

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

**Monday September 13, 2021**

Worcester City Hall - Levi Lincoln Chamber, with remote participation options available via Webex online at <https://cow.webex.com/meet/conservationcommissionwebex> and call-in number 415-655-0001 (Access Code: 1609734358).

**Conservation Commissioners Present:** Joseph Charpentier, Chair  
Amanda Amory  
Holly Jones  
Sarah French

**Conservation Commissioners Participating Remotely:** Devin Canton, Vice Chair

**Conservation Commissioners Absent:** None

**Staff Present:** Stephen Cary, Division of Planning & Regulatory Services (DPRS)

**Staff Participating Remotely:** Michelle Smith, Division of Planning & Regulatory Services

**Call to Order** – Chair Charpentier called the meeting to order at approximately 5:42 PM.

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

**Item 1 - 0 (aka 668) Burncoat Street - Notice of Intent (CC-2021-048; DEP#349-1307)**

*Request to postpone the public hearing to 10/4/2021.*

**Item 7c - 668 Burncoat Street - Notice of Intent (CC-2021-048; DEP#349-1307)**

*Request to postpone to 10/4/2021.*

Michelle Smith read the requests for postponement into the record.

**On a motion by Devin Canton motion, seconded by Amanda Amory, the Commission voted 5-0 to grant the requested postponements.**

**New Business**

**Item 2 - 135 Goddard Memorial Drive and 3 Coppage Drive (CC-2021-05; DEP#349-1309) – Notice of Intent**

Scott Morrison and Mike Andrade appeared on behalf of applicant.

Mr. Morrison described the existing structure on site, stated that there is swale on site along backside of parking lot.

Mr. Morrison described the history of Commission actions on the site – previously issued OOC; explained that over time, swale has filled in with sediment and vegetation, including invasive species, which cause flooding on to parking lot.

Mr. Morrison described the proposed work that will be done on the swale; addressed MassDEP comments, including increasing pipe size within swale, though stream-crossing standards cannot be logistically met.

Chair Charpentier asked for clarification on what is being considered a resource area; Mr. Morrison explained that they are treating the swale as a resource area.

Mr. Charpentier stated that a site walk would be helpful for the Commission to understand the site.

Commissioner Jones asked applicant to characterize vegetated community; Mr. Morrison explained that it is primarily phragmites and some cattails.

Mr. Andrade further described site conditions.

Mr. Charpentier asked applicant to clarify about the culvert and the proposed upgrade for improved flow; Mr. Andrade elaborated on the culvert.

Ms. Amory asked if driveway was existing and whether there was alternatives for access to the site; Mr. Morrison explained why there was not; Ms. Amory asked for further explanation; Mr. Andrade explained how trucks get into the site and are loaded and why alternatives are not feasible.

Commissioner French asked for clarification on what the drainage issues are on site; Mr. Andrade elaborated; Ms. French asked for extent of impervious surface; Mr. Morrison explained

Ms. Amory asked applicant to elaborate on long-term maintenance plan; Mr. Andrade retrieved plan from application materials, referring to stormwater report, and described the actions to be taken over time; Ms. Amory asked for clarification on who would be responsible for maintenance; Mr. Andrade answered that it would be TJX; Ms. Amory asked how City would be notified if it isn't taken care of; Mr. Andrade explained that now that TJX is aware of swale issue, it will be taken care of going forward.

Commissioner Jones asked for further explanation of how culvert will be installed; Mr. Andrade explained; Ms. Jones asked how downstream flooding would be impacted; Mr. Andrade explained that the increased pipe size would not have a significant impact on hydrology.

Mr. Charpentier asked for clarification how water moves from wetland and through the site.

**No public comment.**

**On a motion by Ms. Amory; seconded by Mr. Canton, the Commission voted 5-0 to continue the hearing to the October 4<sup>th</sup> meeting.**

### **Item 3 - 23 Pullman Street (CC-2021-052) – Notice of Intent (Local Filing)**

Patrick Healy appeared on behalf of applicant; gave overview of proposed work.

Mr. Charpentier asked if there were any issues anticipated due to the proximity of the building on the neighboring site.

Ms. French asked about riverine channel on site.

Mr. Canton asked applicant to comment on sediment control barrier.

