

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

January 25, 2016

WORCESTER CITY HALL – ESTHER HOWLAND CHAMBERS

Conservation Commission Members Present: Joseph Charpentier
Peter McKone-Arrived late
Amanda Amory
Jordan Berg Powers - Arrived late
Henry Fields

Member Absent: Stephanie Wood. Chair

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

CALL TO ORDER: 5:30 P.M.

APPROVAL OF MINUTES: 12/7/2015, 11/16/2015, 11/2/2015, & 10/19/2015-Minutes held.

REQUESTS FOR CONTINUANCES, POSTPONEMENTS, WITHDRAWALS

1. 0 & 9 Hemans Street and part of 40 Milton Street (MBL 09-030-007-2, 09-030-00009 & 09- 030-00004) (CC-2015-055)

Application: Notice of Intent

Applicant: John Boggia of JNBB, LLC

Project: The demolition of the existing structure on-site and the construction of three multi-family high-rise dwellings (a total of 93 dwelling units) and associated off-street parking along with related grading, utilities, 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 – 1/25/2016

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory, the Commission voted 4-0 to postpone the item until the March 14, 2016 Conservation Commission meeting and to extend the constructive grant deadline until April 5, 2016.

List of Exhibits:

Exhibit A: 0&9 Hemans Street; submitted by John Boggia of JNBB, LLC; received September 1, 2015; dated June 16, 2015.

- Exhibit B: 0&9 Hemans Street plan; prepared by H.S.&T. Group Inc.; dated September 2, 2015.
- Exhibit C: Request for Postponement dated December 10, 2015; received December 10, 2015.
- Exhibit D: Request for Postponement dated January 20, 2016 and received January 26, 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 – 1/25/2016

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory the Commission voted 4-0 to postpone the item until the February 22, 2016 Conservation Commission meeting and to extend the constructive grant deadline until March 14, 2016.

List of Exhibits:

- Exhibit A: Webster Street Tap Line; submitted by vhb received December 19, 2015; dated November, 2015.
- Exhibit B: Request for Postponement dated December 7, 2015; received December 7, 2015.
- Exhibit C: Request for Postponement dated January 20, 2016 and received January 26, 2016.

3. Requests for Certificate of Compliance:

- a) 501-505 Mill Street (CC-2001-027)

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory the Commission voted 4-0 to postpone the item until the February 22, 2016 Conservation Commission meeting and to extend the constructive grant deadline until March 15, 2016.

UNFINISHED BUSINESS – Notices of Intent:

4. 500 Salisbury Street (MBL 55-004-00001) (CC-2015-078)

Application: Notice of Intent

Applicant: Assumption College

Project: Construction of a ~59,594 SF academic center and associated pedestrian and vehicular access, along with grading, paving, utilities, and site work on property located at 500 Salisbury Street.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone.

Public Hearing Opened: 1/4/2016

Paul McManus from EcoTec, Inc. appeared on behalf of the item. He stated that the building is on the interior of the campus and this is filing under the ordinance only and work has been kept out of the buffer and ANRAD has been filed showing the boundaries and DPW had requested three changes on the plan and those changes have been made by Quinn Engineering. He stated that they have just received letter from DPW that plan meets the standards and reviewed the revised plans with the Commission.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory the Commission voted 4-0 to close the public hearing.

List of Exhibits:

Exhibit A: 500 Salisbury Street; Notice of Intent Application submitted by Assumption College; received December 15, 2015; dated December 15, 2015.

Exhibit B: 500 Salisbury Street; prepared by Quinn Engineering, Inc.; dated November 12, 2015.

Exhibit C: Memorandum from the Department of Public Works & Parks to the Conservation Commission re: 500 Salisbury Street; dated December 28, 2015.

