



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

Monday, August 12th, 2024

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: Andrew Truman, Chair
Devin Canton, Vice Chair
Diane Fratoni, Commissioner
Stuart Kirshner, Commissioner (remote)
Timothy Magliaro, Commissioner
Lindsay Nystrom, Commissioner

Staff Present: Eric Flint, Division of Planning & Regulatory Services (DPRS)
Mattie VandenBoom, Division of Planning & Regulatory Services (DPRS)

Call to Order

Chair Truman called the meeting to order at approximately 5:31 p.m.

Requests for Continuances, Postponements and Withdrawals

Item 2 – Transmission Lines O141/P142 (between Millbury Town Line and the Bloomingdale Substation and between West Boylston Town Line and the Nashua Street Substation) (CC-2024-054)

Request to continue the public hearing to 09/09/24 & extend the constructive grant deadline to 10/01/2024

Item 6 – 116 Northeast Cutoff (CC-2023-068 & DEP#349-1378)

Request to continue the public hearing to 09/09/24 & extend the constructive grant deadline to 10/01/2024

Item 7 – 1256 West Boylston Street – Notice of Intent (CC-2023-076 & DEP#349-1379)

Request to continue the public hearing to 09/09/24 & extend the constructive grant deadline to 10/01/2024

Item 8 – Endicott Street & Bigelow Street Rights-of-Way – Notice of Intent (CC-2024-053 & DEP#349-1405)

Request to continue the public hearing to 09/09/24 & extend the constructive grant deadline to 10/01/2024

Item 13 – 0 McAvey Way & 1393 Grafton Street – Notice of Intent (CC-2024-058 & DEP#349-14XX)

Request to continue the public hearing to 09/09/24 & extend the constructive grant deadline to 10/01/2024

Item 15 – 39 Lamartine Street– Notice of Intent (CC-2024-061)

Request to continue the public hearing to 09/09/24 & extend the constructive grant deadline to 10/01/2024

Chair Truman read the requests for continuances, postponements, and withdrawals into the record.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro, the Commission voted 6-0 by a roll call vote to postpone the public hearings and extend the constructive grant deadlines to the dates noted.

Other Business

1) Update on the DCR Urban & Community Forestry Challenge Grant Project – Assessment of Urban Forests on Conservation Lands

Mr. Flint explained that the Commission received the Massachusetts DCR Urban and Community Forestry Challenge Grant to conduct an urban tree canopy assessment on Conservation owned properties. The funding also allowed for baseline reports and management plans for several Conservation owned properties.

Moriah Day, Davey Resource Group (DRG), presented findings of the urban tree canopy assessment and reviewed the baseline reports. Of the tree canopy that was assessed, 85 percent of the canopy health was rated as fair or better with 15 percent being rated as poor or worse condition. Areas of poor canopy health seemed to be related to soil saturation and invasive pests. DRG was able to provide baseline reports for Cascades East, Crow Hill, Fitzgerald Brook, God’s Acre, Parsons Cider Mill, Patch Reservoir, Perkins Farm, and Wayside Road Conservation Area. Each of the baseline reports provides history of the property and identifies unique habitats, cultural features, and areas of concerns (invasive species, blocked trails, encroachment). The reports recommend management strategies to help improve each of the properties.

Commissioner Fratoni asked how the City manages these properties. Mr. Flint explained that management strategy at this time is more reactive and driven by complaints. When issues are reported on Conservation properties, staff works with a contractor to resolve the issue. Some of the properties are managed with the help of non-profits such as Great Worcester Land Trust and Mass Audubon. Ms. Day explained that an objective of these reports was to document the need for management and to make a case that a budget is needed to maintain the properties.

Commissioner Magliaro praised the reports and work conducted by DRG.

Commissioner Kirshner asked if calling 311 about issues on Conservation properties gets directed to Conservation staff. Mr. Flint believes that calls do get routed to staff based on hazard tree and encroachment complaints that the office has received.

Commissioner Kirshner asked if there was a way to encourage the public to report issues. Mr. Flint explained staff is looking into updating the Conservation Commission website to make the public aware of these properties and how the public can help be stewards of the land.

