Canton Conservation Commission
Pequitside Farm – Tavern Room
79 Pleasant Street
Canton, Ma. 02021
(781) 821-5035
Con.Com@town.canton.ma.us

MINUTES

January 25, 2017@ 7:00 P.M.

Attendance: Joshua Cohen – Chairman, Donald MacAdam – Vice Chairman, Robert MacDonald – Treasurer (arrived at 7:15), James Fitzpatrick – Clerk, Debra Sundin, Elizabeth Sugameli
Absent: Gerald Carmichael
Conservation Agent: Cynthia O'Connell
Recording Secretary: Heather Cahill

Hearing called to order by Chairman Cohen at 7:05 P.M.

MINUTES

Review of Minutes

January 11, 2017

Motion Made by Donald MacAdam vote to approve minutes of January 11, 2017 as amended.

Seconded by Elizabeth Sugameli — Vote: 4-0-1 D. Sundin

REQUESTS FOR CERTIFICATES OF COMPLIANCE

Kylie Bui — **30 Beatrice Way** — **124-1101**
(Continued from Jan. 11, 2017) — **LDP-140**

Request for Certificate of Compliance.

Agent O'Connell –

Recommended to issue a Certificates of Compliance for DEP File# 124-1101 and LDP-140, 30 Beatrice Way.

Motion Made by Donald MacAdam vote to issue Certificate of Compliance for DEP File# 124-1101, 30 Beatrice Way.

Seconded by Debra Sundin — Vote: 4-0-1 E. Sugameli

Motion Made by Donald MacAdam vote to issue Certificate of Compliance for LDP-140.

Seconded by Debra Sundin Vote: 4-0-1
E. Sugameli

The list of requested Certificates of Compliance below was continued from Jan. 11, 2017

Stevie Carvalho of Farland Corp. and Russ Marron of Toll Bros. Inc., presented the following:

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

Agent O'Connell –
Recommended to issue a Certificate of Compliance for DEP File# 124-1145.
Motion Made by Debra Sundin vote to issue Certificate of Compliance for DEP File# 124-1145, 5 Balancing Rock Road.
Seconded by Donald MacAdam Vote: 5-0-1
E. Sugameli

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

Agent O'Connell –
Recommended to issue a Certificate of Compliance for SW-117-15.
Motion Made by Debra Sundin vote to issue Certificate of Compliance for SW-117-15, 10 Balancing Rock Road.
Seconded by Donald MacAdam Vote: 5-0-1
E. Sugameli

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

Agent O'Connell –
Recommended to issue a Certificate of Compliance for DEP File # 124-1149.
Motion Made by Robert MacDonald vote to issue a Certificate of Compliance for DEP File# 124-1149, 25 Balancing Rock Road.
Seconded by Robert MacDonald Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **30 Balancing Rock Rd.** **SW-101-14**
Request for Certificate of Compliance.

Agent O'Connell –
Recommended to issue a Certificate of Compliance for SW-101-14.
Motion Made by Robert MacDonald vote to issue a Certificate of Compliance for SW-101-14, 30 Balancing Rock Road.
Seconded by Donald MacAdam Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **35 Balancing Rock Rd.** **124-1157**

Request for Certificate of Compliance.

Agent O'Connell –

Recommended to issue a Certificate of Compliance for DEP File# 124-1157

Motion Made by Donald MacAdam vote to issue a Certificate of Compliance for DEP File # 124-1157, 35 Balancing Rock Road.

Seconded by Debra Sundin Vote: 5-0-1

E. Sugameli

Toll Bros. Inc. **45 Balancing Rock Rd.** **124-1135**

Request for Certificate of Compliance.

Stevie Carvalho -

- Design plans show an elevation of 200 feet, including a swale and a hill.
- Swale and hill were on the approved Notice of Intent plans, not seen in the field and not on the "As Built" plans.

