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By Mattie VandenBoom at 8:38 am, Aug 21, 2024



55 Walkers Brook Drive, Suite 100, Reading, MA 01867
Tel: 978.532.1900

August 21, 2024

City of Worcester
Conservation Commission
455 Main Street
Worcester, MA 01608

Re: *Request to Amended Order of Conditions
Curtis Apartments Redevelopment – Phase 1
3, 6, 16, 37, 52 and 60 Great Brook Valley Avenue
File No. CC-2022-078*

Dear Members of the Commission:

On behalf of Trinity Curtis Phase One Limited Partnership (Trinity), Weston & Sampson Engineers, Inc. is hereby enclosing a digital submission of the required documents to comply with the City of Worcester's Conservation Commission request to Amend the Order of Conditions previously issued and recorded (Book 70215, Page 373) for Phase 1 of the Curtis Apartments Redevelopment Project.

This submittal is in connection with the previously approved Notice of Intent (CC-2022-078) for the redevelopment of +/-5.9-acre portion of the Curtis Apartments neighborhood along and within the public right-of-ways for Great Brook Valley Avenue and Brookview Drive and within portions of the lots identified on Assessor Map 52 as Parcels 1G, 1F, 1B, 1A, and 1C. City approvals and permits issued for Phase I of the project included the demolition of three existing multi-family residential buildings and construction of two (2) new multi-family residential buildings as well as proposed reconfigurations to surface level parking areas and public streets. Site improvements also included updates to pedestrian access, a playground and hardscape area, a new closed stormwater collection and conveyance system, utility connections to buildings, as well as site lighting and landscaping.

The project was issued for bidding in September of 2023. Cavaleri Construction Corporation, Inc. (CCCI) was the selected general contractor for the offsite Right-of-Way contract and Dimeo Construction Company for the onsite Building contract. CCCI mobilized in May of 2024 and subsequently initiated demolition and underground utility work. On August 2, 2024, representatives from CCCI, Trinity, and the City of Worcester met onsite. The purpose of this meeting was to discuss potential exceedance of previously approved limits-of-work and to review the adequacy of current sediment and erosion control measures installed along the newly created fill slope located east of the Brookview Drive/future Building 1B.

Subsequent to this site meeting, on August 5th, 2024, the City of Worcester Conservation Commission agents determined that a Request to Amend the Order of Conditions would be required.

The following is a list of information requested by City staff along with Weston & Sampson responses noted in **bold**:

1. Revised plans that depict:

- o The current limit of disturbance from construction activities.

Response: Refer to Attachment C.3.

- o Proposed grades in the area east of the parking lot.

Response: Refer to Attachment C.4.

- o Proposed method of stabilization for the newly created slope at the rear of the site.

Response: Refer to Attachments C.3, C.4, & C.5 (Sheet L300).

2. Narrative identifying modifications from the approved plan (dated 10/18/2022) in detail.

Response: Modifications from the approved plan (dated 10/18/2022) include:

- ***Plan (Bid Set Issued on 9/6/23)***

- o *Moved guardrail 3-feet behind back-of-curb.*
- o *Raised high-point in Brookview Drive approximately 2-feet.*
- o *Adjusted daylight grading along perimeter.*
- o *Revised storm drain layout to include additional catch basins and laterals on southeast end of Brookview Drive.*
- o *Modified concrete overlook area.*
- o *Identified area to be filled and mounted with site spoils to be restored.*
- o *Modified scope of plans to separate onsite versus offsite contracts.*

- ***During Construction (May 2024 – August 2024)***

- o *Additional slope grading beyond previously approved limits of work (~ 12,500 SF)*
- o *Additional temporary erosion control measures including:*
 - *Silt fence and compost filter tube at new toe of slope (~ 450 LF)*
 - *Jute mat along entire slope (~ 10,900 SF)*
 - *Wood chips at toe of slope (~2,500 SF)*
- o *Additional permanent slope stabilization measures including:*
 - *6" of clean topsoil at bench and along slope (~ 14,600 SF)*
 - *New England Wetland Plants, Inc. Roadside Matrix Upland seed mix bench area and entire slope (~ 14,600 SF)*
 - *Replacement deciduous shade and seedling trees as shown and quantified on Revised Sheet L300 – Landscape Planting Plan.*

- Clarification on the type of material that has been dumped beyond the previously approved limit of work.