Mr. Healy described wall to be installed.

Ms. Jones asked applicant to comment on size of rainfall that infiltration is sized for; Mr. Healy described the infiltration unit.

**No public comment.**

**On a motion by Ms. Amory; seconded by Ms. French; the Commission voted 5-0 to close the public hearing.**

Mr. Charpentier asked Ms. Smith for the list of staff-recommended conditions; Ms. Smith described staff-recommended conditions of approval; recommended conditioning revised stormwater report, adding design point on catchment map, and adding a detail for inlet protection.

Mr. Charpentier asked for clarification on the condition related to the temporary sediment basin.

**On a motion by Ms. Amory, seconded by Mr. Canton, the Commission voted 5-0 to issue the Order of the Conditions with staff-recommended conditions, including the condition that the underground temporary sediment basin be sculled.**

#### **Item 4 - Moreland Green Drive (CC-2021-054) – Notice of Intent (Local Filing)**

Scott Morrison appeared on behalf of applicant, described issue of abutter notification.

Mr. Charpentier asked to clarify that it was local filing; Mr. Morrison clarified and explained trigger – nearby catch basins.

Mr. Morrison described the site and the erosion control measures to be taken and infiltration on site.

Mr. Charpentier asked applicant to describe infiltration on site; Mr. Morrison described.

Mr. Charpentier asked to clarify about regrading on site; Mr. Morrison elaborated on site topography.

Ms. Amory asked applicant to comment on abutter (Todd Jarvis) concern with regard to water issue on site; Mr. Morrison stated that he has not seen the issue that the abutter described; Ms. Smith gave context for how and when comment was received.

Ms. Jones asked applicant to comment on how infiltration units were sized; Mr. Morrison asked if applicant could comment; Steve Gallo stated that cultec unit is of a standard size but did not know the particular size;

Mr. Gallo stated that any stockpiles would be short lived and small; stated they are willing to comply with anything Commission would condition.

**No public comment.**

Mr. Charpentier asked Ms. Smith to comment on issue around easement and title; Ms. Smith explained that there was a private agreement between developer and residents via a restrictive covenant but it is not a City concern.

**On a motion by Mr. Canton, seconded by Ms. Jones, the Commission voted 5-0 to close the hearing.**

Ms. Smith described the staff-recommended conditions.

**On a motion by Mr. Canton, seconded by Ms. Jones, the Commission voted 5-0 to issue the Order of Conditions with staff-recommended conditions.**

**Item 5 - 75 Quinsigamond Avenue (CC-2021-055 & DEP#349-1310) – Notice of Intent**

Randy Miron with Bohler Engineering appeared on behalf of applicant; described status of the project and its approval; described that project is within floodplain and will be offsetting fill with cut; project will be convenience store and gas station, and that they are designing for more flood storage; stated that purpose is to open the hearing and hear initial feedback from the Commission.

Ms. Smith gave background on the project and the site relative to impervious area.

Ms. Jones stated her concern about increasing potential pollution in an area prone to flooding.

Ms. French asked applicant to comment on gas storage; Mr. Miron explained that there would be underground storage tanks and described their location.

Mr. Charpentier asked Mr. Miron to comment on what would happen to tanks in the event of a flood; Mr. Miron explained that there is concrete pads on top of them; Mr. Charpentier asked applicant to comment on how fuel would stay within the tanks; applicant explained the specifics of the tanks and how fuel is kept in place.

Ms. Jones asked about history of the site and the soil conditions, and where the soils will be excavated to; Mr. Miron stated that all environmental abatement work has been completed to his knowledge and there are no restrictions on soil excavation; Ms. Jones stated that she would like to see documentation of remediation; Ms. Smith stated that it is available on MassDEP site.

**On a motion by Ms. Amory, seconded by Ms. Jones, the Commission voted 5-0 to continue the hearing to October 25, 2021.**

**Other Business**

**Item 6 - Setting Security Type**

a. Malden Woods Subdivision (CC-2019-074; DEP#349-1266 – Amount set at \$30,000) – Vote to accept form

Ms. Smith described what the Commission would be voting on, which is the form of payment.

