

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

April 9, 2012

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

Stefanie Wood – Chair (absent)
Jeremy Theerman – Acting Chair
Jordan Berg Powers (absent)
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: The Chair called the meeting to order at 5:35 pm.

APPROVAL OF THE MINUTES: Upon a motion by Mr. Franco and seconded by Ms. McDonald, the Commission voted 4-0 to approve the 2/27/2012 minutes. Approval of the 3/19/2012 minutes was held.

UNFINISHED BUSINESS:

Public Hearing

1. **373-375 Bridle Path (CC-2012-005) – Notice of Intent:** Kevin Parvin, the applicant, presented the petition. Chair Theerman stated that Ms. Wood, Mr. Donahue and he conducted a site visit on April 4, 2012. Mr. Donahue stated that the Commissioner then made recommendations to the applicant with respect to mitigating a potential of construction debris getting into the lake. Mr. Parvin distributed revised plans (Exhibit D) and stated that the revisions were aimed at addressing Commission’s comments after the site visit. He stated that 15-ft and 30-ft buffers were added as well as additional erosion and sedimentation controls. Mr. Parvin stated that demolition of the building will take place in section to reduce amount of demolition dust and that some netting across the deck will be installed during demolition and excavation.

Chair Theerman expressed concern with a note on the plan stating that structural changes as needed will be done to a retaining wall and stated that he was not comfortable approving this “blank check”. Mr. Parvin stated that he was not sure what the amount or extent of work that will need to be done to the wall until the work commences. Chair Theerman requested that Mr. Parvin

comes back in front of the Commission if the work on the wall will be more extensive than just repair.

Mr. Gervais stated that he was amenable to approving this project and that the original DPW&P comments were addressed by the applicant.

Upon a motion by Mr. Franco and seconded by Mr. Donahue, the Commission voted 4-0 to close the Public Hearing. Approval of the issuance of the Order of Conditions was held to the end of the meeting.

List of Exhibits:

Exhibit A: Notice of Intent Application for 373-375 Bridle Path submitted by Kevin Parvin; received March 6, 2012.

Exhibit B: Site Plan for 373-375 Bridle Path; prepared by ASA Engineering; dated 1/11/2012.

Exhibit C: Photographs of the site submitted by Kevin Parvin to the Conservation Commission on March 19, 2012.

Exhibit D: Site Plan for 373-375 Bridle Path; prepared by ASA Engineering; dated 1/11/2012 as revised 4/11/2012.

Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 373 Bridle Path - NOI; dated March 16, 2012.

NEW BUSINESS:

Public Hearing

2. **100 & 120 Institute Road, 210 West Street, 30 Boynton Street and 111 Park Avenue (CC-2012-006):** Kristin Kent of Vanasse Hangen Brustlin, Inc., environmental scientist and representative for Worcester Polytechnic Institute and First Baptist Church of Worcester, applicants, stated that the applicant is seeking to construct a 171,000 SF artificial turf athletic field on top of a +/- 534 space parking field, with associated parking, utilities, and stormwater management system improvements, which would take place within 100-ft Stormwater Protection Zone. Mr. Donahue asked what the percentage of the impervious area is to be taken out and/or replaced. Justin Dutresne of Vanasse Hangen Brustlin, Inc., civil engineer, stated that the existing softball field, which is pervious, will be replaced with impervious garage and a synthetic field on a top. Additionally, a new access driveway with a bus turn-around will be added. To compensate for the increase in impervious surface, he stated that the applicant is proposing an underground stormwater management system and rain gardens.

Mr. Gervais stated that the submitted Stormwater Management Report (Exhibit C) meets DEP and DPW&P standards.

Upon a motion by Mr. Franco and seconded by Ms. McDonalds, the Commission voted 4-0 to close the Public Hearing. Approval of the issuance of the Order of Conditions was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Notice of Intent Application; received March 21, 2012; prepared by Vanasse Hangen Brustlin, Inc., representative for Worcester Polytechnic Institute and First Baptist Church of Worcester, applicants.
- Exhibit B: Definitive Site Plan; prepared by Vanasse Hangen Brustlin, Inc.; dated 3/8/2012.
- Exhibit C: Stormwater Management Report for WPI Athletic Fields and Garage; prepared by Vanasse Hangen Brustlin, Inc.; dated March 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: [subject heading]; dated [date].

