

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

JUNE 27, 2016

WORCESTER CITY HALL – ESTHER HOWLAND CHAMBERS

Conservation Commission Members Present: Joseph Charpentier
Peter Mckone
Henry Fields

Member Absent: Amanda Armory
Jordan Berg-Powers

Staff Present: Stephen Rolle, Planning & Regulatory Services Division
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:

Public Hearings:

Unfinished Business – Requests for Determination of Applicability:

1. 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 to the north & 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)

Constructive Grant Deadline: WPA –7/26/2016; WPO – n/a

Upon a motion by Commissioner McKone and seconded by Commissioner Fields 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.

2. 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 construction activities on property located at 150 Blackstone River Road and associated with a reconstructed building (previously approved as part of Phase II per CC-2016-015)
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

Upon a motion by Commissioner McKone and seconded by Commissioner Fields 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.

3. 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 – 6/27/2016; WWPO - 6/27/2016

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

4. 0 (aka 42), 0 (aka 30), & 20 Quinsigamond Avenue (MBL 05-022-01+02, 05-022-0102A, & 05-022-0102B) (CC-2016-029)

Application: Amendment to an Order of Conditions
Applicant: NSTAR Gas Company d/b/a Eversource Energy
Project: An Amendment to an Order of Conditions with the Worcester Conservation Commission for the clean-up/remediation (e.g. excavation, processing, and disposal) of hazardous materials (e.g. contaminated soil,

water, and 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 to the proposed work.

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 – 6/27/2016; WWPO - 6/27/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Fields 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.

- a. Avery Estates (1 Avery Path & Avery Path Right-of-Way, Wyola Drive Right of Way, ~750' west of Avery Path, & 159-176, and a portion of 190 & 192, Brookline Street & Brookline Street Right-of-Way, ~930' east of 190 & 192 Brookline Street) (CC-2008-019).

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to continue the public hearing until September 12, 2016.

- b. Avery Estates (CC-2008-019)

Avery Estates (1 Avery Path & Avery Path Right-of-Way, Wyola Drive Right of Way, ~750' west of Avery Path, & 159-176, and a portion of 190 & 192, Brookline Street & Brookline Street Right-of-Way, ~930' east of 190 & 192 Brookline Street) (CC-2008-019)

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to continue the public hearing until September 12, 2016.

New Business – Requests for Determination of Applicability:

- 5. **10 Lake Avenue North (aka Regatta Point - Quinsigamond State Park) (MBL 57-005-00002) (CC-2016-030)**

Application: Request for Determination of Applicability

Applicant: The Massachusetts Department of Conservation & Recreation

Project: To seek determination as to whether or not the proposed work associated with sand replenishment and beach maintenance, on the eastern portion of property located at 10 Lake Avenue North (aka Regatta Point - Quinsigamond State Park), is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act & the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100' buffer zone, associated with the Bank of Lake Quinsigamond, and Bordering Land Subject to Flooding

Public Hearing Opening Deadline: WPA – n/a; WPO – 7/14/2016

Constructive Grant Deadline: WPA –6/20/2016; WPO – n/a

Coleen Pruza & Jeff Dawson from New England Environmental appeared on behalf of the application. Ms. Pruza stated that they would like to do a beach replenishment of the existing beach area.

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

List of Exhibits.

Exhibit A: Request for Determination of Applicability application received May 30, 2016 and dated May 30, 2016.

Exhibit B: Plan prepared by New England Environmental, Inc. dated June 27, 2016.

6. 231 Brooks Street (MBL 37-023-00011) (CC-2016-032)

Application: Request for Determination of Applicability

Applicant: Norse Environmental Services, Inc.

Project: To seek determination as to whether or not the proposed work/area associated with the demolition of the existing structure and associated pedestrian access improvements and construction of a ~8,545 SF structure, utilities, grading, drainage and associated site work, on property located at 231 Brooks Street, is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act & the City of Worcester Wetlands Protection Ordinance – The proposal may occur within the 100' buffer zone associated with the bank of an unnamed stream and/or bordering vegetated wetland and/or within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WPO – 7/23/2016

Constructive Grant Deadline: WPA –6/29/2016; WPO – n/a

Steve Erickson appeared on behalf of the application and reviewed the proposed work.

