



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

Monday, September 30th, 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: Devin Canton, Vice Chair (acting Chair)
Diane Fratoni, Commissioner
Stuart Kirshner, Commissioner
Timothy Magliaro, Commissioner
Lindsay Nystrom, Commissioner (remote)

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

Call to Order

Commissioner Canton, acting as Chair, called the meeting to order at approximately 5:32 p.m.

Requests for Continuances, Postponements and Withdrawals

Item 3 – 6 Lanesboro Road – Notice of Intent (CC-2024-046 & DEP#349-1400)

Request to continue the public hearing to 10/21/24 & extend the constructive grant deadline to 11/12/2024

Item 5 – 0 McAvey Way & 1393 Grafton Street – Notice of Intent (CC-2024-058 & DEP#349-14XX)

Request to continue the public hearing to 12/30/24 & extend the constructive grant deadline to 01/21/2025

Item 6 – 39 Lamartine Street– Notice of Intent (CC-2024-061)

Request to continue the public hearing to 10/21/24 & extend the constructive grant deadline to 11/12/2024

Item 7 – 0 Farrington Street– Notice of Intent (CC-2024-064)

Request to continue the public hearing to 10/21/24 & extend the constructive grant deadline to 11/12/2024

Item 8 – 190 & 192 Brookline Street– Notice of Intent (CC-2024-077)

Request to continue the public hearing to 10/21/24 & extend the constructive grant deadline to 11/12/2024

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

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by a roll call vote to postpone the public hearings and extend the constructive grant deadlines to the dates noted.

New Business – Requests for Determination of Applicability

1) 15 Ararat Street & 12 New Bond Street and the Ararat Street Right-of-Way (MBL 37-005-0001B & 37-004-00001) - Request for Determination of Applicability (CC-2024-076)

Honora Lovelace Tisell of BSC Group on behalf of the applicant, Massachusetts Electric Company, reviewed the replacement of two utility poles, installation of a bracing structure, and related sitework. She explained that all the work is being conducted within the existing roadway.

Commissioner Magliaro asked if the proposed erosion controls would still be used if a negative determination was issued. Ms. Tisell explained that the erosion controls are a Best Management Practices that are required when working within a buffer zone of a resource area.

Glenn Krevosky, EBT Environmental Consultants, Inc., asked if the excavated soils are being removed from the site. Ms. Tisell explained that the soils will be used to backfill, but excess material will be hauled off site.

No comments from staff.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by a roll call vote to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: RDA Application; dated 07/03/2024; revised 08/09/2024; submitted by Honora Lovelace Tisell, BSC Group

Old Business – Notices of Intent

2) 1256 West Boylston Street (MBL 32-039-00114) – Notice of Intent (CC-2023-076 & DEP#349-1379)

Glenn Krevosky, EBT Environmental Consultants, Inc., on behalf of the applicant, Leonard and James Chirchigno, reviewed construction of a single-family home, stream crossing and wetland replication area. The stream is listed as perennial, but an affidavit was provided stating that the stream is intermittent with photo evidence of the streambed dry for 4 consecutive days. DEP requested that mean annual high water be delineated as part of the 401c process. The new delineation has been added to the plan. The average width of the stream is 8.5'. The widest section is just over 15' and is located where the crossing is proposed.

Patrick Healy, Thompson-Liston Associates, Inc., reviewed how the average bank width was calculated. He explained that the culvert is designed to be 1.2 bankfull width of the averaged bank width.

Mr. Flint noted that this hearing was opened last fall and that only Commissioner Canton, Commissioner Magliaro, and Commissioner Nystrom are eligible to vote are. Mr. Flint confirmed that Mr. Krevosky had

provided sufficient evidence to classify the stream as intermittent. As an intermittent stream, there is no Riverfront area associated with it but there is still Bank and Bordering Vegetated Wetland (BVW) associated with this stream. Mr. Flint also reviewed the stream crossing standards and explained that a span should be 1.2 bankfull width. DER has recommendations on determining bankfull width that involves taking an average of at least 3 crossing sections above and 3 below the proposed crossing. In this case, the bank has been delineated and currently a 12' crossing is proposed within an area of that has a 15' bankfull width. The structure will end up being placed within the stream channel. Mr. Flint believes that the purpose of the stream crossing standards is to allow for natural bank to remain in place underneath the span to allow wildlife a natural corridor. Mr. Flint recognized that the applicant used the methodology for determining bankfull width. However, he would like to see that the wider cross sections of the stream be accounted for when determining the bankfull width. Mr. Flint reached out to Kim Roth at DEP for comments on expectations as to how bankfull width shall be calculated. Ms. Roth had not provided a comment by the meeting. Mr. Flint explained that staff is not comfortable with the proposed crossing at this time.