3. **83 (aka 85) Lake Avenue (CC-2012-007) – Notice of Intent:** Matthew Labovites of DPW&P, the applicant, and Carol Rego of CDM Smith Inc., applicant’s representative, presented the project. Ms. Rego stated that DPW&P is seeking to upgrade the existing Lake Avenue Wastewater Pumping Station which include: 1) removal of the existing 5,000 gallon above-ground diesel fuel tank; 2) removal of the existing 3,000 underground storage tank storing no. 2 heating oil; 3) installation of a new generator to supply emergency power; 4) installation of pitched housekeeping pad at generator fuel tank fill location; 5) site grading and new curbing installation to contain any emergency spills; and 6) upgrading of the existing catch basins. She stated that the existing building was rebuilt in 1970-s and that the purpose of the project is to mitigate overflows into Lake Quinsigamond. She stated that the project will increase capacity of the station by installing new pumping equipment inside the building. The project would result in a 300 SF increase in impervious surface.

Mr. Donahue asked if there is a plan in place for transition from the old pump to the new one. Ms. Rego said that there will be a bypass system used during the transition.

Chair Theerman asked if soil pollution testing was performed around the diesel tank to be removed. Ms. Rego said yes and that results came back negative for any soil contamination.

Mr. Gervais stated that the project is considered to be redevelopment and therefore does not have to meet strict DEP stormwater standards, but only meet them to the maximum extent practical. He stated his support for the project.

Chair Theerman stated that he is satisfied with the project and that he considers it an overall improvement to the site.

Upon a motion by Ms. McDonald and seconded by Mr. Franco, the Commission voted 4-0 to close the Public hearing. Approval of the issuance of the Order of Conditions was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Notice of Intent Application; received March 22, 2012; prepared by Worcester Department of Public Works & Parks.
- Exhibit B: Site Plan for Lake Avenue Wastewater Pumping Station Upgrade; dated 2012; received March 22, 2012; prepared by CDM Smith.

- Exhibit C: Checklist for Stormwater Report for the Lake Avenue Wastewater Pumping Station Upgrade; dated April 9, 2012.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Lake Avenue Pump Station – NOI; dated April 5, 2012.

Public Meeting

4. **21 Anderson Avenue (CC-2012-008) - Request for Determination of Applicability:** Stephan Wollenburg, the applicant, stated that he is seeking a determination as to whether the proposed work 1) to bring in a fill to level the back yard (seeking retroactive determination); 2) install a 4.5-ft high fence enclosing the back yard; 3) seed the area & plant a vegetable garden, and 4) plant erosion control plants on the slope nearest to the stream; is subject to the Wetlands Protection Act and jurisdiction of the City of Worcester Wetlands Protection Ordinance. Mr. Wollenburg stated that he did not do any further work on the site since the Commission contacted him.

Mr. Donahue stated that he, Mr. Theerman and Ms. Wood did a site visit and requested that the applicant not plant invasive species in the rear of the site. Mr. Wollenburg was amenable to that condition.

Upon a motion by Mr. Donahue and seconded by Mr. Franco, the Commission voted 4-0 to issue a negative determination of applicability with a condition that proposed erosion control plantings in the rear of the site will not be invasive or potentially invasive species of New England.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability Application; received March 27, 2012; prepared by Stephan Wollenburg.
- Exhibit B: Layout of proposed and completed work for 21 Anderson Avenue; dated March 26, 2012.
- Exhibit C: Photographs of the site; dated March 26, 2012.

OTHER BUSINESS:

5. **8 Parsons Hill Drive:** Patricia Weldon, the owner, stated that she would like to remove vegetation that was killed or damaged during the last ice storm in the rear of her property next to a pond and to put some rocks to restore a shore that she stated degraded over the years. Chair Theerman requested that Ms. Weldon submits a Determination of Applicability.
6. **500 Salisbury Street (Assumption College):** Matthew Chase of VHB, Inc. stated that Assumption College is seeking to make improvements to its driveway and parking area which would necessitate grading work in the Stormwater Protection Zone and associated stormwater management system upgrades. Mr. Chase stated that the project's desired outcome is to improve the internal queuing capacity and that some grading within 30-ft buffer of a wetland is proposed. Mr. Gervais noted that it appears the project would result in a slight decrease of impervious surface. Ms. McDonald stated that the Commission generally does not even allow a fence within a

30-ft buffer and asked the proponents to consider other innovative solutions and best management practices to avoid that.