CCCI Response:

The excavated material placed in the slope fill was generated from construction operations pertaining to the utility and roadway development. The material has been generated from the roadway improvement project located on portions of Great Brook Valley Avenue and Brookview Drive. The excavated material consists of existing base gravels and 6"-8" bank gravel. The physical characteristics of the soil have remained consistent throughout the areas of excavation. The material is natural in composition with no signs of building debris or trash. The color of the material has remained consistent with no visual signs of staining and no odor.

McPhail and Associates Response:

From a geoenvironmental perspective, there is no issue with reusing the soil onsite. Based upon the results of soil testing performed to-date on samples obtained from Curtis Apartments, a release of oil and/or hazardous material as defined in the MCP has not been identified at the subject property.

- Estimation of the number and size of trees removed along the rear slope.

Response: According to CCCI the following was removed along the rear slope.

- *One (1) – 12-inch maple*
- *One (1) – 18-inch oak*
- *Remaining clearing – 4-inch minus shrub vegetation/invasive species*

- *Below is a summary of trees removed and proposed to be replaced:*

TREE REPLACEMENT SCHEDULE

Trees Removal				
Quantity of Trees	Type	Stems	Size	Subtotal Caliper
1	Deciduous	Single	12" Cal.	12
1	Deciduous	Single	18" Cal.	18
N/A	Shrub	Single/Multi	N/A	N/A
Total Caliper: 30 inches of existing public tree caliper removed				

Tree Replacement				
Quantity of Trees	Type	Stems	Size	Subtotal Caliper
14	Deciduous	Single	3" Cal.	42
55	Deciduous	Single	Seedling Trees	N/A
Total Caliper: 42 inches of existing tree caliper proposed				

Note: Refer to Revised Sheet L300 – Landscape Planting Plan for location and size of new deciduous shade and seedling trees

The Wetlands Protection Ordinance and Wetlands Protection Regulations of the City of Worcester define the Stormwater Protection Zone (SPZ) as "all land within 100-feet of any existing or proposed inlet to any storm drain, catch basin or storm drain system component discharging into any lake, pond, river, stream, or wetland". Under this definition, the area within the Curtis Apartments Redevelopment Phase I limit of work lies within the SPZ. However, the modified project limits will not impact any resource areas that are regulated under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40, or the Wetlands Protection Regulations at 310 CMR 10.00.

As part of this filing, we have enclosed the following documents:

- *Attachment A: Recorded Order of Conditions*
- *Attachment B: Abutter Documentation*
 - *B.1 Certified Abutters' List & Map*
 - *B.2 Notice to Abutters*
 - *B.3 Certificate of Mailing*
- *Attachment C: Plans*
 - *C.1: Sheet C101 Grading & Drainage Plan (NOI Set, dated 10/18/22), for reference only*
 - *C.2: Sheet C103 Grading & Drainage Plan (Bid Set, dated 9/6/23), for reference only*
 - *C.3: Erosion & Sedimentation Control Plan (Revised 8-21-24)*
 - *C.4: Grading & Drainage Plan (Revised 8-21-24)*
 - *C.5: Sheet L300 - Landscape Planting Plan (Revised 8-21-24)*
- *Attachment D: Application Fee (\$225) – Mailed to City on 8/12/24*

If you have any questions regarding this submittal, please contact me at (978) 935-3795.

Regards,

WESTON & SAMPSON



Jesse Johnson, PE
Team Leader

Cc: Mike Lozano, Trinity Curtis Phase One Limited Partnership
Kevin McCarthy, Trinity Curtis Phase One Limited Partnership
Vivian Lee, Trinity Curtis Phase One Limited Partnership
Joseph Duquette, Bowditch
Josh Lee Smith, Bowditch

ATTACHMENT A: RECORDED ORDER OF CONDITIONS

Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document – Do not remove

Recording Information

Document Number	: 12909
Document Type	: ORD
Recorded Date	: February 22, 2024
Recorded Time	: 09:56:04 AM
Recorded Book and Page	: 70215 / 373
Number of Pages(including cover sheet)	: 13
Receipt Number	: 1561479
Recording Fee	: \$105.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 368-7000

**City of Worcester, Massachusetts
Conservation Commission
Order of Conditions**

Conservation
Commission File
Number:

CC-2022-078

City of Worcester Wetlands Protection Ordinance & Wetlands
Protection Regulations - September, 1990; as amended (City's
General Revised Ordinance Part I, Chapter 6)

