

**MINUTES OF THE PROCEEDINGS OF THE  
CONSERVATION COMMISSION OF THE CITY OF WORCESTER**

**APRIL 4, 2016**

**WORCESTER CITY HALL – ESTHER HOWLAND CHAMBERS**

**Conservation Commission Members Present:** Stephanie Wood  
Joe Charpentier  
Peter McKone-  
Amanda Amory  
Jordan Berg Powers-Arrived late

**Member Absent:**

**Staff Present:** Stephen Rolle, Planning & Regulatory Services Division  
Michelle Smith, Planning & Regulatory Services Division  
Ed Kochling, Department of Public Works & Parks

Call to Order: 5:30 pm

**Approval of Minutes: No minutes**

**Requests for Continuances, Postponements, Withdrawals:**

**1. 69 Delawanda Drive (MBL 42-006-00224) (CC-2016-011)**

**Application:** Request for Determination of Applicability  
**Applicant:** Justin Savage  
**Project:** To seek determination as to whether or not the work/area associated with the removal of ~20 mature trees along with associated site work, located at 69 Delawanda Drive, is subject to the Commission's jurisdiction.  
**Jurisdiction:** The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal may occur within the 100' buffer to a bordering vegetated wetland

Public Hearing Opening Deadline: WPA – n/a; WPO – 4/21/2016

Constructive Grant Deadline: WPA –3/28/2016; WPO – n/a

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to postponement the item until the April 24, 2016 Conservation Commission meeting and to extend the constructive grant deadline until May 17, 2016.

**List of Exhibits**

Exhibit A: RDA application received March 7, 2016 and dated March 7, 2016.

Exhibit B: Photos of proposed trees to be removed; undated.

Exhibit C: Memorandum from Division of Planning & Regulatory Services, re: RDA application 69 Delawanda Drive & 13 Monticello Drive dated May 13, 2016.

**2. Properties located to the east of the Leicester/Worcester town-line, south of Stafford Street, west of Nixon Avenue, and north of Clover Street associated with a utility maintenance project (CC-2015-074)**

Application: Notice of Intent

Applicant: New England Power Company

Project: To confirm resource area delineation and work associated with the replacement of utility related infrastructure (e.g. poles, wires, anchors, etc.) along with associated grading and site-work, on property located to the east of the Leicester/Worcester town-line, south of Stafford Street, west of Nixon Avenue and north of Clover Street.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer zone to the bank of various bordering vegetated wetlands, perennial and intermittent streams and associated riverfront area, bordering land subject to flooding, and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WWPO – 4/4/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to postponement the item until the April 24, 2016 Conservation Commission meeting and to extend the constructive grant deadline until May 17, 2016.

**List of Exhibits:**

Exhibit A: Webster Street Tap #1; submitted by vhb; received December 19, 2015, 2015; dated November 15, 2016.

Exhibit B: Letter from DPW; re: Webster Street Tap #1, received December 3, 2015 and dated December 1, 2015.

Exhibit C: Request for Postponement dated March 11, 2015; received March 20, 2016.

Exhibit D: Letter from DPW; re: Webster Street Tap, received April 26, 2016 and dated April 22, 2016.

Exhibit E: Letter from vhb; re: Webster Street Tap Project, received April 13, 2016 and dated April 13, 2016.

**3. Avery Estates Subdivision (Avery Path, Brookline Street, & Wyola Drive) (CC-2008-019)**

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to postponement the item until the April 24, 2016 Conservation Commission meeting and to extend the constructive grant deadline until May 17, 2016.

**4. Requests for Certificate of Compliance for Avery Estates Subdivision (Avery Path, Brookline Street, & Wyola Drive) (CC-2008-019)**

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to postponement the item until the April 24, 2016 Conservation Commission meeting and to extend the constructive grant deadline until May 17, 2016.

**Public Hearings:**

**Unfinished Business – Notices of Intent:**

**New Business – Requests for Determination of Applicability:**

**5. Keolis Commuter Services Rail Road Right-of-Ways (RR-ROW-0CSXT & part of 04-001-00014) from Envelope Terrace northeasterly to the Millbury town-line (CC-2016-010)**

Application: Request for Determination of Applicability

Applicant: Keolis Commuter Services

Project: To seek determination as to whether or not the boundaries of the resource areas depicted on the plans are accurately delineated from Envelope Terrace northeasterly to the Millbury town-line.