Mr. Flint also noted that a temporary stone swale used for dewatering should not be placed within the BVW.

Mr. Krevosky asked for clarification on what staff would want to see for the span and bankfull width calculation. Mr. Flint explained he would defer to the board but at a minimum, he would like to see that the widest cross section of the bank be used in the bankfull width calculation. Ideally, Mr. Flint would like to see the culvert walls set back from the bank so there is no placement of the structure within the stream channel.

Mr. Krevosky reviewed the history of stream crossing standards. He also explained that this stream is shallow, dries up and he has not seen evidence of fish using the stream.

Commissioner Canton asked if the applicant was amendable continuing the hearing to allow DEP to comment on the crossing. Mr. Krevosky was willing to continue the hearing.

Commission Magliaro asked if there was a way to close and reopen the hearing to allow other Commissioners to become eligible to vote. Mr. Flint explained that once the hearing is closed it can not be reopened. The applicant would then need to refile with the Commission and DEP to reset the quorum.

No comments from the public.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Nystrom, the Commission voted 3-0 (Commissioner Fratoni and Commissioner Kirshner were ineligible) by roll call vote to continue the public hearing to continue the public hearing to October 21.

List of Exhibits:

- Exhibit A: NOI Application; received 10/25/2023; submitted by Glenn Krevosky, EBT Environmental Consultants, Inc.
- Exhibit B: Site Plan; dated 10/04/2023; revised 11/08/2023; revised 08/30/2024; prepared by Patrick J. Healy, Thompson-Liston Associated, Inc.
- Exhibit C: Department of Environmental Protection Comments; dated 11/17/2023; prepared by Thomas Rebula

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

Megan Kearns, Weston & Sampson, on behalf of the applicant, City of Worcester Executive Office of Economic Development, reviewed comments from staff and DEP, explaining how each item has been addressed. She explained that most of the comments were related to compensatory flood storage and one comment being related to abutter notifications. She explained that providing compensatory flood storage was not an option due to limited space as to where it could be provided.

Matt Soule, Weston & Sampson, reviewed how flood storage loss was calculated and explained that the project would result in a 0.002' rise in the floodplain. Mr. Soule reviewed the proposed infrastructure that will help with stormwater detention, infiltration, and improving water quality.

Mr. Flint provided clarification that FIS still water elevation of the Millbrook Conduit at Crompton Park is 449.3.

Commissioner Fratoni commented that the stormwater entering the service system will eventually make its way to Millbrook and Blackstone. Mr. Flint confirmed that the stormwater in this area does not enter the combined sewer system and is not treated before being discharged into a resource area.

Commissioner Fratoni expressed concerns about the maintenance of the proposed stormwater infrastructure. Mr. Soule explained that DPW has signed off on maintaining these structures and has taken on ownership of the project. Mr. Flint explained that staff required that DPW signoff on the project before allowing it to move forward with the Commission.

Mr. Flint explained that this project is being filed as a Limited Project and is not required to meet certain performance standards including compensatory flood storage requirements. He explained that there is additional 106 CY of subsurface storage being provided. Although the subsurface storage area cannot be included in the calculations for compensatory flood storage, it is still a form of mitigation.

No comments from the public.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 4-0 (Commissioner Canton ineligible) by roll call vote to close the public hearing.

Mr. Flint explained that there would a finding that this project is approved as a limited project pursuant to 310 CM 10.53(3)(f). The Commission notes that while compensatory storage is not provided in accordance with 310 CMR 10.57(4), 2,862 CF of new subsurface storage is proposed. The Commission also notes that the calculations provided by the applicant indicate that the loss in flood storage would result in a 0.002' increase in the base flood elevation of this floodplain, which represents a minimal increase to the horizontal extent and level of flood waters.

In addition to the standard conditions, Mr. Flint recommended P.E certification of stormwater infrastructure, cement truck washing, an as-built plan and Certification shall be provided from a professional engineer documenting the total net change to flood storage capacity to ensure it does not exceed the approved amount be provided for Certificate of Compliance request, and deeded conditions for stormwater infrastructure maintenance and sand/salt.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted by roll call 5-0 by roll call vote to issue the order of conditions as discussed.

List of Exhibits:

Exhibit A: NOI Application; received 07/03/2024; submitted by Megan Kearns, Weston and Sampson

Exhibit B: Site Plan; dated 07/03/2024; prepared by James I. Pearson, Weston and Sampson

Exhibit C: Division of Planning & Regulatory Services Staff Comments; dated 07/19/2024; prepared by Eric Flint and Mattie VandenBoom

Exhibit D: Response to staff comments; dated 07/19/2024; dated 09/03/2024 prepared by Megan Kearns and Matthew Soul, Weston and Sampson

New Business – Request for Amended Order of Conditions

9) 3, 6, 16, 37, 52, 60 Great Brook Valley (aka Curtis Apartments) (MBL 52-INX-00001, 52-INX-0001C, 52-INX-0001B, 52-INX-0001A, 52-INX-0001F, & 52-INX-0001G) – Request for Amended Order of Conditions - CC-2024-065 (CC-2022-078)

Jesse Johnson, Weston & Sampson, on behalf of the applicant, Trinity Curtis Pahe One Limited Partnership, reviewed the project changes that are requiring the amendment. He explained that limit of work approved by the Commission previously has been exceeded and a 1:1 slope has been created. A revised plan has been created to address the slope by extending the limit of work which will reduce it to a 2:1 slope. A planting plan is being proposed to help stabilize the slope and to reestablish the canopy on the slope. Some of the work is happening within the right-of-way and required a signoff from DPW.

Mr. Flint explained that staff received a report from Inspectional Services about construction outside the approved limit of work. The back hillside had been cleared of vegetation and excavated material from site was being dumped along the slope. Staff met onsite with the contractors and DPW to discuss the slope and figure out the best way to move forward.

Commissioner Fratoni asked what lead the contractor to deviate from the approved plan. Mr. Johnson could not speak for the contractor but explained that the contractors were not authorized to do what they did. Materials were being stockpiled at the top of the hillside as they were working on the roadway. The stockpiles were then pushed over the hillside and graded instead of being removed from the site.

Commissioner Fratoni asked if the original filing was under the Wetland Protection Ordinance. Mr. Flint confirmed that the original filing was under the ordinance only due to its proximity to catch basins. He explained that an Enforcement Order was not issued because there were no impacts to a drainage structure.

Mr. Johnson explained that portions of this area will be developed for parking during Phase 4 of the project.

Sean Sanger, Copley Wolff, reviewed the landscaping plan for the slope. He also reviewed the long-term maintenance plan for the area, following questions from Commissioner Canton.

Mr. Johnson added that the plantings will be monitored for two years to make sure plantings become well established.

No comments from the public.

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

In addition to the current conditions, Mr. Flint recommended biodegradable jute netting be used to stabilize the rear slope as shown on the approved plan. Slope plantings shall be monitored for two growing seasons to ensure survival of the plantings. Plantings that do not survive shall be replaced in-kind. planting area shall be monitored for invasive species and shall be removed. Annual monitoring reports shall be provided to the Office of the Commission by October 1st of each year of monitoring. Prior to the issuance of a Certificate of Compliance, certification shall be provided by a Professional Engineer licensed in the Commonwealth of Massachusetts that all slopes have been appropriately compacted and are globally and sufficiently stable.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by roll call vote to issue the amended order of conditions as discussed.

List of Exhibits:

Exhibit A: Request for Amended Order of Conditions; dated 08/21/2024; revised 09/23/2024; submitted by Jesse Johnson, Weston & Sampson

Exhibit B: Site Plan; dated 10/18/2022; revised 09/06/2023; revised 05/08/2024; revised 09/30/2024; prepared by Jesse B. Johnson, Weston & Sampson

Exhibit C: Previously Approved Plan; dated 10/18/2022; prepared by Jesse B. Johnson, Weston & Sampson

Exhibit D: Response to Staff Comments; dated 09/06/2024; prepared by Derek Masionis, VHB

10) 0 Myrick Avenue and the Myrick Avenue Right-of-Way (MBL 33-019-154-5) – Request for Amended Order of Conditions - CC-2024-075 (CC-2024-008 & DEP# 349-1397)

Glenn Krevosky, EBT Environmental Consultants, Inc., on behalf of the applicant, Kendall Homes, Inc., reviewed changes in the turnaround at the end of Myrick Avenue. He explained that the Fire Department required the turnaround be extended and widened.

