



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

Monday, December 9th, 2024

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via WebEx online at
<https://cityofworchester.webex.com/meet/conservationcommissionwebex> and
call-in number 1-844-621-3956 (Access Code: 2631 737 2697).

Commissioners Present: Devin Canton, Vice Chair (acting Chair)
Diane Fratoni, Commissioner
Lindsay Nystrom, Commissioner

Commissioners Absent: Stuart Kirshner, Commissioner
Timothy Magliaro, Commissioner

Staff Present: Eric Flint, Division of Planning & Regulatory Services (DPRS)
Mattie VandenBoom, Division of Planning & Regulatory Services (DPRS)

Call to Order

Commissioner Canton, acting Chair, called the meeting to order at approximately 5:32 p.m.

Requests for Continuances, Postponements and Withdrawals

Item 1 – 6 Lanesboro Road – Notice of Intent (CC-2024-046 & DEP#349-1400)

Request to continue the public hearing to 12/30/24 & extend the constructive grant deadline to 01/21/2025

Item 2 – 4 Brandt Lane & 0 Grafton Street (aka Grafton Woods) – Notice of Intent (CC-2024-087 & DEP#349-14xx)

Request to continue the public hearing to 12/30/24 & extend the constructive grant deadline to 01/21/2025

Item 3 – 39 Lamartine Street– Notice of Intent (CC-2024-061)

Request to postpone the public hearing to 12/30/24 & extend the constructive grant deadline to 01/21/2025

Item 5 – 13 Holden Street – Notice of Intent (CC-2024-085 & DEP#349-14xx)

Request to postpone the public hearing to 12/30/24 & extend the constructive grant deadline to 01/21/2025

Item 6 – 56 Park Hill Road– Notice of Intent (CC-2024-089 & DEP#349-1408)

Request to postpone the public hearing to 12/30/24 & extend the constructive grant deadline to 01/21/2025

Item 7 – 277 Providence Street – Notice of Intent (CC-2024-090)

Request to postpone the public hearing to 01/13/25 & extend the constructive grant deadline to 02/04/2025

Mr. Flint read the requests for postponement and continuance into the record.

Upon a motion by Commissioner Nystrom, seconded by Commissioner Fratoni, the Commission voted 3-0 to postpone the public hearings and extend the constructive grant deadlines to the dates noted.

New Business – Notices of Intent

4) 0 Farrington Street (MBL 18-046-07-01) – Notice of Intent (CC-2024-064)

Lesley Wilson, HS&T Group, Inc., on behalf of the applicant, Asaad Challab, reviewed construction of a 9-unit residential building, parking lot, stormwater infrastructure, and related sitework. She explained that the number of units has been reduced from the 11 units that were originally proposed.

Arthur Allen, EcoTec, Inc., reviewed the determination that the wetlands on the adjacent property were not jurisdictional under the Wetland Protection Act. He explained that the wetland is completely isolated and only has an area of 2,753.90 square feet and potential ponding volume of 0.0118 acre-feet.

Ms. VandenBoom explained that this project is filed under the Wetland Protection Ordinance only. Staff conducted a site visit and noticed indications of wetland in the nearby woodlot. A wetland report was provided by EcoTec confirmed that the wetland was not jurisdictional under the Wetland Protection Act. Other staff comments included a request for test pit data at the location of the infiltration unit that have since been provided. There are a few outstanding comments which can be addressed with revised plans.

Commissioner Fratoni asked if the reduction of units was going to change the footprint of the building or have impact on the drainage calculations. Ms. Wilson explained that the change in footprint will not be significant. There may be an adjustment in the sizing of the cultec unit.

Commissioner Fratoni asked if it is customary for the Commission to give approval to plan that has yet to be presented. Mr. Flint explained that the Commission does not typically approve projects that do not have the building footprints and stormwater infrastructure finalized.

Ms. Wilson explained that the project still must go before Planning Board and does not expect any major changes that would affect the Conservation Commissions decision.

Mr. Flint asked if the applicant is looking to continue the hearing. Ms. Wilson explained that the applicant would rather close with Conservation.

Commissioner Fratoni asked if the Planning Board would notify Conservation of any changes. Mr. Flint confirmed that the Planning Board staff would notify the Commission of any changes. Order of conditions are issued with a standard condition requiring the applicant to receive approval from the Conservation Commission for deviations from the approved plan.

No comments from the public.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 to close the public hearing.

In addition to the standard conditions, Ms. VandenBoom recommends revised plans depicting all existing catch basins within a 100' of the project site, silt sacks in existing and proposed catch basins, and perimeter erosion control barriers surrounding entire limit of work. She also recommended infiltration unit inspection, cement truck washing, an as-built plan be provided with the request for Certificate of Compliance, and deeded conditions for stormwater management system maintenance and sand/salt.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 the order of conditions as discussed.