Jurisdiction: The Massachusetts Wetlands Protection Act

Public Hearing Opening Deadline: WPA – n/a; WPO – n/a

Constructive Grant Deadline: WPA – 3/28/2016; WPO – n/a

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Ms. Smith stated that she had been contacted by the applicant that they would not be able to attend the meeting due to the snow and requested that the item be heard without a representative from the company present.

Chair Charpentier stated that Keolis had provided boundaries where herbicides will be applied and not applied.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 4-0 to issue a Negative Determination of Applicability and to confirm the delinations as submitted.

**List of Exhibits:**

Exhibit A: Request for Determination of Applicability Application received March 7, 2016 and dated March 1, 2016.

Exhibit B: DPW memo dated April 1, 2016.

Commissioner Berg-Powers arrived

**6. 275 Harrington Way (MBL 17-032-00023) (CC-2016-007)**

Application: Notice of Intent

Applicant: Good Shephard Ghana Methodist Church

Project: For the construction of a ~6,113 SF structure, to be used as a place of worship, and associated 87 space parking area, along with associated grading, drainage, and site work, on property located at 275 Harrington Way

Jurisdiction: The City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – n/a; WWPO - 4/10/2016

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Andrew Baum from Summit Engineering on behalf of the Good Shephard Ghana Methodist Church appeared on behalf of the application and reviewed the proposal.

Chair Charpentier asked if Commission was comfortable approving without the revised plan.

Commissioner McKone stated that he would prefer to see the plans as drainage had been issue on this site.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg-Powers the Commission voted 5-0 to continue the item until the April 25, 2016 Conservation Commission meeting.

**List of Exhibits**

Exhibit A: 275 Harrington Way; submitted by Good Shepard Ghana Methodist Church; received February 25, 2016; dated February 3, 2016.

Exhibit B: Plan prepared by Summit Engineering & Survey, Inc.

**New Business – Notices of Intent:**

**7. 72 Coes Street, 200 & 240 Mill Street, 10 Circuit Avenue West (MBL 08-051-00001, 51-016-00003, 14-020-00007) (CC-2016-012)**

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works & Parks

Project: To implement the following work around Coes Reservoir (aka Coes Pond):

- Place the relocated Stearns Tavern and construct an addition thereto, expand the existing parking area, construct a playground, and extend and improve the existing pathways at 72 Coes Street;

- Conduct beach improvements and vegetation clearing, rehabilitate the bath house, and construct a parking area and boat launch at 200 & 240 Mill Street; &
- Extend and improve the existing pathways and replicate and restore resource areas at 10 Circuit Avenue West & 34 Lakeside Avenue.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the 100 ft. buffer to a bordering vegetated wetland and bank, associated with Coes Reservoir (aka Coes Pond), within related bordering land subject to flooding and land under water, and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 4/5/2016; WWPO - 4/29/2016

Bradon Riley with Weston and Sampson appeared on behalf of the application along with Cesar Valiente from DPW and Parks.

Mr. Riley stated that they are seeking to do improvements in three areas. Improvement Area 1 (Coes Knife Property), Improvement Area 2 (Coes Beach), Improvement Area 3 (Former Beach) and reviewed the improvements for each site.

Commissioner Armory stated that she like a report on the difference between the infiltration proposed compared to the rain garden.

Commissioner McKone stated that his concern is where the proposed rain gardens are being proposed is where the stock piles are and they don't want water to go into contaminated soil.

Ms. Smith asked the applicant if they would like to formally withdraw Item #2 and #3 and just go forward with #1.

Mr. Riley stated yes.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg-Powers the Commission voted 5-0 to close the public hearing on Phase I only.

### **List of Exhibits**

Exhibit A: Notice of Intent application filed March 16, 2016 and dated March 15, 2016.

Exhibit B: Plan prepared by Weston & Sampson dated March 15, 2016.

Exhibit C: Supplementary Information and Revised NOI Plans received from Weston & Sampson dated May 5, 2016 and dated May 6, 2016.

