

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

**October 2, 2017**

**WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS**

**Conservation Commission Members Present:** Joseph Charpentier, *Chair*  
Peter McKone, *Vice Chair*  
Christian Escobar  
Jordan Berg Powers

**Member Absent:** Amanda Amory  
Tunde Baker

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

**Call to Order:** 5:30 pm

**Approval of Minutes:** None

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

**1. 0 (aka lot 6A or 677 and fka Lot 3) Salisbury Street (MBL 50-023-00003) (CC-2016-060)**

Application: Notice of Intent

Applicant: Salisbury Holdings, LLC

Project: To construct a single-family detached dwelling and associated off-street parking, along with related site work and grading, on property located at 0 (aka lot 6A or 677 and fka Lot 3) Salisbury Street.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer to a bordering vegetated wetland associated with the bank of an unnamed stream and possibly within riverfront area associated therewith

Public Hearing Opened: 12/19/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Powers the Commission voted 4-0 to continue the item to the December 4, 2017 Conservation Commission meeting, with the stipulation that this will be one of the last continuances allowed.

**2. 47R Fourth Street (MBL 42-035-00100) (CC-2017-052)**

Application: Notice of Intent

Applicant: Lee Homes, Inc.

Project: To construct nine dwelling units and an associated access drive, along with related grading, drainage, paving, and site work and to request a waiver of the

City of Worcester Wetlands Protection Regulations performance standard 4.2.4.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer to a bordering vegetated wetland and/or bank associated with an unnamed stream, and within the stormwater protection zone, and may occur within riverfront area.

Public Hearing Opened: 7/31/2017

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to continue the item to the October 23, 2017 Conservation Commission meeting.

### **3. Northerly portion of 90 Barber Avenue (MBL 22-001-00001) (CC-2017-075)**

Application: Notice of Intent

Applicant: Worcester Storage Partners, LLC

Project: To construct a commercial structure, to be used as a self-storage facility, and associated parking area, along with related utility, grading, paving, site work, and wetland replication, and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within a bordering vegetated wetland, associated with an unnamed intermittent stream, within the 100’ buffer thereto, and within the stormwater protection zone

Public Hearing Opened: 9/11/2017

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to continue the item to the October 23, 2017 Conservation Commission meeting.

### **4. Indian Lake (MBL MA-DEP-INDIA) (CC-2017-079)**

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works & Parks

Project: To conduct annual drawdowns in association with non-native and aquatic nuisance vegetation management.

Jurisdiction: The Massachusetts Wetland Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within land under water, bank and bordering vegetated wetlands, the 100’ bufferzone thereto, and bordering land subject to flooding, each associated with Indian Lake.

Public Hearing Opening Deadline: WPA – 10/4/2017; WWPO – 10/28/2017

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item to the October 23, 2017 Conservation Commission meeting.

**5. Requests for Certificate of Compliance:**

**a. 0 Eustis Street (CC-2015-012)**

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to continue the item to the October 23, 2017 Conservation Commission meeting, with the stipulation that this is the final continuance.

**Unfinished Business – Notices of Intent:**

**Public Hearings**

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

**6. 4 Parsons Hill Drive (MBL 56-025-00129) (CC-2017-078)**

Application: Request for Determination of Applicability

Applicant: Sean & Jessica Hill

Project: To seek determination as to whether or not the work to construct an above-ground pool, along with related site work, is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – shall occur within the 100' buffer to a bordering vegetated wetland and/or bank.

Deadline: Public Hearing WPO - 10/3/2017; Constructive Grant Deadline: WPA - 10/27/2017

Sean Hill, owner, appeared on behalf of the application.

Mr. Hill stated that he applied to install an above ground pool at a location approximately 85 feet from vegetation and 100 feet from water line. He stated that minimal excavation will take place, with approximately 1 foot change in grade. He agreed to install erosion controls consistent with recommendations made by the Department of Public Works.

No public comment.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar the Commission voted 4-0 to issue a Negative Determination of Applicability, provided the applicant install the recommended erosion controls (hay bales and silt fence) around the limit of work area.

**List of Exhibits:**

Exhibit A: 4 Parsons Hill Drive Request for Determination of Applicability application; submitted by Sean and Jessica Hill; dated September 12, 2017; received September 12, 2017.

Exhibit B: Memorandum from the Department of Public Works and Park Department to the Conservation Commission re: 4 Parsons Hill Drive; dated September 27, 2017.