Commissioner Canton asked if there was way to be more proactive with the management of trees on the properties. Ms. Day explained that it is harder to manage for hazard trees in a forested setting due to the density of trees. She recommended using volunteer groups to help manage properties.

Chair Truman asked if the Commission should be working jointly with the Urban Forestry Tree Committee. Mr. Flint explained that they typically focus on street trees and park trees but is certainly worth evaluating a collaboration.

Colin Novick, Greater Worcester Land Trust, asked if large bodies of water could be factored out when evaluating the tree canopy coverage. Mr. Novick expressed that he would like to see the recommendations be implemented and that these reports are used. He recommends reviewing the documents quarterly to keep it fresh and not forgotten.

Commissioner Magliaro stated that funding might be available through the Community Preservation Act fund. Mr. Flint announced that the city just hired a Community Preservation Act manager, and she will be presenting at the September 9th Conservation Commission meeting.

New Business – Requests for Determination of Applicability

3) 115 Northeast Cutoff (MBL 52-006-01+02) - Request for Determination of Applicability (CC-2024-056)

Keith Bianchini of Phoenix Communications on behalf of the applicant, Steven Crescimano, reviewed the request to install 150' of underground conduit. Straw wattles will be installed along the driveway and Northeast cutoff, downgradient of the work.

Mr. Flint explained that the project is within the 100' buffer zone for wetlands on both sides of Northeast Cutoff. If the Commission issues a negative determination, he recommended that the applicant be required to provide pictures of installed erosion controls to the Office of the Commission prior to any excavation.

No comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Fratoni, the Commission voted 6-0 by a roll call vote to issue a negative determination of applicability.

List of Exhibits:

Exhibit A: RDA Application; dated 07/15/2024; submitted by Fred York, Phoenix Communications

4) 29 Webster Street (MBL 08-031-00007) - Request for Determination of Applicability (CC-2024-060)

Alison Milliman of BSC Group on behalf of the applicant, Massachusetts Electric Company, reviewed the request to install 25' of underground conduit. The applicant is anticipating the project to take one week to complete. The site will be backfilled and restored to existing conditions. Silt sacks are proposed for the nearby catch basins.

Mr. Flint explained that the project is located within Bordering Land Subject to Flooding. Since the site is being returned to existing grade, there is no concern for net fill within the floodplain.

Commissioner Canton asked if there is a need for stockpiles. Ms. Milliman explained that if needed, a stockpile location would be placed within the substation and appropriate erosion controls would be installed.

No comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Fratoni, the Commission voted 6-0 by a roll call vote to issue a negative determination of applicability.

List of Exhibits:

Exhibit A: RDA Application; dated 07/24/2024; submitted by Alison Milliman, BSC Group

5) 965 Main Street (Crystal Park) (MBL 07-007-01+02) - Request for Determination of Applicability (CC-2024-063)

Robert Antonelli, City of Worcester Department of Public Works and Parks reviewed the request to remove invasive plant species along the edge of Crystal Pond. He explained that the dense brush is a public safety issue and is allowing people hide and conduct inappropriate activity. These activities are negatively impacting the neighborhood. The plan is to do selective pruning to increase the site lines for the police officers and park security staff that patrol the area.

Mr. Flint explained that he visited the site and that the brush slated for removal are invasive plant species. He recommended pruning certain trees over removal to still provide shading and buffer benefits for the pond, while improving site lines. The wetland vegetation on the south side of the pond will be left in place. Mr. Flint is willing to review the site again prior to the vegetation removal if the Commission wishes.

No comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro, the Commission voted 6-0 by a roll call vote to issue a waiver from performance standard 4.2.4 and a negative determination of applicability.

List of Exhibits:

Exhibit A: RDA Application; dated 07/29/2024; submitted by Robert C. Antonelli, Jr., Department of Public Works and Parks

Old Business – Abbreviated Notice of Resource Area Delineation

9) 34 Eskow Road & 224 Southwest Cutoff (MBL 34-032-00015 & 34-034-00001) – Abbreviated Notice of Resource Area Delineation (CC-2024-039 & DEP#349-14XX)

Colleen Nebel of Centerpoint Integrated Solutions, the applicant, attended the meeting on behalf of CarMax.

