

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

August 31, 2015

WORCESTER CITY HALL – ESTHER HOWLAND CHAMBERS

Conservation Commission Members Present: Stefanie Wood, Chair
Peter McKone
Joseph Charpentier
Jordan Berg Powers
Amanda Amory

Member Absent: None

Staff Present: Edmund Kochling, Department of Public Works & Parks (DPW&P)
Michelle Smith, Division of Planning & Regulatory Services

CALL TO ORDER: 5:30 p.m.

APPROVAL OF THE MINUTES – No minutes

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

1. Quinsigamond Avenue Right-of-Way (from Southbridge St. to Ashmont Ave.) & 0 (aka 40 & 42) Quinsigamond Avenue (MBL 05-022-0102B) (CC-2015-048)

Application: Request for Determination of Applicability

Applicant: Mass. Electric Co., d/b/a National Grid

Project: To seek determination as to whether or not the proposed work to install ~2,019 linear feet of buried conduit, along with associated site-work, on property located within the Quinsigamond Avenue Right-of-Way (from Southbridge Street to Ashmont Avenue) and at 0 (aka 40 & 42)

Quinsigamond Avenue is subject to the Commission’s jurisdiction. The project is in association with the construction of the new WRTA facility

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within Bordering Land Subject to Flooding and within the Stormwater Protection Zone

Public Hearing Opening Deadline: 9/25/2015

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Charpentier the Commission voted 5-0 to continue the item until the October 5, 2015 Conservation Commission meeting.

List of Exhibits

- Exhibit A: Request for Determination of Applicability submitted by the Worcester Regional Transit received August 11, 2015 and dated August 10, 2015.
- Exhibit B: Letter from Department of Public Works re: (aka 40 b & 42) Quinsigmaond Ave Right of Way received August 27, 2015 and dated September 1, 2015.
- Exhibit C: Request to continue hearing dated August 31, 2015 and received August 31, 2015.

2. 98 Shore Drive (MBL 31-022-00003) (CC-2015-049)

- Application: Request for Determination of Applicability
- Applicant: National Grid
- Project: To seek determination as to whether or not the work/area associated with the cutting of approximately six mature trees and associated site-work, on property located at 98 Shore Drive, is subject to the Commission's jurisdiction
- Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer zone to the Bank of an unnamed perennial stream and/or the Bordering Vegetated Wetlands associated therewith

Public Hearing Opening Deadline: 9/26/2015

Commissioner McKone recused himself from the item and left the meeting room.

Bill Jones from National Grid appeared on behalf of the item. He stated that this is Request for Determination of Applicability for tree cutting with regard to their electric distribution system and in general the trees in question are on private property, and they have permission of the property owner to remove the trees.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg-Powers the Commission voted 4-0 to issue a Negative Determination of Applicability with the condition that stumps must remain and no earth work within the buffer zone.

3. 524 Grove Street (20-027-00002) (CC-2015-050)

- Application: Request for Determination of Applicability
- Applicant: Nishith Patel
- Project: To seek determination as to whether or not the proposed work to construct a second story addition to the rear of the single-family home on property located at 524 Grove Street is subject to the Commission's jurisdiction.
- Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the 100-ft buffer zone to the bank of Indian Lake

Public Hearing Opening Deadline: WPA – n/a; WWPO – 9/28/2015

Nishat Patel and Nadrigm Hoxjer appeared on behalf of the item.

Mr. Patel stated that he had just purchased the property and he is doing work on the back of the house. He stated that there is no ground work or ground disturbance involved and most of the work is superficial. He stated that he is putting some windows and dormer on home so he has a view of the lake.

Chair Wood asked if the construction debris would be in the front. Mr. Hoxjer stated yes and will be cut in chunks and put in a dumpster.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg-Powers the Commission voted 5-0 to issue a Negative Determination of Applicability.

List of Exhibits

Exhibit A: Request for Determination of Applicability received August 14, 2015 and dated August 11, 2015.

Exhibit B: Letter from Department of Public Works re: 524 Grove Street received September 1, 2015 and dated August 27, 2015.

Exhibit C: Plan prepared by Creative Home Plan dated July 28, 2015.