NEW BUSINESS – Requests for Determination of Applicability:

5. Portions of the following Right of Ways: Goddard Memorial Drive, Parsons Hill Drive, Nutmeg Drive, Ledgecrest Drive, Coppage Drive, & Airport Drive (CC-2015-084)

Application: Request for Determination of Applicability

Applicant: Massachusetts Electric Company

Project: To seek determination as to whether or not the work/area associated with the replacement and installation of ~10,000 linear feet of underground cable line and associated site work, within the following Right-of-Ways: Goddard Memorial Drive, from Apricot Street to Airport Drive; Parsons Hill Drive, from Goddard Memorial Drive to Nutmeg Drive; Nutmeg Drive, from Parsons Hill Drive northerly ~1,000 ft.; Ledgecrest Drive, from Beatrice Drive to Nutmeg Drive; Coppage Drive, from Goddard

Memorial Drive northwesterly ~750 ft.; & Airport Drive, from Goddard Memorial Drive northwesterly ~3,500 ft., is subject to the Commission's jurisdiction.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer zone to various bordering vegetated wetlands, associated with various unnamed perennial streams, and to the Bank of a perennial stream, and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WPO – 2/4/2016

Amanda Crouch Smith with Tighe and Bond representing Massachusetts Electric appeared on behalf of the item. She stated that they are planning a 10,000 foot linear foot cable replacement within the existing paved roadway and this is a local ordinance filing only. She stated that work will occur within the 30 foot and 15 foot buffer zone bordering the vegetated wetland and it amounts to 143 square feet of work within that 15' zone. She stated that the trench will be two feet wide and cable will be buried three feet and back filled and area will be returned in kind. She stated that with regard to DPW's memo with regard to protection of catch basins they will install silt sacks.

Commissioner Berg-Powers asked if the applicant was burying line above ground. Ms. Smith stated no they are replacing what is underneath.

Commissioner Berg-Powers asked if any material would be stock piled. Ms. Smith stated if any stockpile it would be outside the buffer zone but typically it trucked off with this type of project.

Commissioner Berg-Powers asked for the sequencing of the project.

Ms. Smith stated that the stated that the applicant is hoping for a Spring start and once work begins it would take 1-2 weeks.

Commissioner Berg-Powers asked how the area is to be re-seeded. Ms. Smith stated it would just be re-seeded so it would be an appropriate seed mix and everything would be restored in kind.

Ms. Smith stated that the work within the buffer zone would require a waiver of the performance standard and that needs to be cover in the Commission's vote.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory the Commission voted 4-0 to issue a Negative Determination Applicability with the condition that amendment to work within the 15' buffer and a report on what holes would need silt sacks and what areas would be stockpiled be provided to the Commission.

List of Exhibits:

Exhibit A: Goddard Memorial Drive, Parsons Hill Drive, Nutmeg Drive, Ledgercrest Drive, Coppage Drive, & Airport Drive; submitted by Tighe & Pond; received December 21, 2015; dated December 2015.

New Business – Notices of Intent:

6. 635 & 645 Grove Street (MBL 21-031-00002 & -00001) & within the Grove Street Right-of-Way (CC-2015-076)

Application: Notice of Intent

Applicant: Holy Trinity Armenian Apostolic Church

Project: Retroactive approval of the installation of a water level control device (also known as a beaver deceiver), in the outflow structure for Kiver Pond along with associated site work on property located at 635 & 645 Grove Street (MBL 21-031-00002 & 21-031-00001) and within the Grove Street Right-of-Way.

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal occurred within Kiver Pond, and associated land under water, and within the 100 ft. buffer zone to the bank of Kiver Pond and its associated unnamed stream

Public Hearing Opening Deadline: WPA – 12/28/2015; WWPO - 1/21/2016

Rich Greenhalge, Chairman of the Board of Trustees for the Holy Trinity Apostolic Church appeared on behalf of the item. He stated that they are in here in response to a complaint from a neighbor that beaver deceivers were installed at the Kiver Pond Spillway. He stated that this Spring a beaver decided to build a dam at the spillway and blocked the spillway and if that spillway gets block it floods the parish hall basement as well as the parish church hall. He stated that another concern is that back in 2008 Massachusetts DCR sent the church a letter that the spillway was a hazard dam structure at which point they hired an environmental engineer and DCR reversed that decision and part of their determination was that if they do anything to raise the water that they would revisit so the beaver building a dam there as a concern. He stated that they have installed pipes to keep the water flowing to not try and not hurt the beaver as it would upset some of the parishioners. However, the beaver was killed crossing the road but the dam is still there and the water is still flowing and they haven't chance to dam it and it is their request is to keep the water flowing over the spillways as it has been over the past twenty years and would request guidance from Commission.

Commissioner Charpentier stated that he reviewed the materials regarding the history of the dam and stated there also appears to be some weed growth in the dam.

