

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

August 20, 2012

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

Joseph Wanat, Chair
Jeremy Theerman
John Donahue
Paul Franco
Mia McDonald

Staff Present:

Jonathan P. Gervais, Department of Public Works & Parks
Nancy Tran, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services

Call to Order:

5:33 pm

Approval of the Minutes

There were no minutes.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

New Business

Public Hearing:

1. 187, 207 & 0 Greenwood Street (CC-2012-037) – Notice of Intent:

Scott Goddard of Goddard Consulting, LLC appeared on behalf of the applicant, Greenwood, LLC. Also present were Dan Wells, wildlife biologist at Goddard Consulting, LLC and Vito Colonna of Connorstone Engineering, Inc. The project sought to restore altered wetland resource areas and construct a rail freight storage yard in the buffer zone and the Bordering Vegetated Wetlands (BVW). The project falls under jurisdiction of the Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance because work will occur within the buffers to a Bank, Bordering Vegetated Wetland, and Land Under Waterbody/Waterway.

Mr. Goddard stated the applicant was before the Conservation Commission for a Notice of Intent application and to respond to an enforcement order. He described the environmental impacts on-site, said the primary focus area is 187 Greenwood Street and showed delineated boundaries on a plan submitted to the Commission. Mr. Goddard said the plan's blue-colored area is land under water, everything under the blue is still in natural state and explained that bank alterations had occurred over time. He said the Notice of Intent was missing a signature for one property owner because it was difficult to obtain.

Mr. Goddard discussed the proposed restoration work and said sheet 2 of 5 in the plan set shows the restoration of protected wetland areas which will bring the site into compliance.

He said the applicant will restore the pond and bordering vegetated wetland and proposed back filling the banks' trench to bring increase the grade. He state that while the bank will be restored, there will still be the issue of an outstanding 198' of linear bank, for which he proposed to leave the section piped.

Work would be performed during low water conditions, be supervised and the Commission would be updated weekly. Mr. Goddard added that a vegetation plan was submitted with the NOI and said the ideal time to do the work is in the fall.

Mr. Colonna provided an overview of the stormwater system and explained how the clogged portions on site would be remedied.

Mr. Goddard said MassDEP provided comments, stating that given the amount of alteration to wetland resources areas, it recommended conducting a detailed wildlife habitat evaluation in accordance with Massachusetts Wildlife habitat protection guidance of March 2006. MassDEP said it was unclear how the proposed bank alteration is being mitigated whether the restoration work meets the general performance standards of 310 CMR 10.54 (4). Instead, it does not appear that leaving 210 linear feet of stream channel in an altered condition fully mitigates the unpermitted disturbance. MassDEP requested for more detail on the stream restoration. Should an order of conditions be issued, it recommended that no work or further work associated with development of the site should be permitted unless and until all wetland restoration work is at least initially completed. MassDEP also said it reserves the right to conduct its own investigation of the unpermitted wetland alterations at the site.

Mr. Goddard presented the Massachusetts Wildlife habitat evaluation and stated with regards to CMR 10.54, there are five performance standards they need to meet.

Chair Wanat said he will review the submitted wildlife protection evaluation for the next meeting. He said the plans need to be revised to show contiguous buffer zone delineation instead of spot buffer zone delineation. He asked for clarification regarding the stormceptor WQS2 unit type and TSS% removal as the plan note did not look accurate. Chair Wanat stated that there was a discrepancy in the roadway alteration calculations shown the report and plans. He also reminded the applicant that the signature pages of the other two applicants - Spirit SPE and City of Worcester, Sewer Dept. need to be submitted to the Division of Planning & Regulatory Services prior to issuance of the Order of Conditions and a clear map also be provided.

Commissioner McDonald asked for clarification on how stormwater will be reintroduced to the pond.

Mr. Colonna showed how it would be accomplished on the plan.

Chair Wanat suggested a site walk and asked that the applicant work with city staff to schedule one.

Mr. Gervais stated he believed the landfill may be a habitat for a protected species so that also would need to be reviewed, to which Mr. Goddard said that the review is already underway.

Earl Turner said his mother is an abutter and stated that the applicant started filling the large pond two years ago and that the proposed project will affect wildlife in the area.

Jane Petrella of 245 Greenwood Street said she was concerned that the project will not be carried out properly especially since existing pipes have been clogged. She expressed her interest in attending the site walk with the applicant and Commission.

Chair Wanat stated the Commission had no issues with her attending the site walk but said she would need permission from the property owner. He suggested she contact city staff for information as to when the site view would take place.

Mr. Turner asked the location of site access, to which Mr. Colonna showed on the plan.

Roland Carlson said he lives in the area and expressed his concern regarding the containers. He asked whether it was under the Commission's purview to require buffers that would reduce their visibility. Chair Wanat stated that would be Planning Board jurisdiction.

