

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

MAY 16, 2016

WORCESTER CITY HALL – ESTHER HOWLAND CHAMBERS

Conservation Commission Members Present: Joe Charpentier
Peter McKone-
Amanda Amory
Jordan Berg Powers

Member Absent:

Staff Present: Michelle Smith, Planning & Regulatory Services Division
Ed Kochling, Department of Public Works & Parks

Call to Order: 5:30 pm

Approval of Minutes: None.

Requests for Continuances, Postponements, Withdrawals

1. 148 Moreland Street (MBL 25-045-04R-1) (CC-2016-022)

Application: Notice of Intent

Applicant: Anthony Romeo

Project: To construct a single family detached dwelling and driveway, along with associated site work, grading, utility and drainage, on property located at 148 Moreland Street.

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 intermittent stream, and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 5/18/2016; WWPO - 6/11/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Berg-Powers the Commission voted 4-0 to postpone the item until the June 6, 2016 Conservation Commission meeting and to extend the constructive grant deadline until June 20, 2016.

List of Exhibits

Exhibit A: Notice of Intent Application filed April 27, 2016 and dated April 26, 2016.

Exhibit B: Plan prepared by Hossein Haghanizadeh & Daniel Tivnan dated April 27, 2016.

Public Hearings:

Unfinished Business – Request for Determination of Applicability:

2. 69 Delawanda Drive & 13 Monticello Drive (MBL 42-006-00224 & 42-026-00003) (CC-2016-011)

Application: Request for Determination of Applicability

Applicant: Justin Savage

Project: To seek determination as to whether or not the work/area associated with the removal of ~20 mature trees along with associated site work, located at 69 Delawanda Drive & 13 Monticello Drive, is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal may occur within the 100' buffer to a bordering vegetated wetland

Constructive Grant Deadline: WPA –6/7/2016; WPO – n/a

Chair Charpentier stated that the Commission had continued the item at last meeting in order to conduct a site view and that was conducted. He stated that a few problems were discovered. One was what was advertised was not exactly what is happening. The work proposed is both at 9 Delawanda Drive and 13 Monticello Drive which is owned by the Conservation Commission and thinks the Commission should discuss each item separately.

Mr. Savage stated that his concern is for the safety of his house and the moss and mildew growing which the Commission members saw and he stated that he had sent videos to Ms. Smith of the problems at the site and he wants to work with the Commission.

Commissioner McKone stated that he was uncomfortable with work being done on Conservation land.

Commissioner Amory and Commissioner Berg-Powers stated that they would agree and based on memos provided by staff that they would be reluctant to have anything done on Conservation land.

Chair Charpentier stated that the Conservation property would need to be delineated to determine what trees are in the wetlands.

Chair Charpentier explained the options the Commission could vote on to Mr. Savage and stated that the Commission usually doesn't allow work in the wetlands. Mr. Savage stated that his concern is the harm that could be done to his home.

Upon a motion by Commissioner McKone and seconded by the Commission Berg-Powers voted 2-1 to issue a Negative Determination on 69 Delawanda Drive for three trees and a Positive Determination on 13 Monticello Avenue. Commissioner Amory abstained.

Ms. Smith requested that the Commission reference on photo provided which trees need to come down.

List of Exhibits

Exhibit A: Request for Determination of Applicability Application received March 7, 2016 and dated March 7, 2016.

Exhibit B: DPW memo dated April 1, 2016.

Exhibit C: Postponement request form dated March 31, 2016 and received April 1, 2016.

Unfinished Business – Notices of Intent:

3. 275 Harrington Way (MBL 17-032-00023) (CC-2016-007)

Application: Notice of Intent

Applicant: Good Shephard Ghana Methodist Church

Project: For the construction of a ~6,113 SF structure, to be used as a place of worship, and associated 87 space parking area, along with associated grading, drainage, and site work, on property located at 275 Harrington Way

Jurisdiction: The City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the Stormwater Protection Zone

Andy Baum from Summit Engineering appeared on behalf of the application.

