donald MacAdam vote to issue Certificate of Compliance for an invalid Order of Conditions DEP File # 124-235, 50 John Road.

Seconded by Gerald Carmichael Vote: 4-0

Motion Made by Donald MacAdam vote to issue an invalid Certificate of Compliance for DEP File # 124-279, 50 John Road.

Seconded by Gerald Carmichael Vote: 4-0

Motion Made by Donald MacAdam vote to issue an invalid Certificate of Certificate, DEP File # 124-351 50 John Road.

Seconded by Gerald Carmichael Vote: 4-0

Motion Made by Donald MacAdam vote to issue an invalid Certificate of Compliance for DEP File # 124-524, 50 John Road.

Seconded by Gerald Carmichael Vote: 4-0

Kylie Bui **30 Beatrice Way** **124-1101**
Request for Certificate of Compliance.

Agent O'Connell –

Recommended to continue to 1/25/17, due to inclement weather inspection was delayed.

Motion Made by Donald MacAdam vote to continue DEP File# 124-1101, 30 Beatrice Way to 1/25/17.

Seconded by Gerald Carmichael Vote: 4-0

Armando Petruziello **451 York St.** **124-1087**
LDP 109

Request for true attestation for previously issued permits.

Agent O'Connell –

Applicant misplaced original Certificates of Compliance. Clerk, James Fitzpatrick signed "True Copy of Attestation" no vote required.

Toll Bros. Inc. has requested a continuation of all the Requests of Certificates of Compliance listed below

Agent O'Connell –

Recommends continuation to 1/25/17 due to inclement weather, inspections need be re-scheduled.

Motion Made by Donald MacAdam vote to continue the below 16 Certificate of Compliance from Toll Bros., Inc. to 1/25/17.

Seconded by Gerald Carmichael Vote: 4-0

Toll Bros. Inc. **5 Balancing Rock Road** **124-1145**
Request for Certificate of Compliance.

Toll Bros. Inc. **10 Balancing Rock Rd.** **SW-117-15**
Request for Certificate of Compliance.

Toll Bros. Inc. **25 Balancing Rock Rd.** **124-1149**
Request for Certificate of Compliance.

Toll Bros. Inc.	30 Balancing Rock Rd.	SW-101-14
	Request for Certificate of Compliance.	
Toll Bros. Inc.	35 Balancing Rock Rd.	124-1157
	Request for Certificate of Compliance.	
Toll Bros. Inc.	45 Balancing Rock Rd.	124-1135
	Request for Certificate of Compliance.	
Toll Bros. Inc.	50 Balancing Rock Rd.	124-1136
	Request for Certificate of Compliance.	
Toll Bros. Inc.	55 Balancing Rock Rd.	124-1137
	Request for Certificate of Compliance.	
Toll Bros. Inc.	60 Balancing Rock Rd.	124-1146
	Request for Certificate of Compliance.	
Toll Bros. Inc.	65 Balancing Rock Rd.	124-1156
	Request for Certificate of Compliance.	
Toll Bros. Inc.	70 Balancing Rock Rd.	SW-118-15
	Request for Certificate of Compliance.	
Toll Bros. Inc.	75 Balancing Rock Rd.	124-1147
	Request for Certificate of Compliance.	
Toll Bros. Inc.	80 Balancing Rock Rd.	124-1132
	Request for Certificate of Compliance.	
Toll Bros. Inc.	85 Balancing Rock Rd.	124-1138
	Request for Certificate of Compliance.	
Toll Bros. Inc.	10 Pulpit Rd.	SW-119-15
	Request for Certificate of Compliance.	
Toll Bros. Inc.	20 Pulpit Rd.	SW-120-15
	Request for Certificate of Compliance.	

INFORMAL REQUEST FOR DETERMINATION

James Kingston	17 Neponset St.	IRFD
	Discussion regarding applicability of local by-laws due to disturbance threshold.	

James Kingston presented the following:

- Existing conditions plan and proposed construction got 17 Neponset Street showing proposed construction doesn't exceed 5,00 square feet of disturbance.