Mr. Flint explained that this is a continued hearing from the July 22nd meeting. The wetland delineations have been reviewed by staff and all requested information has been provided. DEP issued a file number and had similar comments as staff. Staff recommends that the Commission issue an Order of Resource Area Delineation.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Nystrom, the Commission voted 5-0 by roll call vote to close the public hearing. Commissioner Canton was ineligible to vote.

Upon a motion by Commissioner Fratoni, seconded by Commissioner Magliaro, the Commission voted 5-0 by roll call vote to issue the order of resource area delineation. Commissioner Canton was ineligible to vote.

List of Exhibits:

Exhibit A: ANRAD Application; dated 05/07/2024; submitted by Colleen Nebel, Centerpoint Integrated Solutions

Exhibit B: Site Plan; dated 04/26/2024; prepared by Gerry L. Holdright, Control Point Associates, Inc.

Exhibit C: Wetland Resource Area Analysis; dated 03/28/2024; prepared by Dan Wells, LEC Environmental Consultants, Inc.

Exhibit D: Division of Planning & Regulatory Services Staff Comments; dated 06/04/2024; prepared by Eric Flint and Mattie VandenBoom

Exhibit E: Response to Comments; dated 07/12/2024; submitted by Colleen Nebel, Centerpoint Integrated Solutions

Exhibit F: ILSF Determination; dated 06/20/2024; Austin Turner, Bohler

New Business – Notices of Intent

7) 487 Park Avenue (MBL 08-006-0004A) – Notice of Intent (CC-2023-058)

Daniel Sheenan, Graves Engineering, on behalf of the applicant, Gjinko Realty, LLC, reviewed construction of a 6-story mixed-use building and parking area. The upper floors of the building will be residential, and the bottom floor will be for automotive repair. There is a reduction of impervious surface from the existing conditions. There will be a trench drain inside the building and a water quality unit installed.

Mr. Flint explained that staff comments were minimal and have been addressed. This project is filed under the Wetland Protection Ordinance only.

Chair Truman asked about the roof runoff storage tank. Mr. Sheenan explained that the applicant is proposing a green roof and the water stored in the tank would be used to water the plants.

There were no comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro, the Commission voted 6-0 by roll call vote to close the public hearing.

In addition to the standard conditions, Mr. Flint recommended P.E. certification of stormwater infrastructure, cement truck washing, as-built plan be provided for Certificate of Compliance request, and deeded conditions for stormwater infrastructure maintenance and sand/salt.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro the Commission voted 6-0 by roll call vote to issue the order of conditions as discussed.

List of Exhibits:

Exhibit A: NOI Application; received 09/12/2023; submitted by Daniel Sheehan, Graves Engineering

Exhibit B: Stormwater Report; received 09/07/2023; submitted by Michael Andrade, Graves Engineering

Exhibit C: Site Plan; dated 09/07/2023; revised 03/25/2024; revised 07/23/2024 submitted by Michael Andrade, Graves Engineering

Exhibit D: Department of Public Works and Parks comments; dated 09/18/2023; prepared by Richard Saltrick, Assistant Commissioner of Engineering

Exhibit E: Division of Planning & Regulatory Services Staff Comments; dated 09/25/2023; prepared by Eric Flint

11) 6 Lanesboro Road (MBL 32-004-00036) – Notice of Intent (CC-2024-046 & DEP#349-1400)

Kate O'Donnell, EcoTec, Inc., on behalf of the applicant, Benn Kloczkowski, reviewed construction of a single-family dwelling with associated grading, landscaping, and utility connections. She explained that the property has two frontages with one located on Lanesboro Road and the other on Kenmore Street. The driveway access will be on Kenmore Street. The lot is too small for a septic system. The water lines connections are proposed to come from Lanesboro Road. This will require the utilities to cross under the intermittent stream located on the property. The work would be conducted during a dry season when the water flow is low. A coffer dam would be used upgradient of the work area and impounded water would be redirected around worksite and downstream. The streambed material would be preserved in the stockpile next to the stream and it would be reused in the stream channel.

