

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

November 16, 2015

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present:

Peter McKone
Joe Charpentier
Amanda Amory
Jordan Berg Powers-Arrived late

Members Absent:

Stephanie Wood, Chair

Staff Present:

Michelle Smith, Division of Planning & Regulatory Services
Edmund Kochling, Department of Public Works & Parks (DPW&P)

Call to Order – 5:30 pm

Minutes – None

Requests for Continuances, Postponements, Withdrawals

Commissioner Charpentier assumed the role as Chairperson.

1. 1117 Grafton Street (MBL 38-034-00016) (CC-2015-047)

Application: Notice of Intent

Applicant: Anthony Bianco

Project: To fill in and level out the rear-yard of the property and construct a retaining wall to hold the fill, along with related grading, utilities, and site work on property located at 1117 Grafton Street

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed intermittent stream and within the Stormwater Protection Zone

Public Hearing Opened: 8/31/2015

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to continue the item until the December 7, 2015 meeting and to extended the constructive grant deadline until January 5, 2016.

List of Exhibits:

Exhibit A: 1117 Grafton Street Application for Notice of Intent submitted by Anthony Bianco; received August 10, 2015; dated August 10, 2015.

- Exhibit B: 1117 Grafton Street Plan; prepared by ASA Engineering; dated August 30, 2015.
- Exhibit C: Memorandum from Department of Public Works & Parks re: 1117 Grafton Street; dated September 17, 2015.
- Exhibit D: Request to continue; received September 21, 2015 & November 16, 2015.

2. 712 Plantation Street (MBL 46-49A-00008) (CC-2015-061)

- Application: Request for Determination of Applicability
- Applicant: Pullman Street, LLC
- Project: To seek determination as to whether or not the work/area associated with the reconstruction of the existing parking area and associated drainage infrastructure, along with minor repairs/demolition to the existing structure, along with associated site-work, on property located at 712 Plantation Street is subject to the Commission's jurisdiction
- Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - the proposal shall occur partially within the 100 ft. buffer zone to the Bordering Vegetated Wetlands associated with the Bank of Poor Farm Brook and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WWPO - 11/16/2015

Constructive Grant Deadline: WPA – 12/8/2015

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to postpone the item until the December 7, 2015 Conservation Commission meeting and to extended the constructive grant deadline until January 5, 2016 to allow for notification of the abutting property owner.

List of Exhibits:

- Exhibit A: 712 Plantation Street Request for Determination of Applicability; submitted by Graves Engineering, Inc.; received September 30, 2015; dated September 30, 2015.
- Exhibit B: 712 Plantation Street Plan; prepared by Graves Engineering, Inc.; dated October 27, 2015.
- Exhibit C: Memorandum from Department of Public Works & Parks re: 712 Plantation Street; dated October 15, 2015; revised November 13, 2015.
- Exhibit D: Memorandum from Conservation Commission re: Wetlands Protection Act/Ordinance Violation; dated September 25, 2015.
- Exhibit E: Request to continue; received October 19, 2015.

3. 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: For 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 – 11/16/2015

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to postpone the item until the January 4, 2015 Conservation Commission meeting and to extended the constructive grant deadline until January 26, 2016 to allow for revised plans.

List of Exhibits:

Exhibit A: 0 & 9 Hemans Street and part of 40 Milton Street Application for Notice of Intent; submitted by JNBB, LLC; received September 1, 2015; dated June 16, 2015.

Exhibit B: 0 & 9 Hemans Street and part of 40 Milton Street Definitive Site Plan; prepared by H.S.&T. Group, Inc.; dated September 2, 2015

Exhibit C: Request to continue; received September 16, 2015 & September 20, 2015.

4. 501-505 Mill Street (CC-2001-027) - Request for Certificate of Compliance

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to postpone the item until the January 4, 2015 Conservation Commission meeting and to extended the constructive grant deadline until January 26, 2016.

List of Exhibits:

Exhibit A: 501-505 Mill Street application for Certificate of Compliance; submitted by Botany Bay Construction Co. Inc.; received April 22, 2015; dated May 4, 2015.

Exhibit B: 501-505 Mill Street Site Plan; prepared by Cullinan Engineering; dated August 2, 2015.

Exhibit C: Memorandum from EcoTec, Inc. re: Center Hill Apartments – DEP File #349-703, WCC File #01-27); received June 10, 2015.

Exhibit D: Memorandum from Botany Bay Construction Co. Inc., re: Release of Performance Bond related to CC-2001-027; dated November 12, 2015

Exhibit E: Request to continue hearing; received September 16, 2015 & September 20, 2015.

5. 981 Grafton Street (CC-2014-010) - Request for Certificate of Compliance

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 allow for Leave to Withdraw without prejudice at the applicant's request.

List of Exhibits:

Exhibit A: 981 Grafton Street Application for Certificate of Compliance; submitted by Mark Hebert; received October 28, 2015; dated October 28, 2015.

Exhibit B: 981 Grafton Street Site Plan prepared by RJO ‘Connell & Associates, Inc.; dated March 3, 2014.

Exhibit C: Request for Leave to Withdraw; dated November 16, 2015; received November 16, 2015.

New Business – Request for Determination of Applicability:

Public Hearings

6. 19 Proctor Street (MBL 13-015-01+16) (CC-2015-065)

Application: Request for Determination of Applicability

Applicant: Steven Rothschild

Project: To seek determination as to whether or not the work/area associated with the removal of a mature tree in the rear of the property near the shoreline, along with associated site-work, on property located at 19 Proctor Street is subject to the Commission’s jurisdiction.

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - the proposal shall occur within the 100 ft. buffer to the Bank of Indian Lake, and associated Bordering Vegetated Wetlands, and within Bordering Land Subject to Flooding

Public Hearing Opening Deadline: WPA – n/a; WWPO - 12/10/2015

Constructive Grant Deadline: WPA – 11/16/2015

Steven Rothschild appeared on behalf of the item. He stated that there is overgrown vegetation and that a large mature tree that needs be removed. He stated that they plan to put hay bales around the area to be cleared before they cut down the tree. He stated that the tree will be pulled away from the water and once its cut down it will be taken off-site.

Commissioner Charpentier asked if there would be any additional site work such as grading or bringing in additional top soil. Mr. Rothschild stated no that is just the tree.