Chair Charpentier stated that the Commission would like an inspection by DPW prior to the installation of the infiltration units.

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

List of Exhibits

Exhibit A: Request for Determination of Applicability application received June 8, 2016 and dated June 8, 2016.

Exhibit B: Plan prepared by DK Engineering Associates, Inc. received June 27, 2016.

Exhibit C: Plan 1939 NE corner of Worcester not dated.

Exhibit D: Memo from DK Engineering Associates, Inc. received June 27, 2016 and dated June 25, 2016.

Exhibit E: Plan: Worcester Interstate Route 190, not dated.

7. 550 Grove Street (aka City of Worcester Morgan Park) (MBL 21-INX-00012) and within part of Grove Street Right-of-Way (from Eagle Road to 495 Grove Street) & part of Eagle Road Right-of-Way (8 Eagle Road to Grove Street) (CC-2016-033)

Application: Request for Determination of Applicability

Applicant: Lighttower Fiber Networks

Project: To seek determination as to whether or not the proposed work/area associated with the construction of ~1,116 linear feet of underground conduit, along with associated site work, on property located at 550 Grove Street and within part of Grove Street Right-of-Way (from Eagle Road to 495 Grove Street) and part of Eagle Road Right-of-Way (8 Eagle Road to Grove Street), is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act & the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100' buffer zone associated with the bank of Indian Lake and/or its associated bordering vegetated wetlands, bordering land subject to flooding, and the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – n/a; WPO – 7/25/2016

Constructive Grant Deadline: WPA – 7/1/2016; WPO – n/a

Andrew Plaun and Bren Valerian appeared on behalf of the application.

Mr. Plaun stated that the project is 1,100 linear feet of 4" conduit for a fiber optic network and will be installed in the public right way from Eagle Road to Grove Street.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to issue a Negative Determination of Applicability with condition that a plan be submitted to staff showing the revision that was presented tonight.

List of Exhibits

Exhibit A: Request for Determination of Applicability Application received June 10, 2016 and dated June 13, 2016.

Exhibit B: Plan Lighttower fiber networks dated June 27, 2016, revised June 28, 2016.

Exhibit C: DPW memo dated June 15, 2016.

New Business – Notices of Intent:

8. 231 Lake Avenue (MBL 17-029-00002) (CC-2016-031)

Application: Notice of Intent

Applicant: One Waterfront, LLC

Project: Construction of a single-family detached dwelling with associated off-street parking, grading, utilities, and drainage, along with associated site work, on property located at 231 Lake Avenue.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer zone associated with the bank of Lake Quinsigamond and an unnamed perennial stream and the 100’ buffer zone to bordering vegetated wetlands and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 6/28/2016; WWPO – 7/22/2016

Scott Morrison from Ecotec appeared on behalf of the application.

Mr. Morrison stated that this is for a construction of a single family home and the Commission did do a site view and they have updated their plans since the view.

Sean Fitzpatrick, 199 Lake Avenue, stated that he applauds the improvement to the neighborhood but just want to make sure the area is protected and previous work debris was left during work and more wildlife was coming into his yard due to work done in the area.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to close the public hearing.

List of Exhibits

Exhibit A: Notice of Intent Application dated June 7, 2016 and dated June 7, 2016.

Exhibit B: Plan prepared by Finlay Engineering Services dated June 27, 2016.

Exhibit C: Memo from DPW dated June 21, 2016.

Exhibit D: Letter from EcoTec, Inc. dated June 27, 2016.

9. 85 (aka 115) Shore Drive (aka City of Worcester Shore Park) (MBL 37-025-00002) (CC-2016-034)

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works & Parks

Project: Updates to the recreational facility, including the demolition of the existing building and the construction of a restroom and lifeguard building, addition of accessible route to the beach, beach maintenance (sand replenishment), modifications and improvements to utilities and pavement, and related vegetation removal, grading, and site work on property located at 85 (aka 115) Shore Drive (aka City of Worcester Shore Park).

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, associated with the bank of Indian Lake and/or associated bordering vegetated wetlands; and the Stormwater Protection Zone

Hearing Opening Deadline: WPA – 7/4/2016; WWPO – 7/28/2016

David Lapointe from Beals & Thompson and Bill Richard from DPW appeared on behalf of the application.

Mr. Lapointe stated that this is for Shore Park which is an existing City park facility which is at the north end of Indian Lake area and the city is proposing to demolish the existing building on the site and reconstruct a new life guard/rest room building.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to close the public hearing.

List of Exhibits

Exhibit A: Notice of Intent application filed June 13, 2016 and dated June 13, 2016.

Exhibit B: Plan prepared by Beals and Thomas Inc. received June 27, 2016.

Other Business:

Request for Determination of Significance and Subsequent Action due to a Project Change – Enforcement Order Updates:

- a. Arboretum Village Estates (CC-EO-2016-002)
 - i. Turbidity Sampling Results from May 2016; from EcoTec, Inc.; received 6/9/2016.

Mr. Rolle stated that the developer has asked the Commission to postpone discussion on the enforcement order as there are ongoing discussions with DEP but as the Commission is aware Mr. Kochling has had problems with trying to go inspect the property and staff has included a letter to the developer asking the developer not to interfere when inspector comes to the site.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 that staff should send letter to developer.
 - ii. Response to MassDEP's 5/31/2016 Request for Information regarding an Administrative Consent Order with Penalty (ACOP) for Arboretum; from Arboretum Village, LLC; received 6/20/2016. No comment.
 - b. Goldthwaite Road (Burncoat Gardens Phase I & V) (CC-EO-2015-007)
 - c. 604 Burncoat Street (aka Burncoat Heights) (CC-EO-2015-011)
 - d. 0 Granite Street – Broadmeadow Brook (CC-EO-2016-003)
 - e. 128 Alvarado Avenue & 100 Nonquit Street (CC-EO-2016-004)
- Items b, c, d, e-Held.

Other Business:

Requests for Certificate of Compliance:

- c. Partial for Lots B-2 & B-3 (aka 29 & 31) Drexel Street (CC-2005-079 & DEP #349-866)

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to issue a Certificate of Compliance for the portion of the application pertaining to the retaining wall.

- d. Partial for Lot B-2A (aka 29) Drexel Street (CC-2010-001 & DEP #349-985)

Ms. Smith stated that this is erroneously on the agenda.

Communication:

- a. Public Conservation Funding in New England: Recent Trends in Government Spending on Land Protection; from Wildlands & Woodlands; received 5/10/2016. No comment.
- b. Stormwater Pollution Prevention Plan for 112 Harding Street; Nover-Armstrong Associates, Inc.; received 6/3/2016. No comment.
- c. MACC Membership - Annual Subscription; from MACC; received 6/17/2016. No comment.
- d. Notice of treatment for Duck Pond (aka Green Hill Pond), Burncoat Pond (70 N. Parkway), Elm Park Pond, and Crystal Park Pond; from Solitude Lake Management; received 6/21/2016. No comment.

Information Regarding Protection of City owned land held in the Care, Custody, and Control of the Conservation Commission

Ms. Smith stated that they have received a response from the Law Department last Friday and staff will provide a summary prior to the next meeting and a copy of the legal opinion for the Commission's review.

Review of Proposed Revisions to the Order of Conditions Special Conditions Template

Ms. Smith stated that staff has working to overhaul the Order of Conditions and templates and staff should have ready for the July 21, 2016 meeting and will provide update then.

Update Regarding Electronic Submissions & Process for Amending the Wetlands Protection Regulations

Ms. Smith stated that a public hearing would need to be held prior to accepting electronic submissions and the Commission could request it be advertised to the public and review advertisement prior to placement.

Discussion of Special Conditions and Issuance of Orders of Conditions

Signing of Decisions

Adjournment

Upon a motion the Commission adjourned the meeting at 7:55 p.m.