

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

**July 23, 2012**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Conservation Commission Members Present:**

Joseph Wanat, Chair  
Jeremy Theerman-arrived at 5:45 p.m.  
John Donahue  
Mia McDonald

**Staff Present:**

Jonathan P. Gervais, Department of Public Works & Parks  
Nancy Tran, Division of Planning & Regulatory Services

**Call to Order:** 5:30 pm

**Approval of the Minutes:** – 3/19/2012 & 6/11/2012

Upon a motion by Commissioner McDonald and seconded by Commissioner Donahue, the Commission voted 4-0 to approve the minutes of March 19, 2012 and June 11, 2012.

**Requests for Continuances, Extensions of Time, Postponements, Withdrawals:**

Mr. Gervais stated that there will be one other item under Other Business regarding an Order of Conditions for Chester Street.

**Unfinished Business**

**Public Hearing**

**1. 21 Millbrook Street (aka 87 Gold Star Boulevard) (CC-2012-025) – Notice of Intent:**

Engineer Courtney Rheault of Graves Engineering appeared on behalf of the applicant, Cellular Sales of Massachusettes, LLC. Ms. Rheault said the stormwater management information had been revised based on comments from staff and the Commission. She presented the changes based on issues brought up at the previous meeting.

Mr. Gervais said he reviewed the new material and indicated it addresses all concerns previously discussed.

Upon a motion by Commissioner Donahue and seconded by Commissioner Theerman, the Commission voted 4-0 to close the public hearing.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McDonald, the Commission voted 4-0 to hold discussion regarding issuance of Order of Conditions until the end of the meeting.

### **List of Exhibits:**

- Exhibit A: Notice of Intent application for 87 Gold Star Boulevard; submitted by Brett Haven; received June 7, 2012.
- Exhibit B: Project Plans; prepared by Graves Engineering, Inc.; dated June 5, 2012.
- Exhibit C: Stormwater Management Report; prepared by The Contineo Group; dated June 4, 2012.
- Exhibit D: Stormwater Report; prepared by Graves Engineering, Inc; dated July 17, 2012.
- Exhibit E: Memorandum from Department of Public Works to Conservation Commission; re: 21 Millbrook Street – NOI; dated July 2, 2012.

### **New Business**

#### **Public Hearing**

#### **2. 425 Salisbury Street (fka 425B Salisbury Lane) (CC-2012-030) – Notice of Intent:**

Engineer Chris Keenan of Quinn Engineering, Inc. and Jordan O'Connor of Notre Dame Academy appeared on behalf of the applicant, Notre Dame Academy. Mr. Keenan said Notre Dame purchased property adjacent to the school on Salisbury Street to provide more classroom space and parking area. The project before the Commission proposes to provide a new parking lot in the rear of the building and widen the driveway width to facilitate traffic. The project falls under the jurisdiction of the City of Worcester Wetlands Protection Ordinance because work will occur within the 100-ft Stormwater Protection Zone. Mr. Keenan said two stormwater treatment units will be installed - one in the parking lot the other at the proposed widened driveway. He explained that drainage system will overflow into the city sewer system and said of the five trees along Salisbury Street, one will need to be cut.

Chair Wanat asked if proposed landscaping is compliant with respect to Asian Long Horned Beetle resistant species. Mr. Keenan stated it was compliant and that the applicant recently received approvals from the Historical Commission and Planning Board.

Chair Wanat asked about the grading at the site, to which Mr. Keenan said little grading is proposed except around the parking area.

Chair Wanat asked the reason for driveway widening, to which Mr. Keenan responded that it allows larger vehicles such as buses to turn around easier.

Upon a motion by Commissioner McDonald and seconded by Commissioner Donahue, the Commission voted 4-0 to close the public hearing.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McDonald, the Commission voted 4-0 to hold discussion regarding issuance of Order of Conditions until the end of the meeting.