Mr. Baum stated that the abutters had expressed concern about where the snow would melt and storage and revised plans for the property.

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

List of Exhibits.

Exhibit A: Notice of Intent Application filed February 25, 2016 and dated February 24, 2016.

Exhibit B: Plan prepared by B&R Survey, Inc. dated February 3, 2016.

Exhibit C: Drainage Analysis prepared by Summit Engineering & Survey, Inc. received February 25, 2016 and dated February 3, 2016.

Exhibit D: Memo from DPW dated March 11, 2016 and received March 11, 2016.

Exhibit E: Request to postponement received March 14, 2016 and dated March 14, 2016.

New Business – Requests for Determination of Applicability:

4. 651 Park Avenue (MBL 08-024-00011) (CC-2016-020)

Application: Request for Determination of Applicability
Applicant: Salloom Realty Corp
Project: To seek determination as to whether or not the proposed work to demolish and remove the existing foundation and few remaining portions of the existing structure (e.g. drive-through canopy, vault, etc.) and associated utilities (e.g. conduits, piping, etc.); conduct underground explorations and removal and remediation associated with any underground storage tanks, if discovered; and re-grading/stabilization of the site located at 651 Park Avenue, is subject to the Commission's jurisdiction
Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within bordering land subject to flooding, associated with Beaver Brook, and within the stormwater protection zone
Public Hearing Opening Deadline: WPA – n/a; WPO – 6/11/2016
Constructive Grant Deadline: WPA –5/18/2016; WPO – n/a

Attorney Joel Greene, Ed Salloom, Andrew Liston and Reggie Akelis appeared on behalf of the application.

Mr. Greene gave a brief history of the property.

Commissioner Armory requested that the applicant provide regular reports on what is going on at the site so that the Commission can see the sequencing of events.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to issue a Negative Determination of Applicability.

List of Exhibits

Exhibit A: RDA application filed April 26, 2016 and dated April 27, 2016.

Exhibit B: Plan prepared by Andrew Liston dated June 2, 2016.

Exhibit C: Environmental Management Plan for Proposed Demolition Activities received April 26, 2016 and dated April 25, 2016.

Exhibit D: Memo from DPW dated May 6, 2016 received May 6, 2016.

Exhibit E: Letter from Lane, Greene, Murtha & Edwards LLP, re: 651 Park Avenue dated May 13, 2016 and received May 13, 2016.

New Business – Notices of Intent:

5. 123 Holden Street (MBL 33-041-00001) (CC-2016-019)

Application: Notice of Intent
Applicant: Colony Retirement Homes IV, Inc.
Project: The construction of a ~10 space parking lot expansion, as well as re-paving of the existing parking area, sidewalks, and driveway, along with

associated site work, grading, utility and drainage improvements, on property located at 123 Holden Street

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer to a bordering vegetated wetland, associated with an unnamed perennial stream, within the riverfront area associated with the unnamed perennial stream, and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 5/16/2016; WWPO – 6/9/2016

Chris Barton from Graves Engineering appeared on behalf of the application. He stated on the south east portion of the site they are looking to add 10 parking spaces and there is a sub surface detention system that will go in that will be connected to an existing outfall.

Ms. Smith stated asked if applicant would clarify that there would be no work within the riverfront or within the wetlands.

Mr. Barton stated that there was not.

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

List of Exhibits

Exhibit A: Notice of Intent application filed April 25, 2016 and dated April 25, 2016.

Exhibit B: Plan prepared by Graves Engineering dated April 25, 2016.

Exhibit C: Letter from EcoTec, Inc. re: 123 Holden Street dated December 22, 2016 and received electronically May 9, 2016.

6. 633 Salisbury Street (MBL 50-018-00006) (CC-2016-021)

Application: Notice of Intent

Applicant: Paxton Lawn Maintenance Co., Inc. d/b/a Busy Bee Nursery

Project: The replacement of a collapsed culvert headwall located to the north of the existing driveway, along with associated site work and improvements on property located at 633 Salisbury Street.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the bank and land underwater associated with an unnamed perennial stream, its associated riverfront area, and the 100’ buffer zone to the bank thereof, as well as associated bordering vegetated wetlands

Public Hearing Opening Deadline: WPA – 5/18/2016; WWPO - 6/11/2016

Representative did not identify himself.

