

**MINUTES OF THE PROCEEDINGS OF THE
CONSERVATION COMMISSION OF THE CITY OF WORCESTER
April 9, 2018
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

Conservation Commission Members Present: Joseph Charpentier, Chair
Christian Escobar, Vice Chair
Amanda Amory
Jordan Berg Powers (joined 5:44pm)
Peter McKone

Members Absent: None

Staff Present: Mia McDonald, Planning & Regulatory Services Division
Michelle Smith, Planning & Regulatory Services Division
Stephane Cherduville, Department of Public Works & Parks

Call to Order

The Chair called the meeting to order at 5:40 p.m.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

Item #2: 21 Paradox Drive, Notice of Intent (CC-2018-002)

Upon a motion by Commissioner Mckone and seconded by Commissioner Escobar the Commission voted 4-0 to continue the item until the May 21, 2018 Conservation Commission meeting.

Item #13 11 Nathaniel Drive, Notice of Intent (CC-2018-025)

Upon a motion by Commissioner Mckone and seconded by Commissioner Escobar the Commission voted 4-0 to postpone the item until the April 30, 2018 Conservation Commission meeting.

Item #15: 37 Sigel Street, Order of Conditions (CC-2015-059) Project Change Request

Upon a motion by Commissioner Mckone and seconded by Commissioner Escobar the Commission voted 4-0 to postpone the item until the April 30, 2018 Conservation Commission meeting.

Item #16a: 150 Blackstone River Road, Request for Certificate of Compliance (CC-2016-028 & CC-2017-035)

Upon a motion by Commissioner Mckone and seconded by Commissioner Escobar the Commission voted 4-0 to postpone the item until the April 30, 2018 Conservation Commission meeting.

Approval of Minutes

Upon a motion by Commissioner Mckone and seconded by Commissioner Escobar the Commission voted 5-0 to accept the minutes as written for the August 21, 2017 Conservation Commission meeting.

Unfinished Business - Public Hearings:

Item # 3: 26 Narragansett Avenue, 5 & 13 Keach Avenue (MBL 29-003-54-58, -00047, -45+46), and the Evelyn Street & Narragansett Avenue Right of Ways: Notice of Intent by Ten Realty, LLC (CC-2018-009)

Project: To construct 4 buildings (with a total of 12 dwelling units) and conduct improvements to the Narragansett Avenue and Evelyn Street Right of Ways, along with related site work, grading, paving, and drainage.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone (SPZ).

Kevin Quinn, of Quinn Engineering, presented the project updates, including a review of phased erosion control plans. Chair Charpentier asked for filter fabric to be placed on the inlet of the stormwater basin prior to construction. Commissioner McKone asked for additional details on the grading on Steele Street. Mr. Quinn responded that Steele Street shall be graded smooth, not paved. Chairman Charpentier and Commissioner Escobar expressed concern regarding the velocity and quantity of flow coming off the site and onto neighboring streets and properties, and asked for an additional catch basin to be installed at the base of Narragansett Avenue, before Evelyn Street. Mr. Quinn agreed to include an additional catch basin on the final revised plans.

Elizabeth O’Callahan, abutter from Victoria Ave, expressed concerns about wildlife habitat and increased flooding due to clear cutting at the site. Chair Charpentier stated that wildlife habitat in the presented context is outside of the Commission’s purview. Mr. Quinn responded that the clear cutting has caused an increase in velocity and overland flow, but noted the proposed design shall decrease flooding to neighboring properties once constructed.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 4-0 to close the public hearing. Orders of Conditions were discussed at the end of the meeting.

Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 4-0 (Commissioner Amory not voting due to the Mullin Rule) to issue an order of conditions, with all standard, or general, conditions and various special conditions outlined in the Order.

List of Exhibits:

- Exhibit A: 26 Narragansett Avenue and 5 & 13 Keach Avenue Notice of Intent application materials; submitted by Quinn Engineering; received January 26, 2018.
- Exhibit B: E-mail from Mia McDonald to Quinn Engineering re: 26 Narragansett Avenue and 5 & 13 Keach Avenue Notice of Intent; dated February 22, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 26 Narragansett Avenue; dated February 23, 2018.
- Exhibit D: Letter from Quinn Engineering re: 26 Narragansett Avenue/5&13 Keach Avenue response to staff comments; dated March 9, 2018.
- Exhibit E: E-mail from Mia McDonald to Quinn Engineering re: 26 Narragansett Avenue and 5 & 13 Keach Avenue Notice of Intent; dated March 15, 2018.
- Exhibit F: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 26 Narragansett Avenue/5&13 Keach Avenue; dated March 16, 2018.
- Exhibit G: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 26 Narragansett Avenue/5&13 Keach Avenue; dated April 6, 2018.