**7. 20 Jasmine Drive (MBL 33-23C-00069) (CC-2017-080)**

- Application: Request for Determination of Applicability
- Applicant: Adam Roche
- Project: To seek determination as to whether or not the work to install an in-ground pool, along with related site work, is subject to the Commission's jurisdiction.
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100' bufferzone to a bordering vegetated wetland and/or bank and within the stormwater protection zone.
- Deadline: Public Hearing WPO - 10/4/2017; Constructive Grant Deadline: WPA - 10/30/2017

Matthew Marro, wetlands scientist, appeared on behalf of the application.

Mr. Marro stated that he is a consultant completing work for the property owner in relation to the installation of an in-ground pool with related site work. The pool will be greater than 50 feet from wetlands based on his delineation. The area of work is a nearly level, grass area. Erosion controls would be placed at the edge of the grassy area, and the pool will use a cartridge filter to avoid backwashing.

Commissioner Berg Powers asked what the anticipated timeline of the project is and how long there will be piles of dirt present. Mr. Marro responded that the excavation shouldn't take more than a week, then dirt will be taken off site.

No public comment.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar the Commission voted 4-0 to issue a Negative Determination of Applicability, provided the applicant install the recommended erosion controls (hay bales and double staked fence) around the limit of work area, that excavated material will be taken off site, and that staff are notified within 48 hours of work.

**List of Exhibits:**

- Exhibit A: 20 Jasmine Drive Request for Determination of Applicability application; submitted by Adam Roche; dated September 13, 2017; received September 13, 2017.
- Exhibit B: Memorandum from the Department of Public Works and Park Department to the Conservation Commission re: 20 Jasmine Drive; dated September 27, 2017.

**New Business – Notices of Intent:**

**8. 261 Clover Street (aka 175 James Street) (MBL 28-030-00001) (CC-2017-077)**

- Application: Notice of Intent
- Applicant: Botany Bay Construction Co., Inc.

- Project:** To demolish the existing site infrastructure and construct 11 multi-family low-rise structures (with approximately 90 residential dwelling units) with associated parking areas, along with related utility, grading, paving, drainage, and site work.
- Jurisdiction:** The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within 100’ to a bordering vegetated wetland, associated with Kettle Brook (West), and within the stormwater protection zone
- Deadlines:** Public Hearing Opening: WPA – 10/3/2017; WWPO – 10/27/2017;  
Constructive Grant: WWPO - TBD

Scott Morrison, Ecotec, appeared on behalf of the item. Carl and John Foley, owners were also present.

Mr. Morrison thanked Commissioners for attending a site visit, and provided an overview of the property. The proposed plans depict the stormwater infiltration system, and wetlands resources area, and bufferzone. During construction proposed preventative measures include erosion control barriers consisting of silt fences and hay bales, catch basins, and several silt sacks,

Mr. Morrison stated that they have received several questions, which they are working on addressing and compiling supporting documentation to share with the Commission. Soils on site are predominantly Hinckley Soils, which are well-drained, good for a large site, and promotes infiltration. Mr. Morrison will be requesting that LSP provide an update on the site to the Commission prior to the next meeting. He doesn't believe there are any bordering lands subject to flooding, and will provide that datum.

Commissioner Berg Powers inquired about any potential issues once the existing building is razed. Mr. Morrison stated that he believes the site has been cleaned up by the city, but can provide documentation. They will also be providing a SWPP, though it is premature at this time.

No public comment.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar the Commission voted 4-0 to continue the hearing until October 23, 2017.

**List of Exhibits:**

- Exhibit A:** 261 Clover Street Notice of Intent application; submitted by EcoTec Inc.; dated September 12, 2017; received September 13, 2017.
- Exhibit B:** 261 Clover Street Site Plan prepared by Quinn Engineering; dated September 5, 2017.
- Exhibit C:** 261 Clover Street Stormwater report prepared by Quinn Engineering; dated September 5, 2017.
- Exhibit D:** Memorandum from the Department of Public Works and Park Department to the Conservation Commission re: 261 Clover Street; dated September 27, 2017.
- Exhibit E:** Email from Scott Morrison, EcoTec, dated October 2, 2017.

