



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

**Monday December 4, 2023**

Worcester City Hall – Levi Lincoln Chamber,  
with remote participation options available via WebEx online at  
<https://cityofworchester.webex.com/meet/conservationcommissionwebex> and  
call-in number 1-844-621-3956 (Access Code: 2631 737 2697).

**Commissioners Present:** Joseph Charpentier, Chair  
Devin Canton, Vice Chair  
Timothy Magliaro, Commissioner  
Lindsay Nystrom, Commissioner, *Participated remotely*  
Andrew Truman, Commissioner

**Commissioners Absent:** Amanda Amory, Commissioner

**Staff Present:** Eric Flint, Division of Planning & Regulatory Services (DPRS)  
Olivia Holden, Division of Planning & Regulatory Services (DPRS), *Participated remotely*

**Call to Order**

Chair Charpentier called the meeting to order at approximately 5:37 p.m.

**Requests for Continuances, Postponements and Withdrawals**

- 2) 50 Lafayette Street (aka 2A & 2B Lodi Street) – Notice of Intent (CC-2023-072 & DEP#349-13XX)**  
*Request to Postpone to 12/18/2023*  
*Request to Extend the Constructive Grant Deadline to 1/9/2024*
- 4) 265 Lake Avenue – Notice of Intent (CC-2023-055 & DEP#349-1373)**  
*Request to Postpone to 1/8/2024*  
*Request to Extend the Constructive Grant Deadline to 1/30/2024*
- 6) 2 Hastings Avenue – Notice of Intent (CC-2023-066 & DEP#349-13XX)**  
*Request to Postpone to 12/18/2023*  
*Request to Extend the Constructive Grant Deadline to 1/9/2024*

**7) 34 Lakeside Avenue, 2 Circuit Avenue South, and Garland Street & Vincent Avenue Rights-of-Way – Notice of Intent (CC-2023-074)**

*Request to Postpone to 12/18/2023*

*Request to Extend the Constructive Grant Deadline to 1/9/2024*

**8) 1 & 3 Hawthorne Street, 157 Woodland Street, and 914-934 Main Street – Notice of Intent (CC-2023-077)**

*Request to Postpone to 12/18/2023*

*Request to Extend the Constructive Grant Deadline to 1/9/2024*

**10) 15 Endicott Street – Notice of Intent (CC-2023-079 & DEP#349-13XX)**

*Request to Postpone to 12/18/2023*

*Request to Extend the Constructive Grant Deadline to 1/9/2024*

Mr. Flint read the requests for continuances, postponements, and withdrawals into the record.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 5-0 to postpone the public hearings and extend the constructive grant deadlines to the dates noted.*

**Old Business – Notices of Intent**

**1) 311 Bridle Path (CC-2023-072 & DEP#349-13XX)**

Mark Elbag (participating remotely) of M.A. Elbag Engineering, Inc., on behalf of the applicants, Scott & Anne McDonald, stated the project consists of the reconstruction of two retaining walls. Plan revisions since the last meeting include a profiled section showing elevations of existing and proposed walls and the location of the stairs. Locations and elevations have been matched as best as possible but the proposed wall is slightly shorter for cost and aesthetic purposes.

Commissioner Magliaro asked how far in the drawn down area erosion controls will be placed; Mr. Elbag stated erosion controls will be kept tight to the existing decks and will be set and removed before the drawn down period ends.

Commissioner Magliaro asked if the stairs to be removed and reset will be built on the existing foundation; Mr. Elbag confirmed it will.

Commissioner Magliaro asked about means of excavation; Mr. Elbag stated there will not be room for big equipment so there will be a lot of manual labor and a mini excavator at most.

Commissioner Canton asked how far below grade the walls will be built; Mr. Elbag stated the mechanical stabilized block walls will be 12x12x16 and placed by hand about 1' into the ground.

Commissioner Canton asked if the existing shed will be removed; Mr. Elbag stated it will and is noted on plans.

Chair Charpentier stated the details on the revised plans alleviated many concerns previously held.

Mr. Flint stated staff comments have been addressed.