Jo Hart, city resident, stated that she was not familiar with the area and asked if she could go on the site view. Chair Wanat stated she should leave her name with city staff.

Ms. Zhaurova said Mr. Carlson's concerns regarding the containers would most likely be under the jurisdiction of Inspectional Services. She stated if he contacted her office, she would further research the item for him.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to continue the meeting until the next meeting.

List of Exhibits:

Exhibit A: Notice of Intent application for 187 Greenwood Street; submitted by Greenwood, LLC; received July 24, 2012.

Exhibit B: Notice of Intent Plans; prepared by Connorstone Engineering, Inc.; dated July 6, 2012.

Exhibit C: Stormwater Management Report for 187 Greenwood Street; prepared by Connorstone Engineering, Inc.; dated May 29, 2012.

Exhibit D: Memorandum from Department of Public Works to Conservation Commission; re: 187 Greenwood Street - NOI; dated August 17, 2012.

Exhibit E: Detailed Wildlife Habitat Evaluation; prepared by Goddard Consulting, LLC; dated August 20, 2012.

2. 755-759 West Boylston Street (CC-2012-038) – Notice of Intent:

Engineer Patrick Doherty from MidPoint Engineering + Consulting appeared on behalf of the applicant, Galaxy Development, LLC. Mr. Doherty said the project will also appear before the Zoning Board and Planning Board. The submitted Notice of Intent application proposes to remove an 11,900 SF portion of the existing building and construct a new 6,800 SF building on the northerly portion of the site with associated landscaping and stormwater management system upgrades.

Mr. Doherty said the proposed project is subject to the City of Worcester Wetlands Protection Ordinance because work will occur within the 100-ft Stormwater Protection Zone - there is a storm drain on West Boylston Street. He stated the building on site will be partially demolished and rebuilt, a new stormwater system will be installed and the parking lot will be reconstructed with improved lighting. He said a stormwater review plan was submitted, work would take approximately two months and that a landscaping plan will be presented to the Planning Board.

Commissioner Franco asked the extent of building demolition and its proposed new use. Mr. Doherty replied that building's middle and the northerly sides would be demolished within a span of three weeks and that new building would be used for retail, of which the tenants have yet to be signed.

Commissioner Donahue asked about soil storage, to which Mr. Doherty responded that it would be dug up and put back the same day.

Mr. Gervais stated he had reviewed the stormwater report and had no issues with it.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 5-0 to close the public hearing.

Upon a motion by Commissioner Donahue and seconded by Commissioner McDonald, the Commission voted 5-0 to issue an Order of Conditions. Discussion regarding issuance of Order of Conditions was held to the end of the meeting.

List of Exhibits:

Exhibit A: Notice of Intent application for 755-759 West Boylston Street; submitted by Galaxy Development, LLC; received August 1, 2012.

Exhibit B: Notice of Intent Plans; prepared by MidPoint Engineering + Consulting; dated July 24, 2012.

Exhibit C: Stormwater Management Report for 755-759 West Boylston Street; prepared MidPoint Engineering + Consulting.; dated July 31, 2012.

Exhibit D: Site Plan; prepared by MidPoint Engineering + Consulting; dated July 24, 2012.

Exhibit E: Memorandum from Department of Public Works to Conservation Commission; re: 755-759 West Boylston Street - NOI; dated August 17, 2012.

3. 72 Flagg Street (CC-2012-039) – Notice of Intent:

Engineer Patrick Healey of Thompson & Liston Associates, Inc. appeared on behalf of the applicant, University of Massachusetts Medical School. The submitted Notice of Intent was for a project that proposed to install an interceptor drain and cutoff swale above the existing garden and retaining wall west of the existing building and driveway. The project falls under jurisdiction of the Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance because work will occur within the 100-ft buffer zone to Inland Bank associated with an intermittent stream channel.

Mr. Healey stated he had appeared before the Commission previously for an RDA and was presently before the Commission for site drainage improvements. He presented a plan of the scope of the work and stated installation of an interceptor drain and cutoff swale were proposed above the existing gardens and retaining wall west of the existing home and driveway. The work was proposed as part of a solution to prevent runoff flowing over the retaining walls onto the driveway and groundwater seeping through the retaining walls onto the driveway and penetrating the resident's basement. The proposed design will mitigate ongoing maintenance and safety issues such as winter icing on the driveway, moss, mold and mildew growth from moist conditions. Installation of the interceptor drain will minimize groundwater from seeping through the retaining wall compromising the basement. Installation of a diversion swale above the gardens will direct surface runoff to the wetland at a higher point on the hill and reach the same wetland as if it were to flow onto the driveway and be collected by the existing drainage system. The project will disturb less than 5,000 SF of land area and there will be measures to stabilize the surface, through the use of a TRM in the swale, erosion control fabric, seeding of the disturbed access route and sedimentation control barriers. All construction and stabilization work is expected to be completed within one month.

