



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

Monday March 20, 2023

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).

Commissioners Present: Joseph Charpentier, Chair
Devin Canton, Vice Chair
Lindsay Nystrom, Commissioner
Amanda Amory – Commissioner *Participated remotely*

Commissioners Absent: Miranda Hotham

Staff Present: Eric Flint, Division of Planning & Regulatory Services (DPRS)
Olivia Holden, Division of Planning & Regulatory Services (DPRS)

Call to Order

Chair Charpentier called the meeting to order at approximately 5:30 p.m.

Requests for Continuances, Postponements and Withdrawals

- 3) 25 & 35R Tobias Boland Way, 0 McKeon Road, and 0 Millbury Street – Notice of Intent (CC-2022-069 & DEP#349-13XX)**
Request to Postpone to 4/10/2023
Request to Extend the Constructive Grant Deadline to 5/2/2023
- 4) Salisbury Street Right-of-Way and 633 & 646 Salisbury Street – Notice of Intent (CC-2023-002 & DEP#349-1350)**
Request to Postpone to 4/10/2023
Request to Extend the Constructive Grant Deadline to 5/2/2023
- 5) 285 Tacoma Street (aka Tacoma Playground) – Notice of Intent (CC-2023-007 & DEP#349-13XX)**
Request to Postpone to 4/10/2023
Request to Extend the Constructive Grant Deadline to 5/2/2023
- 6) 82 Salisbury Street (aka Institute Park) – Notice of Intent (CC-2023-009 & DEP#349-1353)**
Request to Postpone to 4/10/2023
Request to Extend the Constructive Grant Deadline to 5/2/2023

8) 25 Eskow Road – Notice of Intent (CC-2023-011 & DEP#349-13XX)

Request to Postpone to 4/10/2023

Request to Extend the Constructive Grant Deadline to 5/2/2023

9) 965 Main Street (aka University Park) – Notice of Intent (CC-2023-012 & DEP#349-13XX)

Request to Postpone to 4/10/2023

Request to Extend the Constructive Grant Deadline to 5/2/2023

Mr. Flint read the requests for continuances, postponements, and withdrawals into the record.

Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom the Commission voted 4-0 to postpone the public hearings and extend the constructive grant deadlines to the dates noted.

Old Business

New Business

1) 0 (Lot 2) Granite Street - Request for Determination of Applicability (CC-2023-008)

Raouf Mankaryous of Alpha Omega Engineering, on behalf of the applicant Michael Pizzarella, presented the proposed work perform minor grading for the septic system within the buffer zone.

Chair Charpentier asked for additional details regarding grading for the septic system; Mr. Mankaryous confirmed the grading is for the septic system but the septic itself is completely outside the 100' buffer and that the retaining wall was added to reduce grading in the area.

Chair Charpentier asked about lower rectangle represented on plans; Mr. Mankaryous established that this is the reserve area that will not be built and is only shown because it is required by law in the case that the septic fails.

Mr. Flint noted that the Commission recently reviewed and approved the wetland line and that the work taking place is minor and will be about 80 feet from wetland.

There were no comments from the public.

Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 4-0 to issue negative determination of applicability.

2) Burncoat Pond, 70 North Parkway - Request for Determination of Applicability (CC-2023-014)

Jacquelyn Burmeister of the City of Worcester's Department of Sustainability and Resilience discussed the highly concentrated presence of cyanobacteria at Burncoat Pond, it's toxic effects and low tech, cost-effective methods to remediate. Ms. Burmeister explained benefits of mitigating cyanobacteria using barley straw and the applicant is proposing the obtention of an experimental use permit through the EPA and MDAR to execute a pilot project involving barley straw.

Chair Charpentier asked for confirmation that the use of barley straw needs to be allowed by the EPA; Ms. Burmeister confirmed this is correct.

Mr. Flint explained that staff had reached out to the DEP when they initially discussed this project and DEP first recommended filing an RDA but have since received feedback that the use of barley straw is not allowed in Massachusetts. The process of obtaining approval for this use is lengthy but DEP advised the use could be permitted through MDAR with an experimental use and research permit. This use is subject to constraints and monitoring requirements and while the DEP is comfortable with permitting this it is ultimately up to the Commission to issue the negative determination with condition of receiving all other applicable permits from the state.

Vice Chair Canton asked about any potential concerns from using this material; Ms. Burmeister explained that the barley straw doesn't necessarily kill bacteria so it is also known as an algaestat opposed to an algicide then continued to call out one experiment in which excessive barley straw was used and the decomposition of the excess organic matter resulted in anoxic conditions and described how they will deter these conditions from occurring.

Vice Chair Canton asked about the frequency in which this will need to be done since it does not kill the cyanobacteria; Ms. Burmeister answered it will be an ongoing process and noted that the water in Burncoat Pond is severely degraded due to the highly concentrated presence of cyanobacteria which makes it a great testing spot with a lot to gain and little to lose.

Chair Charpentier voiced that this seems like a good opportunity for experimentation that will be well documented.

Vice Chair Canton asked about offgassing concerns as the material decomposes; Ms. Burmeister responded that they are not aware of this being an issue but it will be monitored and documented.

Commissioner Amory asked if the source of the cyanobacteria in this pond is known; Ms. Burmeister suggested that the shallow and manmade nature of Burncoat Pond in combination with being surrounded by developments and green lawns may cause the cyanobacteria to thrive but they have not pinpointed the exact source.

Chair Charpentier asked if the cyanobacteria is present in most water bodies in Massachusetts; Ms. Burmeister confirmed it is a healthy part of an ecosystem and is naturally occurring in most water bodies but the balance of it is what they are looking to control.

There were no comments from the public.

Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom the Commission voted 4-0 to issue negative determination of applicability.

Mr. Flint asked if this issuance is including conditions of obtaining all applicable permits and obtaining monitoring reports; The Commission confirmed yes.

7) 70 Webster Street – Notice of Intent (CC-2023-010)

Nick Facendola of Level Design Group, LLC on behalf of the applicant, Worcester Affordable Housing, LLC, gave overview of project which is to demolish a single-story addition that was added to the existing three-story historic mill structure and removal of debris. The demo work will only include taking the structure down and there is no proposed removal of the concrete slab or building foundation wall that acts as a retaining wall.

Chair Charpentier asked for confirmation that there would be no change in impervious surface; Mr. Facendola confirmed at this time there will not be any change but they are in the process of working with the Planning Board to eventually redevelop the site into a parking area and convert the remainder of the structure to apartments. They need to complete the demolition now as the building demolition delay waiver approved by to the Historical Commission is set to expire.

Vice Chair Canton asked about plans to remove overgrowth from the site; Mr. Facendola responded there are not plans at this time but they would like to investigate it with a wetlands scientist later on.

Chair Charpentier asked how they will prevent debris from entering resource area; Mr. Facendola said they are proposing erosion controls about 5' off the existing foundation wall and due diligence will fall on contractor/manager of that area. A temporary dumpster and material sorting area will be in place on the existing paved area to the south of the work.

Chair Charpentier voiced concerns for resource area and recommended to have a pre-construction conference to make contractor aware of the site conditions and nature of the resource area.

Chair Charpentier asked for clarification on where the one-story addition extends to; Mr. Facendola will coordinate with staff to show architectural plans that reflect what the building will look like once redeveloped.

Mr. Flint had reviewed the building permit application and confirmed the building drawings made it clear that the addition would be the only portion of the building to be removed.

Vice Chair Canton asked about dust control measures and how runoff will be minimized if water is being used to manage dust during the demolition; Mr. Facendola will make efforts to limit the amount of water used to manage dust and will coordinate with contractors to work slowly to prevent stirring up dust then reiterated that the erosion control barrier will also be in place to limit dust and runoff from demo work entering the resource area.

Vice Chair Canton noted they will need to ensure erosion control placement is not compromised throughout the work; Mr. Facendola stated the plans include a note to inspect the ponds 1-2 times a day for debris from demo work and will relay the importance of maintaining this area during demo to the contractors in a pre-construction conference.