He stated that they are repairing the headwall and removing the large section of concrete of stone wall that fell in front of the culvert pipe and adding some large rocks below for footings and then

rebuilding the wall. He stated that they will backfill so the ground doesn't slide again and rip rapping up to the granite curbing and repaving the section so the water isn't running over the edge.

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

List of Exhibits

Exhibit A: Notice of Intent Application submitted April 27, 2016 and dated April 26, 2016.

Exhibit B: Plan prepared by Seth Arakelian not dated.

Exhibit C: DPW memo re: 633 Salisbury Street dated May 6, 2016.

7. 516 Plantation Street (MBL 46-014-00023) (CC-2016-023)

Application: Notice of Intent

Applicant: Tallage Adams, LLC

Project: The construction of a single-family semi-detached dwelling (duplex) and related parking along with associated site work, grading, utility and drainage improvements, on property located at 516 Plantation Street.

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 – 6/11/2016

Carl Hultgren from Quinn Engineering appeared on behalf of the application. Mr. Hultgren reviewed a copy of the proposed plan.

Commissioner McKone stated that he would lean toward having site stabilized before they moved forward with construction as this area has been problem for Conservation Commission with erosion problems.

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

List of Exhibits

Exhibit A: Notice of Intent Application filed April 27, 2016 and dated April 27, 2016.

Exhibit B: Plan prepared by Quinn Engineering dated April 18, 2016.

Exhibit C: Stormwater Evaluation dated April 27, 2016 and received April 27, 2016.

Exhibit D: Memo from DPW re: 516 Plantation Street dated May 6, 2016 and received May 6, 2016.

8. 1 & 15 Webster Street (MBL 08-031-00015 & 08-031-00014) (CC-2016-024)

Application: Notice of Intent

Applicant: 1-15 Webster Street, LLC

Project: The construction of a ~6,300 SF addition to the existing structure (at 15 Webster Street), an expansion of the parking area and re-configuration of site access along with associated site work, grading, utility and drainage improvements, on property located at 1 & 15 Webster Street

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within Bordering Land Subject to Flooding associated with Beaver Brook, and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 5/18/2016; WWPO - 6/11/2016

Matt Brassard from Niche Engineering appeared on behalf of the item. Mr. Brassard stated that they had been before the Commission last year when the building was torn down and this item goes along with their request for a Certificate of Compliance for the project work and reviewed work proposed.

Mr. Brassard stated that the owner does own adjacent property and may use that and they are prohibited from stockpiling from an inlet and as they are further along with project that they could provide a staging plan to the Commission.

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

List of Exhibits

Exhibit A: Notice of Intent Application filed April 27, 2016 and dated April 27, 2016.

Exhibit B: Plan prepared by Jared Gentilucci dated April 27, 2016.

Exhibit D: Memo from DPW re: 1-15 Webster Street dated May 6, 2016 and received may 16, 2016.

Exhibit E: Letter from Nitsch Engineering re: NOI application dated May 16, 2016 and received May 16, 2016.

New Business – Notices of Intent:

9. 385 Plantation Street (MBL 57-004-00A-2) (CC-2016-025)

Application: Notice of Intent

Applicant: Massachusetts Department of Transportation (MassDOT)

Project: Construction of a ~65,220 SF four-story structure, to be used as the MassDOT District 3 offices, operation center, and garage, two associated off-street parking areas (~178 spaces) and a vehicle fueling station, along with associated site work, grading, utility and drainage improvements, on the NW part of the site.

Jurisdiction: The Massachusetts Wetlands Protection Act and Worcester Wetlands Protection Ordinance - The proposal shall occur within the 100' buffer to a bordering vegetated wetland and the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 5/18/2016; WWPO - 6/11/2016

Edmund Litch, Peter Glick, James McKee, Greg Chenko and Chris Nasine appeared on behalf of the application;

Mr. Litch gave brief overview of how it was determined to build on this site.