Mr. Greenalge stated that some neighbors had come to the church a few months ago to talk about weed growth and it was summer so there was excessive weed growth and they discussed options and the neighbors wanted to raise the water which would be a major concern to the church and told the neighbors that they would be happy to explore other options but raising the water was not an option. He stated that the pond is an asset to the church and they don't want to do any harm to the pond and the pond is at most 3' and lots of silt and sediment comes from upstream but they don't have the money to rebuild the spillway.

Commissioner Charpentier stated that since there is no beaver there would the church like to remove the dam. Mr. Greenlodge stated that would be great and they would leave the deceivers there and blow them up every once a while to keep the water out but asked if another beaver comes back and wants to build a dam what would be their options.

Commissioner Berg-Powers stated that the staff memo recommends that if another beaver comes back that the church should notify the Health Department so they could figure out a way to best remove it in a safe way if it causing problems but when thinking about the pond the church best option would be to ask first before work is done and his preference would be to just remove the dam and if something happens the church should notify staff.

Commissioner Amory stated that she would agree with Commissioner Berg-Powers and stated the church should keep the Commission informed.

Ms. Smith stated that memo had been issued with information reviewing what options would be available if there is a beaver issue at a property but the best option would be to contact the office and they could review what would need to be done and staff would recommend for current problem that the church submit a design plan and maintenance plan for the property.

Commissioner Amory asked if they are giving permission to take down the dam.

Ms. Smith stated that if that is what the Commission is going to recommend that she would suggest that additional information be provided such as when would dam be removed, who would remove and make sure that no equipment is used so it be a summary of what the church would do.

Commissioner Berg-Powers stated that can be done when they review the Order of Conditions.

Mr. Greenalge stated the dam is currently breached and water is flowing through both sides and there is about 2" over the spillway and their plan is to go in and do hand removal of the dam and they expect it to take two to three days to complete.

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

List of Exhibits:

Exhibit A: 635 & 645 Grove Street; submitted by Holy Trinity Church; received December 7, 2015; dated December 7, 2015.

Exhibit B: 635 & 645 Grove Street Plan; prepared by Alton D. Stone; dated August, 2011.

Exhibit C: DPW memo re: NOI-CC-2015-076 dated January 22, 2016; received January 22, 2016.

7. 500 Salisbury Street (MBL 55-004-00001) & Nelson Place Right-of-Way (CC-2016-001)

Application: Notice of Intent

Applicant: Massachusetts Electric Company

Project: The removal and relocation of two utility poles from a Bordering Vegetated Wetland, as well as the replacement and installation of various other utility poles, along with associated site work, including vegetation

removal, on property located at 500 Salisbury Street and within the Nelson Place Right-of-Way

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within a bordering vegetated wetland and within the 100' buffer zone to a bordering vegetated wetland and/or inland bank associated with an unnamed stream and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 1/28/2016; WWPO - 2/21/2016

Theresa Pataunte from BSC Group appeared on behalf of Massachusetts Electric Company.

Ms. Pataunte stated that two poles need to be removed and they are currently located in the wetland and stated that they to re-locate pole 1 and showed on plan where it would be located. She stated that the temporary impacts will affect about 2600 sf and they will use temporary swamp maps to access the area. She stated that they will have erosion controls and will monitor area and once the work is done they will remove the swamp maps and any impacted soil will be returned to pre-existing conditions.

Commissioner Charpentier asked if pole #1 was being moved closer to the wetland.

Ms. Pataunte reviewed where pole would be relocated too and stated that the area is gravel and an existing disturbed area.

Commissioner Charpentier asked if there were only swamp maps to the north of the site as it was the only access point.

Ms. Pataunte stated that at this time access has not been solidify as they aren't sure what type of equipment they are going to use but they can coordinate with the Commission once that has been determined.

Commissioner Amory asked if pole #1 would be outside the 15' buffer.

Mr. Pataunte stated that according to their estimates it right on the edge of the parking area.

Commissioner Charpentier asked if it was possible to pull it back a few feet from the buffer. Ms. Pataunte stated that they can coordinate with the engineer and see if that possible.

Commissioner Charpentier asked a timeline for the work. Ms. Pataunte stated that at this time they do not have a timeline but they can contact the Commission when they will begin.