Commissioner Charpentier asked if the stump will be grinded down. Mr. Rothschild stated it would be ground down to be just below grade to allow for sod to be placed, but that no excavation was proposed.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: 19 Proctor Street Request for Determination of Applicability; received October 26, 2015; dated October 24, 2015.

Exhibit B: 19 Proctor Street Plan; undated; received October 26, 2015.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks re: 19 Proctor Street; dated November 12, 2015.

7. Tory Fort Lane Right-of-Way (~300' southwest of the intersection with Rich Street) (CC-2015-066)

Application: Request for Determination of Applicability

Applicant: Massachusetts Electric Company

Project: To seek determination as to whether or not the work/area associated with the replacement of one utility pole (P5) and installation of one additional new utility pole (P5-84) along with associated site work and vegetation removal, on property located within the Tory Fort Lane Right-of-Way, in the vicinity of 15, 22, & 24 Tory Fort Lane, is subject to the Commission's jurisdiction.

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the 100 ft. buffer zone to the Bank of Tatnuck Brook and associated Bordering Vegetated Wetlands and within the Riverfront Area and Bordering Land Subject to Flooding associated with Tatnuck Brook

Public Hearing Opening Deadline: WPA – n/a; WWPO - 12/10/2015

Constructive Grant Deadline: WPA – 11/16/2015

Theresa Portante from BSC Group appeared on behalf of the item. Ms. Portante stated that they are replacing an existing pole and because of the load on the pole they are proposing to install a new sub pole to compensate for the load. She stated that the activity will be within 25' of the riverfront area and within 30' of the inland bank. She explained the installation process and that they will use an auger, staged from the road, and that the holes would be about 3' - 3.5' deep noting that the spoils will be saved to back fill with any excess removed from the site and that erosion controls would be installed as shown on the plan.

Commissioner Charpentier asked if there were any catch basins near the work. Ms. Portante stated that there were not.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to issue a Negative Determination of Applicability with the waiver of the performance standard 4.2.4.A., having found the work qualifies as a limited project under the Act and is therefore exempt therefrom.

List of Exhibits:

Exhibit A: Tory Fort Lane Right-of-Way Request for Determination of Applicability submitted by BSC Group; received October 26, 2015; dated October 26, 2015.

Exhibit B: Tory Fort Lane Right-of-Way Plan; prepared by BSC Group; received October 8, 2015; dated October 26, 2015.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks re: Tory Fort Lane Right-of-Way; dated November 12, 2015.

8. 47 Pine Hill Road (MBL 38-033-0000B) (CC-2015-067)

Application: Request for Determination of Applicability

Applicant: AZ Construction N Design

Project: To seek determination as to whether or not the work/area associated with the re-construction of a single-family detached dwelling, following a fire, along with associated grading, paving, and site-work, on property located at 47 Pine Hill Road is subject to the Commission's jurisdiction.

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - within the 100 ft. buffer zone to the Bank of an unnamed intermittent stream and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WWPO - 12/11/2015

Constructive Grant Deadline: WPA – 12/9/2015

Luigi Algieri from AZ Construction 'N' Design appeared on behalf of the item. Mr. Algieri stated that the previous house had burned down and that they are proposing to rebuild it. He noted that the brook is ~75' away.

Commissioner McKone asked the applicant if he had addressed the comments in the DPW&P's Memorandum. Mr. Algieri stated that they installed a silt fence after speaking with Mr. Kochling and that they will also put a silt sack in the adjacent catch-basins immediately.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: 47 Pine Hill Road Request for Determination of Applicability; submitted by Justine Shea; received October 27, 2015; dated October 26, 2015.

Exhibit B: 47 Pine Hill Road Plot Plan; prepared by H. S. & T Group, Inc., undated.

Exhibit C: 47 Pine Hill Road Plan; prepared by AZ Construction; dated October 12, 2015.

Exhibit D: 47 Pine Hill Road OLIVER Updates; undated; received November 16, 2015.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks re: 47 Pine Hill Road; dated November 12, 2015.

9. 82 Salisbury Street (aka Institute Park) (MBL 01-01X-03-05) and Lancaster Street Right-of-Way, between Grove Street & Humboldt Avenue (CC-2015-072)

Application: Request for Determination of Applicability

Applicant: The City of Worcester Department of Public Works & Parks

Project: To seek determination as to whether or not the work/area associated with the removal of existing trees and vegetation near the Salisbury Pond Dam, along with associated site-work, on property located at 82 Salisbury Street (aka Institute Park) (MBL 01-01X-03-05) and Lancaster Street Right-of-Way, between Grove Street & Humboldt Avenue is subject to the Commission's jurisdiction

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the 100 ft. buffer to the Bank of Salisbury Pond, and associated Bordering Vegetated Wetlands, within Land Underwater and Bordering Land Subject to Flooding

Public Hearing Opening Deadline: WPA – n/a; WWPO - 12/20/2015

Constructive Grant Deadline: WPA – 11/26/2015

Jon Gervais from the Department of Public Works & Parks appeared on behalf of the item. He stated that the project encompasses the removal of woody vegetation located in the dam to comply with the Department of Conservation and Recreation (DCR) Dam Safety requirements for dam maintenance. He noted that the vegetation requiring removal consists of mostly smaller woody vegetation with some small trees and four larger trees and noted that stumps would be removed. He stated that they will install a silt fence and possibly some hay bales but that it may be difficult to install erosion controls given the rip-rap.

Commissioner Charpentier asked what stabilization measures would be taken once the stumps were removed. Mr. Gervais stated that disturbed areas would be loamed and seeded.

Commissioner Amory asked if the trees are undermining the structure as it is now. Mr. Gervais affirmed and explained the vegetation removal is in order to maintain the integrity of the dam.

Commissioner McKone asked if there was a maintenance plan in place. Mr. Gervais affirmed and stated that they will be implementing mountainous plans for all the City dams in compliance with the DCR dam safety standards.

Upon a motion by Commissioner Amory and seconded by Commissioner McKone the Commission voted 3-0 to issued Negative Determination of Applicability.

List of Exhibits:

- Exhibit A: 82 Salisbury Street Request for Determination of Applicability submitted by City of Worcester DPW&P.; received November 9, 2015; dated November 3, 2015.
- Exhibit B: 82 Salisbury Street Field Sketch and Notes prepared by CDM Smith; dated April, 2012.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks re: 82 Salisbury Street; dated November 12, 2015.