Item #4: 100 Fremont Street (MBL 27-022-00002): Notice of Intent by the Minichiello Brothers (CC-2018-011, DEP #349-1188)

Project: To construct a parking lot, along with associated site work and partially retroactive vegetation removal.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within riverfront area, buffer to bank and the stormwater protection zone (SPZ).

Frank Occhipinti, of Weston & Sampson Engineers, presented the project updates, including re-design of the bio-retention basin to be sited outside of the 25-foot riverfront area and provision of the operation and maintenance manual in the revised plans dated 4/9/2018. Chair Charpentier asked for clarification if approval was sought for the bio-retention basin design (option #2) or the subsurface infiltration unit (option #1). Mr. Occhipinti stated his client was seeking approval for option #2, the bio-retention basin plans. Chair Charpentier asked for confirmation from Mr. Cherduville of DPW&P that option #2 met City of Worcester standards. Mr. Cherduville confirmed that DPW&P had reviewed the plans and option #2 meets City standards.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 to close the public hearing. Orders of Conditions were discussed at the end of the meeting.

Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 4-0 (Commissioner Amory not voting due to the Mullin Rule) to issue an order of conditions for option #2, with all standard, or general, conditions and various special conditions outlined in the Order.

List of Exhibits:

Exhibit A: 100 Fremont Street Notice of Intent application materials; submitted by Weston & Sampson Engineers; received February, 2018.

Exhibit B: Email from MassDEP re: 100 Fremont Street; dated February 21, 2018.

Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 100 Fremont Street; dated February 23, 2018.

Exhibit D: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 100 Fremont Street; dated March 19, 2018.

Exhibit E: E-mail from Mia McDonald to Weston & Sampson Engineers re: 100 Fremont Street Avenue Notice of Intent; dated March 20, 2018.

Exhibit F: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 100 Fremont Street; dated April 6, 2018.

Item #5: 590 & 610 Southbridge Street and 4 Washburn Street (MBL 07-042-03+11; -00033; -0002): Notice of Intent by Branded Realty Group 2 LLC) (CC-2018-016, DEP #349-1189)

Project: To demolish the existing buildings, site improvements and to construct a convenience store with an automobile refueling station, along with related grading, paving, drainage and site work.

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – the proposal shall occur within bordering land subject to flooding.

Patrick Healy, of Thompson Liston Associates, presented project changes that were made to address staff comments on the project, including incorporation of flood mitigation measures, revised landscaping buffer, retaining wall and drainage connection details. Mr. Liston confirmed that the project's Licensed Site Professional had no concerns about contaminated soils inhibiting recharge on the site. Chair Charpentier asked Mr. Cherduville to confirm that the DPW&P comment regarding sanitary sewer connection would not prevent the Commission from closing the hearing and issuing an Order of Conditions. Mr. Cherduville confirmed that this comment could be satisfied after the closing of the hearing and addressed in a condition.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to close the public hearing. Orders of Conditions were discussed at the end of the meeting.

Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 4-0 (Commissioner Amory not voting due to the Mullin Rule) to issue an order of conditions, with all standard, or general, conditions and various special conditions outlined in the Order.

List of Exhibits:

- Exhibit A: 590 & 610 Southbridge Street and 4 Washburn Street Notice of Intent application materials; submitted by Thompspon-Liston Associates, Inc.; received February 26, 2018.
- Exhibit B: Email from MassDEP re: 590 Southbridge Street; dated March 15, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 590 Southbridge Street; dated March 16, 2018.
- Exhibit D: Supplemental Information submittal from Thompson-Liston Associates, Inc. re: 590 Southbridge Street; dated March 16, 2018.
- Exhibit E: Supplemental Information submittal (including revised plans) from Thompson-Liston Associates, Inc. re: 590 Southbridge Street; dated March 19, 2018.
- Exhibit F: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 590 Southbridge Street; dated April 6, 2018.
- Exhibit G: E-mail from Mia McDonald to Thompson-Liston Associates, Inc. re: 590 & 610 Southbridge Street Notice of Intent; dated April 6, 2018.