Mr. Kochling asked if possible just not to remove the pole so that way there no disturbance to the wetland. Ms. Pataunte stated yes but stated one pole is currently tied to a tree so there may be a safety issue so she cannot comment whether they can leave poles in and she can discuss that with the client.

Commissioner McKone suggested that they could just cut the pole and pick up with a crane.

Ms. Pataunte stated that she not sure a crane could get into the area.

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

List of Exhibits:

- Exhibit A: 500 Salisbury Street; submitted by BSC Group; received January 7, 2016; dated January 4, 2016..
- Exhibit B: 500 Salisbury Street Environmental Resources Map; prepared by BSC Group; dated December 11, 2015.
- Exhibit C: DPW memo re: NOI-CC-2015-076 dated January 22, 2016; received January 22, 2016.

8. 50 Winneconnett Road, 6 Mohican Road, & within the Mohican Road Right-of-Way (MBL 46-001-005-7 & 46-001-001-4) (CC-2016-002)

Application: Notice of Intent

Applicant: William Dowell, of Mohican Solitude, LLC

Project: The construction of a ~9,300 SF footprint, 21 unit multi-family dwelling, associated surface parking area for 10 cars, along with related grading, utilities, and site work on property located at 50 Winneconnett Road, 6 Mohican Road, & within the Mohican Road Right-of-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 - 2/22/2016

Andy Baum from Summit Engineering and New England Land Survey appeared on behalf of the application.

Mr. Baum stated that this is a 21 unit residential complex. He stated that this project triggers the Notice of Intent Application due to the two catch basins at the bottom of Mohican Road. He stated that this is a relatively simple project and stated they have received DPW comments and there is a plunge pool in place.

Mr. Kochling stated that he did see them on the site walk but just wants to make sure it listed on the plan.

Mr. Baum stated that the erosion controls have been added to the E&S sheet and with regard to the stabilization of the slope it is a 2:01 slope and it is mulched with a knee wall.

Mr. Kochling stated that during construction they would like to see some hay bales and silt fences as area is steep.

Commissioner Charpentier asked if there was erosion control listed on the plan.

Mr. Baum stated that there is a seven plan sheet set with that.

Commissioner Charpentier stated with regard to the current Mohican Road it looks like there is pavement at the bottom of the parcel and asked if that was correct and asked where the pavement ends.

Mr. Baum showed on the plan where it was located.

Commissioner Charpentier asked if current slope was wooded. Mr. Baum stated yes.

Commissioner Charpentier asked if there was a plan for runoff during construction. Mr. Baum stated that a distilling basin has been constructed that collects water and there are erosion control barriers around it and it will be graded and the water will be deterred to there.

Commissioner Charpentier asked if the placement of the catch basins was acceptable to DPW. Mr. Kochling stated that it was and the plan had gone through Planning Board approval.

Commissioner Berg-Powers asked about snow storage. Mr. Baum reviewed on the plan the placement of snow.

Commissioner Charpentier asked Mr. Baum to review on the plan the where the infiltration devices would be on the site

Commissioner Amory asked if the expectation was that the water would all go into city system and not to the abutting lots. Mr. Baum responded yes.

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

List of Exhibits:

- Exhibit A: 50 Winneconnet/6 Mohican Road; submitted by William Dowell-Mohican Solitude LLC; received January 12, 2016; dated January 12, 2016.
- Exhibit B: 50 Winneconnet/6 Mohican Road; prepared by Andrew Baum; dated November 5, 2015.
- Exhibit C: DPW memo re: NOI-CC-2016-002 dated January 22, 2016; received January 25, 2016.

Other Business:

9. Enforcement Order Updates:

- a. Arboretum Village Estates (CC-EO-2015-005)
No update.
- b. 181 Lake Avenue (CC-EO-2015-006)
No update.
- c. Goldthwaite Road (Burncoat Gardens Phase I & V) (CC-EO-2015-007)
Mr. Kochling stated that they have staggered the lots and there are no noticeable issues.
- d. Pierce Avenue (Burncoat Gardens Phase IV) (CC-EO-2015-008)
Mr. Kochling stated that there doesn't seem to be any issues with the site.
- e. 27 New Street Extension (CC-EO-2015-009)
No update.

- f. 149-151 Lake Avenue (CC-EO-2015-010)

Ms. Smith stated that they have not received plans from the owner.

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

Mr. Kochling stated that he had stopped by the site is there no activity at the site.