New Business – Notices of Intent:

10. 0 (aka Lot 3) Salisbury Street (MBL 50-023-00003) & Salisbury Street Right-of-Way (CC-2015-063)

Application: Notice of Intent

Applicant: The City of Worcester Department of Public Works & Parks

Project: For the re-location and construction of a drainage outfall along with associated grading, paving, drainage, and site-work

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed stream and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – 11/10/2015; WWPO – 12/4/2015

Chris Gagne from the Department of Public Works & Parks appeared on behalf of the item. Mr. Gagne gave brief history of the property. He stated that the proposal is for the redirection of an outfall from an existing catchbasin. He stated that they plan to run the pipe from the existing

infrastructure continue it ~150' south and discharge it onto an easement on the private property. He explained that the wetlands were ~42' from the edge of the easement.

Commissioner Charpentier asked about the type of vegetation that exists between the outfall and the wetland. Mr. Gagne stated that the site was presently wooded.

James Vander Salm, co-owner of 655 Salisbury Street, stated that there a pond on his property fed by the stream and wetlands abutting this site. He asked what the average percentage slope is as you go down the hill from the outfall to the wetland. Mr. Gagne stated that the slope appears to be 2H:1V to 3H:1V.

Mr. Vander Salm asked about the size of the rip-rap splash-pad and outfall to be installed. Mr. Gagne stated that the rip-rap splash-pad is 5' x 12.5' and that the pipe would be a 15" in diameter. Mr. Vander Salm asked if the rip-rap will be sufficient to prevent any type of erosion. Mr. Gagne stated that the pipe is oversized, discharging from only one catchbasin, and the maximum flow would be 2.2 CF/second of water noting that in any storm that submerges the catch basins one would likely only see ~3" of water would discharge from the pipe.

Mr. Vander Salm asked about the size of the watershed of the basin. Mr. Gagne stated it goes about 400' north toward Barry Road and takes the gutter wash from one side of the road.

Mr. Vander Salm asked for clarification on the proximity of the resource area to the proposal. Mr. Gagne stated that the edge of the rip-rap would be located about 50' from the wetlands.

Mr. Vander Salm asked if the infrastructure would prevent erosion filter out pollution that might otherwise discharge into the wetland. Mr. Gagne stated affirmed and gave an overview about how the system filters out sediment and other debris from runoff.

Commissioner Charpentier asked if the current discharge was already going to these wetlands. Mr. Gagne stated that it was but that this catchbasin has been blocked for 1.5 years

Commissioner Charpentier asked if when the discharge was going into the wetlands were any negative effects observed. Mr. Gagne stated no. Mr. Vander Salm asked how many feet the old outfall was from the wetland. Mr. Gagne stated that it appears to be located 70' to 80' away. Mr. Vander Salm noted the proposed location would be much closer and asked if the slope in the discharge area was greater than the previous one. Mr. Gagne stated that he did not have any information on the slopes in front of him.

Commissioner Charpentier asked if Mr. Vander Salm had observed a negative impact on the wetland from the previous outfall. Mr. Vander Salm stated that he had observed that the rip-rap provided previous was inadequate to slow the flow of the water.

Mr. Vander Salm asked what size stones would be put in place. Mr. Gagne stated that they would be putting in 12" stones. Mr. Vander Salm inquired about maintenance of the area. Mr. Gagne stated that the City would maintain the area but that he doesn't expect any effluent from the pipe to affect the performance of the rip rap.

Mr. Vander Salm asked if organic debris would affect the performance. Mr. Gagne stated debris would wash away periodically and that if the pipe became obstructed DPW&P would unblock it.

Commissioner Charpentier asked Mr. Vander Salm to articulate his specific concerns. Mr. Vander Salm stated that his main concern was erosion given the area is steep and close to the wetlands and noted that if organic matter builds up it could impact the performance of the rip-rap by not acting to slow the water or filter out sediment. He inquired about alternate locations for

the outfall. Mr. Gagne stated that the City of Worcester required permission from a property owner to discharge onto an abutting lot.

Mr. Vander Salm stated that this location would create a discharge twice as large and close to the wetlands. Mr. Gagne stated this location was selected out of convenience to both the property owner and the City and that the rip-rap splash-pad was sized per DEP specifications.

Commissioner Charpentier stated that the distance from the edge of the wetland to the permanent structure was more than adequate to pass the Worcester by law requirement of 30'. Mr. Gagne affirmed and clarified that the rip rap is located approximately 50' from the wetlands.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to close the public hearing (Commissioner Berg Powers was unable to vote on the matter, having arrived late to the meeting and not been present for all the hearing per the "Mullin Rule").

List of Exhibits:

- Exhibit A: 0 (aka Lot 3) Salisbury Street Notice of Intent Application; submitted by the City of Worcester DPW&P; received October 20, 2015; dated September 25, 2015.
- Exhibit B: 0 (aka Lot 3) Salisbury Street Site Plan; prepared by H.S.&T. Group, Inc., undated.
- Exhibit D: Memorandum from the Department of Public Works & Parks re: 0 (aka Lot 3) Salisbury Street; dated November 12, 2015.

11. 1 College Street (MBL 10-040-00001) (CC-2015-064)

Application: Notice of Intent

Applicant: The Trustees of the College of the Holy Cross

Project: For the construction of a ~139,838 SF addition to the existing Hart Center, to be used as a fieldhouse, and to re-configure the existing access driveway to accommodate the addition, along with associated renovations of a ~46,500 SF portion of the existing Center, grading, paving, drainage, site work, and landscaping on the southern portion of property located at 1 College Street

Jurisdiction: City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WWPO – 12/6/2015

Neil Davis from Sasaki Associates appeared on behalf of the item and also introduced Steve Engler and Robert Titus from Sasaki Associates.

Mr. Davis stated that the project consists of an addition to the existing Hart Center, to be used as a Field House, and that the project includes the relocation of the existing driveway including regrading, paving, and landscaping associated therewith.

Mr. Engler stated that the filing was submitted under the local Ordinance given the site is within a 100' of storm-drain inlets and gave the Commission an overview of the plans.

Commissioner Charpentier asked with the increase in impervious area and if so, how the change in stormwater flow would be handled. Mr. Engler stated that a roof drain will connect to a subsurface detention system that will be outlet to an existing swale and stated that some drainage

from the north of the addition and the existing building will be collected and directed to the northwest of the site.