List of Exhibits:

- Exhibit A: NOI Application; received 08/05/2024; submitted by Lesley Wilson, HS&T Group, Inc.
- Exhibit B: Site Plan; dated 07/24/2024; revised 10/12/2024; prepared by Hossen Haghanizadeh, HS&T Group, Inc.
- Exhibit C: Stormwater Report; dated 10/02/2024; revised 08/16/2024; revised 10/21/2024; prepared by Hossen Haghanizadeh, HS&T Group, Inc.
- Exhibit D: Division of Planning & Regulatory Services Staff Comments; dated 08/30/2024; prepared by Eric Flint and Mattie VandenBoom
- Exhibit E: Department of Public Works and Parks Staff Comments; dated 08/29/2024; Prepared by Sean Quinlivan
- Exhibit F: Wetland Report; dated 11/15/2024; prepared by Arthur Allen, EcoTec, Inc.

Other Business

8) Requests for Certificate of Compliance

a. 14 Shoreham Street (CC-2024-007 & DEP# 349-1386)

Mr. Flint reviewed the request for a Certificate of Compliance. He explained that the Order of Conditions was issued for construction of a single-family home within the 100' buffer zone of Indian Lake. The lot is partially located within Bordering Land Subject to Flooding, but no work was proposed within that area. There was deviation from the approved plan in which the approved drip line trench was replaced with a subsurface infiltration unit. A project change request was submitted to the Commission and staff requested that test pit data be provided at the location of the infiltration unit. The applicant provided an as-built plan showing the installed infiltration unit and letter from an engineer. Since the work had been completed, staff recommended the applicant submit a request for a Certificate of Compliance instead. According to the letter issued by the engineer, groundwater level was estimated based on the water level of Indian Lake which puts the elevation of the unit 2' higher than the estimated groundwater, the minimum difference needed to work properly. Staff believes this is an upgrade to what was originally approved but would have preferred that the change had been properly reviewed.

Mr. Flint explained the Commission has the option to issue the Certificate of Compliance, continue the hearing and request additional information, or deny the request. He added that the project was not required to meet the Stormwater Standards and did not need to provide infiltration. Staff conducted a site visit and confirmed that the site is stabilized.

Commissioner Fratoni asked if there is recourse a homeowner has if the Commission approves a project without properly vetting it. Mr. Flint explained that the homeowner would be responsible for any issue that pops up. The Certificate of Compliance is not a guarantee that the project will function as designed but rather a confirmation that the project met the conditions within the Order of Conditions. Ultimately, the engineer is the one that signed off on the infiltration unit and the project team would be responsible if the unit was not installed properly.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 to issue a Certificate of Compliance.

List of Exhibits:

Exhibit A: COC Request; dated 11/14/2024; submitted by Scott Savoie

Exhibit B: As-built Plan; dated 11/06/2024; prepared by Francis M. McPartlan, Dillis & Roy Civil Design Group

Exhibit C: Project Change Request Letter; dated 11/06/2024; prepared by Seth Donohoe, Dillis & Roy Civil Design Group

9) Enforcement Order and Violation Updates

- a. 99 Wildwood Avenue (CC-EO-2020-009)
- b. 166 Moreland Street (CC-EO-2020-011)
- c. 522 Grove Street (CC-EO-2020-014)
- d. 40 June Street Terrace (CC-EO-2021-004)
- e. 269 James Street (CC-EO-2021-007)
- f. 215 Lake Avenue (CC-EO-2022-007)
- g. 4 Tiffany Avenue (CC-EO-2023-001)
- h. 0 Mcavey Way & 1393 Grafton Street (CC-EO-2023-003)
- i. 265 Lake Avenue (CC-EO-2023-006)
- j. 570 Lincoln Street (CC-EO-2023-010)
- k. 198 Granite Street (CC-EO-2024-001)
- l. 3 Knollwood Drive (CC-EO-2024-002)
- m. 86 Webster Street (CC-EO-2024-003)
- n. Salisbury Hill (CC-EO-2024-005 & DEP#349-1253)
- o. 262 Mill Street (CC-EO-2024-007)
- p. 0 Grafton Street (CC-EO-2024-008)
- q. 22 Apthorp Street (CC-EO-2024-009)

Mr. Flint reviewed the enforcement order and explained that the applicant has provided a restoration planting plan for the buffer zone. During a resurvey of the fence, it was determined that the fence is located within the applicant's property and is not within the 15' buffer zone. Staff recommends the Commission amend the order to require the planting plan be implemented by May 31st, 2025, and that the planting's survivorship be monitored by staff.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 voted to amend the Enforcement Order as discussed.

r. 142-158 Wildwood Avenue (CC-EO-2024-010)