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

Ms. Smith stated that the Enforcement Order was sent but the certified mail return receipt card has not been returned signed and they have sent one by regular mail and no response. The next alternative is to have delivered by constable and they will provide update at next meeting on item.

10. Requests for Certificate of Compliance:

- a. Whippoorwill Drive (CC-2004-059)

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 4-0 to issue a partial certificate of compliance.

- b. Whippoorwill Drive (CC-2014-020)

50 Winneconnett Road & Mohican Road Right-of-Way (CC-2015-026)

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 4-0 to issue a certificate of compliance.

11. Arboretum, Phase IV (CC-2009-042) - Violation Letter & Request for Determination of Action Required due to a Project Change

Ms. Smith stated that staff had requested an updated plan be provided in response to the violation letter sent with regard to the temporary sediment basins and stated that the plan has been received by EcoTec and the Commission would need to vote on the changes and determine whether or not the applicant would need to file an amendment to the existing order of conditions.

Mr. McManus stated that there was a sketch plan submitted and DEP called and wanted to see the site and that was done and DEP asked that some check dams be submitted on the plans and that was added.

Commissioner Charpentier stated that if the plans had been updated that is good and the biggest concern was the sediment basins and that has been addressed.

Mr. Kochling stated that the what has been proposed should work for the time being.

Commissioner Berg-Powers stated that is line what the Commission asked for.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory the Commission voted 5-0 that this change was inconsequential to the plan and requires no further action.

12. Communication:

- a. Salisbury Hill 2015 Stormwater System Monitoring; from Peoples Engineering; received 12/23/2015; per Order for CC-2001-071.

Ms. Smith stated that staff has not had chance to follow up but can provide update at next meeting.

- b. MACC Annual Environmental Conference 2016; from Massachusetts Association of Conservation Commissions; received 1/5/2016.

No comment.

- c. City of Worcester Parks Department Shore Park Improvements, 85 Shore Drive, Project Comments; from Massachusetts Historical Commission; received 1/8/2016.

No comment.

- d. "Downstream", Fall 2015; from Department of Conservation and Recreation Division of Water Supply Protection; received 1/13/2016.

No comment.

- e. Photos from Jamie Vander Salm re: Sediment Laden Discharge from Salisbury Street Lots & Salisbury Street Right-of-Way; dated 1/10/2016; received 1/11/2016.

Jamie Vander Salm stated that he sent photos to the Conservation Commission on January 10 after there was heavy rains at the new city outfall which as approved by the Commission on November 16 which was a relocation of an outfall and stated that he expressed concern in November that this would not be adequate to prevent erosion and pollution and the photos he provided illustrate that. Mr. Vander Salm stated that he also provided video and could present that and stated that it shows the water going through the rip rap on the new pipe on January 10.

Mr. Vander Salm stated that he has spoken with Mr. Kochling but this is a source of serious concern as he thinks what the City has done is create a serious nuisance for the people downstream and it is something that going to do damage to the water resource and is hoping that the Commission has suggestions for remedying the problem with regard to the rate of flow, volume and untreated pollutant and would first ask if the Commission agrees there is a problem and if there are suggestions for long term pollution and erosion that he believes is going to happen.

Commissioner Charpentier stated that from the photos it looks like the rip-rap is holding up.

Mr. Kochling stated that he has received the photos and the video and it does show the velocity of the flow was pretty substantial during that rain event and Mr. Kochling stated that he went to the site last weekend to review the location and took pictures of the catch basin and the outfall and he opened all the manholes to check the flow and the city has camered the pipe. He stated that he went the other day and there was nothing flowing in the pipe so it fair to say that it only taking flows during rain events and the velocity of the flow of during rain events is greater as it has to go 300' downhill so by the time it hits the outfall it is posing a problem so DPW is looking at it and looking to correct issue by installing a sump pump and installing more rip rap but with regard to the volume that catch basin has been there for a long time and that volume hasn't changed during bigger events and the rip rap doesn't seem to be dispersing the water enough and DPW will try to correct the issue.

Commissioner Charpentier stated that looking at photos that it looks like the rip rap and the silt fence in place. Mr. Kochling stated yes and DPW recognizes that the velocity from the pipe is too great and trying to figure out best was to address that.

Mr. Vander Salm showed the video of the site to the Commission members.