Agent O'Connell –

Recommended a Negative Determination of Applicability.

Motion Made by Donald MacAdam vote to issue a Negative Determination of Applicability. Project doesn't exceed thresholds.

Seconded by Gerald Carmichael. Vote: 4-0

OTHER COMMISSION BUSINESS

Ronen Drory **110 Pleasant St.** **124-1160**
(Continued from Dec. 14, 2016)

Applicant has requested a continuation to January 25, 2017

Discussion regarding violation of Order of Conditions by construction of retaining wall.

Motion Made by Donald MacAdam vote to continue DEP File #, 110 Pleasant Street to 1/25/17.

Seconded by Gerald Carmichael Vote: 4-0

Losordo **69 Kenney St.** **Discussion**
(Continued from Dec. 14, 2016)

Applicant has requested a continuation to January 25, 2017

Review revised Conservation Restriction, review comments from Town Counsel.

Motion Made by Donald MacAdam vote to continue 69 Kenney Street to 1/25/17.

Seconded by Gerald Carmichael Vote: 4-0

Berish Properties, Inc. **955 Turnpike Street** **124-1098**
LDP-145-14

Request for an Extension to the existing permits.

James Berish, present and requesting a three-year extension for 955 Turnpike Street.

Mr. Berish explained proposed construction has not started.

Motion Made by Donald MacAdam vote to issue a three-year extension DEP File# 124-1098, for 955 Turnpike Street.

Seconded by Gerald Carmichael Vote: 4-0

Motion Made by Donald MacAdam vote to extend a three-year extension LDP-145-14, for 955 Turnpike Street.

Seconded by Gerald Carmichael Vote: 4-0

Tree Removal Policy **Discussion**

Discussion regarding warrant article to eliminate abutter notification requirement for Requests for Determination of Applicability, revision to Wetland Regulations to include mitigation requirements for tree removal in jurisdictional areas.

Agent O'Connell –

ATM Warrant article placeholder is to eliminate abutter notification for Request for Determination of Applicability filings.

Commissioner MacAdam –

Proposes retaining abutter notification as is, instead to modify exceptions/exemptions to match language in 310 CMR 10.02 regarding vegetation removal.

Commissioner Sugameli –

Needs to review existing and proposed language and discuss in detail.

Chairman Cohen –

Agent O'Connell to confirm timeline for ATM Warrant schedule, discuss in detail for 2/8/17 hearing, if possible.

Commissioner Carmichael –

Recommends mitigation for tree removal. For example, homeowner removes a Chestnut tree than the same type or similar tree needs to be planted. Mitigation for tree removal – large tree that is endangering house to be replaced with same tree or a similar tree.

Motion Made by Donald MacAdam vote to continue Tree Removal Policy to 2/8/17 hearing. Commissioners requesting clarification and determination of a "Hazardous" tree.

Seconded by Gerald Carmichael

Vote: 4-0

2017 Hearing Schedule

Review of dates for latter half of 2017 with full Commission.

Discussion

OTHER BUSINESS

Agent O'Connell –

MACC Annual Environmental Conference scheduled for March 4, 2017, recommends Commissioners attend.

The Open Space Plan Committee needs two community representatives, will have notice placed on town's website.

PUBLIC HEARINGS

Robert J. Meisterman

35 Endicott St.

SMP-155-17

Safeway Development Inc.

LDP-234-17

Stormwater Notice of Intent for the removal of an existing single-family dwelling and construction of two single-family units including garages, grading, utilities and installation of a stormwater management system. (Map 27, Lot 143)

Brian Dunn of MBL Land Development presenting
Revised plan submitted dated 1-6-17,
Motion Made by Donald MacAdam vote to waive 7-day submittal period
and accept revised plans.
Seconded by Gerald Carmichael Vote: 4-0

Brian Dunn presented the following:

- Existing conditions plan showing demolition of existing dwelling, location of grading and drainage, location stormwater management system with of snow storage.
- Proposed construction of new two-family dwelling with garage with landscape plan.