Ron Mendez, Graves Engineering, explained the roadway is going to be extended 4' and widened by 6' from the previously approved plan. This change will result in an additional 250 square feet of impervious surface. All other parts of the project will remain the same.

Commissioner Canton asked about how snow removal will be handled. Mr. Mendez explained that guard rails will be installed along the roadway and signage will be posted to prohibit snow dumping into the wetlands.

Commissioner Magliaro expressed concern about approving work on the private way that is not owned by the applicant. Mr. Flint explained that the Order of Conditions does not grant rights. He explained that the project is still in front of Planning Board which will address the rights to develop these properties.

Mr. Flint explained that the turnaround extension is a relatively minor change. The Order of Conditions required that a set of revised plans be provided showing the necessary grading for the replication area.

The plans that were provided with this amendment request do show the required grading needed for the wetland replication.

Mr. Krevosky reviewed the required grading needed for the wetland replication.

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

Mr. Flint recommended removing the condition for revised plans.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by roll call vote to issue the amended order of conditions.

List of Exhibits:

- Exhibit A: Request for Amended Order of Conditions; received 08/30/2024; submitted by Glenn Krevosky
- Exhibit B: Site Plan; dated 08/20/2024; prepared by Michael R. Andrade, Graves Engineering, Inc.
- Exhibit C: Stormwater Report; dated 08/20/2024; prepared by Michael R. Andrade, Graves Engineering, Inc.
- Exhibit D: Previously Approved Plan; dated 06/03/2024; prepared by Michael R. Andrade, Graves Engineering, Inc.

Other Business

11) Requests for Certificate of Compliance

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

Ms. VandenBoom reviewed the Certificate of Compliance request. On August 9th, 2024, staff conducted a site visit and noted that the required permanent markers were not installed, and that a black fence had been installed on the property closest to the resource area. The fence was not shown on the approved plan and was not included on the first as-built that was provided. Staff allowed for additional time to install the permanent markers and to provide an updated as-built. Permanent markers have been installed and the fence is now included in the as-built. The fence has been installed within the 30' no structure buffer zone and according to the as-built, crosses into the 15' no disturb buffer zone. A discretionary allowance from Performance Standard 4.2.4 was not issued for this project. The Commission has the option to deny the Certificate of Compliance and can require that the fencing be removed from 30' buffer.

Kelley Spring, the property owner, explained that she had reached out to the Building Department about the necessary permits needed to build the fence on the property. A building permit was not required for the fence. She knew that there were wetlands along the property but assumed that if the fence was installed within the silt fence, it would be far enough away from the wetlands. The fence was installed for the safety of her dogs. She explained that she is willing to move the fence outside the 15' buffer zone but would like to keep the fence.

Mr. Flint explained the city's Wetland Protection Ordinance has a 30' no structure buffer zone. Fences, patios, and walkways are structures under the ordinance. Mr. Flint was understanding of the

homeowner's situation. He explained that this issue happens often with new developments when the contractor builds up to the 30' buffer zone, not leaving much room for future expansion.

Commissioner Magliaro asked how far the fence encroaches on the buffer zones. Mr. Flint explained that the entire fence is within the 30' buffer zone with a section crossing into the 15' no disturb buffer.

Mr. Flint explained that there are mechanisms for getting approval for structures within the 30' buffer zone but this project did not have a discretionary allowance. If the original Notice of Intent filing had proposed a fence in this location, the Commission would not have allowed it to be built in the 30' no structure buffer zone.

Commissioner Fratoni asked Ms. Spring if the seller, real estate agent, or attorney explained the type of restrictions or issues she may have with this property. Ms. Spring said no. Commissioner Fratoni asked if the permanent markers had been installed prior to her purchasing the property. Ms. Spring confirmed that the markers had not been installed prior to her purchasing the home.