Commissioner Charpentier asked if the sub surface system already existed. Mr. Engler stated that there was presently no sub-surface system for roof-runoff and described the proposed stormceptor system.

Commissioner McKone asked Mr. Engler to review the erosion controls for the site. Mr. Engler stated that they are proposing a silt fence and a diversion swale that will divert the water to a sediment trap. Mr. Engler stated that they had also provided a draft of the Stormwater Pollution Prevention Plan to the Commission.

Commissioner Charpentier asked if there would be any stockpiling of materials on-site. Mr. Engler reviewed where the stockpiling would be located on the plan noting that they had reviewed the DPW&P comments provided and revised their plans to meet these requirements. Mr. Kochling stated that he had not seen the revised plans.

Commissioner Berg Powers asked about the final stormceptors. Mr. Engler stated that the plans may not show the exact proprietary infrastructure that will be installed. Commissioner Berg Powers expressed concerns about the possible changes and recommended as a special condition that before the system is installed, the applicant be required to verify the proposed proprietary infrastructure meets City Standards if it deviates from that which is shown on the plans.

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

List of Exhibits:

- Exhibit A: 1 College Street Notice of Intent Application; submitted by Sasaki Associates, Inc.; received October 22, 2015; dated October 20, 2015.
- Exhibit B: Hart Center Renovation and Expansion Site Plan Review, dated October 13, 2015
- Exhibit C: 1 College Street Stormwater Management Report; dated October 13, 2015.
- Exhibit D: Memorandum from the Department of Public Works & Parks re: 1 College Street; dated November 12, 2015.

12. 0 (aka Lot 6 or 675) Salisbury Street (MBL 50-023-00006) (CC-2015-069)

Application: Notice of Intent

Applicant: Salisbury Holdings, LLC

Project: For the construction of a single-family detached dwelling along with associated grading, paving, drainage, and site-work

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed stream

Public Hearing Opening Deadline: WPA – 11/18/15; WWPO – 12/12/2015

List of Exhibits:

- Exhibit A: 0 (aka Lot 6) Application for Notice of Intent submitted by Salisbury Holdings, LLC; received October 28, 2015; dated November 11, 2015.

- Exhibit B: 0 (aka Lot 6) Plan prepared by H.S.&T. Group, Inc.; dated October 28, 2015.
- Exhibit C: Memorandum from Department of Public Works & Parks re: Lot 6 Salisbury Street; dated November 12, 2015.
- Exhibit D: Request to continue hearing dated November 16, 2015 and received November 16, 2015.

Zac Couture, of H.S.&T. Group, Inc., appeared on behalf of the item. Mr. Couture stated that the proposal is located within 100' of a bordering vegetated wetland and will involve the construction of a four bedrooms home and associated utilities and driveways. He stated that the proposal will include a sub-surface infiltration system which will recharge the roof runoff. He explained that silt-saks would be placed in the existing catch basins in the right—of-way and that hay bales will be installed along the limit of work with a tracking pad placed at the site's construction entrance in order to prevent sediment being tracked onto Salisbury Street. He noted that they are proposing that the contractor strip soil on site for reuse but excess soil would be removed at end of day and any temporary stockpiles would require a silt fence around.

Commissioner Charpentier asked if this parcel had been split from a larger parcel. Mr. Couture affirmed. Commissioner Charpentier asked if there was any plan to develop the land adjacent to that and suggested they discuss the proposals together if that was the case. Mr. Couture affirmed that they are proposing the development of three lots which, while not abutting lots, were all once part of a larger parcel.

Ms. Smith requested that if the Commission would like to hear all three items at once the Chair call the remaining items.

13. 0 (aka Lot 7 or 697) Salisbury Street (MBL 50-023-00007) (CC-2015-070)

- Application: Notice of Intent
- Applicant: Salisbury Holdings, LLC
- Project: For the construction of a single-family detached dwelling along with associated grading, paving, drainage, and site-work
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed stream

Public Hearing Opening Deadline: WPA – 11/18/15; WWPO – 12/12/2015

List of Exhibits:

- Exhibit A: Application for Notice of Intent submitted by Salisbury Holdings, LLC received October 28, 2015 and dated November 11, 2015.
- Exhibit B: Plan prepared by H.S.&T. Group, Inc. dated October 15, 2015
- Exhibit C: Memorandum from Department of Public Works & Parks re: Lot 7 Salisbury Street; dated November 12, 2015.
- Exhibit D: Request to continue; dated and received November 16, 2015.

14. 0 (aka Lot 4 or 671) Salisbury Street (MBL 50-023-00004) (CC-2015-071)

- Application: Notice of Intent

Applicant: Salisbury Holdings, LLC
Project: For the construction of a single-family detached dwelling along with associated grading, paving, drainage, and site-work
Jurisdiction: City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone

Public Hearing Opening Deadline: WPA – 11/18/15; WWPO – 12/12/2015

List of Exhibits:

Exhibit A: 0 (aka Lot 4 or 671) Application for Notice of Intent; submitted by Salisbury Holdings, LLC; received October 28, 2015; dated November 11, 2015.
Exhibit B: 0 (aka Lot 4 or 671) Plan; prepared by H.S.&T. Group, Inc.; dated October 28, 2015.
Exhibit C: Memorandum from Department of Public Works & Parks re: Lot 4 Salisbury Street; dated November 12, 2015.
Exhibit D: Request to continue; dated and received November 16, 2015.

Commissioner Charpentier stated that the Commission would now hear the items for 0 aka Lots #4, #6, and #7 Salisbury Street as the Commission would like to discuss them together.

Mr. Couture stated that for Lot 7 they are proposing a four bedroom home with an infiltration system, outlining the proposed erosion control measures and limit of work.

He stated that Lot #6, #7 are before the Commission for a Notice of Intent and Lot #4 is just for local jurisdiction as 100' from a catch basin.

Mr. Couture stated that with regard to Lot #4 it will be a similar proposal, a four bedroom single family home with similar erosion control measures, noting that the erosion controls will act as the limit of work and everything beyond the erosion controls would be left vegetated. He reiterated that Lot #4 is outside the 100' buffer to the abutting wetlands and was filed under the local Ordinance only given the site's proximity to off-site catch basins. Mr. Charpentier affirmed that the limit of work would be the erosion controls.