**9. Southerly part of 45 Crawford Street (aka 0 or 8-12 Hazel St.) (MBL 17-038-38-40) (CC-2017-081)**

Application: Notice of Intent

Applicant: Anthony Bianco

Project: To construct two residential dwellings along with related grading, paving, drainage and site work.

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 – 10/30/2017

Taken with item 11g.

Glenn Krevosky, EBT Environmental Consultants, appeared on behalf of the application.

Mr. Krevosky stated there was a site visit the previous day with Commissioners and staff, and proceeded to provide an overview of the project.

Ms. Smith added that the applicant initially applied for construction of one single family detached dwelling on the adjacent site, but at the time of advertising, it was unclear to staff whether another home would be proposed. For the applicant's benefit, the legal notice advertised for two single family dwellings if they chose to provide a plan under the Enforcement Order timeline. The Commission requested clarification of the applicant's intent.

Mr. Kravosky addressed the request, stating there are two lots, and one is within 100 feet of a catch basin. The plan is to finish stabilizing the lot with erosion controls and continue with building on Lot 2.

Luigi Bianco, owner, addressed the Commission, stating that they were not aware of their proximity to catch basins, that he believed that Conservation Commission was only concerned with impact on wetlands and wildlife. He apologized and asked that they be allowed to continue to work. He stated that the work was approved by the city.

Chair Charpentier asked for confirmation that after the Enforcement Order was in place and the applicant was informed that a Notice of Intent filing was required, that work continued. Mr. Bianco stated that work continued on the upper lot, because they believed the order didn't apply to that lot. Discussion continued regarding whether the conditions of the Enforcement Order have been met, and what the applicant's plans are for the lower lot.

Public comment: Bob Bilodeau, abutter, expressed concerns about the ongoing construction lasting 5 weeks and stated that work was occurring that day. Mr. Kochling confirmed that he visited the site today and observed work going on. Mr. Bilodeau expressed concerns about a foundation being constructed without a building permit being issued. Mr. Rolle confirmed this claim, but stated that any enforcement regarding permits is the jurisdiction of Inspectional Services.

Chair Charpentier reiterated the requirements of the Enforcement Order to bring the site into compliance. He acknowledged that work to prevent off-site erosion and sedimentation has occurred and thanked the applicant.

Commissioner McKone stated that he'd like to see the \$100 per day fine imposed for non-compliance with the Enforcement Order relative to the cease and desist provisions thereof. Ms. Smith recommended that fines only be issued for violations that occurred after the date of the last meeting (September 11, 2017) at which a representative of Mr. Bianco's had been present and aware of the Enforcement Order. Mr. Rolle added that Mr. Kochling visited the site on six days (Sept. 12, 25, 27, 28, 29, and Oct. 2) that he could confirm work was going on subsequent to the Enforcement Order. He therefore recommends that fines be limited to those dates that can be confirmed. Mr. Kochling confirmed those dates, and added that it was clear work had been done on other days between visits.

Chair Charpentier recommended that fines be issued for those six dates and that a mechanism be set up to check the work on a regular basis. Ms. Smith requested clarification on "regular" and Commissioner Escobar responded that he'd like to see daily.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar the Commission voted 4-0 issue fines on 45 Crawford Street, for work done on 9/12, 9/25, 9/27, 9/28, 9/29, and 10/2 in the amount of \$100 per day.

Upon a motion by Commissioner Escobar and seconded by Commissioner McKone, the Commission voted 4-0 to ratify and amend the Enforcement Order relative to items discussed, as detailed below:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work and the property owner shall take the following actions, in the timelines established below, in order to prevent further violations of the Ordinance:

1. Immediately (i.e. within 24 hours of receipt of this Order), the owner/violator and/or their representative(s) shall cease and desist from any and all activities. No further work shall be performed, unless it is to prevent off-site erosion and sedimentation and it is at the explicit direction of the Commission and/or its agents in association with this Order, until a public hearing has been held and an Order of Conditions has been issued to regulate said work;
2. Within 48 hours of receipt of this Order, the owner/violator and/or their representative(s):
  - a. Install, and entrench and/or stake, perimeter sediment controls (e.g. silt fence and haybales or straw wattles) along the lower section of the southwestern side of lot 2 (aka 8 Hazel St.), the entire span of the southern side of lots 2 & 3, and along the entire span of the eastern side of lot 3 (aka 10-12 Hazel St.);
  - b. Install two construction access/tracking pads (one on lot 2 and one on lot 3) as an erosion and sediment control measure;
  - c. Install, and continue to monitor, inlet protection in the catch basin located within 100' of the site, adjacent to lot 3(R) in the Hazel Street right-of-way to prevent sediment accumulations therein;

