

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

January 6, 2014

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Stefanie Wood, Chair
Jeremy Theerman
Jack Donahue
Joseph Charpentier
Jordan Berg Powers

Staff Present: Chris Gagne, Department of Public Works & Parks (DPW&P)
Nancy Tran, Division of Planning & Regulatory Services

CALL TO ORDER

The Chair called the meeting to order at 5:33 pm.

APPROVAL OF THE MINUTES

Commissioner Theerman was not present for approval of the minutes.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 4-0 to approve the minutes of July 15, 2013.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 4-0 to approve the minutes of November 18, 2013.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 4-0 to approve the minutes of December 9, 2013.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDDRAWALS**

Ms. Tran stated that the applicant for Salisbury Street – Lots 4-10 (CC-2013-043) submitted a request for a Leave to Withdraw. Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 5-0 to approve the Leave to Withdraw.

Ms. Tran stated that the applicant for 72 Goldthwaite Road – Burncoat Gardens Phase I & V (CC-2013-057) submitted a request to continue the item to January 27. Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 5-0 to continue the item to January 27.

Ms. Tran stated that the applicant for Toronita Area Storm Drain & Sewer Improvements (CC-2013-056) submitted a request to postpone the item to January 27. Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 5-0 to continue the item to January 27.

NEW BUSINESS

1. 123 Brigham Road (CC-2013-059) – Request for Determination of Applicability

Engineer Scott Dupre of Clear Water Environmental, LLC appeared before the Commission for a Request for Determination on behalf of the applicant, Nick Markopoulos. Mr. Dupre stated that the applicant proposed at 123 Brigham Road the following: septic tank replacement, new distribution box, interlocking block wall and associated site grading. The proposed work will be within 50' of the stream/wetland and limited to a certain area around the house due to soil suitability and ledge on site. He added that the pit for the current septic system is underneath the deck and is not treated.

Commissioner Donahue inquired about access, the amount of excavation and soil storage. Mr. Dupre said he was unsure about access excavation as the groundwater on site was very high and that no soil will be stored on site due to the haybales. He added that the abandoned septic system will be disconnected, broken up and filled with on-site soil, with all work completed within 1-3 weeks.

Colin Novick, Executive Director of Greater Worcester Land Trust, said the stream on site flowed toward a Natural Heritage BioMap 2 with sensitive habitat species. He expressed his concern that dewatering may impact the species and requested that pumping not be directed toward the stream.

Mr. Dupre said he was amenable to using poly-containers to avoid pumping into the stream.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 5-0 to issue a Negative Determination of Applicability with the following conditions: (1) That the site be accessed from the property's westerly side; (2) that no pumping of water is discharged into the stream but rather taken off site; and (3) storage of soil and materials be located only on the property's westerly side.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability Application for 123 Brigham Road submitted by Nick Markopoulos; received November 27, 2013.
- Exhibit B: Proposed On-Site Septic System Repair for 123 Brigham Road; prepared by Clear Water Environmental, LLC; dated November 27, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 23 Brigham Road- RDA (CC-2013-057); dated January 2, 2014.

2. 61 Sherbrook Avenue (CC-2013-060) – Notice of Intent

Environmental consultant Robert Murphy appeared before the Commission for a Notice of Intent to demolish an existing single-family house and construct a new single-family house of similar size with associated grading and landscaping. Mr. Murphy said the new structure will be reconfigured away from the wetland and will meet required setbacks. Work will include repaving of the existing driveway, appropriate erosion controls at the top of the slope and replacement of a deteriorating retaining wall. Mr. Murphy also indicated that infiltration chamber units connected to the house roof drains will be provided, that invasive species on site will be removed and that the lawn is currently at a 3% slope toward the wetland.

Chair Wood expressed her concern with the driveway and one of the Cul-Tech units being located within the 30' buffer. Mr. Murphy stated that the unit can be moved outside the buffer

and the driveway can follow the buffer's edge. He stated that work will likely occur in the spring due to current weather conditions.

Chair Wood stated DPW had comments regarding relocating the proposed erosion controls outside the 15' wetland buffer and to display the limits of the proposed retaining wall with respect to the 30' wetland buffer.

Mr. Murphy said he can relocate the erosion controls outside the buffer upon completion of the new retaining wall.

Commissioner Charpentier recommended relocating the retaining wall away from the 15' buffer so that it can alleviate the erosion control issue. Mr. Murphy responded that he was amenable to the suggestion and can re-grade the area from a 2:1 to a 3:1 slope.

Commissioner Berg Powers inquired about material storage and tree removal, to which Mr. Murphy said all demo materials will be hauled off site and that only invasive vegetation will be removed.

Commissioner Berg Powers recommended installing permanent markers at the 15' buffer despite its steepness to notify the owners of the sensitive area.

Commissioner Charpentier inquired about area debris, future road stabilization and snow storage. Mr. Murphy said trash had been removed and the area will be cleaner once the property is inhabited. He said that he anticipated future road stabilization but had no plans for it at the moment. He also stated that snow storage would be located on site near the driveway or along Sherbrook Avenue.