New Business:

Item #6: Florence Street Right-of-Way from Maywood Street to May Street: Request for Determination of Applicability by Massachusetts Electric Company d/b/a National Grid (CC-2018-019)

Project: To install approximately 2,250 linear feet of conduit, manholes and related site work.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance

Melissa Kaplan of BSC Group presented the project. Chair Charpentier asked for details on the BMPs implemented in the project. Ms. Kaplan responded that trenches would be covered overnight and silt sacks placed in all catch basins in the street and adjacent streets, anywhere sediment could reach; she noted that additional BMPs were included in the application materials. Commissioner Berg Powers asked about the project length and Ms. Kaplan responded it would be two to three months.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 5-0 to issue a negative determination with a waiver of the application requirement to submit a plan showing property lines with distances.

List of Exhibits:

- Exhibit A: Underground Electric Utiily Cable Installation Florence Street Request for Determination of Applicability application materials; submitted by BSC Group, Inc.; received March 20, 2018.
- Exhibit B: Email from Mia McDonald to Melissa Kaplan re: Florence Street ROW Request for Determination of Applicability application; dated April 2, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: Florence Street Right-of-Way; dated April 6, 2018.
- Exhibit D: Supplemental Information submittal from Melissa Kaplan of BSC Group re: Florence Street ROW; dated April 2, 2018.

Item # 7: 10 Lake Ave North (MBL 57-005-00002)(aka Quinsigamond State Park – Regatta Point): Request for Determination of Applicability by Massachusetts Department of Conservation and Recreation (CC-2018-021)

Project: To remove a concession stand structure and concrete slab and related site work.

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Paul Truax, Regional Engineer with the Massachusetts Department of Conservation and Recreation, presented the project. Chair Charpentier asked if the ground restoration would occur immediately. Mr. Truax stated that the area would be re-vegetated immediately, then once established, DCR staff would remove erosion controls.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commission voted 5-0 to issue a negative determination with a waiver of the application requirement to submit a plan showing property lines with distances and a waiver from providing a delineation of all resource areas and buffer zones.

List of Exhibits:

- Exhibit A: 10 Lake Ave North Request for Determination of Applicability application materials; submitted by the Massachusetts Department of Conservation & Recreation; received March 20, 2018.
- Exhibit B: Email from Mia McDonald to Paul Truax re: 10 Lake Ave North Request for Determination of Applicability application; dated March 26, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 10 Lake Ave North; dated April 6, 2018.
- Exhibit D: Supplemental Information submittal from Paul Truax of the Massachusetts Department of Conservation & Recreation re:10 Lake Ave North; dated April 9, 2018.

Agenda Item #9 was taken out of order because the applicant for Agenda Item #8 was not yet present.

Item #9: 73 (aka 75) Winfield Street (MBL 06-021-00018): Request for Determination of Applicability by Massachusetts Electric Company d/b/a National Grid (CC-2018-023)

Project: To conduct improvements to the existing electrical substation, including the installation of conduit, the replacement of a transformer and related site work.

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Dana Vesty, Environmental Scientist from Tighe & Bond, presented the project. Chair Charpentier asked about the removal of the existing structure and the condition of groundcover. Ms. Vesty responded that the material shall be trucked off site and the ground shall be graded to match existing gravel ground cover. Chair Charpentier asked for confirmation that there were no storm drain inlets within the work area. Ms. Vesty confirmed that the only drainage structure within the work area is a drain manhole. Commissioner Berg Powers asked if the concrete pad would be at a higher elevation than the existing pad. Ms. Vesty stated it would be the same elevation as it is currently.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 5-0 to issue a negative determination with a waiver of the application requirement to submit a plan showing property lines with distances and a waiver from providing a delineation of all resource areas and buffer zones.

List of Exhibits:

- Exhibit A: Winfield Station Improvements Project 73 Winfield Street Request for Determination of Applicability application materials; submitted by Tighe & Bond, Inc.; received March 21, 2018.
- Exhibit B: Email from Mia McDonald to Amanda Houle re: 73 Winfield Street Request for Determination of Applicability application; dated March 29, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 73 winfield Street Right-of-Way; dated April 6, 2018.

Exhibit D: Supplemental Information submittal from Amanda Houle of Tighe & Bond re: 73 Winfield Street; dated April 6, 2018.

Item # 8: 123 Lake Ave (MBL 17-001-00007): Request for Determination of Applicability by Richard A. Pascarelli (CC-2018-022)

Project: To construct an addition, adding a second story within the existing footprint to the existing dwelling and related site work.

