

**MINUTES OF THE PROCEEDINGS OF THE
CONSERVATION COMMISSION OF THE CITY OF WORCESTER
June 14, 2021**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 1609734358), which was publicized on the posted meeting agenda and during the video broadcast.

Conservation Commission Members Present: Devin Canton, Vice Chairman
Amanda Amory
Sarah French (joined meeting after 5:45 p.m.)
Azal Khaled
Holly Jones

Conservation Commission Members Absent: Joseph Charpentier

Staff Present: Stefanie Covino, Planning & Regulatory Services
Steve Cary, Planning & Regulatory Services

CALL TO ORDER: 5:30PM

REQUESTS FOR CONTINUANCES, POSTPONEMENTS, WITHDRAWALS

Item 5 – 13 (A&B) Pocassett Street (CC-2021-023; DEP#349-1297) – Notice of Intent

Request to postpone the public hearing to 7/12/2021.

Item 7 - 1 Drury Lane (Worcester Polytechnic Institute) (CC-2021-035) – Notice of Intent

Request to postpone the public hearing to 7/12/2021

Item 8. 25 Aphthorp Street (CC-2021-036; DEP#349-1303) – Notice of Intent

Request to postpone the public hearing to 7/12/2021

Item 9a - Burncoat Heights (CC-2016-070; CC-EO-2019-001) – Request for Certificate of Compliance

Request to postpone to 7/12/2021

Item 9c - 1023-1025 Southbridge Street (CC-2019-042) – Request for Certificate of Compliance

Request to postpone to 7/12/2021

Upon a motion made and duly seconded the Commission voted 4-0 to postpone the items (French absent.)

APPROVAL OF MINUTES – NONE

PUBLIC HEARINGS

OLD BUSINESS – NOTICES OF INTENT

1. 305 Belmont Street (MBL 57-004-B1-01, -02)

File #: CC-2021-032; DEP#349-1301
Applicant: WuXi Biologics Inc.
Project: To install new drainage infrastructure, including a riprap swale/basin, and to perform related site work.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Ms. Covino gave a history of the property and power point slides were shown where the work was located.

Attorney Mark Borenstein called in to represent Wuxi Biologics, Inc.; Mr. Borenstein stated that Ms. Covino had provided him with the proposed conditions for the Order of Conditions and his client is fine with them.

The Commission requested Mr. Bornstein review the planting sequencing for the site.

Upon a motion made and duly seconded the Commission voted 4-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 4-0 to approve the Notice of Intent.

2. 31 Ellis Drive (MBL 43-01C-128-9)

File #: CC-2021-033; DEP#349-1299
Applicant: Eftim & Rachel Milkani
Project: To install an above ground pool and for a waiver of the Commission's performance standard 4.2.4.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Karen Keegan called in for the applicant, Eftim & Rachel Milkani.

Ms. Covino showed a power point slide that showed the revised plans for the pool to be outside the 30' buffer.

Ms. Keegan stated that the applicant has proposed a different size pool which would be outside the buffer zone.

The Commission discussed the fencing proposed around the pool and the shed on the property.

Upon a motion made and duly seconded the Commission voted 4-0 to close the Public Hearing (Commissioner French abstaining).

Upon a motion made and duly seconded the Commission voted 4-0 (Commissioner French abstaining) to approve the Notice of Intent.

NEW BUSINESS – REQUESTS FOR DETERMINATION OF APPLICABILITY

3. 55 Amber Street (MBL 42-033-00007)

File #: CC-2021-034
Applicant: Danielle & Stephen Scanlon
Project: To determine whether the work to construct a deck and stairs set on piers on a single family house is subject to the Commission's jurisdiction.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Stephen Scanlon called in for the application.

Ms. Covino presented power point slides where the proposed scope of work was located.

The Commission and Mr. Scanlon discussed how the deck would be constructed and the timing of when the deck would be completed.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Negative Determination of Applicability.

4. 21 Benjamin Road (MBL 40-032-00266)

File #: CC-2021-037
Applicant: Christopher Hanson
Project: To determine whether the work to demolish an existing deck on a single family house, construct new deck, and perform associated site work are subject to the Commission's jurisdiction.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Christopher Hanson called in for the application.

Ms. Covino reviewed the scope of the work proposed.

Mr. Hanson stated that this is just going to be a basic deck framing with pressure treated lumber.

The Commission and Mr. Hanson discussed what would happen to the soils being removed to build the deck.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Negative Determination of Applicability.

