

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

**JUNE 6, 2016**

**WORCESTER CITY HALL – ESTHER HOWLAND CHAMBERS**

**Conservation Commission Members Present:** Joe Charpentier  
Peter McKone-  
Amanda Amory

**Member Absent:** Commissioner Berg-Powers

**Staff Present:** Stephen S. Rolle, Planning & Regulatory Services Division  
Michelle Smith, Planning & Regulatory Services Division  
Ed Kochling, Department of Public Works & Parks

**Approval of Minutes:** None

**Requests for Continuances, Postponements, Withdrawals**

**1. 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: 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 –6/6/2016

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Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 3-0 to postpone the item until the July 25, 2016 Conservation Commission meeting and to extend the constructive grant deadline until August 16, 2016.

**List of Exhibits:**

Exhibit A: 0&9 Hemans Street; submitted by John Boggia of JNBB, LLC; received September 1, 2015; dated June 16, 2015.

Exhibit B: 0&9 Hemans Street plan; prepared by H.S.&T. Group Inc.; dated September 2, 2015.

Exhibit C: Request for Postponement dated December 10, 2015; received December 10, 2015.

Exhibit D: Request for Postponement dated January 20, 2016 and received January 26, 2016.

## **2. 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 – 6/6/2016; WWPO - 6/6/2016

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Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 3-0 to postpone the item until the June 27, 2016 Conservation Commission meeting and to extend the constructive grant deadline until July 26, 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.

## **3. 0 (aka 42), 0 (aka 30), & 20 Quinsigamond Avenue (MBL 05-022-01+02, -0102A, & -0102B) (CC-2016- 029)**

Application: Amendment to an Order of Conditions

Applicant: NSTAR Gas Company d/b/a Eversource Energy

Project: For the clean-up/remediation (e.g. excavation, processing, & disposal) of hazardous materials (e.g. contaminated soil, water, & debris), in compliance with the requirements of the Massachusetts Contingency Plan, along with site work associated therewith, on property located at 0 (aka 42), 0 (aka 30), & 20 Quinsigamond Avenue. The applicant seeks to amend the current Order to include an additional property - located at 0 (aka 42) Quinsigamond Avenue to the scope of work along with ancillary changes thereto.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within bordering land subject to flooding and the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 6/17/2016; WWPO – 7/11/2016

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Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 3-0 to postpone the item until the June 27, 2016 Conservation Commission meeting and to extend the constructive grant deadline until July 26, 2016.

### **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.

a. 501-505 Mill Street (CC-2001-027)

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to postpone the item until the August 15, 2016 Conservation Commission meeting and to extend the constructive grant deadline until September 12, 2016.

### **Public Hearings:**

### **New Business – Requests for Determination of Applicability:**

#### **4. 457 Granite Street (MBL 45-003-00032) (CC-2016-016)**

Application: Request for Determination of Applicability

Applicant: Haimnotha Mandaen Community Organization

Project: To seek determination as to whether or not the proposed work to remove vegetation, woody debris, and trash and to move rocks - all on property to the south of the existing stream - and to install a perimeter fence on property located at 457 Granite Street 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 25' riverfront area; along the bank of the stream; the 100' buffer zone associated with the bank of an unnamed perennial stream and/or any associated bordering vegetated wetlands; and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WPO – 7/3/2016

Constructive Grant Deadline: WPA –6/9/2016; WPO – n/a

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Didn't identify himself.

He stated that this is a new community for refugees and they have started to build a temple on Granite Street and reviewed work proposed.

Chair Charpentier asked if the wetlands had been delineated. Mr. X stated that they have and are outside of the wetland buffer zone and last week they tried to mark the trees and on south side of property there are about 45 trees and on north side it was 50 trees.

Commissioner Armory and Commissioner McKone stated that the Commission should be provided with a survey of which trees which will be removed.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 4-0 to continue the item until the June 27, 2016 Conservation Commission meeting and to extend the constructive grant deadline until July 26, 2016.