- d. Surround material stockpiles with erosion and sediment controls or stabilize piles to prevent erosion and sedimentation through other means (e.g. tarps, etc.);
3. Within 24 hours of installation of erosion and sediment controls, the owner/violator and/or their representative(s) shall contact the office of the Commission (Division of Planning & Regulatory Services) to schedule a site visit with staff and/or the Commission to inspect erosion and sediment controls installed at the site; &
4. Continually Monitor the site for dust and provide dust control as needed to prevent accumulations of dust settlement from entering the stormdrain system and prevent further erosion from the site.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 to continue the item to the October 23, 2017 Conservation Commission meeting.

**List of Exhibits:**

- Exhibit A: 45 Crawford Street (aka 0 or 8-12 Hazel St.) Notice of Intent application; submitted by Glenn Krevosky; dated September 14, 2017; received September 15, 2017.
- Exhibit B: Memorandum from the Department of Public Works and Park Department to the Conservation Commission re: 45 Crawford Street (aka 0 or 8-12 Hazel St.); dated September 27, 2017.

**Other Business:**

**10. Request for Determination of Significance and Subsequent Action (Project Change Request) for Order of Conditions for 72 Bay Edge Drive (CC-2017-014; 349-1168)**

Joe Fontecchio, owner, appeared on behalf of the item.

Mr. Fontecchio stated that he'd like to change the approved plan for his home. It originally included a rain garden, but in exploring that option with contractors, they found it would be risky to dig and retain water right next to the foundation. He worked with staff to address the issue. The new option is to increase the depth of the drywell and thereby increase its size to double the cubic foot capacity of the rain garden. In addition, he'd like to address overflow of the dry well by hooking up to the city storm drain system.

Upon a motion by Commissioner McHone and seconded by Commissioner Berg Powers, the Commission voted 4-0 to find the changes inconsequential, requiring no further action aside from submitting updated plans.

**11. Enforcement Order Updates:**

**a. Arboretum Village (CC-EO-2016-002; CC-2009-042; DEP #349-979)**

- I. Correspondence regarding Notice of Non-compliance for Arboretum Village LLC; from Scott Morrison & MassDEP CERO (NON-CE-17-6W001) regarding Mass DEP #349-979; received 5/31/2017 & 6/22/2017.



- II. Correspondence regarding turbidity and environmental monitoring activities for Arboretum Village (CC-EO-2016-002; CC-2009-042; DEP #349-979); from EcoTec, Inc.; from various dates including 6/27/2017.

Scott Morrison, Ecotec, appeared on behalf of the items.

Mr. Morrison provided an update on the status of the project, addressing house and road construction, lawn seeding and loaming, sediment ponds, and material piles. Chair Charpentier inquired about the MassDEP notice of noncompliance that was issued in May and June. Mr. Morrison replied that there was an area where water was getting under the erosion control barrier, and the issue was immediately corrected. A six-month update was agreed upon, to be scheduled by staff, unless changes to the stormwater system occur prior to that.

**b. 128 Alvarado Avenue (CC-2008-045 & CC-2017-017; DEP #349-963; CC-EO-2016-004)**

Mr. Kochling provided the update on this item. The site is contained and minimal excavation has occurred. There are no erosion control issues at this time.

**c. 21 (aka 29) Quaboag Street (CC-2017-009; CC-EO-2016-005)**

Ms. Smith provided the update on this item. Ms. Smith stated that she met with the property owner's contractor and they have submitted revised plans, as well as contact information. At this time staff is waiting for the proponent to schedule a pre-construction site visit.

**d. Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane) (fka Paradise Point) (CC-2007-025; DEP #349-931; CC-EO-2016-006).**

Mr. Kochling provided an update on this item. He performed a site visit that day and observed that the lower site and road are holding up well; grass is growing on the lots; and berm was being installed. He stated some concerns about the next phase, noting that the infrastructure is in but the road is in very rough condition and that he would follow up to determine their paving schedule and ensure there are no erosion control problems for the winter.

