

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

October 3, 2011

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

Stefanie Wood – Chair
Jeremy Theerman
Jordan Berg Powers
Paul Franco
Jack Donahue
Mia McDonald
Joseph Wanat (absent)

Staff Present:

Jonathan P. Gervais, Department of Public Works & Parks
Luba Zhaurova, Division of Planning & Regulatory Services

CALL TO ORDER – 5:30 pm

APPROVAL OF THE MINUTES – The approval of the minutes was held.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS:**

1. **4-6 Meadow Lane:** Request for Determination of Applicability (CC-2011-034): Attn. Morris A. Bergman, representative for Brian O’Connell & Dorothy Hargrove, requested a postponement of the hearing to October 24, 2011 because the City Council is considering the matter the following day. Chair Wood stated that she wanted to relay some information she received from the Department of Environmental Protection. The item was suspended.

UNFINISHED BUSINESS

Public Hearing

2. **585 Lincoln Street:** Notice of Intent (CC-2011-035): Norman Hill of Land Planning, Inc., representative for Spectrum Health Systems, Inc., presented the petition. He stated that the upper half of the site is served by a new storm-septor and the new underground detention systems, and that there is an infiltration trench spilling into the detention systems serving the lower half of the site. He stated that while the impervious surface is increased, the site’s drainage system is improved, because previously there were no storm water facilities on site. Mr. Gervais stated that storm water calculations for the 25-year storm even have not been provided and that calculations indicate that post-development peak runoff rates are higher than pre-development peak runoff rates. Mr. Hill stated that he submitted revised storm water report addressing these issues. Upon a motion by Mr. Theerman and seconded by Mrs. McDonald, the Commission voted 6-0 to close

the Public Hearing. Upon a motion by Mr. Berg Powers and seconded by Mr. Franco, the Commission voted 5-0 (with Mr. Donahue abstaining) to issue an Order of Condition pending receipt and satisfactory review of the storm water calculations by the DPW&P.

Exhibit A: WPA Form 3 – Notice of Intent for 585 Lincoln Street; prepared by Spectrum Health Systems, Inc.; received 8/19/2011.

Exhibit B: Plan of Land for 585 Lincoln Street; prepared by Land Planning Inc.; dated 08/01/2011 (B-1); revised 9/13/2011 (B-2).

Exhibit C: Stormwater Report for Parking Lot Expansion at 585 Lincoln Street; prepared by Land Planning, Inc.; dated August 1, 2011 (C-1); revised (C-2)

Exhibit D: Memorandum from the Department of Public Works & Parks to the Conservation Commission; re: 585 Lincoln St – NOI; dated 9/9/2011.

Public Meeting

3. **55 Lake Ave North** - Request for Determination of Applicability to determine jurisdiction (CC-2011-033): Mark Armington presented the petition. Mr. Donahue stated that he attended a site visit and that in his opinion he did not see a connection of the wetland to a stream, as the elevation of the wetland was higher than the area west of it with the culvert, and therefore he considered it an Isolated Wetland, rather than Bordering Vegetated Wetland. Chair Wood asked if the applicant would be willing to replicate wetlands elsewhere. Scott Goddard, engineer, stated that he believed the wetland was not properly classified previously and was always an isolated wetland. Mr. Berg Powers was concerned that the amount of construction in the area might have caused the originally bordering vegetated wetland to shrink and to become an isolated wetland. Mr. Goddard stated that change over time is hard to evaluate but that the Commission is tasked with looking at the current site conditions. Mr. Theerman stated that he would like to ask the applicant to replicate the wetland, since otherwise there would be a net loss of the wetlands in the City. Mr. Donahue and Ms. McDonald both stated that they though the wetland was not under Conservation Commission jurisdiction and would like to see it replicated if possible. Mr. Berg Powers was disinclined to vote for a negative determination. Mr. Armington stated that he would advocate to the Medical School to replicate the wetland on other side of Route 9, but that he cannot promise it.

Upon a motion by Mr. Donahue and seconded by Mr. Franco, the Commission voted 4-2 (with Mr. Theerman and Commissioner Berg Powers voting no) to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: WPA Form 1 – Request for Determination of Applicability for UMASS Medical School, 55 Lake Avenue North with a cover letter dated August 1, 2011; received August 2, 2011.

Exhibit B: Plan of Land for MASS Medical School, 55 Lake Avenue North; prepared by Cullinan Engineering; dated 01/31/2011.

Exhibit C: Memorandum from the Department of Public Works & Parks to the Conservation Commission; re: 55 Lake Avenue North – NOI; dated 8/19/2011.

Exhibit D: Site Photographs distributed by the applicant to the Conservation Commission at the 8/22/2011 meeting.