### **List of Exhibits**

Exhibit A: Request for Determination of Applicability dated May 19, 2016 and received May 19, 2016.

Exhibit B: DPW memo re: 457 Granite Street dated June 3, 2016 and received June 3, 2016.

Exhibit C: Wetlands Resource Area Analysis Report from LEC dated June 1, 2016 and received June 1, 2016.

### **5. Bridle Path Right-of-Way (CC-2016-026)**

Application: Request for Determination of Applicability

Applicant: Massachusetts Electric Co.

Project: To seek determination as to whether or not the proposed work to remove and replace three utility poles and to relocate one utility pole, along with associated site work, within a ~600' portion of Bridle Path Right-of-Way, southerly from the intersection with Sandy Bar Drive, is subject to the Commission's jurisdiction.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100' buffer zone, associated with the bank of Lake Quinsigamond

Public Hearing Opening Deadline: WPA – n/a; WPO – 6/30/2016

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Theresa Pautante from BSC Group appeared on behalf of the item. She stated that the proposal is to replace three poles outside the buffer zone.

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 May 16, 2016 and dated May 14, 2016.

Exhibit B: Memo from DPW re: Bridle Path Right of Way dated June 3, 2016 and received June 6, 2016.

### **New Business – Notices of Intent:**

#### **6. 347A Greenwood Trail, 0 Greenwood Street, & 20 Nippnapp Trail (MBL 29-047-0007A, 29-047-00006 & 29-047-00A+B) (CC-2016-027).**

Application: Notice of Intent

Applicant: 150 Blackstone River Road, LLC

Project: The installation of utility infrastructure (e.g. utility poles, chain-link fence, etc.), related site work & grading, and a temporary access road, on property located at 347A Greenwood Trail, 0 Greenwood Street, & 20 Nippnapp Trail. This work is related to the City of Worcester's Greenwood Street Landfill Solar Project.

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

Public Hearing Opening Deadline: WPA – 6/9/2016; WWPO – 7/3/2016

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Briany Angus and Brian Huntley from Tighe and Bond along with Matt Urban from the City of Worcester and Gerald Connor appeared on behalf of the item.

Ms. Angus stated that this project is for the solar project which is located on the landfill and portions of the project have been before Commission before and tonight's request is a request to a change to the proposed interconnection method.

Ms. Smith stated that the work is only for work on city owned property as other work was proposed on additional property but signatures for application for work on those properties could not be obtained so work is only for 0 Greenwood Street.

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 received June 1, 2016 and dated June 1, 2016.

Exhibit B: Plan prepared by Brian S. Huntley dated June 1, 2016.

### **7. 150 Blackstone River Road (MBL 31-022-00003) (CC-2016-028)**

Application: Notice of Intent

Applicant: 150 Blackstone River Road, LLC

Project: Project Phase III which includes: the construction of off-street parking areas; the demolition of existing utilities and pavement; site grading; installation of a new drainage system and utilities; and related site work and dewatering activities associated with re-construction of a building (Note: re-construction activities were previously approved as part of Phase II per CC-2016-015) on property located at 150 Blackstone River Road.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within: bordering land subject to flooding, the 100' buffer zone, and the 25' riverfront area - each associated with the bank of the Blackstone River; within the bank of the Blackstone River; and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 6/17/2016; WWPO – 7/11/2016

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Bill Hannigan from Hannigan Engineering and Leif Reinaldson appeared on behalf of the application and reviewed the scope of the work.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to continue the item the July 27, 2016 Conservation Commission meeting and to schedule a site walk.

### **List of Exhibits**

Exhibit A: Notice of Intent Application received May 26, 2016 and dated May 25, 2016.

Exhibit B: Plan Prepared by Hannigan Engineering, Inc. dated May 26, 2016.

Exhibit C: Drainage Analysis prepared by Hannigan Engineering, Inc. dated May 26, 2016.