A. General Information

1. From:

City of Worcester
Conservation Commission

2. This issuance is for (check one): Order of Conditions Amended Order of Conditions

3. To: Applicant:

a. First Name Trinity Curtis Phase One Limited Partnership b. Last Name _____
c. Organization 75 Federal Street, 4th Floor
d. Mailing Address Boston e. City/Town MA f. State 02110 g. Zip Code

4. Property Owner (if different from applicant):

a. First Name Worcester Housing Authority b. Last Name _____
c. Organization 630A Plantation Street
d. Mailing Address Worcester e. City/Town MA f. State 01605 g. Zip Code

5. Project Location:

3, 6, 16, 37, 52, & 60 Great Brook Valley Avenue a. Street Address Worcester b. City/Town
52-INX c. Assessors Map/Plat Number -00001; -0001C; -0001B, -0001A; -0001F; -0001G d. Parcel/Lot Number

Curtis Apartments Redevelopment – Phase One

6. Project Description: To demolish existing site improvements and to construct two new four-story multi-family residential buildings, parking, walkways, playground, stormwater management, and other related site work.

7. Conservation Commission Review Trigger: The activities shall occur within the Stormwater Protection Zone.

8. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

<u>Worcester</u>	
a. County	b. Certificate Number (if registered land)
<u>3259</u>	<u>91</u>
c. Book	d. Page

9. Dates:	<u>10/19/2022</u>	<u>11/07/2022</u>	<u>11/17/2022</u>
a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance	

10. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

<u>Curtis Apartments Redevelopment – Phase One</u>	
a. Plan Title	
<u>Weston & Sampson</u>	<u>Jesse M. Johnson, P.E.</u>
b. Prepared By	c. Signed and Stamped by
<u>10/18/2022</u>	<u>1"=30'</u>
d. Final Revision Date	e. Scale
<u>Stormwater Report</u>	<u>9/8/2022</u>
<u>NOI Application Materials</u>	<u>10/19/2022</u>
f. Additional Plan or Document Title	g. Date

B. Findings

11. Findings pursuant to the City of Worcester Wetlands Protection Ordinance:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Ordinance. Check all that apply:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Public Water Supply | <input checked="" type="checkbox"/> Erosion and Sedimentation Control | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input checked="" type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Fisheries | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control |

12. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

B. Findings (cont.)

Denied because:

- The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Ordinance, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- The information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Ordinance's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order.**

C. General Conditions Under Wetlands Protection Ordinance

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.

2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

Curtis Apartments Redevelopment – Phase One

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words "City of Worcester Conservation Commission File Number **CC-2022-078.**"
11. Within thirty (30) days of completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
17. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
18. The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document): **See Attachment A.**

C. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

11/17/2022

1. Date of Issuance
3 of 5

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

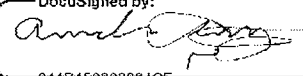
2. Number of Signers

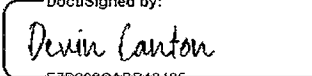
The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the property owner, if different from applicant.

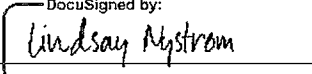
The names typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9

Duly authorized by Ch.110G and recorded at Worcester Registry of Deeds in Book 62537 Page 329.

Signatures:

DocuSigned by:

044B158068034CF...

DocuSigned by:

E7B905CABB18425...

DocuSigned by:

1EC379ADB20C1D0...

by hand delivery on
11/17/2022

Date

by certified mail, return receipt
requested, on

Date

D. Appeals

Appeal from a decision of the Conservation Commission shall be taken in accordance with law to the Superior Court or other body of competent jurisdiction. Any such appeal shall be taken within ten (10) days from the date from the receipt of such decision and shall not relieve the individual of the responsibility of taking an appeal to Department of Environmental Protection if such is required under said regulations.

No work may proceed until the appeal on the Commission's decision on a Notice of Intent has been decided and all appeal periods have elapsed.

E. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

Conservation Commission File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: _____
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

ATTACHMENT A
Worcester Conservation Commission
Special Order of Conditions

City of Worcester Wetlands Protection Ordinance & City of Worcester Wetlands Protection Regulations
(City of Worcester Revised Ordinance Part I, Chapter 6)

3, 6, 16, 37, 52, & 60 Great Brook Valley Avenue (CC-2022-078)

Project Description: To demolish existing site improvements and to construct two new four-story multi-family residential buildings, parking, walkways, playground, stormwater management, and other related site work.