**e. 100 (fka) Goldthwaite Road (aka White Birch Commons; (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)**

Mr. Kochling provided the update on this item. He performed a site visit that day and reported that houses are under construction as part of the initial phase. They appear to be using best management practices and there are no noticeable issues at this time. There is a large area in the next phase that is open, and project representative, Mr. Scott, informed him that they're planning to get that stabilized before the growing season ends. Ms. Smith followed-up by noting that a provision in the Enforcement Order requires monthly updates on the SWPP report, many of which have not been received. She recommended that the Commission vote on a firm deadline for that submission or remove the requirement from the Order. She stated she has repeatedly reminded Mr. Scott of this. Chair Charpentier stated that he'd like staff to continue to attempt to reach Mr. Scott and remind him that they're looking forward to the information that had been asked for.

**f. 9 Luther Avenue (and abutting portions of the Toronita Avenue and Luther Avenue ROWs) (CC-EO-2017-002)**

Ms. Smith provided the update for this item and summarized the narrative provided by the property owner's attorney, relative to the Enforcement Order. She affirmed that the cease and desist provisions of the Order have been complied and noted that the owners intend to appeal the Order.

**g. 0 (aka 10 & 12) & 8 Hazel Street (fka part of 45 Crawford Street; aka Lot 2 & 3 L&R) (CC-EO-2017-003)**

Taken with Item 9.

**h. 21 Paradox Drive (CC-EO-2017-004)**

Ms. Smith provided the update on this item. Staff issued the Enforcement Order the previous week. A response was received from Sansoucy Stone, who at the time of issuance was believed, in part, be the violator. They stated that they have not conducted these activities and it is the property owners, Janet and Raymond Sansoucy, who are responsible. Ms. Smith attempted to contact Mr. Raymond Sansoucy via phone, but was unsuccessful. However, the owner of Sansoucy Stone confirmed that the Order had been received and redirected to the appropriate party. As of this time, work has stopped, but no additional efforts had been made to comply with the conditions of the Order. Mr. Kochling confirmed this information based on his site visit that day.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to ratify the Enforcement Order as stated.

**i. 13 Moreland Street & 1 Columbine Road (CC-2017-024; CC-EO-2017-005)**

Mohammad Djamshidi appeared on behalf of the item and stated that the observed sedimentation was a result of runoff from neighboring 11 Moreland Street, due to a deteriorated stone wall on that property. He stated that his stilt fence and hay bales have not moved and that his site was immaculate. He explained that due to foundation issues on #15 (1 Columbine) the grade had to be raised, but overall the grade was reduced from 11% to 7%. He noted that the site was previously a tennis court and that run-off had been reduced and that he had constructed through a swale to address the stormwater concerns.

Commissioner McKone stated that he drives by the site twice a day and observed that the silt fence has not been maintained which was affirmed by staff photos. Mr. Djamshidi countered that the fence was only removed briefly then reinstalled. Chair Charpentier and Commissioner Berg Powers concurred with Commissioner McKone's observations.

Chair Charpentier requested an Enforcement Order, which included installation of a silt fence along Moreland Street. Ms. Smith stated that she had not been to the site, but believed the owner had complied with this item and noted that both the Enforcement Order and Order of Conditions, require maintenance of all erosion controls.

Ms. Smith stated that inspections were conducted as a result of complaints from a neighbor and the Greater Worcester Land Trust with a video showing sedimentation in the roadway as a result of the site.

Mr. Kochling identified his concerns based on observations, noting that he was asked to come to the site following complaints by a neighbor and expressed concerns with the re-grading, the sizing of the swale constructed, and other deviations from the approved plans, and direction of water onto abutting properties.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to ratify the Enforcement Order as issued.

The Commission requested staff coordinate site visit for inspection of erosion controls.

## **12. Requests for Certificate of Compliance:**

### **a. 421 Grove Street (CC-2014-062)**

Steven Venincasa, owner, appeared on behalf of the item. Also present was Nick Dippolito from Dippolito Construction.

Mr. Venincasa stated that he's seeking the final occupancy permit and that there were a couple of items that had not been completed per the plans, and that those items have since been addressed. Mr. Kochling concurred that the issues had been adequately addressed.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 4-0 to issue a Certificate of Compliance.

### **b. 8, 10, 12 (fka 0) Quissett St. & 18 & 20 (fka 10) Iroquois St. (fka 48 & 50 Wamsutta Ave.) (CC-2015-039)**

Ms. Smith stated that a letter had been submitted that day summarizing the deviations from the approved plan, from a professional engineer. Mr. Kochling stated that he completed a site visit prior to the previous meeting and did not see any major issues.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 3-1 (Commissioner Berg Powers voted against) to issue a Certificate of Compliance.