Agent O'Connell –

- "As Built" plan is different from the approved plan, requesting an accurate "As Built Plan".
- Recommended existing grading be added to "As Built" plan and confirmation of the limit of work.

Russ Marron–

Excavation/grading work didn't alter the tree line.

Motion Made by Robert MacDonald vote to continue DEP File# 124-1135, 45 Balancing Rock Road to February 8, 2017.

Seconded by Debra Sundin Vote: 5-0-1

E. Sugameli

Toll Bros. Inc. **50 Balancing Rock Rd.** **124-1136**

Request for Certificate of Compliance.

Agent O'Connell –

Recommended to issue a Certificate of Compliance for DEP File # 124-1136.

Motion Made by Robert MacDonald vote to issue Certificate of Compliance, DEP File # 124-1136, 50 Balancing Rock Road.

Seconded by Donald MacAdam Vote: 5-0-1

E. Sugameli

Toll Bros. Inc. **55 Balancing Rock Rd.** **124-1137**

Request for Certificate of Compliance.

Agent O'Connell –

Additional grading work done within the 100' Buffer Zone done after submittal of the "As Built" plan. Agent O'Connell requesting an updated "As Built" plan and recommends a continuation to February 8, 2017.

Motion Made by Robert MacDonald vote to continue DEP File# 124-1137, 55 Balancing Rock Road to February 8, 2017.

Seconded by Debra Sundin — Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **60 Balancing Rock Rd.** **124-1146**

Request for Certificate of Compliance.

Agent O'Connell –

- Retaining wall was constructed within the Buffer Zone, not shown on "As Built" plans.
- Requesting an accurate "As Built" plan showing retaining wall.

Russ Marron –

Site contractor constructed retaining wall after the property was conveyed to new property owner. "As Built" plan was prepared prior to construction of retaining wall.

Agent O'Connell –

Requesting homeowner attend the February 8, 2017 hearing to discuss construction of retaining wall.

Motion Made by Robert MacDonald vote to continue DEP File# 124-1146, 60 Balancing Rock Road to February 8, 2017, and a revised "As Built" plan showing new retaining wall.

Seconded by Donald MacAdam — Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **65 Balancing Rock Rd.** **124-1156**

Request for Certificate of Compliance.

Agent O'Connell –

Recommended to issue a Certificate of Compliance.

Motion Made by Robert MacDonald vote to issue a Certificate of Compliance for DEP File # 124-1156, 65 Balancing Rock Road.

Seconded by Debra Sundin — Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **70 Balancing Rock Rd.** **SW-118-15**

Request for Certificate of Compliance.

Agent O'Connell –

Recommended to issue a Certificate of Compliance for SW-118-15.

Motion Made by Robert MacDonald vote to issue a Certificate of Compliance for SW-118-15, 70 Balancing Rock Road.

Seconded by Debra Sundin Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **75 Balancing Rock Rd.** **124-1147**

Request for Certificate of Compliance.

Agent O'Connell –

Recommended to issue a Certificate of Compliance for DEP File # 124-1147.

Motion Made by Robert MacDonald vote to issue a Certificate of Compliance for DEP File # 124-1147, 75 Balancing Rock Road.

Seconded by Debra Sundin Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **80 Balancing Rock Rd.** **124-1132**

Request for Certificate of Compliance.

Agent O'Connell –

Driveway has been expanded and rock wall constructed without Conservation Commission's approval and after "As Built" plans. Project needs updated "As Built" plan showing wall location.

Motion Made by Robert MacDonald vote to continue DEP File# 124-1132, 80 Balancing Rock to February 8, 2017.

Seconded by Debra Sundin Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **85 Balancing Rock Rd.** **124-1138**

Request for Certificate of Compliance.

Stevie Carvalho -

"As Built" plans with pictures were submitted with Request for Certificate of Compliance, additional work was performed after "As Built" plans were completed.

Agent O'Connell –

Additional material brought in to re-grade rear yard and additional retaining wall was built without Conservation Commission's approval. Site visit is scheduled with homeowner for Thursday January 26, 2017 and homeowner will be attending February 8, 2017 hearing.