Waivers Granted: None

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Notes:

- **Office of the Commission** is located at the Division of Planning and Regulatory Services (455 Main Street 4th floor, Worcester, MA), which can be contacted by e-mailing planning@worcesterma.gov or calling 508-799-1400 ext. 31440.
- **Asterisked (*) conditions** are standard conditions of approval for all projects.

I. Conditions to Meet Prior to and During Construction

21. Person Responsible for Compliance with the Order of Conditions* – A person shall be designated to be responsible to monitor compliance with the Order of Conditions. Their name and contact information (24/7) shall be provided to the Office of the Commission prior to start of any activity. This person shall conduct:
 - a) periodic inspections to assure the adequacy and continued effectiveness of erosion and sediment controls;
 - b) inspections of said controls following 0.5-inch or greater rain events, or after a heavy snow melt.
22. Contract* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.
23. Notification* - The applicant shall notify the Office of the Commission a minimum of 48 hours prior to the start of any activity.

II. Conditions to Meet Before the Start of Any Activity

24. Revised Stormwater Report – One (1) digital copy of a revised stormwater report, including information verifying that the proposed pipe network can handle the proposed flows shown for Link A, prepared by a professional engineer, shall be provided to the Office of the Commission prior to commencement of any work. Said report must demonstrate compliance with the Massachusetts Stormwater Handbook requirements and associated Stormwater Standards.
25. Stormwater Pollution Prevention Plan (SWPPP)* – That one (1) copy of the SWPPP submitted to the EPA in compliance with the NPDES permit requirements, if applicable, shall be provided to the Office of the Commission prior to commencement of work.
26. Tree Cutting* – Tree cutting is allowed following installation of erosion and sediment controls; otherwise, it may be allowed, prior to such installation, with the explicit permission of the Commission or its Agents.
27. Trees To Remain* – All trees to remain post construction shall be marked on site as shown on the approved plan so that the Commission or its representative can verify them before any clearing takes place.
28. Pre-Construction Conference* -
 - a) The Conservation Commission or its Agents shall conduct a pre-construction conference prior to commencement of activities in each phase of the project. Phasing, if any, shall conform to the approved plans.
 - b) The property owner / applicant and any person performing work that is subject to this Order are responsible for understanding and complying with the requirements of this Order, the Wetlands Protection Act, 310 CMR 10.00 and City of Worcester Wetlands Protection Ordinance and Regulations. Said persons shall acknowledge such in writing prior to commencement of activities.
29. Inspections Prior to Site Preparation and Site Work* - Erosion and sediment controls shall be installed and verified, in compliance with final approved plans, by the Commission or its Agents prior to the commencement of any excavation, grubbing and/or stumping of vegetation, grading, construction, or other site preparation.
30. Construction Schedule* - Submit a Construction Schedule consistent with Work Sequencing plans provided to the Office of the Commission prior to the start of any activities.

III. Stormwater Management System

31. Catch Basins* –

- a) The paved roadways and parking lots shall be bermed and shall be installed with standard City of Worcester catch basins.
- b) Prior to start of activity on site that causes soil erosion and sedimentation, catch basin filter traps shall be installed in the existing and new catch basins.
- c) Catch basins shall be cleaned as warranted during construction to keep them clear of sediment, and minimum twice a year thereafter.

32. Stormwater Management System Maintenance* – The stormwater management system shall be maintained in accordance with the approved design plans and Operation and Maintenance Plan on file with the Office of the Commission. The system shall be maintained in good hydraulic condition (e.g. any accumulated silt/sediment shall be removed; the system shall be kept free of any litter, refuse, or other extraneous matter, etc.). **This condition shall extend in perpetuity beyond the issuance of the Certificate of Compliance.**

IV. Conditions to Meet During Construction

33. Limit of Work* – No removal, filling, dredging or altering of jurisdictional areas shall take place outside the approved work under this Order of Condition.

34. Work Sequencing* – Activities shall take place in accordance with all phasing and sequencing shown on the plan and/or provided in the application materials on file with the Office of the Commission and shall follow any lot opening restrictions otherwise provided herein.