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Richard Pascarelli, owner, presented the project. Chair Charpentier asked and Mr. Pascarelli confirmed that the deck is not being modified. Chairman Berg Powers requested adding a condition that erosion controls shall and construction fencing shall inspected prior to the beginning of work.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 5-0 to issue a negative determination with a waiver of the application requirement to submit a plan providing a delineation of all resource areas and buffer zones.

List of Exhibits:

Exhibit A: 123 Lake Ave Request for Determination of Applicability application materials; submitted by Richard A. Pascarelli; received March 26, 2018.

Exhibit B: Email from Mia McDonald to Richard Pascarelli re: 123 Lake Ave Request for Determination of Applicability application; dated March 26, 2018.

Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 123 Lake Ave; dated April 6, 2018.

Item #10: 135 Goddard Memorial Drive & 3 Coppage Drive (MBL-56-010-00002 & -INX-0000G): Notice of Intent by the TJX Companies, Inc. (CC-2018-018, DEP #349-1192)

Project: To reconfigure and expand the parking lots, including associated grading, drainage and paving, new lighting and related site work.

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Michael Andrade of Graves Engineering and Chris Simpson of TJX Companies presented the project. Mr. Andrade requested that DPW&P waive the requirement from the City Ordinance that storm runoff may not be discharged or directed into the right-of-way. He explained that the proposed discharge is less than 0.5 cubic feet per second in the hundred year storm and that the grading on the site is such that the flow will not reach the catch basin in Goddard Memorial Drive. Chair Charpentier asked about the ability of the basin at the southwesterly corner to recharge. Mr. Andrade stated that the basin shall be constructed in fill from the construction of the site and shall not provide any infiltration, just controlled exfiltration. Mr. Andrade stated there is no request for waiver of Section 4.2.4. of the City of Worcester Wetlands Protection Regulations as all structures have been removed from the 30-foot buffer to any resource areas.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to close the public hearing.

Orders of Conditions were discussed at the end of the meeting. Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 5-0 to issue an order of conditions, with all standard, or general, conditions and various special conditions outlined in the Order.

List of Exhibits:

Exhibit A: 135 Goddard Memorial Drive Notice of Intent application materials; submitted by Thomspson-Liston Associates, Inc.; received February 26, 2018.

- Exhibit B: Email from MassDEP re: 135 Goddard Memorial Drive; dated March 21, 2018.
- Exhibit C: Email from Michael Andrade of Graves Engineering re: 135 Goddard Memorial Drive response to MassDEP comments; dated March 29, 2018.
- Exhibit D: E-mail from Mia McDonald to Michael Andrade of Graves Engineering re: 135 Goddard Memorial Drive Notice of Intent; dated March 30, 2018.
- Exhibit E: Supplemental Information submittal (including revised plans) from Michael Andrade of Graves Engineering re: 135 Goddard Memorial Drive; dated April 4, 2018.
- Exhibit F: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission: re135 Goddard Memorial Drive; dated April 6, 2018.

Item #12: 170 Apricot Street (MBL-56-016-00013)(aka South High Community School & Sullivan Middle School Property): Notice of Intent by the City of Worcester Department of Public Works (CC-2018-024, DEP #349-1194)

Project: To construct the new South High Community School, associated drive, parking lots, athletic facilities and drainage, including eventual demolition of the existing high school and related site work.

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Jared Gentilucci and Matt Brassard of Nitsch Engineering, Eric Moore of Lamareaux-Pagano Architects, and Jamie Bloom of Fontaine Brothers Construction Management presented the project.

Commissioner McKone asked about work at Sullivan Middle School Fields. Jamie Bloom stated that work would begin summer of 2020 and would become part of these plans. Commissioner Berg Powers asked if these plans included final grades. Mr. Gentilucci stated that there are some grading changes as the project is still in the design phase but final grades will be included in final revised plans. Mr. Brassard stated that the Commission is being asked to approve the site enabling package and the final design documents shall be submitted prior to August; any changes will be submitted by project change request at that time. Commissioner Berg Powers asked about fencing. Mr. Gentilucci stated that there will be perimeter construction fence and siltation fencing along the resource areas; all grading will remain outside the 15-foot buffer and all permanent structures to be kept outside of 30-foot buffer.