Mary Beth Bloom homeowner -

Attending January 25, 2017 to understand the process involved with the Conservation Commission.

Mrs. Bloom explained she received a violation letter for work done without Conservation Commission approval. Mrs. Bloom tried contacting Toll Bros. on several occasions regarding the significant drop at the rear of the property, unacceptable grading, and the height of the existing

retaining wall at the rear yard. Mrs. Bloom further explained she didn't know she need approval of the Conservation Commission.

Russ Marron –

Letters and pamphlets provided by the Conservation Commission will be mailed to the Home Owners Association. A copy of the letter will be forwarded to the Conservation Commission.

Motion Made by Robert MacDonald vote to continue DEP File # 124-1138, 85 Balancing Rock Road to February 8, 2017.

Seconded by Debra Sundin — Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **10 Pulpit Rd.** **SW-119-15**

Request for Certificate of Compliance.

Agent O'Connell –

Recommended to issue a Certificate of Compliance for SW-119-15.

Motion Made by Robert MacDonald vote to issue Certificate of Compliance for SW-119-15, 10 Pulpit Road.

Seconded by Debra Sundin — Vote: 5-0-1
E. Sugameli

Toll Bros. Inc. **20 Pulpit Rd.** **SW-120-15**

Request for Certificate of Compliance.

Agent O'Connell –

Recommended to issue a Certificate of Compliance for SW-120-15.

Motion Made by Robert MacDonald vote to issue Certificate of Compliance for SW-120-15, 20 Pulpit Road.

Seconded by Debra Sundin — Vote: 5-0-1
E. Sugameli

Jerry Harding **2071 Washington St.** **SW-123-15**

Request for Certificate of compliance. **LDP -196-15**

Agent O'Connell –

Visited site on Tuesday January 24, 2017 inspection ports, grates, and sod needs to be installed. Recommends issue Certificates of Compliance to be held until work is completed.

Motion Made by Robert MacDonald vote to issue Certificate of Compliance for SW-123-15, 2071 Washington Street pending approval of Agent O'Connell.

Seconded by Debra Sundin — Vote: 5-0-1
E. Sugameli

Motion Made by Robert MacDonald vote to issue Certificate of Compliance for LDP-196-15, 2071 Washington Street pending approval of Agent O'Connell.

Seconded by Debra Sundin — Vote: 5-0-1

E. Sugameli

OTHER COMMISSION BUSINESS

Ronen Drory **110 Pleasant St.** **124-1160**
(Continued from Jan. 11, 2017)

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

Agent O'Connell –

- Pictures taken 1/25/2017 and distributed to Commissioners showing existing erosion control barriers and silt fence need to be repaired.
- New retaining wall starts from the corner of Pleasant Street to the eastern portion of property into a small portion of Reservoir Pond, wall has not been back filled.
- Conservation Commission approved a request for a minor modification for repair of existing riprap not for construction of a new retaining wall.

ConCom requested Mr. Drory do the following:

- Install silt sock erosion control barrier with silt fencing along top of wall, starting from the corner of Pleasant Street, follow along non-wall area, new wall to the eastern portion of the property.
- Mr. Drory needs contact Agent O'Connell/Conservation office requesting an inspection of silt sock and silt fencing erosion control barrier.
- Updated existing conditions plan to be filed if the BOS allows retaining wall to remain.
- Mr. Drory will not ask the town to rebuild the wall if the town needs access to the sewer line. Mr. Drory to send a letter to BOS clarifying this issue.
- Proposed boat ramp will require an Amendment to the Order of Conditions

Losordo **69 Kenney St.** **Discussion**
(Continued from Jan. 11, 2017)

Review revised Conservation Restriction, review comments from Town Counsel.

Motion Made by Robert MacDonald vote to continue 69 Kenney Street to February 8, 2017.