Mr. Nasine that they received DPW's comment relative to erosion control and they updated the plans.

Jo Hart stated that if space has to be used they should allow parking under the hill and leave the trees on top.

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

List of Exhibits

Exhibit A: Notice of Intent Application filed April 27, 2016 and dated April 27, 2016.

Exhibit B: Plan prepared by Peter S. Glick not dated.

Exhibit C: Notice of Intent Stormwater Report filed April 27, 2016 and dated April 27, 2016.

Exhibit D: Memo from DPW re: 385 Plantation Street received May 6, 2016 and dated May 6, 2016.

Other Business:

10. Clarification regarding the conditions associated with the Negative Determination for 19 (aka 25) Quinsigamond Avenue (CC-2016-003)

Matt Waldrup stated that he watched the tape from last meeting and he had provided plans at meeting and he understands the Commission had some concern with the .003" that they were displacing and to clarify that it is about as close to zero as you can get and they did come up with compensatory flood storage for the site.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 2 (Chair Charpentier & Commissioner McKone voting yes)-1 (Commissioner Berg-Powers voting no)-1 (Commissioner Armory abstaining) that it was a ditmintmous change.

List of Exhibits

Exhibit A: RDA application received May 16, 2016 and dated May 13, 2016.

Exhibit B: Plan prepared by David M. Pettit dated March 15, 2016.

Exhibit C: Postponement form received June 27, 2016 and dated June 24, 2016.

Exhibit D: Memo from DPW re: 20 & (aka) 30 Quinsigamond Avenue dated April 1, 2016.

11. Request for Determination of Significance and Subsequent Action due to a Project Change for:

a. 20 & 0 (aka 30) Quinsigamond Avenue (CC-2016-013)

David Petit appeared on behalf of the item and reviewed the proposal.

Ms. Smith stated that staff has concern that abutter is not included in Order of Conditions so cannot enforce on that site.

Upon a motion by Commissioner Armory and seconded by Commissioner McKone the Commission voted 3-1 (Commissioner Berg-Powers voting yes) that applicant must come back and file for an amended Order of Conditions.

b. 0 El Caney Road (CC-2015-066)

Carl Hultgren from Quinn Engineering appeared on behalf of the item and reviewed proposal.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 that the change was inconsequential.

Enforcement Order Updates:

a. Turbidity Sampling/Monitoring Data from various dates; from EcoTec, Inc.

Pat Burke from HST group appeared on behalf of the item. Mr. Burke stated that they were requesting a duplicate signature page for the original Order of Conditions as they did research and could not find that it was recorded at the Registry of Deeds.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory the Commission voted 3-0 to issue a duplicate page.

12. Requests for Extension of Time Permit for Order of Conditions for 128 Alvarado Avenue (CC-2008-045 & DEP #349-963); originally issued 6/3/2009 & expires on 6/3/2016

Pat Burke from HST Group appeared on behalf of the item. Mr. Burke stated that they were requesting an Extension of Time of the Order of Conditions as it expires June 20, 2016 and they are requesting a three year extension.

Ms. Smith stated that the City ordinances only allows for one year even though Wetland Protection allowed three years and would recommend one year so it would be consistent.

Mr. Kochling stated that he had done site visits and basically what has been done is minor earthwork but erosion controls have not been installed yet and would recommend a tracking pad be installed

Upon a motion Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 3-0 to extended the Order of Conditions for one year with condition that all the conditions outlined in staff's memo dated May 5, 2016 be complied with by June 23, 2016.

Chair Charpentier returned to the meeting room.

13. Enforcement Order Updates:

b. Arboretum Village Estates (CC-EO-2016-002)

Paul McManus from EcoTec appeared on behalf of the item.

Mr. McManus stated that they would just like change the condition that the weekly monitoring be changed to monthly reporting.