Commissioner Berg Powers encouraged the project team to work with the school to encourage the students to participate in the rain gardens, etc. Mr. Moore stated that the project team is currently working with the school to initiate projects including art installations and fruit tree grafting, with hopes to continue working with the school on the rain gardens. Mr. Gentilucci stated that the rain gardens were situated at the front entrance to encourage interaction with the school population.

Commissioner McKone asked about the DEP file number and Mr. Gentilucci confirmed that there is no DEP file number and no comments. Commission Escobar asked for clarification of the jersey barrier divider along the construction driveway. Mr. Gentilucci stated that in the Phase 1A plan, the construction access road will have a jersey barrier with fence six to eight feet above to create a separation from the existing school access drive; the construction access road shall be paved to reduce dust and migration of sediment.

Chairman Charpentier asked for additional detail clarifying the condition of the existing outfalls and their capacity for accepting the design flows from the site. Commissioner Berg Powers seconded this concern about the condition of the existing outfalls.

Chairman Charpentier asked about access to build the retaining wall along the abutting conservation land. Mr. Gentilucci responded that the wall will be constructed from access within the site, not entering the Conservation Area; and there will be a fence along the area. Chairman Charpentier and Commissioner Berg Powers requested similar fencing along all resource areas.

The Commission requested the following information is addressed and submitted one week prior to the April 30 meeting:

1. Provide a narrative/plan to protect the adjacent resource areas during the flushing/cleaning of the subsurface drainage in the ballfield.
2. Provide details/plans showing the temporary construction fence and erosion controls shall be installed outside of the 15-foot no disturb buffer zone.
3. Provide additional information confirming the existing drainage connections are of adequate size and condition to support the proposed design.
4. If existing drainage structures are insufficient, then provide a plan to stabilize and/or improve them.
5. Provide additional permanent fencing along all resource areas. This may be conditioned and addressed in final revised plans.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to continue the public hearing to April 30.

Other Business:

Extension Permit Requests:

Item #14a: Order of Conditions for 222 Harrington Way (Ecotarium Ponds) (CC-2010-014; DEP #349-995)

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to extend the Order of Conditions for one year.

Item # 14b: Order of Conditions for Little Indian and Indian Lakes (herbicide/algaecide) (CC-2000-055; DEP #349-678)

Jacquelyn Burmeister of the City of Worcester DPW &P Lakes and Ponds Program requested the extension of the Order of Conditions as listed. Chairman Charpentier asked if this Order included the drawdown and mechanical harvesting. Ms. Burmeister stated that the drawdown is under a separate Order of Conditions, there is no permit for mechanical harvesting at Indian Lake or Little Indian Lake, and this Order only covers algaecide and herbicide treatment.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to extend the Order of Conditions for one year.

Item #14c: Order of Conditions for Salisbury Hill (fka 727 Salisbury Street) (CC-2001-071; DEP #349-721)

Scott Goddard of Goddard Consulting presented the request. Mr. Goddard requested an additional 3-day extension to May 21 to allow the engineer to review the plans and conduct a site visit. Chairman Charpentier stated that revised plans must be submitted at least one week prior to the meeting.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 (Commissioner Berg Powers against) to extend the Order of Conditions to May 21, 2018.

Item #14d. & Agenda Item 18d: Order of Conditions for 100 (fka) Goldthwaite Road (aka White Birch Commons (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)

Chuck Scott of CFS Engineering stated that slope stabilization and hydroseeding would be completed in May while construction is continuing with paving of Phase 5 upcoming. Chairman Charpentier asked if the information required is up-to-date. Ms. Smith responded that most monitoring reports have been submitted, but were not up-to-date; as-built plans were received at meeting, but not stamped, and the wetland crossing had not been certified by a professional wetland scientist as having had no resource area impacts.

Chairman Charpentier stated that he visited the site and observed the stream crossing is very close to the stream channel and that silt was being discharged out of the basin into an upland area. Mr. Scott stated that the basin is being pumped to an area that flocculent can be added, and then discharged to upland. Chairman Charpentier asked for the sedimentation basins and line to be cleaned and maintained as per the order of conditions and asked for staff to confirm that the discharge to upland areas was allowable by law.

Chairman Charpentier stated he observed many slopes were still “open” and urged for stabilization as soon as possible and maintenance of erosion controls at the toe of the un-stabilized slopes.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to extend the Order of Conditions to May 21.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to amend the enforcement order to include a new timeline for submittal of certification that the wetland crossing has no impact to the resource area and as-built plan stamped by a professional engineer by May 21 and reduce submission of the monitoring reports to monthly.