Seconded by Debra Sundin Vote: 6-0

Lochard Hall, LLC. **145 Dedham St.** **SMP-154-16**
Harold Steen, Jr. **LDP-232-16**

Request for a minor modification to the previously approved permits.

Vern Chellberg, presenting the following:

Minor modification plan submitted revision date January 19, 2017 requesting relocation of driveway to existing gravel driveway. Additional parking spaces encroach on the existing gravel driveway. Conservation requested confirmation of ownership to existing easement.

Chairman Cohen –

Recommends that Mr. Chellberg contact the Blue Hill Country Club to confirm if existing easement is affiliated to the golf course and research property deed regarding easement.

Commissioner Sundin -

Requesting information on areas of impervious surface of the approved plan verse minor modification plan, and total number of trees to be removed.

Motion Made by Robert MacDonald vote to continue SMP-154-16 and LDP-232-16 145 Dedham Street to February 8, 2017.

Seconded by Debra Sundin Vote: 6-0

PUBLIC HEARINGS

Rick Brandstater **104 Revere St.** **124-1182**
Canton Holdings, LLC. **Phase IIA-Bridge**

Notice of Intent and Stormwater Notice of Intent to construct a 100-foot steel truss bridge, including installation of a stormwater management system within 100' Buffer Zone of a Bordering Vegetated Wetland, Bordering Land Subject to Flooding, and 200' Riverfront Area of the East Branch of the Neponset River/Canton River. (Map 26, Lot 94)

Kenneth Staffier Project Engineer for VHB, Jay Quattrocchi Environmental Scientist for VHB, Bernie Plante of Canton Holdings, LLC presented the following:

- Construction and installation 100-linear foot steel truss bridge over the USACE flood bypass/diversion channel, bridge is approximately 13,200 square feet and will be located on the southwestern portion of the property.
- Proposed bridge is Phase II of a multi-phase site that will connect the residential development to Neponset Street and provide secondary emergency access.
- Installation of bridge abutments and 1,000 square feet of roadway extension will be within the 100′ Buffer Zone to the bank of the USACE Diversion Channel and the local 30′ No build Zone.
- When abutments are installed the area will be back filled and riprap will be replaced as needed.
- Straw wattle erosion control barrier to be installed at the down gradient limit of work, and around the base of stockpiles.
- Installation of staked straw wattles or silt sacks around catch basin inlets, filter fabric will be installed beneath catch basin grates and each construction access point will have stone anti-tracking pads.
- Chapter 85 permit required and will be under Mass DOT.
- Chapter 91 permit under DEP required, East Branch of the Neponset River considered navigable.

Agent O'Connell –

Recommends a separate variance request required for work in the 30'No Build Zone and detailed plans for the bridge be submitted. Stephens Associates Town of Canton bridge and dam consultant to do a peer review of the bridge, stream crossing standards and is the Town of Canton bridge consultant. Stephens Associates submitted an estimate of $9,000 for the peer review.

Motion Made Robert MacDonald vote not to exceed $9,000 for Stephens Associates to conduct a peer review of 100 linear foot steel truss bridge for Phase II-A Bridge DEP File #124-1182, 104 Revere Street.

Seconded by Donald MacAdam Vote: 6-0

Ann MacAdam
18 Lexington St.

What is the elevation on the Neponset Street side and is there any negative impact to the wildlife?

(VHB) -

Westerly bridge abutment has retaining walls to allow road to meet grade of intersection.

How much shade in the diversion channel will be caused by the bridge?

(VHB) –

Clarification to be provided.

Motion Made by Debra Sundin vote to continue Phase II-A Bridge, DEP File # 124-1182, 104 Revere Street to February 22, 2017.

Seconded by Robert MacDonald Vote: 6-0

Ms. MacAdam provided a written copy of her comments for the record.