No public Comment.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 5-0 to close the public hearing.*

Mr. Flint described staff recommended conditions which include no ground disturbing work permitted down gradient of lower retaining wall during construction, repairs to existing stairs should be related to framing and decking only, no new fill permitted in BLSF, erosion controls or turbidity blanket at newly constructed lower wall be added if work is not completed prior to the end of the draw down period or if the slope is not stabilized, conditions #52, #53, #64, #65, #66, with deeded conditions #64, #65, #66, in addition to the standard conditions.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 5-0 to issue an Order of Conditions as discussed.*

**3) 1256 West Boylston Street (CC-2023-076 & DEP#349-1379)**

Glenn Krevosky of EBT Environmental Consultants, Inc., on behalf of the applicant, Sharon Buccheri, discussed the site visit that took place with the project civil engineer, Patrick Healy, as well as members of the Commission and gave an overview of the site history. Updates include the removal of the box culvert which was replicated with a 3-sided culvert at 1000 SF.

Patrick Healy (participating remotely) of Thompson and Liston stated the culvert is approximately 12' x 17' and noted they have provided a replication area on the uphill side of the proposed crossing, located at the flattest part of the property. Mr. Healy asked the Commission if they'd like to see the replication area relocated so it's 30' from the pavement.

Mr. Krevosky added details for proposed plantings in the restoration area and erosion control measures.

Commissioner Truman asked about plans for utilities; Mr. Healy stated they plan to go underneath the culvert as indicated on the plans.

Commissioner Canton asked how silty materials will be kept from washing away once water is reintroduced; Mr. Krevosky stated they will not use silty material that comes out. They will use a coarser grade material to replace what is removed and rotted organic material will be used at the foot of the replication area.

Mr. Krevosky stated they are asking for a continuance to have the 401 completed before closing this out with the Commission.

Chair Charpentier stated yard waste in the 15' buffer zone should be removed by hand if possible and permanent markers should be placed at 20'-25' apart on the site at the 15' buffer; Mr. Krevosky stated they will remove the debris but it may not be possible to remove entirely by hand; Chair Charpentier stated if the proposal is reasonable to remove by other means, the Commission will discuss it at the next meeting.

Mr. Flint asked the applicant to describe the sequencing plan for installation of the culvert; Mr. Healy stated a crushed stone or sandbag coffer dam would be installed and is indicated on plans. Mr. Flint noted concerns about the placement of stone within the wetland resource area.

No public Comment.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 5-0 to continue to the 12/18/23 public hearing.*

**New Business – Notices of Intent**

**5) 53 Mason Street – Notice of Intent (CC-2023-064)**

John Grenier of J.M. Grenier Associates Inc., on behalf of the applicant, Daniel Yarnie, stated the NOI was triggered by local ordinance for work within 100' of catch basin and described the characteristics of the lot. The proposal is to construct a four-unit townhouse building with associated parking. Erosion controls include stone apron for construction vehicles, inlet protection, and silt sacks. Site runoff will be captured and recharged into the ground. The 15' overflow pipe will flow into street drainage system but otherwise will be recharged into the ground resulting in overall improvement from current conditions. Areas for minimal stockpiling for construction are proposed but excavation on site will be removed immediately. The project has obtained ZBA approval.

Commissioner Canton asked how the recharge chamber functions; Mr. Grenier stated the downspouts are captured and going into a common 6" line and those are going into a common manhole at the south of the recharge chambers and explained that's capturing the overland runoff at the entrance and flowing into the recharge chambers.

Commissioner Canton asked about phasing; Mr. Grenier stated everything will be built at once.

Commissioner Canton asked if erosion controls could be added between foundation line and the driveway entrance; Mr. Grenier stated waddles could be added.

Commissioner Magliaro asked if there is a check valve on the outflow pipe; Mr. Grenier stated it is open and if it ever fills up it will flow into the street drainage system.

Chair Charpentier asked Mr. Grenier to address DPW comments; Mr. Grenier stated DPW comments can be addressed and will work with them to revise the plans appropriately.

Mr. Flint read unaddressed staff comments; Mr. Grenier and the Commission discussed solutions to comments from staff and will provide updated plans.