### **8. 20 & 0 (aka 30) Quinsigamond Avenue (MBL 05-022-01+02 & 05-022-0102A) (CC-2016-013)**

Application: Notice of Intent

Applicant: NSTAR Gas Company d/b/a Eversource Energy

- Project:** Clean-up/remediation (e.g. excavation, processing, and disposal) of hazardous materials (e.g. contaminated soil, water, and debris), in compliance with the requirements of the Massachusetts Contingency Plan, along with site work associated therewith, on property located at 20 & 0 (aka 30) Quinsigamond Avenue.
- Jurisdiction:** The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within Bordering Land Subject to Flooding and within the Stormwater Protection Zone

**Public Hearing Opening Deadline:** WPA – 4/5/2016; WWPO – 4/29/2016

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David Petit appeared on behalf of the application and reviewed the scope of the work.

Upon a motion by Commissioner Berg-Powers and seconded by Commission McKone the Commission voted 5-0 to close the public hearing.

**List of Exhibits**

Exhibit A: RDA Application submitted May 16, 2016 and dated May 13, 2016.

Exhibit B: Plan prepared by David M. Pettit

Exhibit C: Request to postpone dated June 3, 2016 and received June 6, 2016.

Exhibit D: Request to postpone dated June 24, 2016 and received June 27, 2016.

**9. 150 Blackstone River Road (MBL 31-022-00003) (CC-2016-014)**

**Application:** Notice of Intent

**Applicant:** 150 Blackstone River Road, LLC

**Project:** Construction of a new steel framed building, including installation of pier foundations, foundation walls, and building structure (e.g. utility stub connections, and the roof drainage system within 15’ of the foundation walls) and site work related thereto (within 15’ of the foundation) on property located at 150 Blackstone River Road.

**Jurisdiction:** The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the 100 ft. buffer to the bank of the Blackstone River, within Bordering Land Subject to Flooding, and the Stormwater Protection Zone

**Public Hearing Opening Deadline:** WPA – 4/14/2016; WWPO - 5/8/2016

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Bill Hannigan from Hannigan appeared on behalf of the applicant and reviewed the scope of the work and stated that he would submit a revised plan.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg-Powers the Commission voted 5-0 to close the public hearing.

**List of Exhibits**

Exhibit A: NOI application filed March 24, 2016 and dated March 24, 2016.

Exhibit B: Plan prepared by William D. Hannigan, dated March 24, 2016.

Exhibit C: Memo from DPW re: NOI-150 Blackstone River Road dated April 1, 2016 and received April 5, 2016.

**Other Business:**

**10. Request for Determination of Significance and Subsequent Action due to a Project Change:**

**a. 0 (aka Lot 3) Salisbury Street & Salisbury Street Right-of-Way (CC-2015-063)**

Ms. Smith stated that staff had received a plan from DPW this afternoon based on the comments from the last Conservation Commission meeting.

Mr. Kochling stated that DPW has reviewed the site and they recognized that there was somewhat of a velocity issue and they are trying to slow it down with this design.

Commissioner McKone asked when the changes would be made. Mr. Kochling stated that he hoped by the end of the week DPW could start work.

Jamie Vander Salm, 655 Salisbury Street expressed concern with the work being proposed.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McKone the Commission voted 5-0 that this is a non-substantial inconsequential change requiring no further action by the Commission.

**11. Request to discuss Enforcement Orders previously issued for and the Special pertaining to the valid Order of Conditions for Salisbury Hill (CC-2001-071)**

Zack Ferguson from Goddard Consulting representing William Deptrie of Salisbury Holdings.

Mr. Ferguson stated that the Commission members had viewed the site relative to the three enforcement orders and sites were stable.

Jamie Vander Salm, 655 Salisbury Street expressed concern with some of the work proposed.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 5-0 to lift the Enforcement orders date – 4/15/04, 7/19/07, 6/14/11.

**12. Enforcement Order Updates:**

**a. Arboretum Village Estates (CC-EO-2015-005)**

Mr. Kochling stated that he received at his home two no trespassing orders for the site and he has sent them to the Law Department for review and he is not willing to go to the site.