## **13. Violations:**

### **a. 1-5 Aurora Street**

Glenn Kravosky, EBT, and Dan Berthiaume, owner, appeared on behalf of the item.

Mr. Berthiaume provided an overview of the history of the project, stating that permits had been issued for all three lots and there is an average 15.6% slope from one side of the site to the other, across all lots. He had been working for several weeks, finished stumping and created a berm. He stated the job was shut down when they were informed they needed to go to Conservation Commission because there is a catch basin within 80 feet. He understands that there are regulations he needs to follow, but feels that he adhered to the appropriate steps and would like to know what needs to be done to move forward. Following the Violation being issued a Notice of Intent was prepared and submitted that night.

Commissioner Berg Powers stated that, as this item is not the result of complaints, but of the owner's self-reporting, they should not be further penalized. He recommended that work be allowed to continue and stabilization take place as the growing season is nearing the end, and the applicant has already filed the NOI, to be heard at the next Commission meeting. Mr. Kochling expressed concern about the lack of erosion controls when he viewed the site. Commissioner Escobar was concerned about allowing work to continue in good faith without reviewing complete plans, particularly as work may contradict necessary approvals by other boards. Chair Charpentier agreed that it seemed like a grey area legally, to verbally approve work.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 to issue an Enforcement Order with the following conditions:

1. **Immediately** (i.e. within 24 hours of receipt of this Order), the owner/violator and/or their representative(s) shall cease and desist from any and all activities other than site stabilization measures. Such stabilization measures shall include, but are not expressly limited to:
  - a) Install, and continue to monitor, inlet protection in the catch basins located downgradient of the site in the Granite Street right-of-way to prevent sediment accumulations therein;
  - b) Installation of additional erosion controls on each lot, in preparation for winter and to prevent cascading of sediment downgradient;&
  - c) Surround material stockpiles with erosion and sediment controls or stabilize piles to prevent erosion and sedimentation through other means (e.g. tarps, etc.);
2. Upon the Order of Conditions for the proposed project becoming final and in effect (i.e. having been issued, recorded, **and** with all appeal periods having lapsed) this enforcement order shall automatically be lifted and the valid Order of Conditions shall then govern construction activities associated with the project (3 single-family homes, along with related site work) at the site;
3. **No further work** shall be performed, unless it is an approved stabilization measure conducted to prevent off-site erosion and sedimentation and it is at the explicit direction of the Commission and/or its agents in association with this Order, until an Order of Conditions has been issued to regulate said work and all applicable appeal periods associated therewith have lapsed.
4. **On or before October 6, 2017**, the owner/violator and/or their representatives shall loom and apply hydroseed, with tackifier, on all disturbed final grades (less than 2.5H:1V) and/or finalize application of other final stabilizing treatments (e.g. stone armoring, jute matting where steeper etc.) with the exception of areas located within an envelope of 10' around the existing foundations and driveway locations;
5. The owner/violator and/or their representatives shall **continue sweeping** the asphalt apron of the Aurora Street right-of way, at its intersection with Granite Street, on a daily basis (i.e. at the end of each working day, Mon.-Sat.), and as may otherwise be necessary to prevent off-site sedimentation.
6. **Continually Monitor** the site for dust and provide dust control as needed to prevent accumulations of dust settlement from entering the stormdrain system and prevent further erosion from the site.

**b. 77 Amherst Street & 90 Winifred Avenue (CC-2017-040)**

Michael Burke, applicant's representative, appeared on behalf of the item.

Mr. Burke claimed no knowledge of, or association with the work that has occurred at the site in relation to the Violation. He requested to the end of the week to get his client squared away with filing the appropriate paperwork. Ms. Smith stated that relative to Order of Conditions, the applicant has not yet submitted final revised plans, scheduled an inspection or preconstruction consultation, and erosion controls are either absent or lacking, among other issues. The applicant had been instructed to stop work and prioritize erosion control measures so that staff could release some of the holds and allow work to continue.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 to issue an Enforcement Order with the following conditions:

The property owner, his agents, permittees, and all others shall **immediately cease and desist** from any activity affecting or within the stormwater protection zone (within 100' of a stormdrain inlet). **No further work** shall be performed, unless it is to prevent additional resource area impacts and is at the explicit direction of the Commission or its agents in association with this Enforcement Order, until the Commission or its agents verify that all conditions of the Order of Conditions have been complied with, or are being complied with, and thereafter lift this provision of the Order in writing.