35. Erosion Stabilization -

- a) Erosion and Sediment Controls* - All erosion and sediment controls shall be monitored, maintained, and adjusted for the duration of the project to prevent adverse impacts to jurisdictional areas. Additional erosion and sediment controls may be utilized on site as needed.
- b) Off Site Impacts* - There shall be no off-site erosion, flooding, ponding, or flood-related damage from runoff caused by the project activities.
- c) Unanticipated Drainage or Erosion* - The applicant shall control any unanticipated drainage and/or erosion conditions that may cause damage to jurisdictional areas and/or abutting or downstream properties. Said control measures shall be implemented immediately upon need. The Office of the Conservation Commission shall be notified if such conditions arise and of the measures utilized.
- d) Soil Stabilization due to Delay in Work* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures, as recently amended, to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly.
- e) Grading of Slopes*-
 - i. >40% Slope – Slopes shall not exceed those specified in the plans approved by the Conservation Commission. Any slope equal to or greater than 40% (1 vertical to 2 1/2 horizontal) shall be stabilized with erosion control matting.

- ii. <40% Slope – Final grades of vegetated areas shall not exceed a slope of 1 vertical to 2 1/2 horizontal (40%) and shall be stabilized to prevent erosion, particularly during the construction period.
 - f) Stockpile Maintenance* - Any stockpiling of loose materials shall be properly stabilized to prevent erosion into and sedimentation of jurisdictional areas. Preventative controls such as strawbales or erosion control matting shall be implemented to prevent such an occurrence.
 - g) Stockpile Location – In no case shall any soil or excavated material be stockpiled within 50 feet of any wetland, floodplain, or storm drain inlet.
 - h) Site Stabilization Prior to Winter* - Prior to winter, exposed soils shall be stabilized (e.g. with demonstrated vegetative growth, impermeable barriers, erosion control blankets, etc.).
36. Invasive Insects* -
- a) Plantings – No trees to be planted shall be species susceptible to the Asian Longhorned Beetle or Emerald Ash Borer.
 - b) Wood Removal – All tree, brush & wood removal shall adhere to the most recently amended requirements set forth by the Massachusetts Department of Conservation & Recreation for any project located in the Asian Longhorned Beetle Quarantine Zone.
37. Invasive Vegetation – The goal of this condition is to keep jurisdictional areas (bufferzone and resource areas) free of all invasive, likely invasive, and potentially invasive species as identified in *The Evaluation of Non-native Plant Species for Invasiveness in Massachusetts*, published by the MA Invasive Plant Advisory Group in April 1, 2005. This condition is intended to prevent the introduction and spread of non-native and invasive species which are known to result in resource area alterations and have impacts on wildlife habitat, etc.
- a) Material Introduction – All imported materials, such as compost, topsoil, etc. shall be inspected for evidence of invasive vegetation prior to use within jurisdictional areas at the site in order to prevent introduction and/or the spread of invasive vegetation. No materials with evidence of invasive vegetation shall be used in jurisdictional areas.
 - b) On-going Management - A weeding program must be implemented within all jurisdictional areas that are disturbed as part of the project. The weeding program shall begin within one month of when final grades are reached and shall continue, at a minimum of, twice per growing season until a Certificate of Compliance is issued for the project.
38. Dust Control* - Provisions for dust control shall be provided during all construction and demolition activities. Such provisions shall be conducted in compliance with all City of Worcester Water Use Restrictions, if in effect, during such activities.
39. Dewatering* – If dewatering is required,
- a) Notice of such activities shall be given to the Office of the Commission within 24 hours of commencement;
 - b) There shall be no discharge of untreated dewatered stormwater or groundwater to jurisdictional areas either by direct or indirect discharge to existing drainage systems;
 - c) Any discharge to surface waters or drainage structures must be visibly free of sediment;
 - d) To the maximum extent practicable, proposed dewatering activities should be located outside of the 100' buffer. If such activities must be located within the 100' buffer, they shall be monitored at all times when the pumps are running;
 - e) Dewatering activities shall be confined within an area of secondary containment at all times.

40. Cement Truck Washing - Cement trucks shall not discharge washout effluent directly to any resource area, the 30' buffer thereto, or into any drainage system. Designated washout areas shall be located out of the 100 buffer zone to any wetland.
41. SWPPP Monitoring Construction Reports – Written construction reports or copy of SWPPP reports, shall be submitted to the Office of the Commission during all earthwork and drainage construction. Reports shall be submitted monthly or after each precipitation event (rain or snow melt) of 0.5 inches or greater, whichever is more frequent, and shall include:
- an evaluation, during such events, of all existing erosion and sedimentation controls, as well as stormwater management system/s performance; and
 - solutions employed and/or recommendations to fix areas found to be deficient, if any.
42. Spill Prevention* -
- No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order;
 - No refueling shall take place within resource areas or 100-ft to a resource area;
 - The applicant shall take all necessary precautions to prevent discharge or spillage of fuel, oil or other pollutants onto any part of the site;
 - A spill kit shall be present on site at all times.