Commissioner Magliaro brought up concerns for sewer connections; Mr. Grenier and the project team will be working with the sewer department to ensure the plans work and drainage will meet the Commission's standards at a later meeting.

No public Comment.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 5-0 to continue to the 12/18/23 public hearing.*

Chair Charpentier called 5-minute recess at 6:43pm.

Chair Charpentier called meeting back to order at 6:48pm.

**9) 214 Hamilton Street (CC-2023-078)**

No applicant or representative present for hearing.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 5-0 to postpone the public hearing.*

**Other Business**

**11) Update on Restoration Area – Tobias Boland Way (CC-2022-069 & DEP#349-1367)**

Mr. Flint stated a larger number of the smaller trees were inadvertently removed and has since had a meeting with the project representative and learned the fence installation took place earlier than anticipated.

Allan Cutler (participating remotely) of Apex Companies on behalf of Walmart, stated that trees were unfortunately cut during the fence installation. Upon discovery during a site inspection in 11/2/2023, Mr. Cutler immediately contacted Walmart representatives and Mr. Flint to notify the Commission. The fence has been moved to just beyond the 30' buffer to serve as a delineation and they plan to replant the trees that were removed in the spring but would like to hear how the Commission suggests moving forward,

Callie Thompson (participating remotely) of Apex Companies, stated the fence will serve as ongoing protection to the area once the replanting takes place.

Chair Charpentier asked if a gate will be added for access; Mr. Cutler stated per the plans there are supposed to be two 8' wide gates; Chair Charpentier added that if access is given via gate to the wetlands the area will need to be marked to prevent accidental maintenance; Ms. Thompson noted any access given will be for restoration purposes only.

Mr. Flint stated annual monitoring reports should be required to prevent similar issues from arising.

**12) Requests for Certificates of Compliance**

**a. 43 Cheyenne Road (CC-1998-0336)**

Items 12a & b were taken concurrently.

Mr. Flint stated these are partial COC's for a subdivision that received approval in the 80' s and the site is fully stable.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro, the Commission voted 5-0 to issue the partial Certificate of Compliance.*

**b. 43 Cheyenne Road (CC-2000-077)**

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro, the Commission voted 5-0 to issue the partial Certificate of Compliance.*

**c. 9 Reardon Street (CC-2000-090)**

Mr. Flint stated this for a OOC issued in the 2000's and site is fully stable.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro, the Commission voted 5-0 to issue the partial Certificate of Compliance.*

**d. 83 Saint Louis Street (CC-2018-045)**

Mr. Flint stated this was issued in 2018 for a single-family home. The Commission had required permanent markers for this which were installed but not entirely with plans.

*Upon a motion by Commissioner Magliaro, Seconded by Commissioner Canton, the Commission voted 5-0 to issue the Certificate of Compliance.*

**e. 27-29 Milton Street (CC-2020-030)**

Mr. Flint stated this for an order issued in 2020 for the construction of a duplex. The work was never completed and the OOC is now expired. The Commission just needs to vote to release the OOC from the property and any work would need a new NOI.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro, the Commission voted 5-0 to close the Certificate of Compliance due to expired Order of Conditions.*

**f. 355 Granite Street (CC-2023-068)**

Mr. Flint stated the stie was not stabilized and the applicant has requested a LTW and asked the Commission to apply the \$50 fee toward reapplying the spring.

*Upon a motion by Commissioner Truman, Seconded by Commissioner Canton, the Commission voted 5-0 to grant the LTW and deny the request to reallocate the fee.*

**13) Enforcement Order and Violation Updates**

**a. 449 Massasoit Road (CC-EO-2020-006)**

Mr. Flint stated wetlands scientist report is forthcoming.