### **List of Exhibits:**

- Exhibit A: Notice of Intent application for 425B Salisbury Lane and 425 Salisbury Street; submitted by Quinn Engineering, Inc.; received on June 26, 2012.
- Exhibit B: Project Plans entitled "Site Plan of Land – 425B Salisbury Lane"; prepared by Quinn Engineering, Inc.; dated April 25, 2012; received June 26, 2012.
- Exhibit C: Hydrology & Stormwater Management Report for 425B Salisbury Lane; prepared by Quinn Engineering, Inc.; dated April 25, 2012.
- Exhibit D: Memorandum from Department of Public Works to the Worcester Conservation Commission; re: 425 Salisbury Street – NOI; dated July 23, 2012.

### **3. 11 Lake Avenue (CC-2012-031) – Notice of Intent:**

Frederick Moseley – Vice-President of Fay, Spofford and Thorndike appeared on behalf of the applicant, Worcester Housing Authority. Mr. Moseley stated project proposes to replace seven off-street parking spaces on the north side of the building adjacent to Route 9 (impacted by construction of the Burns Bridge) with six permanent and one temporary off-street parking spaces and a walkway connection on the south side of the Lincoln Park Tower Apartments. The project falls under jurisdiction of the Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance because work will occur within 100-ft of Lake Quinsigamond and 100-ft of wetland buffer zone to Bordering Vegetated Wetland.

Engineer Jennifer Ducey of Fay, Spofford and Thorndike presented images and showed where the six permanent and one temporary off-street parking spaces will be located. She stated that plans showing the location were submitted as part of the NOI application. Ms. Ducey explained that six spaces will be porous asphalt and match existing materials previously used by the Worcester Housing Authority. She described how there will be no untreated discharge from the site and that the gravel space will temporarily be used during Burns Bridge construction and will be removed upon project completion. The six spaces are not for tenants and will only be used for maintenance vehicle parking.

Chair Wanat said there had been a site walk and he believed the porous design is better suited for the site instead of regular pavement. He then asked the Lake Quinsigamond Commission had been notified, to which Ms. Ducey responded affirmatively.

Chair Wanat asked if the proposed layout would affect any trees on site, to which Ms. Ducey replied that large trees and shrubs will not be impacted.

Commissioner Donahue expressed his concerns regarding automotive chemicals on porous pavement and its effects on groundwater especially since there will be maintenance vehicles present. Ms. Ducey said porous pavement was the alternative with the least amount of impact and that a closed drainage system was avoided.

Chair Wanat indicated he had the same concern as Commissioner Donahue but said the site view of the cross-section changed his stance. Ms. Ducey then showed the Commission images of the site's cross-section.

Commissioner Berg-Powers asked snow removal plans for the site, to which Ms. Ducey replied that it would not be disposed on or stored in the porous wetland area. She added that any stockpile of snow will immediately be removed in compliance with state and local regulations.

Commissioner Berg-Powers asked who was taking the over the maintenance responsibilities of the area following project completion, to which Ms. Ducey responded that Worcester Housing Authority would be responsible.

Commissioner Berg-Powers inquired whether the seven parking spaces north side of the building will be utilized after bridge completion, to which Ms. Ducey responded affirmatively.

Upon a motion by Commissioner MacDonald and seconded by Commissioner Donahue, the Commission voted 4-0 to close the public hearing.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McDonald, the Commission voted 4-0 to hold discussion regarding issuance of Order of Conditions until the end of the meeting.

### **List of Exhibits:**

- Exhibit A: Notice of Intent application for Lincoln Park Towers Replace Parking 11 Lake Avenue; prepared by Fay, Spofford & Thorndike; dated July 2, 2012; received July 3, 2012.
- Exhibit B: Project Plans entitled “Lincoln Park Towers Replacement Parking – Sections, Layout Plan, Grading Plan, Construction Details”; prepared by Fay, Spofford & Thorndicke; dated June 29, 2012.
- Exhibit C: Memorandum from Department of Public Works to Worcester Conservation Commission; re: 11 Lake Avenue – NOI; dated July 23, 2012.