Following revisions were made in response to Agent O'Connell's comment letter:

- Note on drainage plan.
- Corrected spelling the word "wattles".
- Added construction entrance detail.
- Added erosion control detail.
- Project narrative for Stormwater report, Operation and Maintenance plan, O & M agreement, pre-& post drainage, test pit data.
- Landscaping plan showing snow storage, shrubs, trees, loam and seed.
- Added Locus Plan, and notes on legend sheet.
- Added location of stormwater management system and roof drain detail.

Agent O'Connell-
Requested time to review revised plans.

Alice Duhamel
25 Endicott St.
Confirming work proposed is as discussed during previous hearings. Requesting a communication if blasting does occur.

Diane Glenn
16 Lewis St.
Concerned with blasting, prefer no blasting if possible.

Conservation Commission –
Information regarding blasting and blasting procedure is not within Conservation Commission jurisdiction. Conservation recommended contacting the Building Department.

Motion Made by Donald MacAdam vote to close hearing for
SMP-155-16, 35 Endicott Street.

Seconded by Gerald Carmichael Vote: 4-0

Motion Made by Donald MacAdam vote to issue SMP -155-16 with
Special Conditions for 35 Endicott Street, pending the approval of Agent
O'Connell.

Seconded by Gerald Carmichael Vote: 4-0
Motion Made by Donald MacAdam vote to close hearing for LDP-234-17 with Special Conditions for 35 Endicott Street.

Seconded by Gerald Carmichael Vote: 4-0
Motion Made by Donald MacAdam vote to issue LDP-234-17 with Special Conditions, 35 Endicott Street pending the approval of Agent O'Connell.

Seconded by Gerald Carmichael Vote: 4-0

George Pickering 340 Pine St. 124 -1181
Applicant has requested a continuation to Jan. 25, 2017

Abbreviated Notice of Resource Area Delineation to confirm the delineation of wetland resource areas, including Inland Banks, Land Under Water Bodies, Riverfront Area and (Mean Annual High Water) of the East Branch of the Neponset River. (Map 56, Lot 2)

Agent O'Connell –

Visited the site with Kathryn Nadeau of Wetland Works, the field information doesn't match submitted ANRAD plans, Agent O'Connell recommends a continuation to 1/25/2017.

Motion Made by Donald MacAdam vote to continue hearing DEP File # 124-1181, 340 Pine Street to 1/25/17.

Seconded by Gerald Carmichael Vote: 4-0

CONTINUATIONS

Stonewood Realty/ 17 Stonewood Dr. 124-1179
John Crugnale 0 Albert Rd
(Continued from Dec. 14, 2016)

Applicant has requested a continuation to Jan. 25, 2017

Notice of Intent for proposed construction of a 17 lot Definitive Flexible Residential Subdivision, including roadways, utilities, drainage, grading and stormwater management. Project includes proposed alterations to wetland resource areas and work within the 100' Buffer Zone.

Motion Made by Donald MacAdam vote to continue DEP File#124-1179, 17 Stonewood Drive/ 0 Albert Road to 1/25/17.

Seconded by Gerald Carmichael Vote: 4-0

Marc Levin % 199 & 333 Bolivar St 124-1176
Chestnut Hill Realty
(Continued from Dec. 14, 2016)

Applicant has requested a continuation to Jan. 25, 2017

Abbreviated Notice of Resource Area Delineation to confirm wetland resource area boundaries. (Map 41, Lot 41 and Lot 94)

Motion Made by Donald MacAdam vote to continue DEP File # 124-1176, 199 Bolivar Street to 1/25/17.

Seconded by Gerald Carmichael

Vote: 4-0

Adjourn hearing at 8:45

Motion Made by Donald MacAdam vote to adjourn hearing of 1/11/17 at
8:45 P.M.

Seconded by Gerald Carmichael

Vote: 4-0

Respectfully Submitted,

 01/25/2017

**Joshua Cohen, Chairman
Conservation Commission**