There were no comments from the public.

Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include the issuance of discretionary allowance of performance standard 4.2.4, conditions #24, #35, #53, #54, that any debris entering wetland area shall be immediately removed by hand, and that no trees are to be removed unless staff are notified, and the Commission or its Agent approves the removal, in addition to the standard conditions.

Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom the Commission voted 4-0 to issue an Order of Conditions as discussed.

10) 100 Institute Road – Notice of Intent (CC-2023-013)

Jared Gentilucci, Nitsch Engineering, on behalf of WPI, the applicant, introduced other team members attending the meeting virtually and summarized the project. The proposed work consists of a renovation of the existing Stratton Hall building on the WPI campus and includes a small addition onto the building. The addition will connect Stratton Hall to the Project Center, creating a new entrance that allows access to both buildings and the installment of a new elevator. Work will also involve improvement of utility services, hardscape areas and landscape areas along the front of the building as well as minor pavement improvements at the back of the building. The project also includes the proposition of perimeter erosion control barriers, inlet protection and a new stormwater system. The work will result in a small increase of impervious area from the building addition and hardscape areas, to accommodate this increase they are proposing a recharge system that will collect roof and site runoff.

Chair Charpentier asked about downhill inlet protection and if there are additional catch basins between the one in place and intersection of West and Institute; Mr. Gentilucci could not confirm but will accommodate additional downhill catch basins if requested.

Mr. Flint noted that Planning staff and DPW did not have comments for the project.

There were no comments from the public.

Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include #26, #45, #52, #40 and revised plans to indicate supplementary downhill catch basins in addition to the standard conditions.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to issue an Order of Conditions as discussed.

Other Business

11a) Request for Certificate of Compliance – 167 West Boylston Street (CC-2021-005)

Mr. Flint described the order of conditions issued in 2021 and noted that staff had received written certification from a Professional Engineer that the project was done in compliance with the order of conditions and approved plans.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 4-0 to issue a Certificate of Compliance.

11b) Request for Certificate of Compliance – 348 Salisbury Street (CC-2007-046 & DEP#349-0937)

Mr. Flint reviewed the history of the Order of Conditions issued in 2007 and the work that was completed in 2008 which involved a driveway crossing and cleanup of organic material. The applicant is seeking certificate of compliance to close out expired order of conditions and then they plan to submit a new notice of intent for the remaining work that was not completed.

Glenn Krevowski, the applicant's representative spoke on work that was completed and pointed out a wetland they remediated during cleanup of a dumping ground area within the project. Aside from that, the

new NOI will reflect the same plans that were submitted with the original NOI. Mr. Krevowski spoke of water leaking onto roadway from a weeping cistern and how they will mitigate it with an emergency outflow pipe. Mr. Krevowski spoke of work to be completed since work was last done and their intention to remove exotic invasives when work resumes.

Chair Charpentier asked about timeline of work; Mr. Krevowski confirmed all work was done in 2008 and has not been touched since.

Chair Charpentier asked if the water from the cistern is pumped; Mr. Krevowski stated it is a honeycomb cistern and explained how it is pumped.

Vice Chair Canton asked about when they plan to move forward with new NOI; Mr. Krevowski answered within the next few weeks they plan to present the new NOI.

Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom, the Commission voted 4-0 to issue a Certificate of Compliance.

11c) Request for Certificate of Compliance – 630 Plantation Street (CC-2020-017 & DEP#349-1271)

Mr. Flint noted the location for the item listed on the agenda is incorrect and should reflect 630 Plantation Street opposed to 630 Salisbury Street then proceeded to review the history of the Order of Conditions and confirmed there were not any issues noted during site visit.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 4-0 to issue a Certificate of Compliance.

12) Set Surety Form & Amount – 47R Fourth Street (CC-2022-086 & DEP#349-1348)

Mr. Flint went over the one of the conditions for approval as part of the recently issued Order of Conditions which is to secure the stabilization of the site. The applicant provided a cost estimate of \$2,184.70 to hydroseed the entire site. DPW suggested the quote seems a bit low and believe that \$5,000 would be more reasonable for the size of the site. The applicant requested this be secured through a cash deposit.

Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom, the Commission voted 4-0 to set amount for performance security as \$5,000 cash deposit.

13) Enforcement Order and Violation Updates

- a. **217 Lake Avenue (CC-EO-2020-004)**
- b. **449 Massasoit Road (CC-EO-2020-006)**
- c. **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)**
- d. **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)**
- e. **99 Wildwood Avenue (CC-EO-2020-009)**
- f. **166 Moreland Street (CC-EO-2020-011)**
- g. **522 Grove Street (CC-EO-2020-014)**
- h. **0 Myrick Avenue (CC-EO-2020-015)**
- i. **75 Harrington (CC-EO-2021-003)**
- j. **40 June Street Terrace (CC-EO-2021-004)**
- k. **12 AKA 0 Balis Avenue (CC-EO-2021-005)**
- l. **269 James Street (CC-EO-2021-007)**
- m. **90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**
- n. **0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)**
- o. **Providence & Worcester Railroad (0 Tobias Boland Way)**
- p. **70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**
- q. **Hospital Drive FKA 305 Belmont Street, 57-004-B103B (CC-EO-2022-003)**
Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom, the Commission voted 4-0 to lift enforcement order.
- r. **3 Aster Place (CC-EO-2022-005)**
- s. **Hospital Drive ROW (CC-EO-2022-006)**
Chair Charpentier suggested waiting until Spring before completing a site visit to close out.
- t. **215 Lake Avenue (CC-EO-2022-007)**
- u. **88 Randolph Road (CC-EO-2022-008)**
- v. **115 McKeon Road**

Mr. Flint stated that staff had rejected a building permit for a building demolition, as it needed Notice of Intent due to its proximity to wetlands but noticed while driving by the site that the building and foundation had been demolished anyway. A violation notice was sent to the applicant and they installed erosion control along the perimeter of the site which was still in place after a recent storm and no apparent impacts to wetland or buffer zone were noted. Intentions for development are not known.

Chair Charpentier recommended to monitor site for work being done.

Mr. Flint stated if the Commission were to issue the enforcement order they could require that ongoing maintenance of erosion controls and stabilization of any open areas on site.

Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom, the Commission voted 4-0 to issue enforcement order.

There was no discussion of items 13. a-p, r-s, or t-u.

14) Communications

- a. Public Notice: Water Quality Certifications – MA General Permit; from MassDEP; dated 3/2/2023
- b. 2023 Yearly Operational Plan; from Keolis Commuter Service; received 3/8/2023

There was no discussion of Item 14

15) Approval of Minutes – 1/25/2021; 4/12/2021; 1/3/2022; 6/6/2022; 6/27/2022; 7/18/2022; 8/8/2022; 8/29/2022; 9/19/2022; 10/17/2022; 2/27/2023

There was no discussion of Item 15

16) Open Space Discussion

Mr. Flint summarized action items identified by the Planning Division including obtaining an additional staff position for Conservation Commission, transfer at least 100 acres or 7 parcels of city owned land to the Conservation Commission, investigate possibility of establishing a conservation fund, submit at least one land grant application per fiscal year, develop a policy for tax title foreclosure, implement urban tree canopy assessment if awarded DCR grant or apply again if not and organize annual earth day cleanups for conservation properties going forward.

Chair Charpentier provided feedback regarding tax title laws in Massachusetts and went on the record to express that he does not feel comfortable taking on a property with a tax burden that exceeds the value of the property.

Chair Charpentier announced the Conservation Commission is planning to organize at least two earth day cleanups.

Mr. Flint announced plans for an earth day cleanup organized by the Division of Planning & Regulatory Services and the registration deadline of 3/22/23.

17) Policies and Procedures

Mr. Flint did not have any updates for policies and procedures and announced the name of the new Commissioner, Tim Magliaro, who will be joining at the next meeting.

Adjournment

Upon a motion by Commissioner Canton, the Commission unanimously voted to adjourn at approximately 6:56PM.