### **Public Meeting**

#### **4. 72 Flagg Street (CC-2012-032) – Request for Determination of Applicability:**

Engineer Patrick Healey of Thompson & Liston Associates, Inc. appeared on behalf of the applicant, University of Massachusetts Medical School, which leases the subject property. Mr. Healey described the applicant’s issues with runoff coming over and seeping through the retaining wall. He showed photographs the swales and interceptor drain proposed to help alleviate the problem. He added that not much land would be disturbed to install the swale and believed that they will improve the site’s drainage system.

Chair Wanat stated the Commission has authority to approve alterations that are small in scope but recommended a Notice of Intent filing as it seemed that too much earth would be disturbed. He explained that a negative determination would give the Commission little control over what is performed on site and suggested a site walk to view the property.

Commissioner Donahue suggested possibly voting for a negative determination with conditions.

Commissioners Berg-Powers, Theerman and McDonald expressed their disagreement with Commissioner Donahue’s statement.

Chair Wanat stated the city review stated that the application met their standards.

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

### **List of Exhibits:**

- Exhibit A: Request for Determination of Applicability application for 72 Flagg Street submitted by UMass Medical Facilities; received July 3, 2012.
- Exhibit B: Site Plan entitled “Grenon House for 72 Flagg Street” prepared by Thompson-Liston Associates, Inc.; dated July 2, 2012; received July 3, 2012.
- Exhibit C: Memorandum from Department of Public Works to the Worcester Conservation Commission; re: 72 Flagg Street – RDA; dated July 23, 2012.

#### **5. 79 Sears Island Drive (CC-2012-033) – Request for Determination of Applicability:**

Engineer Allen Paige of Allen F. Paige Consulting Engineering appeared on behalf of the applicant, JML Construction. Mr. Paige presented plans to construct an addition onto an existing single family dwelling. The project is also scheduled to appear before Zoning Board of Appeals for a variance.

Chair Wanat stated the work is not substantial and outside of the 100’ buffer zone but asked if any trees will be removed. Mr. Paige stated no trees will be removed.

Mr. Gervais stated he had no comments.

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

**List of Exhibits:**

- Exhibit A: Request for Determination of Applicability application for 79 Sears Island Drive submitted by JML Construction; received July 3, 2012.
- Exhibit B: Site Improvement Plan for 79 Sears Island Drive; prepared by Allen F. Paige Consulting Engineering; dated July 2, 2012; received July 10, 2012.
- Exhibit C: Memorandum from Department of Public Works; re: 79 Sears Island Drive – RDA; dated July 23, 2012.
- Exhibit D: Project Plan for 79 Sears Island Drive; received July 23, 2012.

**Other Business**

**6. Request for a Letter of Support from Greater Worcester Land Trust re: 0 Airport Drive (Tetasset Ridge Trail - Fowler Brook South Fork)**

Colin Novick of Greater Worcester Land Trust appeared to present the item before the Commission. He said he sought a support letter from the Commission regarding a parcel on Airport Drive in order to apply for a grant with the State. Mr. Novick said site had been evaluated for wetlands and is an important resource and wildlife area.

Chair Wanat stated he had no issue with providing the letter of support.

Commissioner Berg Powers expressed his support of the project and welcomed opportunity to sign the letter.

Upon a motion by Commissioner Berg-Powers and seconded by Commission by Commissioner Theerman, the Commission voted 4-0 to draft a letter of support.

**List of Exhibits:**

- Exhibits A: Letter from Greater Worcester Land Trust – Request for Letter of Support for Tetasset Ridge Trail/Fowler Brook South Fork; undated.

**7. Enforcement Order Update – 14 Ada Street – (CC-2011):**

Chair Wanat said the Commission received a letter from city staff and the City’s Law Department recommending rescinding the enforcement order since staff has since discovered that the rocks were not intentionally dropped into brook but were result of erosion, nor due to property owner negligence.

Commissioner Theerman disagreed with the staff memo with regards to description of what is present in the brook. He stated they are not rocks but instead are large eight feet graded curbing numbering at least 20-25 in the brook. Commissioner Theerman said the curbing was placed next to brook by the owner and the situation needed to be rectified because it was unpermitted work within the buffer zone. He believed the enforcement order was appropriate and was not be in favor of rescinding the order per memo recommendation.