David Sadowski, D.J. & Associates, explained that it is over 500' to connect to the nearest sewer line on Kenmore Street.

Mr. Flint explained that staff had an Interdepartmental Review Team (IRT) meeting for this project recently and staff has issued comments. Mr. Flint asked if there was any plan to infiltrate roof runoff and provide groundwater recharge. Mr. Sadowski explained that the site has ledge, and it would be difficult to place a structure in the ground. Ms. O'Donnell added that there will be gutters and rain barrels.

Mr. Flint noted that there was a detailed proposal on how the work would be conducted in the stream. Staff requested additional plantings and that the limit of tree clearing be defined on the plan. The waterline installation will require a waiver from performance standard 4.2.4 for activity within the 15' buffer zone.

Commissioner Magliaro asked for detail on the coffer dam. Ms. O'Donnell explained that it a small stream channel and a line of sandbags would be used.

Commissioner Magliaro asked about the depth of the sewer line and how the trench would be excavated. Ms. O'Donnell explained that it was an average depth of two feet. The trench would be excavated by using a mini excavator and native soil would be stored in the stockpile area.

Commissioner Magliaro was concerned that the trenching information and stream crossing information was not on the plan. Ms. O'Donnell explained that a detailed narrative was included with the filing.

Commissioner Fratoni asked how machinery is going to access the property. Ms. O'Donnell explained that access would be from the Kenmore side and the machinery should fit in the area between the erosion

control barriers to limit trees cleared from the lot. Mr. Sadowski explained that 6' wide lane would be cut to install the sewer line.

Commissioner Fratoni asked if the house is being built is for the owner or for spec. Mr. Sadowski confirmed that it was for spec. Commissioner Fratoni had concerns about the rain barrel and the future owner's ability to maintain them properly.

Commissioner Canton asked how neighboring properties connect into the utilities. Mr. Sadowski explained that the brook is piped through the other properties and only daylight on this property.

Commissioner Canton expressed concern for the location of the manhole being within the 15' buffer zone and location of the stockpile area. Mr. Sadowski explained that the manhole needs to be close to the stream to maintain the correct pitch. Ms. O'Donnell explained that the stockpile area at that location is only being used to store the substrate from the streambed.

Chair Truman had concerns about the addressing of the property for emergency services and for issuing an Order of Conditions. Mr. Sadowski is working on updating the address to be from the Kenmore Street side. He has requested a variance from the frontage requirements. Mr. Flint explained that an Order of Conditions can be issued on a property even if it's address is going to change. However, Mr. Flint recommended the Commission to wait on issuing an Order of Conditions until the Fire Department and Zoning Board of Appeals (ZBA) have made their decision.

Mr. Sadowski explained that a whole new filing would be needed if the Fire Department and the ZBA did not approve his request. He would not be able to just add a driveway stream crossing to the current filing. Mr. Flint confirmed the project would need a new filing if they were required to bring the driveway across the stream. Mr. Flint also explained that under the Wetland Protection Act, applicants are required to have all applicable permits in place when coming before the Conservation Commission. Mr. Flint stated that the decision is up to the Commission on whether they want to issue an order. If the Commission would like to continue the hearing, the applicant also needs to be amendable to continuing the hearing.

Chair Truman asked when the hearing is scheduled with ZBA. Mr. Sadowski explained that the application is being held by staff until comments are received from the Fire Department.

Commissioner Magliaro was uncomfortable issuing a decision that night and would like more detail on the utility stream crossing. Chair Truman asked if the applicant would be amendable to continuing the hearing. Mr. Sadowski confirmed that he would be amendable to a continuance.

Mr. Sadowski asked for clarification on additional information that the Commission would like to see prior to the next meeting. Commissioner Magliaro asked for additional information on the area disturbance for the stream crossing and restoration plan. Commissioner Canton requested that a construction entrance be added to the plan. Mr. Flint recommended that erosion control barriers for the street work.

Commissioner Canton asked if other options were evaluated. Ms. O'Donnell and Mr. Sadowski explained that site was too small septic and the utility connections on Kenmore Street were over 500' away from the property.

