

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

**JULY 25, 2016**

**WORCESTER CITY HALL – ESTHER HOWLAND CHAMBERS**

**Conservation Commission Members Present:** Joseph Charpentier  
Peter Mckone  
Henry Fields  
Amanda Armory  
Jordan Berg-Powers  
Henry Fields

**Member Absent:**

**Staff Present:**

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

**Approval of Minutes: 3/14/2016**

Upon a motion by Commissioner Armory and seconded by Commissioner McKone the Commission voted 5-0 to hold the minutes to the August 15, 2016 Conservation Commission meeting.

**Requests for Continuances, Postponements, Withdrawals:**

**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 –7/25/2016; WPO – n/a

Upon a motion by Commissioner McKone and seconded by Commissioner McKone the Commission voted 5-0 to continue the item until the August 15, 2016 Conservation

Commission meeting and to extend the constructive grant deadline until September 13, 2016.

**List of Exhibits:**

**2. 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 – 7/25/2016

---

Upon a motion by Commissioner McKone and seconded by Commissioner McKone the Commission voted 5-0 to postpone the item until the September 12, 2016 Conservation Commission meeting and to extend the constructive grant deadline until September 27, 2016.

**List of Exhibits**

Exhibit A: Notice of Intent Application filed September 1, 2015 and dated June 16, 2015.

Exhibit B: Plan prepared by H.S.&T Group Inc. dated September 2, 2015.

Exhibit C: Stormwater Management Report dated July 31, 2015.

**3. 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 – 7/25/2016; WWPO - 7/25/2016

---

Upon a motion by Commissioner McKone and seconded by Commissioner McKone the Commission voted 5-0 to postpone the item until the August 15, 2016 Conservation Commission meeting and to extend the constructive grant deadline until September 13, 2016.

**List of Exhibits:**

**4. Extension of Time Request for Order of Conditions for Treatment of Indian Lake & Little Indian Lake (349-678)**

Upon a motion by Commissioner McKone and seconded by Commissioner McKone the Commission voted 5-0 to postpone the item until the August 15, 2016 Conservation Commission meeting and to extend the constructive grant deadline until September 13, 2016.

Matt Brassard appeared on behalf of #5, #6 and stated that the abutters were not properly notified and the applicant is on a tight schedule and would request if possible if the Conservation Commission could have a special meeting to hear this item.

**5. 210 (aka 206 & 208) West Street (MBL 20-039-0000A) (CC-2016-037)**

Application: Notice of Intent

Applicant: Worcester Polytechnic Institute

Project: The removal/demolition and re-configuration of the existing parking and loading area, including related pedestrian amenities, along with associated changes to grading, paving, landscaping, utilities, and drainage, and related site work, on the northeastern portion of property located at 210 (aka 206 & 208) West Street (near Higgins House).

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 – 8/20/2016

Upon a motion by Commissioner McKone and seconded by Commissioner McKone the Commission voted 5-0 to postpone the item until the August 4, 2016 Conservation Commission meeting and to extend the constructive grant deadline until September 13, 2016.

**List of Exhibits**

**6. 120 (aka 200) Institute Road & 210 West Street (MBL 20-038-00001 & 20-039-0000A) (CC-2016-037)-**

Application: Notice of Intent

Applicant: Worcester Polytechnic Institute

Project: Demolition of the existing building (Alumni Gym) and related site infrastructure and the construction of a new structure (Foisie Hall) along with associated modifications to pedestrian and vehicular amenities, grading, drainage, utilities, landscaping, and related site work on the northeastern portion of the property located at 120 Institute Road & the southerly portion of 210 West 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 – 8/20/2016

---

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 5-0 to postpone the item until the August 4, 2016 Conservation Commission meeting and to extend the constructive grant deadline until September 13, 2016.

### **List of Exhibits**

### **Public Hearings:**

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

#### **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 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

---

Chris Anderson from Hannigan Engineering appeared on behalf of the application and reviewed the revised plan for the site.

Chair Charpentier stated that there had also been some comments from DPW and asked if Mr. Anderson had reviewed them. Mr. Anderson stated that he had and they have revised the plans.

Upon a motion by Commissioner McKone and seconded by Commission Armory the Commission voted 5-0 to close the public hearing.

### **List of Exhibits.**

Exhibit A: Notice of Intent application filed May 20, 2016 and dated May 26, 2016,

Exhibit B: Plan prepared by Hannigan Engineering dated May 26, 2016

Exhibit C: Drainage Analysis dated August 16, 2016 and received August 18, 2016.

Exhibit D: Communication from Envirotrac re: 150 Blackstone River Road May 18, 2016 and received May 20, 2016.

Exhibit E: DPW memo re: 150 Blackstone River Road dated June 23, 2016.

Exhibit F: Postponement form dated June 6, 2016 and received June 6, 2016.

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

**8. 27B Pineland Avenue (MBL 41-036-042-3) (CC-2016-035)**

Application: Request for Determination of Applicability

Applicant: Nassrin Haghanizadeh

Project: To seek determination as to whether or not the proposed work associated with the demolition of the existing fire-damaged residential structure, along with associated site work, on property located at 27B Pineland Avenue 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 Flint Pond and/or its associated wetlands, and partially within Bordering Land Subject to Flooding

Public Hearing Opening Deadline: WPA – n/a; WPO – 8/19/2016

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

---

Tony Haghanizadeh appeared on behalf of the application. He stated that there was a small fire at this cottage and the City of Worcester condemned the building and he would like to demolish the building and it would be a one-two day project.

Chair Charpentier asked if the shed and the dock will be demolished. Mr. Haghanizadeh stated that the shed and dock will remain.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-1 (Commissioner Berg-Powers voted against).

**List of Exhibits**

**9. Portions of the Mill Street Right-of-Way (adjacent to Midgely Avenue & 520 Mill Street) and 486 Chandler Street (Worcester State University Campus) (CC-2016-039)**

Application: Request for Determination of Applicability

Applicant: Wendy Truhanovitch of F.I.R.M. Racing  
Project: To seek determination as to whether or not the proposed work/area associated with the dispersal of corn-starch powder associated with the “Splash of Color 5k” and related activities, within portions of the Mill Street right-of-way and on property located at 486 Chandler 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 wetlands associated therewith and/or within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WPO – 8/20/2016

Constructive Grant Deadline: WPA –7/27/2016; WPO – n/a

---

Tara Hancock from Worcester State College & Bill Fiske appeared on behalf of the application. She stated this is for the Splash of Color 5k. She stated that they use corn-starch powder and for the clean up they put rugs down on the road and they put plastic over the rugs and then the runners run over the rug and once they are done with that section of the race the rugs are picked up and vacuumed and any residue they use leaf blowers to clean the area.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 5-0 to issue a Negative Determination of Applicability.

### **List of Exhibits**

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

##### **10. 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 – 7/25/2016; WWPO - 7/25/2016

---

Zac Couture with HS&T appeared on behalf of the application. He stated that this project is for the construction of a single-family home and stated that erosion controls will be provided down gradient of all construction work and will serve as the limited work and reviewed proposed work and asked that the order of conditions to be lifted for this lot.

Chair Charpentier asked if the existing Order of Conditions had expired. Ms. Smith stated that it had and that the applicant would need to submit a Certificate of Compliance so that the Commission has something to vote on.

Commissioner McKone asked when the delineation was done for the wetland. Mr. Couture stated March 31, 2016.

Paul Matthews, 9 Greenview Lane stated that he is representing his parents who are abutters and expressed concerns about the project.

Commissioner Armory stated that she would like a more detailed plan that shows the grades, the flow and the elevation and more information on how long wetland has been there and like to see the ground water table.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Fields the Commission voted 5-0 to continue the item until the September 12, 2016.