Chair Wanat asked why the large stones were placed there and their impacts on site.

Mr. Gervais responded saying that they had been placed there years ago and the bank had eroded over time. He added that the stone created a potential damming effect.

Commissioner Berg-Powers expressed his concerns with rescinding the order and the fact that the City can do little in assisting with the situation. He said he hoped the City could work with homeowner to find a solution.

Mr. Gervais stated the City determined it could not do anything as it was the natural meandering of the brook.

Commissioner McDonald said she believed the brook should continue on its natural path but was concerned with the damming.

Mr. Gervais stated he believed the owner was willing to remove the curbing but needed an excavator for the work.

Commissioner Donahue stated that the Commission previously recommended that owner obtain a consultant to come up with a plan to resolve the situation.

Chair Wanat stated he did not know what the Commission's authority was to issue an enforcement order for something the owner did not cause and said his inclination was to rescind it. However, he expressed his belief that there should not be efforts to re-direct the stream since it could create unexpected consequences.

Commissioner McDonald suggested keeping the enforcement order in place in case the owner plans to sell his property.

Commissioners Donahue recommended continuing the item until the next meeting to get input from the absent commissioners.

Commissioner Theerman agreed and suggested giving the owner the opportunity to attend the meeting and provide an update.

Mr. Gervais stated he talked to the owner who said he had been looking for direction on what to do.

Commissioner Berg-Powers stated he would like an expert to visit the site and advise accordingly.

Commissioner McDonald asked if the owner had contacted the Army Corps of Engineers, to which Mr. Gervais said he was unsure.

Chair Wanat stated he recommended continuing the item and requesting that the owner attend the next meeting.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Donahue, the Commission voted 4-0 to continue the item until the August 6, 2012 meeting.

**List of Exhibits:**

Exhibit A: Memorandum from Luba Zhaurova, Division of Planning & Regulatory Services to Joseph Wanat, Conservation Commission; re: Letter 446 Mill Street and request to clear Tatnuck Brook stream bed; dated July 20, 2012.

**8. Enforcement Order Update - 1121 Grafton Street (CC-2006-088):**

Chair Wanat said the Commission and city requested a status update from the owner demonstrating that the correct stormwater unit had been ordered and will be installed within two weeks of delivery. Chair Wanat stated that no letter has been received and recommended continuing the item.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McDonald, the Commission voted 3-1 (Commissioner Theerman voted against) to continue the item until the August 6, 2012 meeting.

**9. Enforcement Order - 187 Greenwood Street (CC-EO-2012-001)**

Mr. Gervais stated a filing was received prior to the meeting and that it will be on the next meeting agenda. Upon a motion by Commissioner Berg Powers and seconded by Commissioner Theerman, the Commission voted 4-0 to continue the item until the August 6, 2012 meeting.

**10. Enforcement Order – 20 Jasmine Drive (CC-EO-2012-005)**

Mr. Gervais said he spoke to the owner and the paperwork has been completed. The owner, however, was unable to be present but would attend the next meeting.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Donahue, the Commission voted 4-0 to continue the item until the August 6, 2012 meeting.

**11. Discussion & Issuance of Orders of Conditions as relevant to a hearing closed /23/2012**

- a. 21 Millbrook Street (aka 87 Gold Star Boulevard) (CC-2012-025) – Notice of Intent
- b. 425 Salisbury Street (fka 425B Salisbury Lane) (CC-2012-030) – Notice of Intent
- c. 11 Lake Avenue (CC-2012-031) – Notice of Intent

**12. 8 Winter Hill Dr (fka Chester Street) (CC-2011-006)**

Mr. Gervais stated that applicant needed a duplicate original in order to record it with the Registry of Deeds. Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Donahue, the Commission voted 4-0 to re-issue and order of conditions for DEP #349-1010.

**Adjournment**

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Theerman, the Commission voted 4-0 to adjourn the meeting at 6:37 p.m.