Mr. Flint explained that an Order of Conditions was issued for construction of 2 single-family homes in 2019. Staff received a report from Inspectional Services that there was an exposed steep slope at the

back of the property. Staff inspected the slope and noted that the slope was steeper and extended closer to the wetlands than what was approved. Staff issued an Enforcement Order requiring that additional erosion controls be installed, an as-built conditions plan and a plan showing how the site will be brought to final grades be provided.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 voted to ratify the Enforcement Order.

s. 51 Oriol Drive (CC-2024-011)

Mr. Flint explained that this project has an active Order of Conditions. Over the last few months, staff has observed multiple events of turbid water discharging from the site. The main source of sedimentation was from a poorly maintained construction entrance. Staff issued an Enforcement Order requiring additional inlet protection, replacement of the construction entrance, institution of wheel washing policy, and detailed SWPPP reporting. Since the order was issued, the applicant has worked on addressing the issues.

Mark Borenstein, Prince Lobel Tye LLP, on behalf of the applicant, reviewed the steps taken to address the issues. He explained that a holding pond has been installed at the entrance. The wheel washing area has been expanded, the riprap has been refreshed, and it is now pitched towards the holding pond.

Commissioner Canton asked about the timeline for the project. Taylor Webber, TCR, reviewed the timeline for the project.

Commissioner Fratoni asked who was responsible for monitoring the site during construction. Mr. Webber explained that the site foreman is responsible for daily monitoring of the site and SWPPP reporting. Mr. Webber also oversees the site. Mr. Borenstein explained that all staff have been made aware of the issue and will be vigilant to make sure it does not happen again.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 voted to ratify the Enforcement Order.

There was no discussion of items 9a-p.

10) Communications

a. Lake Quinsigamond Commission Meeting Notice

There was no discussion of item 10.

11) Approval of Minutes – 11/18/2024

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 voted to approve the minutes as presented.

12) Discussion of Active Projects

There was no discussion of item 12.

13) Special Conditions Template Update

Mr. Flint explained that staff revised the special conditions template used by staff when issuing an Order of Conditions. Areas of duplicative language within conditions have been removed. Additional conditions

have been added including a requirement to maintain maintenance records for stormwater infrastructure for 3 years and to be made available to the Commission upon request, a requirement to notify the new owner of the Order of Conditions if there is a change in ownership, and additional detail added to wetland replication and culvert standards.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 to approve the revised standard conditions template.

14) Open Space Discussion

a. Acceptance of Conservation Restriction for Cooks Pond North Forest

Mr. Flint explained that this property is part of conservation land tax credit program in which homeowners can donate their land for conservation purposes. To qualify for the tax credit, the land needs to be under a conservation restriction. Greater Worcester Land Trust will hold fee ownership of the property and will be granting a conservation restriction to the City of Worcester's Conservation Commission.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 to approve and accept the conservation restriction for Cooks Pond North Forest.

b. Referral of Petition from City Council – 1 Spring Lane (MBL 42-019-84-88)

Mr. Flint explained that 1 Spring Lane is currently held in tax title by the city. A petition was put to City Council to transfer ownership to the Conservation Commission. City Council has referred this to the Commission to get feedback on if the Commission would want to accept custody of the land. He explained that the property has wetlands and is connected to other conservation land. There is a little encroachment from one of the abutters.

Commissioner Fratoni asked if the city could sell the land once it has been transferred to the Commission for conservation purposes. Mr. Flint explained that property would be protected under Article 97 at that point, and it would be difficult to use land for anything other than conservation purposes.

Commissioner Nystrom expressed concern about the encroachment on the property. Mr. Flint explained that the abutters could be notified that the property is being transferred to the Conservation Commission and that dumping is prohibited.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 to support the transfer of 1 Spring Lane to the Conservation Commission.

c. Vote of Support for Gateway BioTech Park / Galaxy Conservation Restriction to be held by GWLT

Mr. Flint explained that Galaxy Reactory LLC will be granting Greater Worcester Land Trust with a conservation restriction on a property located off Belmont Street near Green Hill Park. The city would not be a party in the conservation restriction, but City Council does still need to approve it.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission voted 3-0 to support the granting of a conservation restriction from Galaxy Reactory LLC to Greater Worcester Land Trust.

15) Policies and Procedures

a. Elections

Mr. Flint explained that he plans on putting officer elections and liaison appointments on the December 30th agenda. He explained that the Commission will need to vote on the Chair and Vice Chair positions. He explained that Commissioner Fratoni would be willing to hold the Chair position. A liaison to the Lake Quinsigamond Commission will also need to be appointed. This position will require the attendance at the monthly Lake Quinsigamond Commission meetings.

Adjournment

Upon a motion by Commissioner Fratoni, seconded by Commissioner Nystrom, the Commission unanimously voted to adjourn at approximately 6:39 PM.