List of Exhibits:

Exhibit A: Assumption College – Driveway Entrance Concept Plans; prepared by Vanasse Hangen Brustlin, Inc.; dated April 9, 2012.

Exhibit B: Photograph of 500 Salisbury Street entrance; received April 9, 2012.

7. **Enforcement Order Update** - 1121 Grafton Street - (CC-2006-088): The owner was not present. Mr. Donahue recused himself.

Chair Theerman stated that the Commission has received information about proposed catch basin insert filters and asked if with the inserts, the testing of the stormwater unit can continue. Mr. Gervais stated that the units with inserts in them cannot be tested, but that L&L should continue testing on its other units. Mr. Gervais expressed concern with potential ongoing maintenance issues, because inserts have to be inspected and maintained 4-5 times a year for the lifetime of the inserts, and he was concerned that it would not happen. Ms. McDonald stated that the inserts do not appear to be a permanent solution but that they should be temporarily installed for about a year until a more permanent solution is found. Mr. Gervais stated that his impression was that the applicant proposed the inserts as a permanent solution. He stated that for testing to be completed the applicant would need about 40 rain events, and that could take longer than a year.

Chair Theerman stated that he believed Mr. Bianco “wasted Commission’s good will” and that the existing enforcement order should be referred to the Law Department.

Ms. McDonald expressed concern with existing businesses being disrupted during the stormwater unit being replaced. Mr. Gervais stated that the owner was aware of the non-compliance issue before he allowed businesses into his establishment. Ms. McDonald asked how long would the project take. Mr. Gervais stated that he believed it could be done with minimal disruption by cornering off a part of the parking lot for a few days. Ms. Zhaurova stated that she believed the owner demonstrated his unwillingness to comply with the current Enforcement Order and recommended that the Commission requests the Law Department to pursue other options to obtain compliance.

The Commission indicated a willingness to request the Law Department to seek injunctive relief but lacked a quorum to take action and continued the meeting to April 30, 2012.

8. **Enforcement Order** - 187 Greenwood Street (CC-EO-2012-001): Mr. Gervais informed the Commission that the applicant is in process of filing for a Notice of Intent but has not done so yet. Chair Theerman asked that the item is kept on the agenda under Other Business until the Commission receives Notice of Intent application.
9. **Ellis Drive** - Informal discussion / potential for an Enforcement Order: Mr. Donahue stated that he did a site visit and is still familiarizing himself with file contents that staff made copies of for all the Commissioners. Mr. Gervais stated that to his knowledge the City does not have a record of as-built plans. Chair Theerman requested that staff sends a letter to the owner requesting submittal of

as-built plans. Mr. Donahue raised a question as to whether the Commission has authority to require an applicant to apply for a Certificate of Compliance. Chair Theerman stated that he did not believe the project warranted a new enforcement order as there was an outstanding one already on record. He asked that staff requests the applicant to attend the next meeting.

10. Received Communication: The Commission did not take any action on received communication.

11. Proposed 2012-2013 Meeting Schedule: Upon a motion by Mr. Donahue and seconded by Mr. Franco, the Commission voted 4-0 to accept the proposed Meeting Schedule.

12. Discussion & Issuance of Orders of Conditions as relevant to a hearing closed 4/9/2012: Upon a motion by Mr. Franco and seconded by Mr. Donahue, the Commission voted 4-0 to approve issuance of Orders of Conditions for the following projects:

- 373-375 Bridle Path (CC-2012-005)
- 100 & 120 Institute Road, 210 West Street, 30 Boynton Street and 111 Park Avenue (CC-2012-006)
- 83 (aka 85) Lake Avenue (CC-2012-007)

ADJOURNMENT:

Upon a motion by Mr. Franco and seconded by Mr. Donahue, the Commission voted 4-0 to adjourn the meeting at 7:40 pm.