V. Conditions to Meet at Completion of Project

43. Site Stabilization* - All disturbed areas shall be properly stabilized with well-established perennial vegetation or other approved methods before the project is considered complete.
44. Erosion and Sediment Controls* - Erosion and sediment controls shall not be removed from the site until all disturbed areas have been stabilized with final vegetative cover and approval has been received from the Commission or its Agents to do so. The controls must then be removed within two weeks of receipt of that certification.
45. Certificate of Compliance* - Upon completion of the project, the applicant shall request in writing a Certificate of Compliance from the Commission. If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, certification must include a written statement by such professional certifying the same.
- If the project required compliance with the Massachusetts Stormwater Standards and/or work was conducted within Riverfront Area or Bordering Land Subject to Flooding, a certified as-built plan-of-land shall be provided showing final grades, resource areas, and all constructed improvements;
 - If permanent markers were required, the certified as-built plan-of-land shall depict their location.
46. Sand/Salt – The use of sand and salt on paved surfaces shall be kept to an absolute minimum during the winter months.
47. Snow Storage – At no time shall snow be stored or stockpiled within 30' of a bordering vegetated wetland or bank, a stormwater basin, or compensatory storage area.
48. Deed Condition – Conditions numbered 32, 46, & 47 shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.

VI. General Conditions

49. Change in Ownership* - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.
50. Conservation Agent's Power to Act* - With respect to all conditions, except _____, the Conservation Commission designates the Conservation Agent, as its Agent with full powers to act on its behalf in administering and enforcing this Order, unless the Agent determines approval from the Commission is appropriate.
51. Right to Inspect* - A member of the Conservation Commission or its Agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the purpose of evaluating compliance with this Order (and other applicable laws and regulations).
52. Changes to the Plan or Errors & Omissions* -
- (a) If any plan, calculation, or other data presented to the Office of the Commission is in error or have omissions, and are deemed significant by the Commissioners or their Agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
 - (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:
 - M.G.L. Chapter 131, Section 40,
 - 310 CMR 10.00, *Wetlands Protection*,
 - the City of Worcester's *Wetlands Protection Ordinance*, and
 - the Commission's *Wetlands Protection Regulations*

If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.
53. Liability* - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its Agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its Agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions of this Order whether by itself or its employees or subcontractors.

ATTACHMENT C: PLANS

ATTACHMENT D: APPLICATION FEE

LETTER OF TRANSMITTAL

TO
City of Worcester Planning & Regulatory Services Division City of Worcester 455 Main Street, Room 404 Worcester, MA 01608 Attention: Eric Flint

DATE	JOB NO.
August 12, 2024	ENG23-3319
ATTENTION	Conservation Commission
RE	Curtis Apartment Redevelopment - Phase 1
<i>Request to Amend Order of Conditions Filing Fee – Electronic submission to follow</i>	

WE ARE SENDING YOU:

- | | | | |
|---------------------------------------|--|--|---|
| <input type="checkbox"/> Shop Drawing | <input checked="" type="checkbox"/> Attached | <input type="checkbox"/> Plans | <input type="checkbox"/> Samples |
| <input type="checkbox"/> Change Order | <input type="checkbox"/> Prints | <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> Other | | <input type="checkbox"/> Under Separate Cover Via: _____ | |

COPIES	DATE	NO.	DESCRIPTION
1	August 12, 2024	159809	NOI Fee Check (original to be delivered to City of Worcester)

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> For Approval | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Resubmit Copies for Approval |
| <input type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Submit Copies for Distribution |
| <input type="checkbox"/> For Review and Comment | <input type="checkbox"/> As Requested | <input type="checkbox"/> Return Corrected Prints |
| <input type="checkbox"/> FOR BIDS DUE | <input type="checkbox"/> Prints Returned After Loan to Us | <input type="checkbox"/> Returned for Corrections |
| <input type="checkbox"/> Other | | |

REMARKS:

If you have any questions regarding this submittal, please contact Jesse Johnson, PE, at (978) 935-3795.	
COPY TO: Mike Lozano, Trinity Curtis Phase Two Limited Partnership	SIGNED: