



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

Monday December 13, 2021

Worcester City Hall - Levi Lincoln Chamber,
with remote participation options available via Webex online at
<https://cow.webex.com/meet/conservationcommissionwebex> and
call-in number 415-655-0001 (Access Code: 1609734358).

Commissioners Present: Joseph Charpentier, Chair
Holly Jones
Devin Canton, Vice Chair – *Participated remotely*
Sarah French – *Participated remotely*

Commissioners Absent: Amanda Amory

Staff Present: Stephen Cary, Division of Planning & Regulatory Services (DPRS)
Michelle Smith, Division of Planning & Regulatory Services (DPRS)

Call to Order

Chair Charpentier called the meeting to order at 5:34 PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

2) 0 FKA 668 Burncoat Street (Lots 1-2) (CC- 2021-048; DEP # 349-1307)

Request to Continue to 1/24/2022

Request to Extend the Constructive Grant Deadline to 2/15/2022

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by a roll call (with Commissioner Amory absent) to grant the request to continue.

3) 75 Quinsigamond Avenue (CC-2021-055; DEP#349-1310)

Request to Continue to 1/24/2022

Request to Extend the Constructive Grant Deadline to 2/15/2022

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by a roll call (with Commissioner Amory absent) to grant the request to continue.

4) 1087A&B & 1089A&B Millbury Street, 18 Leland Street, & Leland Street ROW (CC-2021-057)

Request to Continue to 1/3/2022

Request to Extend the Constructive Grant Deadline to 1/25/2022

In a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by a roll call (with Commissioner Armory absent) to grant the request to continue.

Old Business- Requests for Determination of Applicability

1) 796 Salisbury Street, 0 Kingston Common, & 0 Shiringham Lane (aka part of the Salisbury Green Condominiums) (CC-2021-065)

Paul McManus, EcoTec, on behalf of applicant; summarized that a site walk has occurred since the hearing was opened; explained what has changed in the application, which includes redrawing the boundary of the RDA to avoid a wetland.

Chair Charpentier notes for the record that there are a number of catch basins within the limit of request for the RDA and that a portion of the area is jurisdictional under the Ordinance as a Stormwater Protection Zone, Mr. McManus concurs.

Chair Charpentier stated that he did walk the Bordering Vegetated Wetland line on the site walk.

No further Board comment.

No public comment.

Ms. Smith explained that preferred method of filing is an ANRAD in this case but that staff is okay with RDA in this case; that the staff recommended approval are positive 2.a., 2.b., and 6 determinations and described the specifics of the recommendation determinations.

On a motion by Commissioner Canton, seconded by Commissioner Jones, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to issue positive determination of applicability as stated by staff.

New Business – Requests for Determination of Applicability

5) Brooks Street Right-of-Way (between Rockdale Street and West Boylston Street) (CC-2021-068)

Ms. Smith summarized the application and the proximity to floodplain and streams.

Allan Disanowitz, on behalf of applicant, explained their intentions, described the proposed work.

No further Board comment.

No public comment.

Ms. Smith suggested a condition of approval with regard to silt sacks and suggested determinations.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to issue negative determination of applicability with conditions as described by staff.

New Business – Notice of Intent

6) 215 (aka Lot 1) Lake Avenue (CC-2021-067)

Scott Morrison, EcoTec, on behalf of applicant; stated that there is an existing order of conditions on site (property recently changed hand) new owner intends to build a new single-family home and construct a dock – he has filed for an extension of time for that OOC; described owners intentions for vegetation removal and dock installation.

Chair Charpentier asked for clarification on location of trees to be removed and commented on importance of native trees – asked if applicant would be willing to replant trees; Mr. Morrison stated that he would be.

Chair Charpentier suggested a pre-construction conference for ensure that no unauthorized removal of riverfront trees takes place.

Commissioner Canton asked what dock would look like; Mr. Morrison elaborated.

Ms. Smith suggested a condition about footpath materials to be used.

Chair Charpentier noted that original NOI was in 2017, asked if there was any change to proposed work; Mr. Morrison described.

Ms. Smith suggested they close tonight and issue conditions of approval at the next meeting; conditions will be in regard to plantings and footpath materials.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to close.

Other Business

7) Extension of Time

a. 215 (aka lot 1) Lake Avenue (CC-2017-005, DEP #349-1151)

Chair Charpentier explained that they are limited to a one-year extension.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to extend for one year from date of expiration.

8) Requests for Certificates of Compliance

a. Burncoat Heights (CC-2016-070, as amended by CC-2017-043; CC-EO-2019-001)

b. Burncoat Heights (CC-2013-051)

Ms. Smith suggested they take Items 8a, 8b, and 10b at the same time.

Ms. Smith described the plans before the Board; explained that fraudulent stamps had been used on plans associated with this project back in 2018; discussed staff concerns with the project and how the engineer (John Grenier) has addressed them.

Chair Charpentier stated that he has been to the site; discussed what he saw and that he had some lingering concerns with regard to the existing pump infrastructure.

John Grenier clarified.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call to issue Certificate of Compliance.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to lift the Enforcement Orders.

c. 668 Burncoat Street (CC-2019-054; DEP#349-1255)

Chair Charpentier stated that he was at the site recently, stated that he saw some scouring on site but there is now an asphalt berm that alleviates his concern.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to issue Certificate of Compliance.

d. 449 Plantation Parkway aka 385 Plantation Street (CC-2016-025; DEP#349-1129)

Peter Glick on behalf of applicant described change from approved plans – 2000 SF of additional impervious area; all runoff will be captured by a basin.