## **Other Business:**

### **8. Request for Determination of Significance and Subsequent Action due to a Project Change for:**

- a.** 0 (aka Lot 7 or 697) Salisbury Street (CC-2015-070 & DEP 349-1121)

Mohammad Djmashi stated that he was looking for a minimal change to work proposed.

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

- b.** 123 Holden Street (CC-2016-019 & DEP 349-1130)

Brian Marshall from Graves Engineering appeared on behalf of the application. He stated that this is for a minor change to a revised plan.

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

### **9. Enforcement Order Updates:**

- a.** Arboretum Village Estates (CC-EO-2016-002) Response to MassDEP's Request for Information related to Arboretum Administrative Consent Order with Penalty (ACOP); from Arboretum Village, LLC; dated 5/9/2016.

- i.** Request for Revised Plan and Information – Second Request; from the Massachusetts Department of Environmental Protection; received 5/31/2016.

Mr. Kochling stated that he went to site today and was confronted by Mr. Gallo who informed him that he would call the police to remove him from the site so he chose to leave the site and he will discuss with the City Law Department.

Ms. Smith stated that developer had responded to DEP and DEP has requested more information from the developer.

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

Mr. Kochling stated that he went to the site and it is holding up well.

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

Mr. Kochling stated that he went site and it also holding well.

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

Ms. Smith stated that staff is waiting for further guidance from the Worcester Law Department.

Chair Charpentier recused himself and left the meeting room.

- e.** 128 Alvarado Avenue & 100 Nonquit Street (CC-EO-2016-004)

Scott Morrison from EcoTech appeared on behalf of the item. He stated he inspected the site and the wetland flags have been reinstalled and the erosion control barriers have installed.

Mr. Kochling stated that he went to the site and an enforcement order had been issued for site and they had stopped work.

Ms. Smith stated that the Commission would need to ratify the enforcement order and would need to vote on that.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 that work would be allowed to commence simultaneously with restoration which would be completed within two weeks.

Chair Charpentier returned to meeting room.

Violation Update for 21 Quaboag Street (fka CC-EO-2016-001)

Ms. Smith provided an update and Commission had voted to lift enforcement order with condition that applicant need to provide a Notice of Intent and that has been done and the owner is currently in court and have requested that item be added to the July 25, 2016 agenda.

#### **10. Requests for Certificate of Compliance:**

- a. Coppage Drive right-of-way and part of 7 & 15 Coppage Drive (CC-2002-023 & DEP #349-737)

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

- b. 18 Pearlbush Path (aka lot 37R) (CC-2006-059 & DEP #349-906)

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

- c. 6 Navajo Road (fka Lot 91 & aka lot 61-N-R) (CC-2000-077)

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

#### **11. Communication:**

- a. Update Regarding Tree Removal Program/Forest Cutting Plan; from the Asian Longhorned Beetle Cooperative Eradication Program; received 5/16/2016. No comment.
- b. Determination of Administrative Completeness regarding 333A Southwest Cutoff, Millbury, MA; from Mass DEP Solid Waste Management Section.; received 5/17/2016. No comment.
- c. Notification of treatment to Elm Park Pond and Crystal Park Pond; from Solitude Lake Management; received 5/23/2016. No comment.
- d. Notification of treatment to Little Indian Lake; from Solitude Lake Management; received 5/23/2016. No comment.
- e. Invitation to the Broad Meadow Brook Sanctuary's 25<sup>th</sup> Anniversary Celebration on 6/18/2016; from Massachusetts Audubon; received 5/26/2016. No comment.

#### **12. Conservation Commission Application Submission Requirements – Proposed Additions**

Ms. Smith reviewed the application checklist that is provided to applicants.

The Commission recommended that applications be filed electronically.

#### **13. Discussion of Special Conditions and Issuance of Orders of Conditions**

#### **14. Signing of Decisions**

#### **Adjournment**

Upon a motion the Commission voted to adjourn the meeting at 7:55 p.m.