NEW BUSINESS – NOTICES OF INTENT

5. 13 (A&B) Pocasset Street (MBL 38-033-22-25) & the Pocasset Street Right-of-Way (from end of improved way southeast +/- 110 feet) - Postponed to 7/12/2021

6. 0 & 1451 Grafton Street (MBL 41-028-0000B & -01-29)

File #: CC-2021-026; DEP# 349-1302
Applicant: Other Side Agronomy, Inc.
Project: To install fencing, concrete pads, HVAC equipment, modify roof drainage, plant trees, conduct associated site work, and seek a waiver of Worcester Wetlands Protection Regulations performance standard 4.2.4.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Patrick Healey, project engineer, called in for the applicant Other Side Agronomy, Inc.

Mr. Healey stated that they have addressed the Commission concerns and made changes requested by the Commission.

The Commission and Mr. Healey reviewed the phasing of the project and Mr. Healey stated that the item also needs to go before the Planning Board.

Ms. Covino stated that the applicant is requesting a waiver of 4.2.4 to allow installation of a security fence within 30' buffer.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to issue an Order of Conditions.

7. 1 Drury Lane (Worcester Polytechnic Institute) (MBL 20-016-01-04) – Postponed to 7/12/2021

8. 25 Apthorp Street (MBL 40-032-00266) – Postponed to 7/12/2021

OTHER BUSINESS

9. Requests for Certificates of Compliance

- a. Burncoat Heights (CC-2016-070; CC-EO-2019-001)

Upon a motion made and duly seconded the Commission voted 4-0 to postpone the item to the July 12, 2021 Conservation Commission meeting.

- b. 249-265 Lake Avenue (CC-2019-026; DEP#349-1245)

Ms. Covino stated that she would recommend the issuance of the Certificate of Compliance.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- c. 1023-1025 Southbridge Street (CC-2019-042)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- d. 711 Salisbury Street (CC-2001-071; DEP#349-721)

- e. 711 Salisbury Street (CC-2005-030; DEP#349-839)

Items d and e were taken contemporaneously. Ms. Covino stated that she would recommend issuance of the Certificate of Compliance for both sites.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance for both items d and e.

- f. 4 Gaylord Street (CC-2019-037)

Upon a motion made and duly seconded the Commission voted 5-0 to continue the application to the July 12, 2021 Conservation Commission meeting.

10. Enforcement Order and Violation Updates

- a. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001) - No update.
- b. 217 Lake Avenue (CC-EO-2020-004) - No update.
- c. 449 Massasoit Road (CC-EO-2020-006) - No update.
- d. Across from 133 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Dominion Road & Belcourt Road) and Lake Quinsigamond (CC-EO-2020-007) - No update.
- e. Across from 175 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Belcourt Road & Sonoma Drive) and Lake Quinsigamond (CC-EO-2020-008) - No update.
- f. 99 Wildwood Avenue (CC-EO-2020-009) - No update.
- g. 166 Moreland Street (CC-EO-2020-011) - No update.
- h. 305 Belmont (WuXi) (CC-EO-2020-012)

Upon a motion made and duly seconded the Commission voted 5-0 to lift the Enforcement Order.

- i. 305 Belmont (WBDC Stockpile) (CC-EO-2020-013)

Upon a motion made and duly seconded the Commission voted 5-0 to lift the Enforcement Order.

- j. 522 Grove Street (CC-EO-2020-014) - No update.
- k. 0 Myrick Avenue (CC-EO-2020-015) - Ms. Covino stated that the wetland scientist is working on a report.
- l. 265 Lake Avenue (CC-EO-2020-016) - No update.
- m. Modoc Street (CC-EO-2021-001) - No update.
- n. 75 Harrington (CC-EO-2021-003) - No update.
- o. 40 June Street Terrace (CC-EO-2021-004) - No update.

11. Land Management and Grants

- a. Vote to approve and accept to hold a Conservation Restriction to be co-held with Mass Audubon, subject to an authorizing vote from the City Council to accept the same, from Standard Auto Wrecking Co., Inc., pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Massachusetts General Laws and authorize the Commissioners to digitally sign in order to execute such Conservation Restriction in accordance with MGL Chapter 110G §9 as duly authorized by Ch.110G and recorded at Worcester Registry of Deeds in Book 62537 Page 329.

Upon a motion made and duly seconded the Commission voted 5-0 to approve and accept to hold a Conservation Restriction which is recorded at the Worcester Registry of Deeds in Book 62537 Page 329.

12. Communications

- a. Draft Massachusetts Integrated List of Waters for the Clean Water Act 2018/20 Reporting Cycle (Draft TMDLs) from MassDEP – No comment.
- b. 2021 Herbicide Application Notification from Worcester DPW&P. No comment.

ADJOURNMENT

Upon a motion made and duly seconded the Commission voted 5-0 to adjourn the meeting at 7:32 p.m.