Commissioner Kirshner asked if there was in any leeway in the regulation to allow the fence to stay where it is. Mr. Flint explained that the regulations are pretty cut and dry. He explained that the Commission could offer a discretionary allowance for the fence but recommended that the homeowner should work increase the habitat value of the 15' buffer zone to offset the encroachment.

Commissioner Fratoni and Commissioner Canton expressed concern about setting precedent for just allowing structures that were accidentally constructed within the buffer zone to remain. Commissioner Magliaro stated that he believed the fence is beneficial to the wetlands and wildlife because it will keep the dogs away but was also concerned about setting that same precedence.

Commissioner Fratoni asked what the retroactive permitting of the fence would involve. Mr. Flint explained that the Commission could require the homeowner to file a Notice of Intent for the fence and get the discretionary allowance through that process or the Commission could issue an Enforcement Order requiring the fencing to be removed from the 15' buffer and a planting plan be provided. The Enforcement Order would be the easier option for the homeowner.

The Commission discussed the two options presented. Mr. Flint added that the Commission should explain to the homeowner exactly what their expectations are.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by roll call vote to deny the request for a Certificate of Compliance.

Commissioner Canton noted that the fence is being shown outside the property boundary and will need to be moved. He reviewed previous cases where homeowners had cleared trees within the buffer zone or installed sheds and the Commission required mitigation.

Commissioner Magliaro reviewed the conditions of the Enforcement Order. The homeowner has the option to remove the fence entirely or can relocate the fence back onto her property and any section that encroaches on the 15' buffer. If she chooses to relocate the fence, she will need to provide a restoration plan for the 15' buffer zone.

Ms. Spring explained that she thought she did her due diligence by calling the city prior to installing the fence. Mr. Flint asked which department she called. Ms. Spring said she called the department that does building permits.

Mr. Flint reviewed the conditions of the Enforcement Order.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by roll call vote to issue an Enforcement Order as discussed.

List of Exhibits:

Exhibit A: COC Request; dated 07/25/2024; submitted by S+K Development, LLC

Exhibit B: As-built Plan; dated 08/08/2024; prepared by Daniel J. Tivnan

12) 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. 215 Lake Avenue (CC-EO-2022-007)

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

Mr. Flint reviewed the history of the Enforcement Order and current site conditions. He explained that when the Enforcement Order was issued the Commission waived the need to hire a wetland scientist to create a restoration plan. The homeowner was required to plant 30 restoration plantings but only 15 have been planted at this time. Lawn grass is filling in the previously disturbed areas and is being maintained by the owner. Mr. Flint recommended that the Commission amend the Order to require the owner to hire a wetland scientist to delineate the wetland, oversee the restoration efforts, and provide a report to the Commission by the end of November.

Commissioner Fratoni asked if the end of November would be enough time for the homeowner. Mr. Flint explained that they would be able to extend the deadline if needed. The homeowner was looking to do it as soon as possible.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by roll call vote to amend the Enforcement Order as discussed.

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

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

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

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

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

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

Mr. Flint explained that the required work had not been completed by the deadline that was set by the Commission at the last meeting. Mr. Flint spoke with the owner and had explained that everyday that the work is not completed after September 30th will result in additional fines. The initial fine has not been issued yet due to a change in policy but will be issued soon.

Commissioner Magliaro asked for clarification on how the violation will be fined. Mr. Flint explained that the fines will need to be issued at the next meeting to see how many days elapse before the work is conducted. Everyday after September 30th that the work is not completed by can result in a \$100 fine.

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

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

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

Mr. Flint explained that all the requirements of the Enforcement Order have been met. He recommended the Commission lift the Enforcement Order.

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by roll call vote to lift the Enforcement Order.

r. 262 Mill Street (CC-EO-2024-007)

Mr. Flint explained that the property owner needs additional time to provide a plan for the wetland replication area. The plan should be ready by October 21st.

s. 0 Grafton Street (CC-EO-2024-008)

Mr. Flint reviewed the Enforcement Order.

David Sadowski, D. J. & Associates, explained that he submitted a plan showing the curb cuts, gravel fill, and wetland delineation. The wetland was delineated by Goddard Consulting LLC. The plan also shows the distance from the gravel fill to the wetland. He explained that all the gravel fill is outside of the 30' buffer zone but some of the gravel is migrating towards the wetlands.