Mr. Novick said that MassWildlife surveyed the nearby brook and found evidence of smelt. He requested that the Commission consider ensuring a 15' buffer between the work and proposed snow storage to prevent adverse impacts to the fish.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 5-0 to close the public hearing. Discussion regarding issuance of Order of Conditions for this item was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Notice of Intent for 61 Sherbrook Avenue; submitted by Steve Venincasa; received December 18, 2013.
- Exhibit B: Site Plan for 61 Sherbrook Avenue; prepared by Robert G. Murphy & Associates, Inc.; dated December 17, 2013.
- Exhibit C: Letter from Robert G. Murphy (Robert G. Murphy & Associates, Inc.) to the Worcester Conservation Commission; re: Notice of Intent, Sherbrook Ave; dated December 27, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 61 Sherbrook Ave- RDA (CC-2013-057); dated January 2, 2014.

OTHER BUSINESS

3. Enforcement Order Update – 235 Hamilton Street (CC-2013-005)

Commissioner Wood recused herself from discussing the item and Commissioner Theerman assumed Chair of the Commission.

Mr. Gagne said the hill on site had been cut with no erosion controls in place. He stated he spoke with the owner who intended to spread ¾" stone over the flat area to prevent scouring and install haybales in appropriate areas. The owner also planned to build a knee wall to hold back the slope and pave the 2,000 SF area abutting Hamilton Street. He said he was unsure of the intended project for the site and said that the actions will be sufficient for the winter as the ground has frozen but will require monitoring in the spring for siltation and sedimentation.

Commissioner Donahue recommended requiring a deadline to install the erosion controls.

Chair Theerman expressed his concern relative to the Commission's jurisdiction as the site does not trigger review by the Commission as it is below the 5,000 SF land disturbance threshold.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted to send a letter to the owner to install the appropriate erosion controls within 30 days and to provide an update by the February 10 meeting.

4. Enforcement Order Update – Arboretum Village Estates (CC-EO-2013-004)

Commissioner Wood resumed Chair of the Commission.

Mr. Gagne said he reviewed the turbidity monitoring report from November and said the water is still polluted with materials. He has yet to receive the December report from the consultant, EcoTec, Inc. He stated that the site still has outstanding issues with other departments and not much has been done to address them. He explained that this is due to site shutdown because of the winter. Mr. Gagne said the consultant requested a higher threshold for monitoring after rain events.

Chair Wood said she would not consider it until she received the December monitoring report to see results after smaller rain events. She suggested that the December turbidity report be submitted to staff no later than January 24 to allow the Commission time for review.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 5-0 to continue the item to January 27 and request that the December monitoring report be submitted to staff before the meeting.

List of Exhibits:

Exhibit A: Letter and November turbidity sampling results from EcoTec, Inc. RE: Arboretum Village Estates, Worcester, Massachusetts to the Conservation Commission dated December 13, 2013.

5. 56 Cheyenne Rd (CC-1998-036) - Request for Certificate of Compliance

Mr. Gagne said the work had been completed and there were no issues.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Theerman, the Commission voted 5-0 to issue a Certificate of Compliance for 56 Cheyenne Road.

List of Exhibits:

Exhibit A: Application for Certificate of Compliance for 56 Cheyenne Road submitted by Peters and Sowyrda; received December 16, 2013.

6. Ecotarium West – City Manager letter to City Council re: 12 acre acquisition (LAND grant) and 9 acre Conservation Restriction (CSX funds); dated December 10, 2013

The Commission reviewed the communication received but took no action on it.

List of Exhibits:

Exhibit A: Letter from the City Manager to Worcester City Council; re: L.A.N.D Grant award; dated December 10, 2013.

7. Cascades East (201 Cataract Street) – Request by Greater Worcester Land Trust to conduct Land Maintenance / Scrap metal removal using a Bobcat equipment

Colin Novick stated that the land was acquired with existing debris on-site and that there has been a slow effort to clean the property. He said someone had volunteered to help remove scrap metal from the site and proposed use of small bobcat equipment. Work will be surficial and a large dumpster was proposed off of Cataract Street.

Chair Wood stated she had no issue with proposal. She asked whether the bobcat would be rubber or metal tracked, to which Mr. Novick responded he was uncertain.

List of Exhibits:

Exhibit A: Email from Colin Novick, Executive Director of Greater Worcester Land Trust to Luba Zhaurova, Interim Director, Division of Planning & Regulatory Services dated December 2, 2013.

Exhibit B: Cascades East Conservation Restriction (201 Cataract Street) - Book 25051 Page 074

Exhibit C: Memorandum from Luba Zhaurova (Division of Planning & Regulatory Services); re: Cascades East (201 Cataract St) – request to use Bobcat loader to remove scrap metals; dated December 30, 2013.

8. Communication Received:

The Commission review the communication received but took no action on it.

- a. From NSTAR Electric Gas re: Natural Gas Main Relay, 25 Exchange Street; dated December 4, 2013, received December 13, 2013.
- b. From NSTAR Electric Gas re: Natural Gas Main Relay, Eunice Avenue; dated December 4, 2013, received December 13, 2013.
- c. From Division of Fisheries & Wildlife re: 74 Bay Edge Drive, After-the-fact Dock Installation; dated December 18, 2013

9. Discussion and Issuance of Orders of Conditions as relevant to a hearing closed 1/6/13.

The Commission reviewed the closed item and issued an Order of Conditions for 61 Sherbrook Avenue.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers, the Commission voted 5-0 to issue conditions as discussed.

10. Signing of Decisions

- 123 Brigham Road (CC-2013-059) – Request for Determination
- 61 Sherbrook Avenue (CC-2013-060) – Notice of Intent

Adjournment

Upon a motion by Commissioner Charpentier and seconded by Commissioner Donahue, the Commission voted 5-0 to adjourn the meeting at 6:45 pm.