Mr. Rolle stated that the matter has been referred to the Law Department.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 5-0 to support Mr. Kochling's work at the site.

- a. Request for Submission of Revised Plans related to Arboretum – Phase IV (DEP #349-979 & ACOP-CE-14-6W010); from the Mass. Department of Environmental Protection Central Regional Office; received 3/23/2016.
- b. Turbidity Sampling/Monitoring Data from 3/15/2016, 3/25/2016, & 3/28/2016 for Arboretum – Phase IV; from EcoTec, Inc.; received 3/15/2016.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5-0 that they would like the builder to explain in writing the turbidity sample at Location #1 and that they immediately set up a site walk with representatives from the Conservation Commission and Conservation Commission members and how they plan to respond to items a.b.

- b. Goldthwaite Road (Burncoat Gardens Phase I & V) (CC-EO-2015-007)

Mr. Kochling stated that area is in good shape.

- c. Pierce Avenue (Burncoat Gardens Phase IV) (CC-EO-2015-008)

Mr. Kochling stated there were no issues during last few rain events.

- d. 604 Burncoat Street (aka Burncoat Heights) (CC-EO-2015-011)

Mr. Kochling stated that there were no issues during the rain events.

- e. 21 Quaboag Street (CC-EO-2016-001)

Mr. Kochling stated that he went to site and the homeowner has cleared the construction debris out of the brook but there is some small portion of brush remaining and the homeowner has extended the fence to act as a buffer to the stream.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McKone the Commission voted 5-0 to lift the Enforcement Order.

Ms. Smith stated that homeowner is present and a Notice of Intent was required to be filed according to the Enforcement Order and that was not done in a timely manner so she we suggest that a new date be set as work was done in the 100' buffer as well as the flood plain.

Daniel Makeye & Zamyra Kallise stated that a surveyor is going out to property next week and it will go through Planning Board.

Mr. Rolle suggested to the Commission if the item is not filed for the June 6, 2016 meeting that a new Enforcement Order be issued. The Commission stated that they were fine with that.

### **13. Request for Emergency Certification for 633 Salisbury Street**

Mr. Kochling stated that a headwall at the property had collapsed into the brook and he spoke with the contractor for the property and requested some sandbags be added as a temporary fix so site would not get any worse.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg-Powers the Commission voted 5-0 to issue an Emergency Certification for temporary stabilization of the headwall using sandbags and erosion control measures and to add a tarp to keep site from eroding and to file a Notice of Intent within two months.



#### **14. Communication:**

- c. Salisbury Hill 2015 Stormwater System Monitoring; from Peoples Engineering; received 12/23/2015 & updated 3/11/2016; per Order for CC-2001-071 & SWPPP. No comment.
- d. Stormwater Pollution Prevention Plan for Salisbury Hill; prepared by Capital Group Properties, Inc.; dated 8/10/2012.No comment.
- e. Update regarding possible Parks Department project at 85 Shore Drive and applicable permitting requirements; from United States Army Corps of Engineers; received 3/18/2016. No comment.
- f. Notice of Foreclosure at 24 Amber Street; from City of Worcester Office of Administration & Finance – Treasurer & Collector’s Division; received 3/15/2016. Ms. Smith stated that there is a wetland on the property and the Commission has expressed interest in the past on items like this and asked if the Commission is interested in acquiring the property and the Commission discussed the pros and cons of acquiring the property would be.
- g. Notice of Project Commencement with Lower Impact Alternative, 500 Salisbury Street (CC-2016-001); from BSC Group; received March 10, 2016. No comment.
- h. Keolis Commuter Services 2016 Yearly Operational Plan (per 333 CMR 11.00) & notice of application dates; from Fair Dermody Consulting Engineers; received 3/25/2016.No comment.
- i. Invitation to Volunteer Recognition Ceremony; from City Manager Edward M. Augustus, Jr.; received 3/25/16. No comment.
- j. Invitation to Central Massachusetts Regional Planning Commission’s (CMRPC) 2016 Annual Environmental Consultation Session to be held on 4/13/2016; from CMRPC; received 3/23/2016.No comment/
- k. Updates Regarding Pending Legislation; from the Massachusetts Association of Conservation Commissions; received 3/29/2016.