Commissioner Berg-Powers asked what was causing the siltation. Mr. Kochling stated that was when the pipe was installed.

Commissioner Amory stated that the siltation is not related to the stockpile on the property.

Mr. Kochling stated that when he went to the site over the weekend the water was running clean.

Mr. Kochling stated that he is not going dispute that the water coming out in the pipe did have some silt and that is why they thought there might be a broken pipe.

Commissioner McKone asked if the City had a good handle on the volume and velocity of the basin. Mr. Kochling stated that the volume of the basin is the same. It is the velocity that they are looking to correct and they are looking to add more rip rap and adding a sump pump and DPW is very concerned and is addressing it.

Mr. Vander Salm stated that he had seen the pipe in the past and it was a smaller pipe. Mr. Kochling stated no that it was a 12" PVC pipe and when it goes across the road it goes up to 15".

Mr. Vander Salm stated that would infer that means somehow water is infiltrating as Chris Gagne stated it was going to 2.2 cubic feet for second and the video he showed doesn't show that. Mr. Kochling stated that would be subjective.

Mr. Vander Salm stated he did not see in the photos the catch basin submerged and asked if they were. Mr. Kochling stated no. The catch basin was just covered with snow and ice.

Mr. Vander Salm stated that the volume from before is not even close.

Commissioner Charpentier stated the video speaks for itself but is not sure what Mr. Vander Salm is asking for from the Commission.

Mr. Vander Salm stated there are new manholes and large puddles.

Mr. Kochling stated that there was a small amount of water coming in but it was very minimal and said he would not have problem going up after next rain event and discussing with Mr. Vander Salm.

Commissioner Charpentier stated that it hard for him to tell whether the hay bales or silt fence are turbid or not and it does seem like DPW has plan in place to address this and asked if there was a timeline. Mr. Kochling stated that he can't say exact date but they will make every effort.

Commissioner Berg-Powers stated that he went to the site and it did look better than when they did a site visit but he believes Mr. Vander Salm is right that there is some channeling and some leakage and believes it might be for the flow but there wasn't a rain even when he visited and he doesn't think it would be terrible if there was a little flow but it definitely doing stuff the Commission does not want.

Mr. Vander Salm stated that there needs to be treatment.

Commissioner Berg-Powers stated that the sump may do that.

Commissioner Charpentier stated that he understands Mr. Vander Salm's concerns and DPW is addressing it and if other things do occur please let the Commission know.

Mr. Vander Salm stated that he doesn't think the pipe doesn't need to be there and the Public Health person at the November meeting stated that the pipe is total inconsequential with regard to pollution and volume.

Mr. Kochling stated that he more than happy to meet Mr. Vander Salm after a rain event and see what they can do to solve the problem.

- f. Violation letter re: 0 (aka lot 8 or 699) Salisbury Street discharge; from the Office of the Conservation Commission; dated 1/13/2016.

Mr. Kochling stated that he did speak with the developer they had put some down hay bales and stone.

Commissioner Charpentier asked if erosion controls were listed on plan. Mr. Kochling stated that the plan did not come before Conservation Commission as was not within the 100' of a basin and did not trigger the 100' buffer but he observed the site and no sediment was leaving it and erosion control have been added.

- g. Notice of Integrated Vegetation Management Program for 0 Lake Avenue; from National Grid; received 1/14/2016

No comment.

- h. Notice of Integrated Vegetation Management Program for 0 Grafton Street; from National Grid; received 1/14/2016.

No comment.

- i. Notice of Integrated Vegetation Management Program for 0 Jolma Road; from National Grid; received 1/14/2016.

No comment.

- j. Notice of Integrated Vegetation Management Program for 88 Anna Street; from National Grid; received 1/14/2016.

No comment.

- k. Notice of Integrated Vegetation Management Program for 0 Empire Street; from National Grid; received 1/14/2016.

No comment.

- l. Notice Regarding the Emerald Ash Borer & the Asian Long-Horned Beetle; from National Grid; received 1/14/2016.

No comment.

13. Discussion of Special Conditions and Issuance of Orders of Conditions

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 5-0 to request a report on the fees collected by the Conservation Commission and the balance as those fees are required to be put into a separate account and the Commission's required to sign off on it.

14. Signing of Decisions

ADJOURNMENT

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 5-0 adjourned the meeting.