

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

NOVEMBER 14, 2016

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present: Joe Charpentier
Peter McKone-
Amanda Amory-Arrived late
Henry Fields

Member Absent:

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

Meeting began at 6:30 p.m.

Approval of Minutes:

2/22/2016-Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to approve the minutes of February 22, 2016.

Requests for Continuances, Postponements, Withdrawals:

1. 457 Granite Street (MBL 45-003-00032) (CC-2016-016)

Application: Request for Determination of Applicability
Applicant: Haimnotha Mandaen Community Organization
Project: To seek determination as to whether or not the proposed work to remove vegetation, woody debris, and trash and to move rocks to the north & south of the existing stream and to install a perimeter fence on property located at 457 Granite Street is subject to the Commission's jurisdiction.
Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal may occur within: the 25' riverfront area; along the bank of the stream; the 100' buffer zone associated with the bank of an unnamed perennial stream and/or any associated bordering vegetated wetlands; and within the stormwater protection zone

Constructive Grant Deadline: WPA –12/13/2016; WPO – n/a

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to continue the Public Hearing until February 27, 2017 and to extend the Constructive Grant Deadline to March 21, 2017.

2. 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 – 11/14/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to postpone the Public Hearing until December 12, 2016.

3. 0 & 770 Franklin Street (MBL 17-024-0203A & 17-024-02+03) (CC-2016-048)

Application: Notice of Intent

Applicant: Cesmir Spiro

Project: The construction of a new road (aka Kiara Drive), 9 single-family semi-detached dwellings (duplexes), and associated off-street parking, along with related grading, drainage, utilities, and site work, on property located at 0 & 770 Franklin Street.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100' buffer zone, associated with a bordering vegetated wetland and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA –11/14/2016; WWPO – 11/14/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to postpone the Public Hearing until December 12, 2016.

4. 10 (aka 10A & 40) Pullman Street (MBL 23-01A-00007) (CC-2016-059)

Application: Notice of Intent

Applicant: James Chacharone, on behalf of Grove Street Properties, LLC

Project: To construct a ~150 space parking area, along with related grading, paving, drainage, and site work, on the western portion of property located at 10 (aka 10A & 40) Pullman Street.

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 – 11/19/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to Postpone the Public Hearing until December 12, 2016.

5. 0 (aka lot 6A or 677 and fka Lot 4) 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 4) 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 Opening Deadline: WPA – 11/14/2016; WWPO - 11/19/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to postpone the Public Hearing to December 12, 2016.

6. Avery Estates (1 Avery Path & Avery Path Right-of-Way, Wyola Drive Right of Way, ~750’ west of Avery Path, & 159-176, and a portion of 190 & 192, Brookline Street & Brookline Street Right-of-Way, ~930’ east of 190 & 192 Brookline Street) (CC-2008-019)

Avery Estates (1 Avery Path & Avery Path Right-of-Way, Wyola Drive Right of Way, ~750’ west of Avery Path, & 159-176, and a portion of 190 & 192, Brookline Street & Brookline Street Right-of-Way, ~930’ east of 190 & 192 Brookline Street) (CC-2008-019)

Upon a motion by Commissioner McKone and seconded by Commissioner McKone the Commission voted 3-0 to postpone the public hearing on both items to February 27, 2017.

Commissioner Armory arrived for meeting.

7. -2001-027) 501-505 Mill Street “Center Hill” Project (CC

Request for Performance Bond Release for 501-505 Mill Street “Center Hill” Project (CC-2001-027)

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the Public Hearing until February 27, 2017.

Public Hearing Items:

New Business – Notices of Intent:

8. Northerly portion of 2 (aka 4) Hillcroft Avenue (MBL 12-43C-00025) (CC-2016-064)

Application: Notice of Intent

Applicant: Van Nguyen

Project: To construct a single-family dwelling, along with associated parking and related site work, on property located at 4 Hillcroft Avenue.

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 – 12/10/2016

Carl Hultgren, from Quinn Engineering appeared upon behalf of the applicant, Van Nguyen and stated the proposal is to construct a single-family dwelling and reviewed the plans and erosion controls for the site.

Elizabeth Knox, abutter to the property, expressed concerns about water runoff.

Jesse Knot expressed concern about a spring near the property.

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

New Business – Requests for Determination of Applicability:

9. 514 Mill Street (MBL 30-027-001+5) (CC-2016-063)

Application: Request for Determination of Applicability

Applicant: D.S. Landscape Construction

Project: To seek determination as to whether or not the proposed work associated with the construction of a retaining wall, patio, and stairs, along with related grading and site work, on the rear (eastern) portion of the property located at 514 Mill Street, is subject to the Commission's jurisdiction

Jurisdiction: The Massachusetts Wetlands Protection Act & the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100' buffer zone associated with the Bank of Patch Reservoir and possibly within the 100' buffer to the bank of a culverted stream (located within the Mill Street Right-of-Way)

Public Hearing Opening Deadline: WPA – n/a; WPO – 12/10/2016

Constructive Grant Deadline: WPA – 11/16/2016; WPO – n/a

Dimitri Saffran contractor of D.S. Landscape Construction appeared upon behalf of the application and reviewed the proposed scope of work and addressed the concerns expressed by DPW and the erosion controls proposed for the site.

Greg Oppermann, owner of the property, explained why they are looking to do this proposal.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to issue a Negative Determination of Applicability with conditions.