Chair Charpentier stated that he has been to the site and has concerns about a truck parked adjacent to basins; Mr. Glick was unaware of why trucks would be parked there; Bill Clougherty (MassDOT) stated that truck is from a contractor and that he will reach out to ask him to relocate.

Chair Charpentier asked if guardrail would be complete soon; Mr. Clougherty described timeline.

Chair Charpentier asked what was being constructed to the northwest of fuel pumps; Mr. Clougherty stated that there is an outbuilding being worked on presently; Chair Charpentier asked what it would be used for; Mr. Clougherty stated that it would be storage.

Ms. Smith summarized Board concerns: installing silt fence and moving truck and porta-potty.

On a motion by Commissioner Canton, seconded by Commissioner Jones, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to issue Certificate of Compliance with conditions that certificate will be held until completion photos are viewed and accepted by staff.

Ms. Smith asked DOT to forward along as-built plan.

e) 12 Dawson Road (CC-2013-053; DEP#349-1071)

Ms. Smith summarized site conditions as represented by the as-built plan.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to issue Certificate of Compliance.

f) 220A Webster Street (CC-2021-013; DEP#349-1295)

Ms. Smith summarized site conditions.

On a motion by Commissioner Canton, seconded by Commissioner Jones, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to issue Certificate of Compliance.

g) 33 Sophia Drive (CC-2006-059; DEP#349-906)

Ms. Smith summarized, stated that site appears stable.

Chair Charpentier asked for clarification on detention pond vs. wetland.

On a motion by Commissioner Canton, seconded by Commissioner Jones, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to issue Certificate of Compliance.

h) 1 Topsfield Road/Clarence Street (CC-2021-002)

Ms. Smith summarized, stated that project has been completed in compliance; stated that site is stable.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to issue Certificate of Compliance.

9) Emergency Certifications

a. 6 Meadowbrook Road (CC-EC-2021-04)

Ms. Smith described cause of hazardous release.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to ratify the emergency certification.

b. 30 (aka 40) Quinsigamond Avenue (CC-EC-2021-05)

Ms. Smith reminded Board that they had reviewed an RDA for replacing gas lines within the floodplain; applicant has since realized that replacement required fill within the floodplain.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to ratify the emergency certification.

10) Enforcement Order and Violation Updates

- a. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)**
- b. Burncoat Heights (CC-EO-2019-001)**
- c. 217 Lake Avenue (CC-EO-2020-004)**
- d. 449 Massasoit Road (CC-EO-2020-006)**
- e. Across from 133 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Dominion Road & Belcourt Road) and Lake Quinsigamond (CC-EO-2020-007)**
- f. Across from 175 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Belcourt Road & Sonoma Drive) and Lake Quinsigamond (CC-EO-2020-008)**
- g. 99 Wildwood Avenue (CC-EO-2020-009)**
- h. 166 Moreland Street (CC-EO-2020-011)**
- i. 522 Grove Street (CC-EO-2020-014)**
- j. 0 Myrick Avenue (CC-EO-2020-015)**

Ms. Smith stated that she has been in touch with project developer.

- k. Modoc Street (CC-EO-2021-001)**

Ms. Smtih noted next steps and that project will be filing an amendment.

- l. 75 Harrington (CC-EO-2021-003)**
- m. 40 June Street Terrace (CC-EO-2021-004)**
- n. 12 AKA 0 Balis Avenue (CC-EO-2021-005)**
- o. 1087-1089 Millbury Street and 18 Leland Street (CC-EO-2021-006)**
- p. 269 James Street (CC-EO-2021-007)**
- q. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**
- r. Providence & Worcester Railroad (0 Tobias Boland Way)**

Ms. Smith stated explained regulations around floodway; enforcement order has not been issued yet; site is not stable at this point; all vegetation was removed in an effort to make the site less appealing to be used; MS asked that site be sprayed with a seed mix.

M. Smith described nearby issue with regard to tree removal along river front; stated that she has asked applicant to take steps to stabilize; stated that they will need to file a retroactive NOI and replanting plan.

Chair Charpentier asked about next steps; Ms. Smith explained that it is violator's (Walmart's) responsibility to mitigate.

There was no discussion of items a-i or l-q.

11) Communications

a. Report on Soil Conditions for Kiara Drive (CC-2016-048 & DEP#349-1142); from Thompson-Liston Associates, Inc.; dated 11/22/2021.

Ms. Smith explained that they found more ledge than expected and therefore they cannot infiltrate as much as they had planned; explained how they plan to resolve issue.

Chair Charpentier stated that development has been partially built and those houses are occupied.

Ms. Smith described history of what staff has requested of developer to infiltrate stormwater.

Chair Charpentier expressed that the resolution should be an amendment to Order of Conditions; stated that he is okay with Ms. Smith signing off on building permit for a house on this property.

b. Update on the Massachusetts Association of Conservation Commissions 2022 dues; from MACC; dated 11/16/2021.

No comments.

c. Notice of Yearly Operational Plan; from National Grid; received.

No comments.

12) Approval of Minutes - 5/24/2021; 6/14/2021; 8/2/2021; 10/4/2021; 10/25/2021 & 11/15/2021

Commissioner Canton noted that there was one meeting where he was absent for the beginning, but those minutes have been corrected.

On a motion by Commissioner Canton, seconded by Commissioner Jones, the Commission voted 4-0 by roll call (with Commissioner Armory absent) to approve.

13) Conservation Planner Position Update

Ms. Smith stated that position is now open until filled and described search efforts.

14) Policies and Procedures

Board discussed attendance at upcoming meetings.

Adjournment

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Board voted unanimously to adjourn at 7:50pm.