Chair Truman requested that the location of the water line be shown on the plan. Mr. Sadowski explained that the water line was shown on a previous version but was removed to show Kenmore Street improvements. Mr. Flint suggested separate plan sheets to help with legibility of the plans.

No public Comment.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro, the Commission voted 5-0 by roll call vote to continue the discussion to September 9th.

List of Exhibits:

Exhibit A: NOI Application; received 06/12/2024; submitted by Scott Jordan, EcoTec, Inc.

Exhibit B: Site Plan; dated 06/11/2024; revised 06/26/2024; revised 07/18/2024; revised 08/08/2024; prepared by John D. Sargent, D. J. & Associates

Exhibit C: Department of Public Works and Parks comments; dated 06/28/2024; prepared by Richard Saltrick, Assistant Commissioner of Engineering

Exhibit D: Department of Environmental Protection Comments; dated 07/10/2024; prepared by Thomas Rebula

Exhibit E: Division of Planning & Regulatory Services Staff Comments; dated 06/24/2024; prepared by Eric Flint and Mattie VandenBoom

12) 11 Parker Street & 54 Mason Street (MBL 06-020-00037 & 06-020-00019) – Notice of Intent (CC-2024-049 & DEP#349-1402)

John Grenier, J. M. Grenier Associates Inc., on behalf of the applicant, Daniel Yarnie, reviewed removal existing site improvements, and construction of a 12-unit low rise multi-family dwelling. He explained that this project is filed under the local Wetland Protection Ordinance only. A subsurface infiltration unit is proposed to capture runoff from the roof and parking area. The project has been approved by Planning Board. Mr. Grenier reviewed staff comments and how each comment would be addressed.

Mr. Flint confirmed that staff comments were addressed by Mr. Grenier presentation.

Commissioner Canton asked about the location for snow storage. Mr. Grenier explained that the proposed snow location is shown on the plan.

Commissioner Canton asked for more information on the retaining wall. Mr. Grenier explained that the retaining wall is located 4' from the property boundary. The wall is to help maintain an even grade to the property.

There were no comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro, the Commission voted 6-0 by roll call vote to close the public hearing.

In addition to the standard conditions, Mr. Flint recommended revised plans showing erosion controls along the entire limit of work, silt sacks in all adjacent catch basins, and native plantings. Additional conditions included P.E. certification of stormwater infrastructure, cement truck washing, as-built plan be provided for Certificate of Compliance request, and deeded conditions for stormwater infrastructure maintenance and sand/salt.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro the Commission voted 6-0 by roll call vote to issue the order of conditions as discussed.

List of Exhibits:

Exhibit A: NOI Application; received 07/01/2024; submitted by John Grenier, J. M. Grenier Associates Inc.

Exhibit B: Site Plan; dated 06/11/2024; revised 06/26/2024; revised 07/18/2024; revised 08/08/2024; prepared by John D. Sargent, D. J. & Associates

Exhibit C: Department of Public Works and Parks comments; dated 06/28/2024; prepared by Richard Saltrick, Assistant Commissioner of Engineering

Exhibit D: Division of Planning & Regulatory Services Staff Comments; dated 06/24/2024; prepared by Eric Flint and Mattie VandenBoom

14) 30 Farmington Street (MBL 15-042-045-2) – Notice of Intent (CC-2024-059)

Christopher Anderson of Hannigan Engineering, INC. on behalf of the applicant, Armando Hamzollari, reviewed construction of a duplex, driveways, and retaining wall. He explained that the lot had been subdivided from 32 Farmington Street. The filing is under the local Wetland Protection Ordinance only due to the project's proximity to a catch basin. Mr. Anderson reviewed staff comments and explained that rain barrels are to be installed to capture roof runoff.

Mr. Flint explained that all staff comments can be addressed with a revised plan.

No public comment.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Canton, the Commission voted 6-0 by roll call vote to close the public hearing.

In addition to the standard conditions, Mr. Flint recommended revised plans showing erosion controls along the entire limit of work, depict stockpile area with associated erosion controls, and depict rain barrels and gutter connections. Additional conditions included cement truck washing, and deeded condition for sand/salt.