10. Huntington Avenue Right-of-Way, from Poplar Street westerly (CC-2016-065)

Application: Request for Determination of Applicability

Applicant: NSTAR Gas Company

Project: To seek determination as to whether or not the proposed work associated with the replacement of a gas main, along with related site work, in the Huntington Avenue ROW, is subject to the Commission's jurisdiction

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer zone associated with the Bank of Indian Lake and within the stormwater protection zone

Public Hearing Opening Deadline: WPO – 12/10/2016

Constructive Grant Deadline: WPO – n/a

Mike Tohill from the BSC Group appeared upon behalf of the applicant, NSTAR Gas Company and reviewed the proposal and stated that this is for a replacement of a gas line and the work has already been done and reviewed the erosion controls that were on site.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to issue a Negative Determination of Applicability.

New Business – Requests for Determination of Applicability:

11. Florida Avenue Right-of-Way (from Brookman Street, westerly); Stetson Road Right-of-Way (from Holden Street, easterly); Parkton Avenue Right-of-Way (from Holden Street, easterly) & 550 Grove Street (aka City of Worcester, Morgan Park) (MBL 21-INX-00012) (CC-2016-066)

Applicant: City of Worcester Department of Public Works & Parks

Project: To seek determination as to whether or not the proposed work associated with the installation of three stormwater treatment devices (i.e. Hydroguard units), within the existing stormdrain system in each of the Florida Avenue, Stetson Road, and Parkton Avenue right-of-ways, and the installation of two bio-retention areas, at Morgan Park, is subject to the Commission’s jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act & the City of Worcester Wetlands Protection Ordinance - The proposal Application:
Request for Determination of Applicability

The proposal shall occur within the 100’ buffer to the bank of an unnamed stream and associated bordering vegetated wetlands and/or to Indian Lake and/or within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WPO –12/18/2016

Constructive Grant Deadline: WPA –11/24/2016; WPO – n/a

Ms. Smith reviewed the proposal as a DPW representative was not available.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to issue a Negative Determination of Applicability.

Public Meeting Items:

Other Business:

12. Requests for Extension of Time for an Order of Conditions for the Drawdown of Lake Quinsigamond & Flint Pond (CC-2006-075 & DEP #349-912)

Peter Collins, President of the Lake Quinsigamond Commission appeared upon behalf of the item and asked for Extension of Time for the Order of Conditions.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to Extend the Order of Conditions to November 2017 and to waive the fee.

13. Enforcement Order Updates:

a. Arboretum Village Estates (CC-EO-2016-002)

i. Turbidity Sampling Results of September; from EcoTec, Inc., received for the month 10/11/2016.

ii. Correspondence from regarding 10/21/2016 rain event; MassDEP; last received 10/31/2016.

Scott Morrisson appeared upon behalf of items and provided an update on the site and stated that he had provided a detail memo about conditions on the site.

b. Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane) (fka Paradise Point) (CC-EO-2016-006)

To set form of Security for Country Club Acres(aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane) (fka Paradise Point) (CC-2007-025 & DEP #349-931)

Ed Kochling provided an update for the site.

The applicant (did not identify himself) spoke regarding a letter he had from engineer relative to the slope and the fabric used on the site.

Chair Charpentier asked that the letter from the engineer be submitted to the Commission.

A brief discussion was held relative to the \$25,000 bond for the site.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers set the form of security as a surety bond and accept that in the amount of \$25,000.

Staff stated that they will modify the enforcement order regarding discussion held tonight.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 ratify the Enforcement Order/

c. 21 (aka 29) Quaboag Street (CC-EO-2016-005)

Ms. Smith stated that there is no update at this time.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 3-1 (Commissioner Berg Powers voting against) to update the Enforcement Order .

14. Request for Certificate of Compliance:

d. Aroostook Street Right-of-Way (CC-2015-032)

Mr. Kochling provided an update for the site.

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

Other Business:

15. Emergency Certifications

Ms. Smith stated that they have two such requests

660 Burncoat Street

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to issue an Emergency Certification.

190 East Mountain Street.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to issue an Emergency Certification.

16. Miscellaneous Project Updates

Mr. Kochling stated that on Burncoat Garden that he did discover a problem on site but the contractor has installed more erosion controls.

17. Communication:

- e. Chapter 91 Waterways License (Application No. W16-4720) for Blackstone Gateway Park – notice of issuance; from MassDEP; received 10/24/2016. No comment.
- f. Notification Regarding an Increase in MACC FY18 Dues; from Massachusetts Association of Conservation Commissions; received 10/25/2016. No comment.
- g. Notice of Annual Conservation Restriction Inspection Coordination; from Mass Audubon; received 10/28/2016. No comment.
- h. Construction Report & Turbidity Monitoring data for Lots 1-5 or 10 Iroquois Street, 0 (aka 12) Quissett Street and 48 & 50 Wamsutta Avenue (per Order of Conditions for CC-2015-039); from EcoTec, Inc.; received 11/7/2016. No comment.

18. Review and Discussion of the “Report on Local Land Use Standards in Relation to Low Impact Development” (a technical assistance project by CMRPC and Mass Audubon)

Ms. Smith reviewed the report.

19. Policy Regarding Project Changes

Ms. Smith stated that the policy is not available yet.

20. Appointment of a Lake Quinsigamond Commission Representative

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to appoint Commissioner Armory to the Lake Quinsigamond Commission.

21. Land Acquisition and Land Management:

i. Land Management Updates

Ms. Smith stated that there were no updates.

j. Draft Policy on Priority Property Acquisitions Criteria

Ms. Smith stated that the policy is not available.

k. Potential Property Acquisitions (via Tax Title Foreclosure):

1. 13 Kimball Street (MBL 33-008-00069)

Commissioner Berg Powers stated that he had viewed the site

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Armory the Commission would be interested in the property should the foreclosure process go forward and monies are available from the city.

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

23. Signing of Decisions

Adjournment

Upon a motion the Commission voted 4-0 to adjourn the meeting. 9:45 p.m.