**On a motion by Ms. Amory, seconded by Ms. Jones, the Commission voted 5-0 to accept the form of payment.**

#### **Item 7 - Requests for Certificates of Compliance**

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

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

c. 668 Burncoat Street (CC-2019-054; DEP#349-1255)

**On a motion by Ms. Amory, seconded by Ms. Jones, the Commission voted 5-0 to postpone Items 7a, 7b, and 7c to the October 4 hearing.**

#### **Item 8 - Emergency Certifications**

a. 98, 100, 112 Forest Street & abutting Right of Way (CC-EC-2021-002)

Ms. Smith explained that heavy rain caused power outage on site which required National Grid work, so staff issued an emergency certification; Commission votes to issue retroactive ratification.

b. 6 Knapp Avenue (CC-EC-2021-003)

Ms. Smith explained that this is to remove portion of dangerous hanging tree

**On a motion by Ms. Amory, seconded by Ms. Jones, the Commission voted 5-0 to issue the emergency certifications.**

#### **Item 9 - Enforcement Order and Violation Updates**

a. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)

b. 217 Lake Avenue (CC-EO-2020-004)

c. 449 Massasoit Road (CC-EO-2020-006)

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)

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)

- f. 99 Wildwood Avenue (CC-EO-2020-009)
- g. 166 Moreland Street (CC-EO-2020-011)
- h. 522 Grove Street (CC-EO-2020-014)
- i. 0 Myrick Avenue (CC-EO-2020-015)
- j. Modoc Street (CC-EO-2021-001)
- k. 75 Harrington (CC-EO-2021-003)
- l. 40 June Street Terrace (CC-EO-2021-004)
- m. 12 AKA 0 Balis Avenue (CC-EO-2021-005)
- n. 1087-1089 Millbury Street and 18 Leland Street (CC-EO-2021-006)
- o. 269 James Street (CC-EO-2021-007)
- p. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)

*Item 9.n. 1087-1089 Millbury Street and 18 Leland Street (CC-EO-2021-006)*

David Sadowski on behalf of applicant for 1087-1089 Millbury Street and 18 Leland Street; described the site and its history; described the issues on site; described the proposed solutions on site.

Mr. Charpentier asked for clarification about existing infrastructure on site; Mr. Sadowski described that they have been in contact with Nick Lyford of DPW.

Ms. Jones expressed concern about erosion control mat and described examples of issues that it causes.

Ms. Smith explained what the Commission would be voting on; suggested Commission be specific about work being authorized; recommended certain measures taken with rip rap; Mr. Charpentier clarified that Commission is approving stabilization measures.

Mr. Charpentier asked what stabilization measures should be taken; Mr. Sadowski suggested hay bales and straw wattle; Ms. Smith made recommendations for stabilizing the slope at the back of the property.

**On a motion by Ms. Amory, seconded by Ms. Jones, the Commission voted 5-0 to modify enforcement order to allow erosion controls installation, to allow the bringing in of fill to no more than what is shown on plan, to authorize slope stabilization, and to mandate that temporary stock piles will be surrounded by erosion control barriers.**

*Item 9.o. 269 James Street (CC-EO-2021-007)*

Ms. Smith described the issue; Steve Hathaway (abutter) described history of the lot and dumping on the lot; Mr. Charpentier explained Commission's role in this matter; Ms. Smith explained that it is an enforcement order and what needs to be done to resolve the issue.

**On a motion by Ms. Amory, seconded by Ms. Jones; the Commission voted 5-0 to ratify the enforcement order.**

*Item 9.p. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)*

Ms. Smith gave an overview.

Andrew Gorman on behalf of DPW; described state of site.

Mr. Charpentier asked Ms. Smith the work that was covered under the enforcement order.

**On a motion by Ms. Amory, seconded by Ms. Jones; the Commission voted 5-0 to ratify the enforcement order.**

#### **Item 10 - Duplicate Signature Page Request**

##### **a. 45 Fremont Street (CC-2020-001 & DEP #349-1265)**

**On a motion by Ms. Amory, seconded by Ms. Jones, the Commission voted 5-0 to issue a duplicate signature page.**

#### **11. Communications**

The Commission discussed preferences for days of week for site visits.

#### **12. Policies and Procedures**

#### **Adjournment**

The Commission voted unanimously to adjourn the meeting at 8:32pm.