Mr. Flint explained that what is shown as the current delineation is different from what was delineated back in 2021. He can not confirm either delineation as he was not working for the city when the site was delineated in 2021 and has not seen the new delineation. He asked if it seemed like the gravel was filling the wetland and causing the discrepancy in the delineations. Jesse Averka, Goddard Consulting LLC, explained that it is just a disagreement in the delineation, and he did not see signs of the wetland being filled. He is willing to meet in the field to review the delineation. Mr. Averka explained that he is working on a wetland report for the site and will send it to the Commission once it is complete.

Commissioner Canton asked if a stamped plan will be provided. Mr. Sadowski explained that the land surveyor from his company will stamp the plan.

Mr. Flint recommended that staff review the delineation in the field as the next step.

Mr. Averka asked if he could hold off on submitting a restoration plan. If the delineation is accurate, the owner will be looking to file a Notice of Intent for construction of the residential building and would address the gravel parking area in that filing. Commissioner Magliaro said it depends on the delineation. Mr. Flint agreed that it does depend on the delineation and if the gravel parking area is in the 30' buffer zone.

Mr. Sadowski recommended that a silt fence be installed to keep the gravel from moving closer to the wetlands.

Mr. Flint asked when the wetland report will be ready by. Mr. Avarka said he could have it done by Thursday. Mr. Flint suggested requiring the wetland report by Friday, October 11th and that the silt fence be installed by October 4th.

Upon a motion from Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission voted 5-0 by roll call vote to amend the Enforcement Order.

There was no discussion of items 12a-g, i-m, & o-p.

13) Communications

- a. Eversource Utility Maintenance Notification – Crystal Street**
- b. Housing Production Plan Flyer and Survey**
- c. MDAR – Notice of Pest Abatement – Spotted Lantern Fly – 0 Park Hill Road**
- d. National Grid Tree Removal/Pruning Agreement – Cascade Park**

There was no discussion of item 13.

14) Approval of Minutes – 09/09/2024

Upon a motion by Commissioner Fraton, seconded by Commissioner Magliaro, the Commission voted 5-0 by roll call vote to approve the minutes as presented.

15) Open Space Discussion

There was no discussion of item 15.

16) Policies and Procedures

a. Request for Amended Order of Conditions Application

Ms. VandenBoom explained staff has drafted a Request for Amended Order of Conditions Application. Currently, the applicant just needs to provide a cover letter with a narrative explaining why the Amendment is needed and detailing what changes are proposed. The application will require the applicant to break down the change to the project and will provide a space for owners of the property signoff on the amendment request.

Commissioner Fraton asked if it would be available online. Ms. VandenBoom explained that the form would be turned into a fillable PDF and be available online.

Commissioner Canton asked if applicants would be able to sign it using DocuSign. Ms. VandenBoom explained that typically the applicants print out the signatures page and sign. Mr. Flint confirmed that we do accept DocuSign signatures.

Mr. Flint recommended a motion to accept the application form and to update the filing requirements.

Upon a motion by Commissioner Fraton, seconded by Commissioner Magliaro, the Commission voted 5-0 by roll call vote to accept the application form and update filing requirements.

b. Certificate of Compliance Request Policy

Mr. Flint explained that staff has decided to hold off on establishing a policy for Certificate of Compliance request at this time.

c. Discussion of Ordinance & Regulations

Mr. Flint explained the Commission had expressed interest in updating the ordinance. He will be adding Discussion of Ordinance & Regulations to the agendas moving forward to give the Commission space to talk about the changes they would like to see. He explained that updating the ordinance will require review and approval by City Council. The discussions will also need to happen in open meeting.

d. Conservation Commission Chair

Mr. Flint thanked Andrew Truman for his work as Chair of the Conservation Commission. Commissioner Canton has agreed to act as Chair during the interim. An election will need to be held to appoint a new Chair. Mr. Flint reviewed the responsibilities and expectations of the Chair position and encouraged any of the Commissioners interested in the Chair position to reach out to staff for more information.

Adjournment

Upon a motion by Commissioner Magliaro, seconded by Commissioner Fratoni, the Commission unanimously voted to adjourn at approximately 8:08 PM.