Upon a motion by Commissioner Canton, seconded by Commissioner Fratoni, the Commission voted 6-0 by roll call vote to issue the order of conditions as discussed.

List of Exhibits:

Exhibit A: NOI Application; received 07/23/2024; submitted by Christopher Anderson, Hannigan Engineering, Inc

Exhibit B: Site Plan; dated 07/19/2024; prepared by William Hannigan, Hannigan Engineering, Inc

Exhibit C: Division of Planning & Regulatory Services Staff Comments; dated 08/02/2024; prepared by Eric Flint and Mattie VandenBoom

Exhibit D:

16) 57 Mount Avenue (MBL 23-003-09-11) – Notice of Intent (CC-2024-062)

Robert Duff of McClure Engineering, on behalf of the applicant, GM Properties, reviewed construction of two duplexes. The lot previously had a single-family home but that has since been removed. Mr. Duff reviewed staff comments and stated all comments have been addressed on the latest plan revision.

Mr. Flint confirmed that most of the staff comments have been addressed. The only outstanding item is test pit data but staff is comfortable with making this requirement a condition of approval.

No comments from the public.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Canton, the Commission voted 6-0 by roll call vote to close the public hearing.

In addition to the standard conditions, Mr. Flint recommended P.E. certification of stormwater infrastructure, test pit data, cement truck washing, as-built plan be provided for Certificate of Compliance request, and deeded conditions for stormwater infrastructure maintenance and sand/salt.

Commissioner Canton requested a plan detail for a construction entrance.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro the Commission voted 6-0 by roll call vote to issue the order of conditions as discussed.

List of Exhibits:

Exhibit A: NOI Application; received 07/23/2024; submitted by Robert Duff, McClure Engineering

Exhibit B: Site Plan; dated 07/23/2024; revised 08/12/2024; prepared by Robert J. Duff, McClure Engineering

Exhibit C: Division of Planning & Regulatory Services Staff Comments; dated 08/02/2024; prepared by Eric Flint and Mattie VandenBoom

New Business – Request for Amened Order of Conditions

17) 0 Snowberry Circle and Rights-of-Way associated with Bittersweet Boulevard, Indigo Circle and Snowberry Circle (aka Arboretum Subdivision Phase IV (MBL 29-11A -00087, -00088, -00089R, -0089L, -0090R, -0090L, -0091R, -0091L, -0092R, -0092L, -0093R, -0093L, -0094R, -0094L, -0095R, -0095L, -0096R, 0096L))

Jennifer Kurzon on behalf of the applicant, Arboretum Village, LLC, reviewed the request to amend the Order of Conditions to allow a change in construction sequencing. The current Order of Conditions requires construction of retaining walls and slope prior to the construction of lots 88R, 88L, 89R, 89L, 90R, 90L, 91R, 91L, 92R and 92L. The design of the walls has changed since the project was first proposed. The wall is no longer being proposed behind 88R, 88L, 89R, 89L, and 90R. Ms. Kurzon explained that the applicant is requesting that lots 88L, 88R, 89L, 89R, and 90R be constructed prior to the construction of the retaining walls. The written amendment request only included lots 88L, 88R, 89L and 89R but Ms. Kurzon added 90R to the request.

Michael Moroney, MVA Engineering Company, confirmed that lots 88 and 89 do not require construction of the retaining wall to be structurally stable.

Robert Gallo, the applicant, agreed with Mr. Moroney and added construction of these lots (88, 89, and 90) would add more stability to the site overall.

With the additional request for 90R, Mr. Flint asked if only half of the foundation would be poured for lot 90. Mr. Gallo said he did not see a wall for lot 90 and the entire foundation would be poured. Mr. Moroney did jump in and stated that there is a small section of retaining wall for lot 90.

Mr. Flint asked if Planning Board approved construction 90R prior to construction of the slope. Mr. Gallo could not confirm if 90R was approved by Planning Board but explained that 88 and 89 were approved. Mr. Flint stated that revised plans and a revised letter attesting to the slope stability would need to be provided to include lot 90 in this request.

Mr. Flint reviewed history of the project. The project was approved in 2019 and the Order of Conditions has been amended several times to change the construction sequencing. Planning Board has only approved construction of lots 88 and 89 prior to the retaining wall and slopes.