Exhibit E: Letter (e-mail) from Mark Armington to the Conservation Commission requesting a continuance to September 12, 2011; dated September 9, 2011.

4. **4-6 Meadow Lane:** Request for Determination of Applicability (CC-2011-034): Chair Wood stated that she spoke with Phil Nadeau of the Department of Environmental Protection who told her that “exemption is only required if it is forbidden on its face” relating to the fact that snow removal was not specifically disallowed in the state regulations, and therefore there is no need to have an exemption for it. Chair Wood stated that sodium chloride is not a listed state or federally regulated compound. Mr. Franco and Mr. Donahue stated that they wished DEP would issue this statement in writing. Mr. Bergman disagreed with the DEP statement and also asked that it would be in writing. Upon a motion by Mr. Berg Powers and seconded by Mr. Franco, and per the applicant’s request, the Commission voted 6-0 to continue the hearing to October 24, 2011.

5. **395 Bridle Path – Request for Determination of Applicability (CC-2011-036):** Robyn Ryan, petitioner, was present. Mr. Donahue and Chair Wood stated that they attended a site walk. Chair Wood stated that she saw no soil disturbance at the location, and that the property is very close to the water edge. She specified some debris control measures based on the Best Management Practices for the applicant at the site walk.

Upon a motion by Mr. Franco and seconded by Mr. Donahue, the Commission voted 6-0 to issue a negative Determination of Applicability for 395 Bridle Path.

List of Exhibits:

Exhibit A: WPA Form 1 – Request for Determination of Applicability for 395 Bridle Path; prepared by Robin C. Ryan; received August 19, 2011.

Exhibit B: Certified Plot of Land for 395 Bridle Path; prepared by HS&T Group, LLC; dated 4/6/11; revised by the applicant on 9/23/2011.

Exhibit C: Memorandum from the Department of Public Works & Parks to the Conservation Commission; re: 395 Bridle Path – RDA; dated 9/9/2011.

NEW BUSINESS

Public Meeting

6. **141 Grove Street (Worcester Fire Fighters Memorial)** - Request for an Extension to the Order of Conditions (CC-2005-020): Attorney Michael C. Moschos, representative for Worcester Fire Department, Worcester Fire Fighter memorial, Inc. and the Leary Firefighter’s Foundation, petitioners, stated that the petitioners are seeking a second 3-year Extension to the Order of Conditions for the Fire Fighters Memorial. He stated that presently on the site are Fire Department headquarters. Attn. Moschos stated that he believed there is no stated limit of allowed extensions.

Upon a motion by Mr. Franco and seconded by Mr. Donahue, the Commission voted 6-0 to Extend the Order of Condition for 3 years.

List of Exhibits:

Exhibit A: Letter from Michael C. Moschos to Worcester Conservation Commission; re: Request for an Extension of Order of Conditions; dated 7/29/2008.

OTHER BUSINESS

7. **1119-1121 Grafton Street (WCC-2006-088):** Chair Wood asked that staff follow up with Mr. Bianco of LGN, Inc regarding the Enforcement Order sent to his company.
8. **Ken Burns Bridge replacement on Route 9 (CC-2011-002):** Alex Murray of Massachusetts Department of Transportation informed the Commission of upcoming minor modifications with respect to a round-about associated with Route 9 upgrades. He stated that the impervious surface will be decreased as a result of the project. Chair Wood thanked Mr. Murray for the update.
9. **14 Ada Street – Enforcement Order:** Gerard Aubin, the owner, stated that the brook in the rear of his property over time increased the intensity of its flow and is slowly eroding his land. He stated that the river washed away the freestanding garage and has flooded the basement of the house several times during heavy rains. He stated that 3 of the 4 trees in the rear of the property have been washed away by the storm, as well as the granite retaining wall that has been eroded over time and now looks like a pile of granite rocks. He was concerned that the 4th tree is close to collapsing into the river as well. Mr. Gervais confirmed that the granite rocks are remnants of the eroded granite retaining wall and that he can talk to the Sewer Department to see if the water discharge into the river has increased over time, or if it is a function of increasing frequency of storm events in the recent past. He stated that brooks meander naturally over time and that the area has had flooding issues in the past. Chair Wood asked if the City could stabilize the bank for free. Mr. Gervais was not sure the City would be able to do it. Chair Wood requested a site walk be conducted on site in order to assess the situation and possible emergency measures and asked staff to coordinate it. Mr. Gervais suggested that the last remaining tree is cut down, so that the remaining root bulbs keeps the brook bank from destabilizing further.
10. **Salisbury Hill Estates:** Mr. Donahue stated that he appreciates the efforts to compile and share monitoring reports with the Commission.

ADJOURNMENT

Upon a motion by Mr. Franco and seconded by Mr. Theerman, the Commission voted 6-0 to adjourn the meeting at 7:05 pm.