**b. 99 Wildwood Avenue (CC-EO-2020-009)**

**c. 166 Moreland Street (CC-EO-2020-011)**

**d. 522 Grove Street (CC-EO-2020-014)**

**e. 0 Myrick Avenue (CC-EO-2020-015)**

**f. 75 Harrington Way (CC-EO-2021-003)**

**g. 40 June Street Terrace (CC-EO-2021-004)**

**h. 12 AKA 0 Balis Avenue (CC-EO-2021-005)**

**i. 269 James Street (CC-EO-2021-007)**

**j. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**

**k. Providence & Worcester Railroad (0 Tobias Boland Way)**

Mr. Flint provided an update which includes removal of excess fill and planting of 400 stake plantings of species appropriate to the area. Staff is satisfied with the work that has been done and the Commission could vote to remove this from the agenda.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro, the Commission voted 5-0 to remove the enforcement order for item 13k.*

**l. 70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**

**m. 3 Aster Place (CC-EO-2022-005)**

**n. Hospital Drive ROW (CC-EO-2022-006)**

**o. 215 Lake Avenue (CC-EO-2022-007)**

Mr. Flint stated existing conditions plan should be provided to staff within a week and will provide and update at the next meeting

- p. **4 Tiffany Avenue (CC-EO-2023-001)**
- q. **0 Mcavey Way & 1393 Grafton Street (CC-EO-2023-003)**
- r. **265 Lake Avenue (CC-EO-2023-006)**
- s. **133 Granite Street (CC-EO-2023-007)**
- t. **0 Harrington Way (CC-EO-2023-009)**
- u. **570 Lincoln Street (CC-EO-2023-010)**

*There was no discussion of items 13 b-j, l-n, or p-u.*

#### **14) Communications**

- a. Trainings for Board & Commission Members; from the Office of the Inspector General; 11/13/2023
- b. Utility Maintenance Notifications; from Eversource; dated 11/9/23, 11/16/23, & 11/17/23

#### **15) Approval of Minutes – 10/5/2020; 10/23/2023; 11/13/2023**

*Upon a motion by Commissioner Canton, Seconded by Commissioner Truman, the Commission voted 5-0 to approve the minutes for the 10/23/23 and 11/13/23 meetings.*

#### **16) Open Space Discussion**

##### **a. Vote of Support for Salisbury Hill Conservation Restriction to be held by GWLT**

Mr. Flint stated the conservation restriction was required as part of a subdivision approval and turned the discussion over to Collin Novick of Greater Worcester Land Trust. Mr. Novack stated the property would be contiguous to other Conservation properties with CRs held by GWLT. The town of Holden will also need to sign off on the CR and Town Council will respond best with endorsement from the Commission.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro, the Commission voted 5-0 to support the Salisbury Hill Conservation Restriction to be held by GWLT.*

##### **b. Potential Tax Title Properties to Transfer to the Custodianship of the Conservation Commission**

Mr. Novick stated the property at 553 Plantation Street neighbor's segments of the Coal Mine Brook and described the benefits it provides. Mr. Novick continued to provide an overview on the history of attempting to protect this property.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro, the Commission voted 5-0 to express interest in taking custodianship of the property.*

Mr. Flint described a 0.4-acre portion of the property at 0 Parsons Hill Drive which is contiguous to other property owned by the Commission and would provide access to that with frontage on Parsons Hill Drive. The property has a stream that runs to the center, wetland area contiguous to other open space, and located within EJ community.

Mr. Novick encouraged the Commission to take custodianship of the entire property to create connections for the habitat, wildlife, and community members and stated the GWLT would be happy to be a partner to the Commission in problem solving. Mr. Novick added that the Commission could take the entire property and allow for an easement for the driveway for the life of the landowner.

*Upon a motion by Commissioner Truman, Seconded by Commissioner Canton, the Commission voted 5-0 to express interest in taking custodianship of the property.*

## **27) Policies and Procedures**

Chair Charpentier stated Commissioner Amory will be serving her last meeting on 12/18/23 due to her term expiring and will be replaced the following meeting in January with a new Commissioner.

Commissioner Amory's departure will open the Commission's seat on the Lake Quinsigamond Commission.

Chair Charpentier announced he will also be ending his term after just over 10 years in February 2024 but has not picked a date yet.

Broadmeadow Brook Commission seat under Mass Audubon is also open but staff needs to understand more regarding the details of responsibilities.

## **Adjournment**

Upon a motion by Commissioner Magliaro, seconded by Chair Charpentier, the Commission unanimously voted to adjourn at approximately 7:35 PM.