Commissioner McKone noted that the sites looks tight and asked Mr. Couture where they would provide temporary stockpiled if they were required to store materials on-site. Mr. Couture stated on Lot #4 it outside the 100' buffer and the location for storage would be behind the proposed house with the piles surrounded by a silt fence. He explained that on Lot #7 stockpiling would be in the back corner of the house, away from the 100' buffer, with silt fence provided around the pile and that on Lot #6 a pile would be located away from the 100' buffer.

Commissioner Amory asked if the intent was to build all three units at once or if it would be phased. Mr. Couture stated that they filed each separately so that each can be built individually. Commissioner Amory stated that if the development was phased materials could stockpile on the nearby lots during construction so the size of the site would not constrain stockpiling. Mr. Couture stated that they would consider that.

Commissioner Berg Powers stated that he would not vote to issue an Orders of Conditions for this project and if they do issue an Order that they not move forward. He expressed concerns that the site is very tight and steep and that the proposal involves a large increase in impervious area is substantial. He expressed concerns regarding the accuracy of the delineation. He expressed concerns that the Commission has done a poor job of overseeing this site and protecting the area

and he's concerned that the developer is to shove as much development in the area as possible and that he just did not think the site was an appropriate place for development given the previous impacts to the resource area.

James Vander Salm, co-owner of 655 Salisbury Street, asked where the proposal was located in proximity was the City's drainage project. Mr. Couture stated that he was unsure but could find out while he emphasized that the City project would not affect the three lots in front of the Commission.

Mr. Vander Salm asked if the infiltration system was it calculated to handle. Mr. Couture stated that the system would handle all the roof runoff.

Mr. Vander Salm expressed concerns about the steep grades and the associated challenges with building thereon without having downstream impacts. Mr. Couture stated that, predominantly, the steep grades are located beyond the limit of work and will be left vegetated.

Mr. Vander Salm stated that his main concern was with regards to Lots #6 and #7 and noted that any reasonable person would not think that these lots are buildable lots given their proximity to the wetlands. He expressed particular concerns about lot #7 with regards to the grades and the possibility of sediment and post construction pollutants traveling downstream. He reminded the Commission that they have the ability to deny a project located within 100' of a stream/wetland if they think the project has not demonstrated that it will be adequate to protect the resource areas. He urged the Commission to not allow the development of Lots #6 and #7 for reasons relating to the grades, possibility of erosion and sedimentation during construction and pollutant discharge after construction.

Commissioner Amory stated that she would like to see all three lots on one plan. Mr. Couture stated that they could provide such a plan.

Mr. Couture noted that all of the lots meet the City zoning ordinance requirements and with regard to size. He noted that the steep slopes running towards the wetlands will primarily be left in a natural vegetated state as shown on plans and noted that this area would act as a buffer to slow runoff. He explained that Lot #7 which has some steeper grades would require Planning Board approval but that Lots #4 and #6 do not meet the 15% slope requirement triggering Planning Board review. He explained that they designed the grading for Lot # 7 to actually be decreasing the overall slope of the site where construction is proposed.

Commissioner Charpentier asked if the Lot 7 had come before the Planning Board. Mr. Couture stated that a filing had been submitted and would be before the Planning Board on Wednesday.

Commissioner McKone stated that it is important to note that the Conservation Commission does not define what a "buildable lot" is. He noted that the area has had problems in the past and that the Commission would need to be careful in considering the development of these lots. He expressed concerns about the storage of materials near the 100' buffer and stated that he would prefer to see this located farther away. He suggested the possibility of phasing and building the steeper lot first and utilize storage on the less steep lots. He recommended the Commission conduct a site visit.

Commissioner Amory requested that they applicant explore a change in design that would decrease the work proposed within the buffer zone. Mr. Couture stated that a change could be considered but that the proposal only encroaches into the buffer in the back corner and would need to ensure they could meet all the other City requirements with any design changes.

Commissioner Amory suggested an alternate design and the possibility of decreasing the size of the dwellings. Mr. Couture stated that he would need to discuss with his client.

Commissioner Charpentier stated that there is a history with this location and that they had seen proposals for ~11 lots; he asked if the 11 lots were all owned by the same owner. Mr. Couture stated that he did not know. Commissioner Berg Powers stated that he believed they were not all commonly owned.

Mr. Vander Salm reiterated that his concerns and that his main issue is with Lot #7 and cautioned that the cumulative impacts of tree removal to wildlife habitat and stream ecology. He expressed concerns that other development in this area over the past 15 years has changed the streams flow, particularly during heavy rain events, and that the flow is now quite flashy, despite its perennial flow. He expressed concerns regarding lack of infiltration of all the site runoff.

Mr. Couture stated that the tree clearing will be mainly beyond the 100' buffer so he doesn't feel the clearing would impact the wetland and argued that the tree clearing could create more open area to absorb water instead of having trees which tends to create more runoff.

Commissioner Charpentier reiterated that Commissioner McKone suggested a site walk to see all three lots and asked if the applicant would be amenable to continue the hearing to allow for that. Mr. Couture stated that was fine.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to continue the item until the December 7, 2015 Conservation Commission meeting and to extend the constructive grant deadline until January 5, 2016 to allow for a site walk.

Requests to Amend Orders of Conditions:

15. 45 McKeon Road (MBL 31-025-0A-0C) (CC-2015-068)

Application: Notice of Intent

Applicant: Riley Power, Inc.

Project: To allow for newly proposed demolition of the remaining vacant commercial structure, along with associated site work, on property located at 45 McKeon Road. The Original Order was issued on June 21, 2011 (CC-2011-022)

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland and within Bordering Land Subject to Flooding, each associated with the Bank of Middle River, and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – 11/17/15; WWPO – 12/11/2015

Scott Morrision from EcoTec appeared on behalf of the item. Mr. Morrision stated that the proposal is to demolish the building down to the concrete slab due to vandalism. Mr. Morrision stated that they received a Memorandum from the DPW&P and stated that they will install an erosion control barrier consisting of hay bales and silt fence to protect the down gradient resource areas and reviewed where these would be located. He noted that the demolition material can be pulled back from the existing impervious areas and will be disposed of offsite.

Commissioner Berg Powers asked if there would be any type of storage while work was being done. Mr. Morrision stated that storage would be minimal and would be done outside the 100' buffer.

Commissioner Amory asked about disturbance near the 30' buffer. Mr. Morrision stated that they plan to install the erosion control barrier at the 30' mark but that they don't foresee any work required beyond the building itself.