Chair Wanat stated he conducted a site walk with Mr. Healey, the site was well maintained and that the preventive measures were appropriate for the project.

Mr. Healey said dead wood from the pond and that the applicant will maintain the site's bottom area to prevent debris back up and a ponding effect along the wetland.

Commissioner Franco asked if existing problem resulted in water flowing into the street, to which Mr. Healey responded that he did not notice any runoff onto street.

Commissioner Theerman asked about the runoff, preventative work inside the house and if there had been inquiries about less impactful drainage system closer to the retaining wall. Mr. Healey replied that runoff is directed toward an existing drainage system and that the home had a finished basement with utility space and an extensive drainage system. He said that other options were considered such as a perforated pipe but it was not as effective as what was presently before the Commission.

Upon a motion by Commissioner Donahue and seconded by Commissioner Franco the Commission voted 5-0 to close the public hearing.

Upon a motion by Commissioner Donahue and seconded by Commissioner McDonald, the Commission voted 5-0 to issue an Order of Conditions. Discussion regarding issuance of Order of Conditions was held to the end of the meeting.

List of Exhibits:

Exhibit A: Notice of Intent application for 72 Flagg Street; submitted by University of Massachusetts Medical School Facilities Engineer and Construction; received August 1, 2012.

Exhibit B: Notice of Intent Plans; prepared by Thompson-Liston Associates, Inc.; dated July 2, 2012.

Exhibit C: Memorandum from Department of Public Works to Conservation Commission; re: 72 Flagg Street - NOI; dated August 17, 2012.

Exhibit C: Stormwater Management Report for 755-759 West Boylston Street; prepared MidPoint Engineering + Consulting.; dated July 31, 2012.

Other Business

4. Presentation by City of Worcester DPW&P – Beaver Brook Culvert Maintenance Project

Matthew Labovites from City of Worcester DPW&P along with Randy Collins from Beta Engineering appeared on behalf of the item.

Mr. Collins presented plan and said Beaver Brook Park saw the completion of a \$5.4 million renovation in 2007 that featured day lighting and realignment of 1,065’ of channel, along with 250’ of new culvert. He showed images of what was previously on site and present day conditions. Mr. Collins stated some invasive species have been detected on site and that correction of the problem is proposed to be carried out in two phases – one in the fall and other part in the spring.

List of Exhibits:

Exhibit A: Beaver Brook Bank Stabilization and Vegetation Management; prepared by Gates, Leighton & Associates, Inc.; received August 20, 2012.

5. Enforcement Order Update – 14 Ada Street (CC-2011)

Gerard Aubin, owner of 14 Ada Street, appeared on behalf of item. He stated that Commissioners and city staff visited the property and DPW&P indicated it did not want to do any work that would divert water. Mr. Aubin said he wanted to take action to prevent the water from coming onto his property.

Chair Wanat stated he appreciated Mr. Aubin’s attendance, the situation was not his fault and that the Commission had discussed removing the enforcement order if some sort of plan is presented about removing the stones.

Mr. Aubin said he wanted to put in more stones to prevent the water from coming onto to his property.

Chair Wanat stated Conservation Commission role is to protect the wetland and not have people putting more into the wetland and asked that a plan be developed.

Commissioner Theerman concurred with Chair Wanat and recommended that a plan to stabilize the bank.

Chair Wanat asked Mr. Aubin present a stabilization plan to the Commission and the Commission for it to determine whether to lift the enforcement order.

6. Enforcement Order Update – 1121 Grafton Street – (CC-2006-088)

Mr. Gervais said the site engineer was in the process of compiling all necessary and relevant information regarding the unit to present to the Commission.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to continue the item until the next meeting.

7. Enforcement Order – 187 Greenwood Street (CC-EO-2012-001)

Upon a motion by Commissioner Franco and seconded by Commissioner McDonald, the Commission voted 5-0 to continue the item until the next meeting.

8. Enforcement Order – 20 Jasmine Drive (CC-EO-2012-005)

Ms. Tran stated that an application was recently submitted and would be on the next meeting agenda.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to continue the item until the next meeting.

12. Discussion & Issuance of Orders of Conditions as relevant to a hearing closed 8/20/2012: The Commission discussed and issued Orders of Conditions for the following projects:

- a. 755-759 West Boylston Street (CC-2012-038) – Notice of Intent
- b. 72 Flagg Street (CC-2012-039) – Notice of Intent

Adjournment

Upon a motion by Commissioner Donahue and seconded by Commissioner McDonald, the Commission voted 5-0 to adjourn the meeting at 7:48 p.m.