Rick Brandstater **104 Revere St.** **124-1183**
Canton Holdings, LLC. **Phase II – B Park**

Notice of Intent and Stormwater Notice of Intent to construct the 12.5 acre Paul Revere Heritage Park including installation of a stormwater management system within 100' Buffer Zone of a Bordering Vegetated Wetland, Bordering Land Subject to Flooding, and 200' Riverfront Area of the East Branch of the Neponset River/Canton River. (Map 26, Lot 94)

Kenneth Staffier of VHB, Jay Quattrocchi Environmental Scientist for VHB and Bernie Plante of Canton Holdings, LLC presented the following:

- Construction of 12.5-acre parcel including open space, walkways, roadways sidewalks and walking path to Canton junction.
- Removal of impervious surface and restoration to vegetated buffer of approximately 0.91 acres of Riverfront Area and invasive species to be removed.
- Replacement of wooden bridge and construction of an associated 3-foot wide water feature on the northern portion of Upper Mill Pond.
- Construction of a 27,965-square foot porous pavement parking lot.

- Repair of Upper Mill Pond retaining walls.
- Removal of built up sediment from Upper Mill Pond and adjacent man-made canal from Revere Street outflow to increase flow.
- Installation of fencing along Revere Street and adjacent to Upper Mill Pond.

Commissioner Sundin -

What is required for parking lot maintenance?

VHB – parking lot vacuuming twice a year.

Commissioner MacAdam –

Wants UNH specification for porous pavement used.

Agent O'Connell –

Recommends a stormwater peer review by CEI.

Motion Made by Robert MacDonald vote to allow CEI as stormwater peer reviewer for an amount to be determined when estimate is received.

Seconded by Debra Sundin Vote: 6-0

Chairman Cohen –

Canton Holdings, LLC requesting a waiver of the Town of Canton Wetland By-Law fee of $88,222.50. Wetland base fee of $550.00 needs to be paid.

Motion Made by Robert MacDonald vote to waive local Wetland By-law fee of $88,222.50.

Seconded by Elizabeth Sugameli Vote: 6-0

Conservation Commission –

Variance request letters must will be submitted separately for Phase II-A Bridge and Phase II-B Heritage Park.

Ann MacAdam
18 Lexington Street

Wants native vegetation used along banks of the East Branch of the Neponset River before it enters the culvert.

Motion Made by Robert MacDonald vote to continue Phase II-B Heritage Park, DEP File# 124-1183 to February 22, 2017.

Seconded by Elizabeth Sugameli Vote: 6-0

CONTINUATIONS

Stonewood Realty/John Crugnale 17 Stonewood Dr. 124-1179
0 Albert Rd

(Continued from Jan. 11, 2017)
Applicant has requested a continuation to Feb. 8, 2017

Notice of Intent for proposed construction of a 17 lot Definitive Flexible Residential Subdivision, including roadways, utilities, drainage, grading and stormwater

Motion Made by Debra Sundin vote to continue DEP File# 124-1179, 17 Stonewood Drive/0 Albert Road to February 8, 2017.

Seconded by Robert MacDonald Vote: 6-0

Marc Levin % 199 Bolivar St. 124-1176
Chestnut Hill Realty
(Continued from Jan. 11, 2017)
Applicant has requested a continuation to Feb. 8, 2017

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

Motion Made by Robert MacDonald vote to continue DEP File# 124-1176, 199 Bolivar Street to February 8, 2017 .

Seconded by Debra Sundin Vote: 6-0

George Pickering 340 Pine St. 124 -1181
(Continued from Jan. 11, 2017)
Applicant has requested a continuation to Feb. 8, 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)

Motion Made by Robert MacDonald vote to continue DEP File# 124-1181, 340 Pine St. to February 8, 2017.

Seconded by Debra Sundin Vote: 6-0

Adjourn –

Motion Made by Robert MacDonald vote to adjourn January 25, 2017 at 10:35 P.M.

Seconded by Debra Sundin Vote: 6-0

Respectfully Submitted,

Joshua Cohen, Chairman
Conservation Commission