Mr. Gallo confirmed that he would like to move forward with the original request for lots 88 and 89.

Mr. Flint reviewed the proposed construction sequencing. He explained if the current request is approved, lots 88 and 89 could be constructed first. Next, the retaining walls and slopes would need to be constructed. Finally, lots 90, 91, and 92 could be constructed.

After more discussion, Mr. Gallo agreed to move forward with the construction sequencing in the amendment request.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Nystrom, the Commission voted 6-0 by roll call vote to close the public hearing.

In addition to the standard conditions, Mr. Flint recommended the following conditions slope stabilization, wall and slope construction, perimeter sedimentation controls, phasing, construction timing, cement truck washing, SWPPP reporting, as-built plan be provided for Certificate of Compliance request, and deeded conditions for stormwater infrastructure maintenance and sand/salt.

Commissioner Canton requested a plan detail for a construction entrance.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro the Commission voted 6-0 by roll call vote to issue the order of conditions as discussed.

List of Exhibits:

Exhibit A: Request for Amened Order of Conditions; received 07/12/2024; submitted by Robert Gallo, Arboretum Village, LLC

Exhibit B: Site Plan; dated 03/12/2024; revised 05/20/2024; prepared by Douglas E. Best, New England Environmental Design, LLC

Other Business

18) Requests for Certificate of Compliance

a. 37 Firglade Street (CC-2016-074 & DEP# 349-1155)

b. 22-24 & 26-28 Apthorp Street (CC-2021-016 & DEP# 349-1296)

Mr. Flint stated that both applicants have requested to postpone their requests to September 9th.

19) Extension of Time Request

a. Lake Quinsigamond (CC-2018-034 & DEP# 349-1200)

Mr. Flint explained that this Order of Conditions is for the aquatic management of Lake Quinsigamond. The applicant is requesting a one-year extension.

Upon a motion by Commissioner Canton, seconded by Commissioner Nystrom, the Commission voted 6-0 by roll call vote to issue the one-year extension.

20) Enforcement Order and Violation Updates

a. 99 Wildwood Avenue (CC-EO-2020-009)

b. 166 Moreland Street (CC-EO-2020-011)

c. 522 Grove Street (CC-EO-2020-014)

d. 75 Harrington Way (CC-EO-2021-003)

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

f. 269 James Street (CC-EO-2021-007)

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

Mr. Flint reviewed the Enforcement Order that was issued to the Department of Public Works and Parks for vegetation removal within the 15' no disturb buffer zone. The Commission required restoration plantings, mitigation of Oriental Bittersweet, and monitoring for two years. Staff received the second year of monitoring reports. Overall, the vegetation is growing in well. Mr. Flint recommended that the Commission lift the Enforcement Order.

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro, the Commission voted 6-0 by roll call vote to lift the Enforcement Order.

h. 215 Lake Avenue (CC-EO-2022-007)

i. 4 Tiffany Avenue (CC-EO-2023-001)

j. 0 Mcavey Way & 1393 Grafton Street (CC-EO-2023-003)

k. 265 Lake Avenue (CC-EO-2023-006)

l. 0 Harrington Way (CC-EO-2023-009)

Mr. Flint reviewed the Enforcement Order unpermitted ground disturbance of over 10,000 square feet within a 100' of catch basin that discharges to a wetland. The Commission required the installation of erosion controls. Vegetation has now grown in and the site is stabilized.

Commissioner Fratoni asked why the property was cleared. Mr. Flint explained that the property was cleared for future development but there are no formal plans currently.

Upon a motion by Commissioner Nystrom, seconded by Commissioner Magliaro, the Commission voted 6-0 by roll call vote to lift the Enforcement Order.

m. 570 Lincoln Street (CC-EO-2023-010)

n. 198 Granite Street (CC-EO-2024-001)

o. 3 Knollwood Drive (CC-EO-2024-002)

p. 86 Webster Street (CC-EO-2024-003)

q. Hemans Street (CC-EO-2024-004)

r. Salisbury Hill (CC-EO-2024-005 & DEP#349-1253)

Mr. Flint reviewed the Enforcement Order and remediation plan that was provided by Goddard Consulting. The remediation work has been completed and developer is requesting to have the stop work order lifted.