Commissioner Charpentier stated the Commission has been concerned with demolition projects and construction debris being blown into the resource area and would encourage applicant to watch that. Mr. Morrision stated that they could address this.

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

List of Exhibits:

- Exhibit A: Request to Amend an Order of Conditions for 45 McKeon Road; submitted by EcoTec, Inc.; received November 12, 2015; dated November 12, 2015.
- Exhibit B: 45 McKeon Road Site Plan prepared by Babcock Power Sales, Inc.; dated April 28, 2011.
- Exhibit C: Memorandum from Department of Public Works & Parks re: 45 McKeon Road; November 12, 2015.

Other Business:

16. Requests for Extension of Time:

a. 486 Chandler Street (DEP # 349-1047; CC-2013-001 & CC-2014-037)

Jared Gentilucci from Nitsch Engineering appeared on behalf of the item. He gave an overview of the project history construction of a new Residence Hall at Worcester State University and stated that while the new building is complete, the improvements to widen the road were still required. He explained that this work had not been completed due to funding restraints but that the University is hoping to complete the work in 2016 and that they request an Extension of Time for three years.

Commissioner Berg Powers asked why the request was for an extension until 2019. Mr. Gentilucci stated that they requested a three year extension but would leave it up to the Commission as to what would be appropriate noting that the project is depending on funding while they are hopeful that they will have the money to complete the work in 2016.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory the Commission voted 4-0 to approve the Request for Extension of Time for three (3) years.

List of Exhibits:

- Exhibit A: 486 Chandler Street Request for Extension of Permit; MassDEP File #349-1047 & Worcester Conservation Commission File #2013-001; received October 13, 2015; dated October 8, 2015.
- Exhibit B: 486 Chandler Street Site Plan prepared by Nitsch Engineering; dated July 1, 2015.

17. Enforcement Order Updates:

b. 1117 Grafton Street (CC-EO-2015-004)

Mr. Kochling stated that he has not been to the site recently but that nothing further had been done to his knowledge.

Ms. Smith stated that staff discovered that proper notice was not given to the abutters so the applicant requested continuance so abutters could be properly notified.

Commissioner Charpentier stated that he has been by site and nothing has changed.

Commissioner McKone stated that he went on a site walk here and that the owner needed to pull back the material filled in the 15' buffer and re-locate the concrete barriers placed inside the 30' buffer and those changes needed to be shown on the plans

Commissioner Berg Powers stated that he believes they were asked to re-seed and stabilize the slope.

c. Arboretum Village Estates (CC-EO-2015-005)

Mr. Kochling stated that he conducted a site visit today and the grass has grown a little and there was a small area that had washed out and might require erosion control blankets on Slope A.

Scott Morrision, of EcoTec, Inc., stated that he had provided a Memorandum on October 5, 2015 addressing the six items in the Enforcement Order, issued in 2013 and amended in 2015 and reviewed the memorandum. He noted that the only thing outstanding the Enforcement Order is that staff or the Commission needs to come inspect the site. Mr. Morrision requested an inspection and requested the Enforcement Order be lifted after the inspections were conducted.

Mr. Kochling stated that he would like to put his questions in writing and go over these with applicant. He explained that there may be some infrastructure issues with regard to Bittersweet Boulevard and expressed concerns that they have been using the roadway as their temporary sediment basin. He requested information about the location of the temporary sediment ponds as the plans approved show a series of sediment ponds and asked if any of these temporary ponds would be installed.

Mr. Morrision stated that he believed that the concerns DPW&P have apply to the amended Order of Conditions and that he can meet with Mr. Kochling to discuss these issues. He stated that he believes that the only item that has not been met on the Order of Conditions was the vertical side of Slope B and noted that he believed it was supposed to be hydro-seeded.

Commissioner Charpentier stated that there was extensive discussion at another meeting regarding Slope B. He stated that the big concern was the layer of eroding soil on the rock face and what would be done to stabilize the area. He recommended that a site visit be planned to so the Commissioners can see the condition on the site before they vote to lift any portion of the Enforcement Order.

Ms. Smith stated that she believes the developer is trying to obtain building permits for lots above it Slope A and if the Commission felt it acceptable, after site visit, the Commission could lift the Enforcement Order in entirety or on a portion of the site.

d. 181 Lake Avenue (CC-EO-2015-006)

Mr. Kochling stated that a temporary retaining wall was installed and that they are fundraising prior to filing.

e. Goldthwaite Road (Burncoat Gardens Phase I & V) (CC-EO-2015-007)

f. Pierce Avenue (Burncoat Gardens Phase IV) (CC-EO-2015-008)

Chuck Scott appeared on behalf of items 17 E & 17 F.

He stated that with regard to the letter of credit for Burncoat Gardens (Goldthwaite Road) he is now working with the bank and hopes to have the letter of credit by the end of the week. He stated that we was providing the Commissioners with a memorandum addressing the additional erosion control barriers that had been installed but noted that he does not have a plan showing where all the erosion control barriers are. He reiterated that the erosion controls appear to be adequate based on the last two storm events as there was no evidence of any siltation or erosion leaving the site and noted that the site is about 95% green.

Mr. Kochling stated that he conducted a site visit today and that after the last two storms the site held up well noting that the existing water in the sediment pond should be pumped down as a heavy rain is expected and, likewise, that sediment build up along the hay bales lines near the intermittent stream and at the bottom of the hill should be cleaned out before the storm.

Commissioner Charpentier stated that the one thing he is concerned about is the plastic sheeting being used as erosion controls along the stockpiles and steep slopes near the intermittent stream where the road crossing is proposed. He asked if this measure was still being utilized for stabilization. Mr. Kochling affirmed. Commissioner Charpentier asked what the long term plan for stabilization of this area was. Mr. Scott stated that the next phase includes the completion of the road crossing and that the crossing is not slated until next year and the plastic would prevents the slumping of that slope until they are read to complete the crossing.

Commissioner Charpentier asked if there was any concern about velocity of water. Mr. Kochling stated that cleaning out the sediment along the erosion control barrier in this area will help give the stomwater system a bit more capacity.

Mr. Scott stated that they are hoping to get the Enforcement Order lifted so they can start building the homes and starting with work on Lots #1, #3, and #5.

Ms. Smith reminded the Commission that there was still a no work clause on the Enforcement Order beyond erosion control measures approved by the Commission. She explained that the developer would not be able to obtain a building permit until the letter of credit was in place as this was also a requirement of the Enforcement Order and that she would not recommend releasing the Enforcement Order until this letter of credit is in place.