### **List of Exhibits**

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

#### **11. 0 (aka 71A) Pullman Street (MBL 23-01A-51R-1) (CC-2016-036)**

Application: Notice of Intent

Applicant: Prime Wellness Centers, Inc.

Project: Construction of a ~4,500 SF commercial structure, proposed to be used as a medical marijuana dispensary, with associated off-street parking, grading, utilities, and drainage, along with associated site work, on property located at 0 (aka 71A) Pullman 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 – 8/20/2016

---

Brian Larachelle from Graves Engineering appeared on behalf of the application.

Mr. Larachelle stated that this is a 4500 square foot building with 15 parking spaces and meets Stormwater standards and reviewed the scope of the project.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5-0 to close the public hearing with condition that revised plan be submitted.

### **List of Exhibits**

Exhibit A: Notice of Intent Application filed July 6, 2016 and dated July 6, 2016.

Exhibit B: Plan prepared by Graves Engineering dated July 6, 2016.

Exhibit C: Stormwater Report dated July 6, 2016.

### **Other Business:**

#### **12. Informal Presentation of proposed improvements associated with Crompton Park Phase 3 – Basketball Program - by City of Worcester DPW&P**

Mike Moonan from Weston & Sampson and Bill Richards from the City of Worcester Parks Department appeared on behalf of the item.

Mr. Moonan stated that this is for the next phase of Crompton Park which is the installation of two new basketball courts and an access ways and also some fencing improvements and reviewed the scope of the work with the Commission.

**Informal Presentation of proposed improvements associated with Green Hill Park Vietnam Veterans Memorial - by City of Worcester DPW&P**

Mike Moonan from Weston & Sampson and Bill Richards from the City of Worcester Parks Department appeared on behalf of the item.

Mr. Moonan stated that the site had been previously repaired in 2010 and they need to do additional work and wanted to check with Commission as to type of application that they should file

Commissioner Berg-Powers stated that he would prefer NOI.

**13. Violation Update for 21 (aka 29) Quaboag Street (fka CC-EO-2016-001)**

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5-0 to issue an Enforcement Order.

**Other Business:**

**14. 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.
  - 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.
  - iii. Bittersweet Boulevard – Discharge and Wetland Inspection for Arboretum Village LLC; from EcoTec, Inc.; received 7/8/2016.

Mr. Kochling stated that he had been to the site that afternoon and Slope B continues to erode.

Ms. Smith stated that the Law Department had provided an opinion on the fact that Mr. Kochling is a representative of the Commission and needs access to the site.

Scott Morisson from EcoTec stated that they are working with DEP and once they have completed work with them they will provide that information to the Commission and will discuss with the Board

Commissioner Berg-Powers asked what is the law regarding having their agent inspect the site. Mr. Rolle stated that they will continue to work with the Law Department and DPW to make sure an agent has access to the site.



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

Mr. Kochling stated that everything seems to be in order.

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

Mr. Kochling stated that the pump is visible and they have mulched and erosion controls are in place.

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

Mr. Kochling stated that he did not have opportunity to visit this site.

Chair Charpentier recused himself and left the meeting room.

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

Mr. Kochling stated that he had gone to the site and site has been stumped and hay bales and gravel is in place but they have not change the color of the wetland flags.

Zac Coture from HS&T appeared on behalf of the applicant and presented photos on his phone showing the change of the flag color.

Chair Charpentier returned to the meeting room.

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

- a. Burncoat Meadows (aka Matteo Street & Adelaide Circle) – Partial for lot 36 (aka 10 Matteo Street) (CC-1988-103)

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5- to issue a Certificate of Compliance.

- b. 125 Olean Street (CC-2004-34 & DEP #349-800)

Mr. Kochling stated that he viewed the site and reviewed issues with site.