Mark Arnold, Goddard Consulting, reviewed the remediation work that was completed. He reported minimal damage from the work and the vegetation should recover quickly.

Mr. Flint asked about the remedial work that was done on the basin. Mr. Arnold explained that the work on the basin has not been completed but work is scheduled to happen next month. He added that the basin is currently acting as temporary basin and additional work will be done on the basin over the next few phases of the project.

Commissioner Magliaro asked if the Commission is lifting the Enforcement Order. Mr. Flint explained that the Commission would just be lifting to stop work order and could amend the order with additional conditions.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Canton, the Commission voted 6-0 by roll call vote to lift the stop work order and amended the order to require two years of monitoring.

s. 757 Salisbury Street (CC-EO-2024-006 & CC-2023-005)

Mr. Flint reviewed the history of this Enforcement Order and the remediation actions that were required by the Commission. Most of the action items have been addressed by the applicant except for cleaning of the impacted catch basins and drain lines.

Kevin Sanders, EBI, explained that the applicant has done a great job of addressing any issue that comes up, but he does not believe the site contributed to sedimentation of the drain lines. He explained that the deep sumps were not near capacity and would have captured any sediment leaving the site. Only fine sediment in the turbid water would have made it into the drain lines.

Mr. Flint explained that the Sewers Division inspected the drain lines and determined the impact. Mr. Flint can only speak to what was observed on his site visit when turbid water was discharging from the site. The Planning Department does not have the ability to inspect the drain lines.

Commissioner Magliaro asked if the Sewers Division could reinspect the site. Mr. Flint explained that the Sewers Division revisited the site when there was pushback from the applicant. The Sewers Division determined that there is sedimentation in the downstream drain lines.

Commissioner Fratoni asked about the cost to clean out the drain lines. Mr. Sanders stated that it would cost over \$20,000.

Commissioner Fratoni asked if there is any precedence for requiring jetting of drain lines. Mr. Flint confirmed that this action has been required for other projects. Mr. Flint explained that if the Commission is uncomfortable enforcing on this action, they can require the applicant to clean the catch basin only and have the Sewers Division follow up with the applicant about the drain lines.

Mr. Sanders asked if the cleaning could be done closer to end of the project. Commissioner Magliaro suggested fining the applicant until the drain line cleaning is completed. Commissioner Magliaro stressed that it is important to deal with the issue now, otherwise the sediment is just making its way further into the system. Commissioner Kirshner agreed and added that there should be no need to clean the drain line at the completion of the project if the applicant maintains all the necessary erosion controls.

Chair Truman recommended the cleaning be completed by September 9th.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Kirshner, the Commission voted 6-0 by roll call vote to amend to the Enforcement Order.

There was no discussion of Items 20 a-f, h-k, and m-q.

21) Communications

a. Little Indian Lake Treatment Notification – August 18th

There was no discussion of Item 21 a.

b. 50 Lafayette St (CC-2023-073 & DEP# 349-1383) Mass DEP Appeal – Withdrawal

Mr. Flint provided an overview of the project. Earlier this year, the Commission issued an Order of Conditions for construction of a duplex within Bordering Land Subject to Flooding. Due to the project's location within the floodplain, there was no way to provide compensatory flood storage. The dwelling was designed with flood openings to allow flood waters to enter the garage area. However, that area can not be used to provide flood storage. DEP appealed the Order of Conditions issued by the Commission and required the applicant to provide additional information. It was determined that construction of the dwelling would raise the Base Flood Elevation by 0.0004'. DEP decided to withdraw the appeal and the order issued by the Commission is valid.

22) Approval of Minutes – 06/06/2023 & 07/22/2024

Upon a motion by Commissioner Canton, seconded by Commissioner Magliaro, the Commission voted 6-0 by roll call vote to approve the minutes as presented.

23) Open Space Discussion

There was no discussion of Item 23.

24) Policies and Procedures

There was no discussion of Item 24.

Adjournment

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission unanimously voted to adjourn the meeting at approximately 8:16 PM.