NEW BUSINESS – Requests for Determination of Applicability

4. 150 Blackstone River Road (MBL 31-022-00003) (CC-2015-051)

Application: Request for Determination of Applicability

Applicant: 150 Blackstone River Road, LLC,

Project: To seek determination as to whether or not the proposed work to demolish the existing structures on the premises along with associated site-work on property located at 150 Blackstone River Road is subject to the Commission's jurisdiction

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - the proposal shall occur within the 100 ft. buffer zone to the Bank of the Blackstone River and/or Bordering Vegetated Wetlands associated therewith along with the associated Riverfront Area and Bordering Land Subject to Flooding and within the Stormwater Protection Zone

Public Hearing Opening Deadline: 10/5/2015

Lawrence Sabien with Hannigan Engineering appeared on behalf of the item. They plan to demolish the existing building, a large transit facility. A silt fence all along the property and silt saks in all the existing catch basins are proposed. Also, the contractor is aware that he will need a permit for the water in order to control the dust and he will have to channel to active basins which will have silt saks.

Mr. Gene Sullivan stated that there are portions of the existing foundations that they will remove. To stabilize the soil during demolition they will grade and place erosion control measures, which can include hay bales. Mr. Sabien stated they do not yet know if

structures will be removed as they are still investigating the site, but there are two small structures within the 100 foot setback.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory the Commission voted 5-0 to issue a Negative Determination of Applicability with the condition that if any structures that are within 100 foot that might be removed, the Conservation Commission be notified and that hay bales be placed around the 100 feet where earth work is being done and that the silt fences stay up during the entirety of the project including when applicant comes back with an additional filing.

List of Exhibits

- Exhibit A: Request for Determination of Applicability received August 17, 2015 and received August 18, 2015.
- Exhibit B: Letter from Department of Public Works re: 150 Blackstone River Road received August 27, 2015 and dated August 27, 2015.
- Exhibit C: Plan prepared by Hannigan Engineering, Inc. dated August 31, 2015

NEW BUSINESS – Notices of Intent

5. 441 (aka 412, 424 & 428) Massasoit Road (MBL 45-031-00002) (CC-2015-044)

Ms. Smith stated that applicant had not arrived and suggested the item be held until later in the meeting.

6. 80 William Street (aka 1 Roxbury Street) (MBL 02-047-00052) (CC-2015-046)

Application: Notice of Intent

Applicant: Becker College

Project: For the construction of an addition to connect both existing structure on-site and the re-configuration of vehicular access and pedestrian amenities along with related grading, utilities, and site work on property located at 80 William Street (aka 1 Roxbury Street)

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – n/a; WWPO – 9/25/2015

Andrew Liston along with Ken Cameron appeared on behalf of the item. Becker College intends to construct an infill project in order to create a new gaming center and they have received DPW comments to: amend drawings to show the proposed 6' PVC storm drain connecting to drain main rather than the manhole, provide additional information regarding the proposed subsurface storm water system, and provide information regarding stockpiling of materials on site.

Mr. Cameron showed on a plan how they have addressed DPW comments and stated that there are catch basins on William and Roxbury Streets within the 100 foot jurisdictional and they are installing an additional catch basin. Mr. Liston stated that they will create

5,000 SF of impervious surface, capture runoff from 9,202 SF and create 2,660 SF of open space which will be directed to infiltration for an approximately 70% reduction in stormwater leaving the site. He stated that they will have erosion control barriers around disturbed areas of the site and silt sacks for all the adjacent catch basins for the duration of construction.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 5-0 to close the public hearing. A revised plan based on DPW comments to be submitted.

List of Exhibits

Exhibit A: Notice of Intent Application submitted by Becker College received August 10, 2015 and dated August 10, 2015.

Exhibit B: Letter from Department of Public Works re: 80 Williams Street received September 1, 2015 and dated August 27, 2015.

Exhibit C: Plan prepared by Thompson Liston Associates Inc. August 5, 2015.

7. 441 (aka 412, 424 & 428) Massasoit Road (MBL 45-031-00002) (CC-2015-044)

Commissioner Amory & Commissioner Berg-Powers recused themselves and left the meeting room.

Andrew Truman from Samiotes, Inc. appeared on behalf of the item for Mass Audubon, Broad Meadow Brook. He described that the site and Mass Audubon is looking to do some long term expansions to the site and they would like to add a 2,000 SF deck and they are going to look at existing parking and pedestrian access. There is no net increase in impervious area so they don't need any storm water permissions but are working toward low impact design (LID) measures. The plan is to pitch most of the parking lot to existing drainage and add three rain gardens to take runoff from the upper portion of the parking lot and they have overflow into the street. Work should begin in the fall and be completed by the end of spring 2016.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone the Commission voted 3-0 to close the public hearing.

List of Exhibits

Exhibit A: Notice of Intent Application submitted by Broad Meadow Brook Conservation Center received July 23, 2015 and dated July 23, 2015.

Exhibit B: Letter from Department of Public Works re: 14 Massasoit Road received August 11, 2015 and dated August 6, 2015.

Exhibit C: Plan prepared by Samiotes Consultants, Inc. dated July 23, 2015

8. 1117 Grafton Street (MBL 38-034-00016) (CC-2015-047)

Ms. Smith stated that staff had spoken with the applicant and was informed that they planned to bring revised plan so suggested that item be held to see if applicant would appear for meeting.

9. Enforcement Order Updates

a. Arboretum Village Estates (CC-EO-2015-005)

Ms. Smith stated that the wetland scientist had provided an update that was provided to the Commission. Mr. Kochling made a site visit, and stated that a portion of the curtain drain had been installed and they have it stabilized and erosion controls in place.

b. 181 Lake Avenue (CC-EO-2015-006)

They had a failure of a retaining wall and are developing an emergency proposal to fix what they can now. This is a small eight foot section of mostly peastone, and they have it stabilized until they can fill in the collapsed section of wall. The long term plan is to come back with plan to fix whole wall and that about two years out as they have to do fundraising to do the work.

Commissioner Charpentier asked if the beach area and dock was permitted as part of the Marine Corps League. Chair Wood stated that the dock has permit from the Lake Quinsgamond Commission and the dock permit is maintained every year and there would have been an inspection prior to the issuance of the permit.

10. 1117 Grafton Street (MBL 38-034-00016) (CC-2015-047) (CC-EO-2015-004)

Application: Notice of Intent

Applicant: Anthony Bianco

Project: For site work to fill in and level out the rear-yard of the property and construct a retaining wall to hold the fill, along with related grading, utilities, and site work on property located at 1117 Grafton Street

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed intermittent stream and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 8/31/2015; WWPO – 9/24/2015

Mr. Kochling stated that he had gone to this site as he had received a complaint that work was being done within the 100 foot of the wetlands and they were clearly filling when he went to the site and had begun construction of a retaining structure. On his third visit to the site, it appeared they have completed the concrete retaining structure, stopped work and the site is stabilized.

Commissioners requested a plan showing the full scope including all wetland flags and in response, Mr. Raymond Loplitio on behalf of Anthony Bianco distributed a revised plan and an email from the wetland scientist stating that no work was done in the wetland itself. Revised plan shows there are permanent structures in the 30 foot buffer, work within the 50 foot buffer, and grading and site work within five feet of the ‘no touch’ buffer. The buffer zone now needs restoration.

Commissioner McKone stated that in the application under buffer zone impacts the applicant had checked off that they propose to alter 4,500± SF of wetlands, this is an

error and in fact the buffer zone is the only part planned to be disturbed, not the wetland itself.

Mr. Loplitio stated that the applicant has submitted an application to install a sewer line which is beyond the 100 foot buffer zone and asked if they could be allowed to pull that permit. Commissioners agreed to allow sewer work provided Mr. Bianco notify the Commission when work would begin and remove all spoils from the site.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone the Commission voted 4-0 to continue the item until the September 21, 2015 Conservation Commission meeting at the request of the applicant.

List of Exhibits

Exhibit A: Notice of Intent Application submitted by Anthony Bianco received August 10, 2015 and dated August 10, 2015.

Exhibit B: Letter from Department of Public Works re: 1117 Grafton Street received September 1, 2015 and dated August 27, 2015.

Exhibit C: Plan prepared by ASA Engineering dated August 30, 2015

OTHER BUSINESS:

11. Enforcement Order Updates (Continued)

c. 1117 Grafton Street (CC-EO-2015-004)

No vote was taken on enforcement order

12. Enforcement Order Updates:

d. Goldthwaite Road (Burncoat Gardens Phase I & V)

Chuck Scott appeared on behalf of the item along with the contractors, Bob Quinn and Josh Voyiatas along with Glen Karvesky. Approximately two weeks ago there was a significant (3" – 3.5") rain event that caused a major erosion event near Flagg 35, 34, 37, 36 on the plan down to the brook system. After the breach, there was evidence of deposits along the entire brook system and there was some minor sediment that did get into the head waters. This was reported via an engineer from DPW who reviews sites and a complaint from resident on Pierce Avenue.

Both regions of the property were open in violation of the Order of Conditions which specifically stated that only one region was to be open at any one time. They had created an additional temporary basin in order to handle opening both regions, but they were near completion so they filled in a basin and lost their ability to mitigate stormwater on the site. Logs for site maintenance and control measures were kept throughout the project and there wasn't an issue until this storm.

Mr. Kochling stated that he did see the temporary basin and there was also a swale and that was all in place and that was protecting the brook more than the hay bales and when he visited the site the erosion control had been removed.

Mr. Scott stated that though they violated the Order of Conditions by opening both regions, he was working on what he thought was the Commission's intent that they had a mitigation system in place to handle the runoff. Chair Wood requested a site walk and stated that applicant shouldn't presume to interpret their intent and their intent is a literal as possible on the Order of Conditions. If there was a reason to open a region for another reason the applicant should contact either Planning or DPW staff as that would require an amendment to the Order of Conditions.

Mr. Scott stated that they have now created an interceptor connection to drain the water through newly installed catch basins within the road, and then on into an existing detention basin. They are in the process of loaming and seeding the whole site for erosion control, and they also want to pave the road and put the curbs in so that water can be directed to the newly installed catch basins. Mr. Quinn stated that after the incident, they had four to five guys working at the site putting silt sacks in every open drain structure and adding 2800 SF of silt fence installed along with hay bales.

Chair Wood inquired about the bond which DPW staff and Planning staff have been unable to find record of. Mr. Scott stated the bond is at DPW and in the amount of \$27,000± which would take care of loaming and seeding and he is 99% sure it is there.

Mr. Scott stated area flows coming down the brook are excessive and the velocity of that water is causing the erosion problem. Suggested reinforcing the confluence of the storm drain outlet and the brook. Mr. Kravosky added when you have that much impervious surface surrounding a brook, flash flooding will occur and that is eating away the banks, there will always be a problem on this brook from the storm drain.

Commissioner Charpentier stated that the washout from the city sewer is not applicant's problem but the problem is the fact that the applicant regraded so close to the bank and when you have large storm it could undermine the work down there and there needs to be a plan for stabilization.

No vote was taken on continuance

e. Pierce Avenue (Burncoat Gardens Phase IV)

Chuck Scott along with Steven Kent appeared on behalf of the item. Mr. Scott stated that they are in receipt of an Enforcement Order that deals with three Orders of Conditions. One is relative to the road and two were regarding the lot development. Lot 37A and 38A.

Mr. Scott stated that on this site the pavement is down on the binder course and no curbs are in along the roadway which doesn't allow for water to get into the catch basins. Water had come down the road but during construction the curb cut was inadvertently removed and the water coming down Varney Street blew out the erosion control, and debris was found on Goldthwaite Road. It has since been cleaned up and new erosion control measures have been implemented. There are wattles there now to create a gutter flow to help the water to get to the catch basins and site needs to be loamed and seeded and the homes are near completion.

Mr. Kochling and Chair Wood requested a site visit. Commissioner McKone stated that if the loam and seeding will help with erosion control he would like to see that proceed.

Mr. Kochling asked if any work was being done on Lot 30A as looks like some retaining walls going in and doesn't look like it is flagged. Mr. Scott stated that he will have it flagged and they do plan do put in retaining walls.

No vote taken on continuance.

13. Requests for Certificate of Compliance:

a. 501-505 Mill Street (CC-2001-027)

Ms. Smith stated that they are waiting for additional information.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Amory the Commission voted 5-0 to continue the item until the September 21, 2015 Conservation Commission meeting.