Commissioner Charpentier stated that he would like to release the Enforcement Order on the three lots the developer is seeking to do work on, leaving the Enforcement Order in place on the remaining lots.

Commissioner McKone stated that they could condition that the Enforcement Order be lifted pending receipt of the letter of credit acceptable to the City of Worcester.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to lift the Enforcement Order for Lots #1, #3 and #5 upon receipt of a letter of credit acceptable to the City.

Mr. Scott stated that with regard to Pierce Avenue they put together a Memorandum regarding the erosion control barriers installed on-site and explained that the only work remaining is the final sidewalk and curbing and at this point they would like to get the Enforcement Order lifted as one of the lots is under agreement to be purchased.

Mr. Kochling stated that he gone to the site during the last two rain events and that it appears as though no sediment has left the site. He noted that the wetlands are clearly delineated but that there was still a lot of work that needed to be done, including cleaning out the 15' buffer on lot 38A.

Commissioner Charpentier expressed concerns regarding the street side retaining wall and stated that he would like to see what happens through the winter.

Mr. Scott stated expressed concerns about his client's ability the remaining lots with an active Enforcement Order on these lots and the remaining work in the right-of-way and requested the Commission lift the Enforcement Order with the exception of Lot 38A as there still work to be done on that particular property.

Commissioner Charpentier asked about the status of 37A. Mr. Scott stated that had been sold.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to release the Enforcement Order on the right-of-way and all lots with the exception of Lot 38A.

Exhibit A:

Memorandum from CFS Engineering regarding Erosion Controls; received 11/16/2015.

g. 27 New Street Extension (CC-EO-2015-009)

Scott Morrisson appeared on behalf of the item. He stated that the site has been hydro-seeded and a couple of erosion control barriers were installed and the last outstanding issue is there are a couple of piles that need erosion control barriers. Mr. Kochling affirmed.

Commissioner Berg Powers asked if the stock piles would go away. Mr. Morrisson stated that he believes that Order of Conditions references the stock piling. Ms. Smith stated that she was not aware of an existing Order of Conditions that would pertain to the stock piling and staff would have to review the records but if the owners could provide staff with the book and page reference of the Order's recording that would be helpful. Mr. Morrisson stated that he can ask the owner.

h. 149-151 Lake Avenue (CC-EO-2015-010)

Mr. Kochling stated that the site has been stabilized with sod.

Ms. Smith stated that applicant needed to provide a set of plans of the changes as compared to what was approved to allow the Commission to determine if any further action was required. She noted that staff had not received anything from the property owner and that staff would send a reminder.

i. 604 Burncoat Street (aka Burncoat Heights) (CC-EO-2015-011)

Chuck Scott appeared on behalf of the item. Mr. Scott stated that utilities are in the right-of-way and that the cul-de-sac is ready for paving which should be conducted at the end of the week. He explained that they are going to sod the entire front portion of the site. He explained how stormwater for the rear of the site will be directed via re-grading of the site which will pitch toward a large retention area. He noted that they re-located the material stockpiles to create the retention area and that these had been located on the abutting property at 610 Burncoat Street. He explained that they will be completing the slopes around the detention area, which collects from over approximately an $\frac{3}{4}$ of an acre of water, to 2:1 and that they will be installing a berm at both the top of the slopes and the bottom so any of the material from the plateau or slopes of the stockpiled materials could not leave the site. He explained that they will provide erosion controls around the perimeter of this area.

Commissioner Charpentier asked Mr. Scott where the berm would be. Mr. Scott stated it would be at the limit of the slope. Commissioner Charpentier asked if there are any concerns with a two foot berm ponding over an acre of water. Mr. Scott stated that the water would be directed toward the retention pond area.

Ms. Smith stated that Mr. Scott had discussed the use of a paper fiber treatment to treat the slopes along the rear of the property and asked for the status of that. Mr. Scott stated that they had discussion with a company that provides the paper fiber treatment and that they were reluctant to use the treatment. Commissioner Charpentier asked why they were reluctant. Mr. Scott stated it was due to the amount of time it would take to get permits to do the treatment, which would require a Special Permit given the site is located in a groundwater supply protection district.

Commissioner Amory asked if there was an alternate plan. Mr. Scott stated that at this time of the year hydro-seed isn't going to take and subsequently they're trying to create their own drainage pattern. He noted that paving the right-of-way and laying sod will be a good way to mitigate sediment and the site will be a sand area will be tarped and the swale system will turn into a berm which will bring the water into the plateau or the holding unit.

Mr. Kochling stated that they could have sprayed with a bonded fiber matrix and it has been used at landfill and it held up well.

Commissioner Charpentier asked by the west was the plateau always there.

Mr. Scott stated that was created over the past few months.

Commissioner Charpentier asked due to that what was the state of the slope.

Mr. Scott stated that it has not been fully stabilized and by controlling how the water runs is a remediation method.

Commissioner Charpentier stated his concern is that a newly created slope and that it needs to be stabilized in some manner.

Mr. Scott stated that he would agree with that and maybe he could do a site walk with Mr. Kochling and they can come up with a plan for final remediation.

Mr. Kochling stated he had concern that they had pulled out their tracking pad and that needs to be in place just in case the paving gets canceled and after the last storm the lower pond was pumped to the upper pond and there was some discussion about reopening that up and asked if that was still planned.

Mr. Scott stated only if the rip rap was fully in place and the final sediment trap needs to go in and part of the slope and no water will leave the site until the detention basin is fully operational.

18. Requests for Certificate of Compliance:

a. Whippoorwill Drive (CC-2004-059)

b. Whippoorwill Drive (CC-2014-020)

Items 18 A and 18 B were taken up contemporaneously.

Mr. Kochling stated that the property is the same for both items. Mr. Kochling stated that the site has been stabilized and the rip rap in place and that wasn't part of the plan and the original plan the back yards were going to be planned and at some point it changed and the grading changed but the erosion controls and silt fence are in place but will be pulled out in Spring and some permanent markers are required but he did not see them and cul tec units were required to be put in but he did not observed that but is taking the builders word that was completed.