Mohammad Soli stated that he is the owner and he came in last year to receive an Extension of Time and it was extended to allow for one year and the Notice of Intent was for the construction of the roadway,

Ms. Smith stated that staff was unclear on application as original order of conditions was for all the lots.

Chair Charpentier stated that there is a lot of questions with regards to what is covered and questions about the roadway and the Commission would prefer to postpone the item until the August 4, 2016 Conservation Commission meeting and staff can review prior to the meeting.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5-0 to postpone the item until the August 4, 2016 Conservation Commission meeting.

#### **16. Communication:**

- a. Notice of approval of Providence & Worcester Railroad Company's 2016-2020 Vegetation Management Plan (VMP) per 333 CMR 11.00; from Tec Associates; received 6/30/2016.

No comment.

- b. Construction Report & Turbidity Monitoring data for 10 Iroquois Street, 0 (aka 12) Quissett Street and 48 & 50 Wamsutta Avenue (per Order of Conditions for CC-2015-039); from EcoTec, Inc.; received 7/5/2016.  
No comment.
- c. Notice of Mechanical Vegetation Maintenance Activities associated with the Tennessee Gas Pipeline Company; from Hatch Mott MacDonald; received 7/8/2016.  
No comment.
- d. Notice of Issuance of Drought Watch by Massachusetts Executive Office of Energy and Environmental Affairs relative to the Wetlands Protection Act; from MACC; received 7/8/2016.  
No comment.
- e. Notice of Issuance of Drought Watch by Massachusetts Executive Office of Energy and Environmental Affairs relative to the Wetlands Protection Act; from MassDEP; received 7/8/2016.  
No comment.
- f. Notice of License Application Pursuant to M.G.L. Ch. 91 – Waterways License Application Number W16-4720 and Public Comment Period re: Blackstone Gateway Park Project; from BSC Group, Inc.; received 7/15/2016.  
No comment.
- g. Notice of Treatment for Crystal Park Pond; from Solitude Lake Management, Inc.; received 7/19/2016.  
No comment.
- h. Lake Avenue Pump Station Area Sewer Rehabilitation Project Update (CC-2015-031); from DPW&P; received 7/20/2016.  
No comment.

**17. Issuance of Emergency Certification for Morgan Park Boat Ramp Repairs**

Chair Charpentier stated that DPW recently did some work at the ramp due to deterioration and work was allowed prior to coming before Commission due to the emergency nature.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5-0 to ratify the order.

**18. Discussion regarding Declaration of Drought Watch**

Ms. Smith stated that drought watch has been issued by the state and will let the Commission know when it is lifted.

**19. Review of Proposed Revisions to the Order of Conditions Special Conditions Template**

Ms. Smith stated that they would request that item be held to another meeting.

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

Ms. Smith stated that draft version that was provided to the Commission and the Commission would need to vote to advertise the item to allow for public comment.

Upon a motion the Commission voted 5-0 to advertise an amendment to wetland protection regulations for digital submission for September 12, 2016 Conservation Commission meeting.

**21. Consideration of Potential Property Acquisitions (via Tax Title Foreclosure):**

- a. 0 Parsons Hill Drive (MBL 56-019-0017A)
- b. 64 & 66 Rockrimmon Road (MBL 47-007-10-12 & 47-007-00013)

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Armory the Commission voted 5-0 that they have interest in obtaining 64 & 66 Rockrimmon Road for Conservation Commission purposes.

**22. Update regarding Conservation Restriction Amendment for Donker Farm**

Ms. Smith stated that the information had been provided on the City's website and a copy has been provided to the Commission.

**23. Discussion of Special Conditions and Issuance of Orders of Conditions**

Dena Tamassi from Enviro Trac appeared to discuss dewatering for 150 Blackstone River Road.

**Signing of Decisions**

- a. Request for duplicate signature page for Order of Conditions for 0 Greenwood Street (CC-2016-027)

**Adjournment**

Upon a motion the Commission adjourned the meeting at 8:56 p.m.