Upon a Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 4-0 to allow for monthly reporting.

a. 0 Granite Street – Broadmeadow Brook (CC-EO-2016-003)

Ms. Smith stated that an enforcement order was issued after last meeting and Mr. Kochling provided an updated on the site.

Steve Anger, 10 Dearborn Street stated that he did some work on his neighbor's Peter Zona's yard and dirt was removed but it was removed to Worcester Sand and had a receipt showing that and he did not dump anything at that site but did dump two rhododendrum bushes and Mr. Kochling told him that they need to be taken out and he did that and he did use the back hoe to put the bushes in there.

Anthony Zona stated that Mr. Anger brought fill to Worcester Sand and they know of random people who stop there who dump there but neighbors make sure that no trash is left there and neighbors do bring clippings there.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 4-0 to amend the Enforcement Order remove #3 from the existing Enforcement Order.

Items not discussed:

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

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

14. Requests for Certificate of Compliance:

a. Lot 7 (aka 87 Fourth St.) of Hilltop Estates Subdivision (DEP #349-723 & CC-2001-076 & -077)

Mr. Kochling stated that DPW staff had gone to the site and drains for the house are going from the house and appear to be going in a dry well so they assume it was done properly so they believe it to be in compliance.

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

b. 1-15 Webster Street (DEP #349-1111 & CC-2015-029)

Mr. Kochling stated that was a restaurant that was taken down and has gone to the site and it appears to be stable.

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

15. Request for Signature of City of Worcester's 2016 Yearly Operational Plan for Right-of-Way

Maintenance

Ms. Smith stated that staff has received a request to have the Conservation Commission to sign off on the Yearly Operational Plan for Vegetation Management.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 3-0 to have the Chairperson sign the Yearly Operational Plan.

16. Communication:

- a. City of Worcester's 2016 Yearly Operational Plan for Right-of-Way Maintenance (per 333 CMR 11.00); from City of Worcester Department of Public Works & Parks; received 5/3/2016.

No comment.

- b. Providence & Worcester Railroad Co - Notice of Treatment & 2016 Yearly Operational Plan for Right-of-Way Maintenance (per 333 CMR 11.00); from Tec Associates; received 5/6/2016.

No comment.

- c. Pan Am Railways, Inc.- Notice of Treatment & 2016 Yearly Operational Plan for Right-of-Way Maintenance (per 333 CMR 11.00); from Keith L. Morris, Environmental Consultant; received 5/9/2016.

No comment.

- d. Notice of Treatment re: National Grid's 2016 Yearly Operational Plan for Right-of-Way Maintenance (per 333 CMR 11.00); from National Grid; received 4/27/2016.

No comment.

- e. Notice of Soil Remediation Activities at 939 Southbridge Street; from National Grid; received 4/29/2016.

No comment.

17. Review of a Conservation Restriction for 501-505 Mill Street

Ms. Smith stated that a memo had been prepared by staff and provided to the Commission for their review and feedback prior to staff submitting the application to the state.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McKone the Commission voted 4-0 to move forward with the conservation restriction for 501-505 Mill Street.

18. List of City Owned Properties where Care, Custody, and Control is held by the Conservation Commission

Chair Charpentier stated that he reviewed the list.

Commissioner Armory asked if this information was available on city's web-site. Ms. Smith stated no and stated that staff had concern as the list needs to be reviewed and staff needs to confirm the sites.

Commissioner Armory asked if list was required for open space planning. Ms. Smith stated that she was not sure.

19. Discussion of Special Conditions and Issuance of Orders of Conditions:

- c. Request for duplicate signature page for Order of Conditions for 7 Egan Avenue (CC-2015-040)

Ms. Smith stated that the property owner lost the original and is requesting a duplicate signature page in order that they be able to record the Order of Conditions.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McKone the Commission voted 4-0 to issue a duplicate signature page.

- d. Request for duplicate signature page for Order of Conditions for 128 Alvarado Avenue (CC-2008-045)

20. Signing of Decisions

Adjournment

Upon a motion the Commission voted to adjourn the meeting at 10:05 p.m.