Attorney Donovan appeared on behalf of the item. He stated it was formerly owned by another developer and his client is the new owner and he was issued an Order of Conditions in 2013 and it only covered 6,8 and 10 Whippoorwill but 16 wasn't included and they would hope that could be included and joined with 17 and it would create more of a buffer zone and since they follow this Order of Conditions that effect would supersede the Order from 2004 and they have complied with the 2014 Order and with regard to the permanent marker he can establish where they are and take a photo and send to Mr. Kochling.

Commissioner Charpentier asked if the Commission held this item until the next meeting how would this effect the applicant.

Mr. Donovan stated that would be fine but he understood that deadline for next meeting is in couple days and would ask for extension of deadline to forward the evidence to the markers.

Ms. Smith stated that this would not apply to this situation and the Commission can continue item.

Mr. Donovan asked that if he could establish the permanent markers would he need to come back and the house that was built on 17D is on the lot line so doesn't think there any possibility right now they can build on Lot 16 and doesn't allow for another house to be built on that lot.

Commissioner Amory asked Mr. Donovan to show where the property would be built.

Mr. Donovan stated all the houses are built and showed where they were and where the wetlands were located.

Commissioner Charpentier stated that if they give him approval for the 2014 Conditions that the addition of that lot under a different Order was not significant change and would not require the applicant to come back.

Ms. Smith stated that request is Item #17 on agenda so Commission could vote on it tonight.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted to continue CC-2014-059 and CC-2014-020 to the December 7, 2015 Conservation Commission and to extend the constructive grant deadline until January 4, 2016.

c. 486 Chandler Street (CC-2012-044)

Jared Gentilucci from Nitsch Engineering appeared on behalf of the item. He stated that the swales are in place and the site has been stabilized and vegetated and they are requesting a Certificate of Compliance for Phase I. Mr. Kochling affirmed.

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

19. Whippoorwill Drive (CC-2004-059) - Request for Determination of Action Required due to a Project Change

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory the Commission voted 4-0 that the changes to the lot configuration were in-consequential and necessitated no further action by the Commission.

20. Communication:

The Commission reviewed the following communications received but took no action on them.

- a. Memorandum regarding stabilization of Slope A; by EcoTec; received 10/6/2015.
- b. Memorandum regarding stabilization of Slope A; by Gallo Builders, Inc.; received 10/14/2015.
- c. Notice of date change for Indian Lake Drawdown; from Jonathan Gervais, DPW&P; received 10/23/2015.
- d. Executive Order 562 Update; from MSMPC; received 10/23/2015.
- e. Notice of FY17 Dues increase; from MACC; received 10/30/2015.
- f. Notice of Halted Project – Lake Ave. North Slope Repair; from DPW&P; received 11/5/2015.
- g. Memorandum regarding the Elm Park Project; from Army Corps of Engineers; received 11/9/2015.

21. Conservation Commission’s Policy on Compensatory Flood Storage ‘Banking’ – Copy of Posted Policy

Ms. Smith stated that they had reviewed this a few months ago and asked the Commission to review and see if they would like to provide any edits or comments.

Commissioner McKone asked that if staff had investigated policy for storm water management system capacity and asked if that they needed to be a separate policy. Mr. Rolle stated that would need to be investigated and staff could get back to the Commission.

Commissioner Berg Powers asked how the Commission could make this policy decision more enforceable. Ms. Smith stated that the Commission had discussed that staff would continue to keep a list of the changes and/or policies the Commission would like to see adopted and that staff would continue to do that. She noted that if the Commission wants to go forward with Amending their Ordinance or Regulations, then the Commission would need to let staff know staff what specific changes they would like to see and staff could research and get back to the Commission.

Commissioner Berg Powers expressed concerns about setting a timeline on this. Commissioner Charpentier stated that maybe at the first meeting of next year the Commission could bring their suggestions for policies they would like to draft at the first meeting of 2016.

22. Issuance of Orders of Conditions

Commissioner Charpentier suggested a condition relating to stormwater system maintenance.

The Commission reviewed the closed item and upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0-0 (Commissioner Berg Powers was not present at all hearings and therefore was not eligible to vote per the “Mullin rule”) to issue an Order of Conditions as discussed for Lot 3 Salisbury Street & Salisbury Street Right-of-Way (CC-2015-063).

Commissioner McKone suggested a condition pertaining to stockpile maintenance.

Commissioner Berg Powers suggested a condition regarding plan revisions. To address the revisions that were presented but not reviewed by staff.

Commissioner Berg Powers suggested a condition that the stormwater infiltration/management infrastructure must meet City Standards if it deviates from the approved plans.

The Commission reviewed the closed item and upon a motion by Commissioner Berg Powers and seconded by McKone, the Commission voted 4-0 to issue an Order of Conditions as discussed for 1 College Street (CC-2015-064).

Commissioner Berg Powers suggested a condition regarding stockpile maintenance.

The Commission reviewed the closed item and upon a motion by Commissioner Berg Powers and seconded by McKone, the Commission voted 4-0 to issue an Amended Order of Conditions as discussed for 45 McKeon Road (CC-2015-068).

23. Signing of Decisions:

- **Tory Fort Lane Right-of-Way (~300’ southwest of the intersection with Rich Street) (CC-2015-066)** – Determination of Applicability
- **47 Pine Hill Road (CC-2015-067)** – Determination of Applicability
- **19 Proctor Street (CC-2015-065)** – Determination of Applicability
- **82 Salisbury Street (aka Institute Park) & Lancaster Street Right-of-Way, between Grove Street & Humboldt Avenue (CC-2015-072)** – Determination of Applicability
- **0 (aka Lot 3) Salisbury Street & Salisbury Street Right-of-Way (CC-2015-063)** – Order of Conditions
- **1 College Street (CC-2015-064)** – Order of Conditions
- **45 McKeon Road (CC-2015-068)** – Amendment to Order of Conditions
- **486 Chandler Street (CC-2013-001 & CC-2014-037)** - Extension of Time
- **486 Chandler Street (CC-2012-044)** - Certificate of Compliance

24. Business not otherwise reasonably anticipated:

- **Aroostook Street Right-of-Way (CC-2015-032)** – Request for Issuance of a Duplicate Signature Page for an Order of Conditions (previously issued)

Upon a motion by Commissioner McKone, seconded by Commissioner Berg Powers, the Commission voted 4-0 to issue a duplicate signature page for the Issued Order of Conditions.

Adjournment:

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers, the Commission voted 6-0 to adjourn the meeting at 8:53 p.m.