Commissioner Berg-Powers stated that the legislation is disturbing as will limit some of the Commission’s oversight on some projects and would request other Commission members send letters in opposition to it.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5-0 that a letter be drafted to the House and Senate regarding the Commission’s concerns.

#### **15. Update from Staff regarding the status of the Low Impact Development Technical Assistance Grant (from CMRPC and Mass Audubon)**

Ms. Smith stated that staff would like to review a proposal internally and then present to the Commission for review.

#### **16. Review & Adoption of the 2017 Commission Meeting Schedule**

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 5-0 to approve the 2017 meeting schedule

#### **17. Appointment of a Commission Representative to the Lake Quinsigamond Commission**

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 5-0 to appoint Commissioner Berg-Powers as the representative.

**18. Minor error for Order of Conditions issued for 1099, 1117, & 1121, Grafton Street (CC-2015-048 & DEP File #349-1116)**

**Discussion of Special Conditions and Issuance of Orders of Conditions**

**Signing of Decisions**

**Keolis Commuter Services Rail Road Right-of-Ways (RR-ROW-0CSXT & part of 04-001-00014) from Envelope Terrace northeasterly to the Millbury town-line (CC-2016-010)**

**72 Coes Street, 200 & 240 Mill Street, 10 Circuit Avenue West (MBL 08-051-00001, 51 016-00003, 14-020-00007) (CC-2016-012) with the following conditions**

**21. Changes to the Plan or Errors & Omissions\*:**

- (a) If any plan, calculation, or other data presented to the Commission is in error or have omissions, and are deemed significant by the Commissioners or their agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
- (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:
  - M.G.L. Chapter 131, Section 40,
  - 310 CMR 10.00, *Wetlands Protection*,
  - the City of Worcester's *Wetlands Protection Ordinance*, and
  - the Commission's *Wetlands Protection Regulations*

If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.

**22. Liability\*** - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions or this Order whether by itself or its employees or subcontractors.

**23. Change in Ownership\*** - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.

**Section A – Conditions to Meet Before the Start of Any Activity**

24. Inspections prior to site preparation and site work\* - No clearing of vegetation, excavation, grading, construction or other site preparation or site work may begin within one hundred feet of the resource area/s until the erosion and sedimentation controls have been installed and verified by the Commission or its Agents.
25. Notification\* - The applicant shall notify the Office of the Commission (Division of Planning and Regulatory Services) 48 hours prior to the start of any activity.
26. Contact Person\* – Applicant shall notify the Commission of the name(s) and telephone number(s) of person or persons who will be responsible for onsite compliance with the conditions of this Order. The Commission shall be notified as to the means of contact of said individual(s) on a 24 hour basis on all working and non-working days of the project. The responsible person(s) shall inspect and supervise controls for the project and shall make periodic inspections (particularly during rain or snow melt) to assure continued effectiveness of said controls.
27. Contract\* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.

### **Section B - Conditions to Meet During Construction**

28. Excavation - During excavation activities a Licensed Site Professional (LSP), or qualified environmental professional working under the direct supervision of, and at the same company as said LSP, shall be on-site to oversee compliance with the Massachusetts Contingency Plan.
29. Stockpile Maintenance - Any stockpiling of loose materials or soil shall be properly stabilized to prevent wind and water erosion and sedimentation of resource areas. All soil stockpiles shall be stored on and securely covered with an impermeable barrier secured with heavy objects to prevent such an occurrence.
30. Stockpile Location – In no case shall any soil or excavated material be stockpiled within 50 feet of any storm drain inlet.
31. Dewatering – If dewatering is required, there shall be no discharge of dewatered groundwater to jurisdictional resource areas either by direct or indirect discharge to existing drainage systems. Notice of dewatering activities must be given to the Office of the Commission (i.e. Division of Planning & Regulatory Services) within 48 hours. Groundwater must be pumped from the excavation directly into an aboveground frac tank temporarily stored on the site. Groundwater must then be removed and transported to a licensed receiving facility for treatment/recycling of the water. The frac tank shall be removed from the site within the timeframe allowed under the Massachusetts Contingency Plan for handling of remediation waste.
32. Construction Vehicles – Trucks shall drive on paved portions of the site, crushed stone/gravel (at a thickness of 1-2” below grade) or tracking pads and shall not drive directly on contaminated soils. Prior to leaving the site wheels shall be cleaned (e.g. brushed, washed, etc.) on a tracking pad and discharge therefrom shall not leave the site untreated. Tracking pads shall also be utilized at all designated service entrances to the site to control potential migration of soils into the stormdrain inlets located in the street.
33. Migration of Contaminants – There is concern of potential migration of contamination off-site. If future groundwater or surface water assessments indicate a potential migration off-site, the Conservation Commission shall be notified of any new conditions, within the same timeframe that notifications are made to the MassDEP Bureau of Waste Site Cleanup..