12. Order of Conditions Modification Requests:

b. Order of Conditions for City of Worcester Greenwood Street Landfill Project (CC-2012-046)

Briande Angus appeared and Brian Huntley from Tighe & Bond appeared on behalf of the item.

Ms. Angus stated that they are requesting the Commission's input on whether the proposed work they plan on doing requires modification to the existing Order of Conditions.

The Greenwood Street Landfill project is going through a cap repair and on their Order of Conditions and an Amendment Order of Conditions the solar project is limited to the plateau with minor work in the roadway that goes to the plateau. All work associated with the work is outside the 100 buffer zone and they are requesting the Commission find that this a Notice of Project Change and that they do not have to file an Amendment Order of Condition again.

Mr. Huntley stated that the solar project is a ballasted system and there are 3'x7' concrete blocks set on top of the ground and the steel racking is built on top of them so each of the concrete blocks would be consider impervious area but entire system isn't impervious. Mr. Huntly stated that there a storm water management system in place and has swales around it and there are swales all around it and the storm water is captured and the existing storm water system is being completed and this will not increase runoff from the plateau.

No vote taken on item.

14. Communication:

a. Notice of Treatment for Crystal Park Pond (University Park) by Aquatic Control Technology; received 7/20/2015.

Ms. Smith stated that staff has been working with Aquatic Control on verifying the permit.

- b. Notice of Project Change – supplemental information - regarding Greenwood Street Landfill Solar Project; received 8/5/2015.

No comment.

- c. Notice of Treatment for Little Indian Lake by Aquatic Control Technology; received 8/10/2015.

Commissioner Berg-Powers asked if any reports had been received on how treatment went. Ms. Smith stated that they had not.

- d. MACC Membership Update; 8/14/2015

No comment.

- e. Turbidity sampling results for July 2015, by EcoTec, Inc.; received 8/ 17/ 2015.

No comment.

- f. Worcester Regional Airport – Vegetation Management Plan work status; received 8/20/2015.

No comment.

15. Greater Worcester Land Trust – Proposal to Preserve the Hicgo Lands (0 Tory Fort Lane, to the north of Canton Road) via a Conservation Partnership Grant application

Chair Wood stated that they had no update on this item.

16. Conservation Commission’s Policy on Compensatory Flood Storage ‘Banking’ – Proposed Draft

Ms. Smith stated that plan would still have the three year time frame and if that expires it would be up to the Commission whether they wanted to give applicant flexibility. Commission agreed that the expiration term of 3 years makes sense along with flexibility for a larger project to extend the term.

Chair Wood stated that she had concern that approval of an owner doing the banking would impact potential development or redevelopment on adjacent properties. Commissioner McKone stated that he didn’t think that would be problem if are they providing more storage rather than less. Also, the proposal is not retroactive.

Commissioner Amory asked if this was an incentive for holding extra land in a flood control situation and incentive to save land aside. Commissioner Charpentier stated no it so that future development isn’t considered on its own.

Ms. Smith stated that one concern that if during the three years of banking, FEMA maps change. Commission agreed that adding a provision that if FEMA maps change applicant has to show what they plan to do was a wise choice.

Draft will be revised and the Commission can vote on it at the next meeting. Commission can discuss if this will be a policy or regulations and then lay out the appropriate process.

17. Conservation Commission's Land Management Budget and Expenditures Information

Commission requested a color-coded map showing properties owned by the commission and other city entities, and a list of acreage of each property. Ms. Smith stated that she is working with other departments on budget information and will follow up with the Commission.

18. Issuance of Orders of Condition

a. 441 (aka 412, 414, 424 & 428) Massasoit Road (MBL 45-031-00002) (CC-2015-044) – Basin vegetation

Commission voted 5-0 to approve conditions as discussed

b. 80 William Street (aka 1 Roxbury Street) (MBL 02-047-00052) (CC-2015-046)

Commission voted to approve conditions as discussed 5-0

19. Signing of Decisions

ADJOURNMENT

Upon a motion by Commissioner Amory and seconded by Commissioner Berg-Powers the Commission voted 5-0 to adjourn the meeting at 8:06 p.m.