The property owner, their agents, permittees, and all others shall take the following actions, in the timelines established below, in order to prevent further violations of the Act and Ordinance:

- 1) **Immediately** (i.e. **within 24 hours of receipt of this Order**), unless otherwise specified, comply with the Order of Conditions **AND install**, and continually maintain (e.g. replace as needed), the following erosion control measures (to the satisfaction of the Commission and/or its agents to prevent further impacts):
  - a. Erosion controls (silt fence & haybales) around the perimeter of the site -,
  - b. Inlet protection in downgradient catch-basins,
  - c. Construction access/tracking pad;
- 2) **Within 24 hours of installation**, contact Ed Kochling, Conservation Agent, at 508-726-0286 to schedule an inspection and pre-construction Conference to verify the adequacy of the installed erosion control devices to the City's satisfaction (Condition 26 & 27);
- 3) **Within 72 hours of receipt of this Order**, and before any construction activities may commence the owner/violator shall:
  - a. Submit three (3) to-scale copies of **revised plans** to the Office of the Commission (i.e. Planning & Regulatory Services Division):
    - i. Show existing and proposed utilities on the plans;
    - ii. Show location of a construction access entrance, and detail therefore on the plans;
    - iii. Show erosion and sediment control detail and locations on the plans;
    - iv. Show inlet protection (i.e. sediment controls specifically designed for installation within a catch-basin) in downgradient catch-basins on the plans; &
    - v. Show the proposed temporary stockpile (i.e. only materials associated with foundation backfill) location on the plans;

- vi. Show all trees to be saved shall be marked on site and on an approved plan so that the Commission or its representative can verify them before any clearing takes place;
- vii. Show proposed/final grades on the plan;
- b. **Remove material stockpiles** from the site (Condition 31).
- c. **Sweep the impacted right of way** (i.e. Winifred Avenue) and **clean** all effected (i.e. those impacted with sediment) **storm-drain inlets** (aka catchbasins). Upon completion of such sweeping and cleaning, the owner/violator shall contact the Office of the Commission in writing to confirm that services are completed and provide photographic evidence of such;
- 4) **On or before October 13, 2017**, the violator and/or their representative shall prepare and submit a **Project Change request** with the Worcester Conservation Commission to seek approval of any conducted/proposed deviations to the approved plans. An application checklist is attached hereto.

**c. 16 Bullard Avenue**

Donald Angers appeared on behalf of the item.

Mr. Angers stated that he had an engineered plan and believed that he was in compliance. Mr. Kochling explained that the reason the project was put on hold is because of the grade, the amount of open area, and the lack of erosion controls. He suggested that in addition, a tracking pad be installed. The applicant was under the impression that HS&T had completed the appropriate measures regarding Conservation Commission on his behalf. He agreed to file a Notice of Intent and comply with suggested controls, to include placing hay bales, installing a tracking pad and riprap, decreasing steepness of slopes and hydroseeding. Based on this agreement, the Commission opted not to take additional enforcement measures.

**14. Communication:**

- a. **Notice of Treatment (scheduled for 9/19/2017) to Little Indian Lake; from Solitude Lake Management, received 9/11/2017.**
- b. **Notification of a hazardous release at 651 Park Avenue; from EnTact Solutions, Inc.; received 9/14/2017.**
- c. **CMRPC Regional Trails Listening Session #2 on 10/10/2017; from Central Massachusetts Regional Planning Commission; received 9/27/2017.**
- d. **Letter regarding water quality of the Blackstone River Watershed; from the Blackstone River Coalition; Received 9/19/2017.**
- e. **Notice of Phragmites Treatment (scheduled for 10/2/2017) to Indian Lake; from Solitude Lake Management, received 9/28/2017.**

The commission had no comments.

**15. Discussion of Special Conditions and Issuance of Orders of Conditions - None**

## **16. Signing of Decisions**

In addition to the decisions for all items listed voted the agenda, a duplicate original signature page for 0 Granite Street (CC-2014-058; 349-1098) was issued.

## **Adjournment**

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 to adjourn at 9:34 p.m.