34. Analytical Data Regarding Contaminants & Reporting - Copies of reports (including analytical testing data) that are provided to MassDEP in compliance with the Mass Contingency Plan shall be provided promptly thereafter to the Office of the Commission for the record.
35. Final Stabilization Plan – A final stabilization plan shall be submitted for the record indicating the type of surface treatment of the work areas subject to this Order.
36. Erosion Controls\* - All erosion and sediment controls shall be monitored, maintained, and adjusted throughout the duration of the project as required to prevent adverse impact to wetlands or stormwater protection zones. Any entrapped sediment or other material shall be removed to an area outside of the 100 foot buffer zone as required by the Commission or its representative. Protective measures shall include, as appropriate, but not be limited to: sediment traps, supplemental topsoil, seed or plants, and 100% bio-degradable erosion control matting.
37. Run-off\* - There shall be no flooding, ponding, or flood-related damage caused by the project or by surface run off emanating from the project onto lands of an abutter, or onto nearby downstream properties. The applicant shall make sufficient provision to control any unexpected drainage and erosion conditions that may arise during construction that may create damage to wetland areas, streams, brooks, and abutting or downstream properties. Said control measures are to be implemented immediately upon need and the Conservation Commission so notified in writing.
38. Delay in Work\* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly. Vegetative cover, either temporary or permanent shall be established prior to winter. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized with jute matting, staked mulches or erosion controls as may be necessary to ensure that any eroded materials will not enter wetlands and water bodies.
39. Wood Removal\* – All tree, brush & wood removal shall adhere to the requirements set forth by the Massachusetts Department of Conservation & Recreation for any project located in the Asian Longhorned Beetle Quarantine Zone as it exists at time of approval and as it may expand in the future.
40. Plantings\* – All trees planted on site must comply with the City of Worcester's Recommended Tree Planting List for Landscape Buffers as it relates to the Asian Longhorned Beetle.
41. Oil Spills\* - During and after work on this project, the applicant and owner shall make every effort to prevent the discharge or spillage of fuel, oil or other pollutants onto any part of the site. The applicant shall take all necessary precautions to prevent the release of pollutants by ignorance, accident or vandalism.
42. Catch Basins\* – The paved roadways and parking lots shall be bermed and shall be installed with standard City of Worcester catch basins. Said basins shall be cleaned at least twice a year and as warranted during and after construction to keep them clean of sediment. Prior to the site being stabilized, catch basin filter traps (e.g., haybales) shall be placed to prevent sediment from entering drainage structures.

### **Section C - Conditions to Meet at Completion of Project**

43. Vegetation\* - Proper landscaping of embankments and run off areas including but not limited to grass, vegetation, and shrubbery shall be established before the project is considered complete. Any replicated wetland must be satisfactorily established within two growing seasons before the project is considered complete.
44. Erosion Controls\* - Hay bales and other erosion controls shall not be removed from the site until all disturbed surfaces have been stabilized with final vegetative cover and written certification has been received from the Commission or one of its representatives stating that erosion controls may be removed. The controls must then be removed within two weeks of receipt of that certification.
45. Certificate of Compliance\* - Upon completion of the project, the applicant shall request in writing a Certificate of Compliance from the Commission in which he/she shall certify in writing that the work completed conforms to the plans as submitted. If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, certification must include a written statement by such professional.

### **Adjournment**

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5-0 to adjourn the meeting at 9:20 p.m.