Item #14e: Order of Conditions for 0 Sarah Drive (Arboretum Phase IV) (CC-2009-042/CC-2015-033; DEP #349-979) & Item 18a: Arboretum Village (CC-EO-2016-002; CC-2009-042; DEP #349-979)

Scott Morrison of EcoTec, Inc. presented the current condition of the project, including the existing temporary basins; only one house is left to be constructed prior to the alteration of the temporary stormwater basins; the project must return to the Commission before making an alteration to the temporary stormwater basins. Mr. Morrison anticipates returning to the Commission within a few months with a new erosion control plan.

Chair Charpentier asked for clarification on what was being extended. Ms. Smith stated that there is an amended order dictating means and methods for the stabilization of slope A and construction of units atop. The original order from 2009 is the governing other activities at the site. Commissioner Berg Powers asked about surge of TSS in reporting, as well as condition of slope B. Mr. Morrison stated that slope B was still being monitored and spikes in turbidity were a result of runoff from steep road slopes containing sand and salt from winter road treatments.

Chairman Charpentier reported observations from a site visit: Bittersweet Boulevard is constructed to Indigo and Snowberry Circles, and there are three temporary stormwater basins to the east that discharge after a filtration train to the end of Bittersweet Boulevard.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 5-0 to extend the Order of Conditions for one year.

Item #11: 72 James Street (MBL-28-031-00008)(aka 239 Ludlow Street): Notice of Intent by Michael Eacho, American Towers, LLC (CC-2018-020, DEP #349-1193)

Project: To construct a telecommunications facility, including installation of a mono-pole, driveway, fencing, concrete foundation, transformer and related site work and to request a waiver of the requirements of performance standard 4.2.4. of the City of Worcester Wetlands Protection Regulations.

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Thomas Liddy, Engineer from Lucas Environmental, LLC, and Jesse Moreno, Engineer from ProTerra Design Group, LLC, presented the project and submitted revised plans at the meeting. Mr. Liddy stated that the project proposes a riprap apron and outlet within the 30-foot no-structure zone.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to close the public hearing. Orders of Conditions were discussed at the end of the meeting.

Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 5-0 to issue an order of conditions with a waiver of the requirements of performance standard 4.2.4. of the City of Worcester Wetlands Protection Regulations to maintain the existing drainage patterns and prevent hazardous conditions within the adjacent roadway, with all standard, or general, conditions and various special conditions outlined in the Order.

List of Exhibits:

Exhibit A: 72 James Street Notice of Intent application materials; submitted by Lucas Environmental, LLC.; received March 21, 2018.

- Exhibit B: E-mail from Mia McDonald to Thomas Liddy Engineer from Lucas Environmental, LLC re: 72 James Street Notice of Intent; dated April 2, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission: 72 James Street; dated April 6, 2018.
- Exhibit D: Email from MassDEP re: 72 James Street; dated April 9, 2018.
- Exhibit E: Supplemental Information submittal (including revised plans) from Michael Andrade of Graves Engineering re: 135 Goddard Memorial Drive Avenue; dated April 5, 2018.

Other Business:

Item 14f: Order of Conditions for Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane (fka Paradise Point)) (CC-2007-025; DEP #349-931; CC-EO-2017-009; UAO-CE-18-6W001) & **Item 18g.: Country Club Acres** (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane (fka Paradise Point)) (CC-2007-025; DEP #349-931; CC-EO-2017-009; UAO-CE-18-6W001)

Item 14f and item 18g were taken contemporaneously.

Andrew Liston of Thompson-Liston Associates presented with Farooq Ansari, owner, requesting a one year extension. Ms. Smith summarized the Administrative Consent Order with Penalty (ACOP) from MassDEP and noted that while the order includes many requirements, it does not prohibit the project from proceeding.

Mr. Liston submitted a new stamped stormwater checklist and a copy of the current SWPPP.

Kate Wells, resident abutter, asked the Commission to discuss a tree that had fallen on her property and if the owner has permission to remove the tree. The Commission viewed photos submitted by Ms. Wells and determined that any part of the tree within the limit of work, as delineated by the siltation fence, could not be removed, but that the tree debris can be removed from the nearby lawned area.

Upon a motion by Commissioner Escobar and seconded by Commissioner Berg Powers, the Commission voted 5-0 to extend the Order of Conditions to April 30, 2018 to allow staff to review the new information to confirm that the project meets current stormwater standards.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 5-0 to amend the enforcement order to be consistent with the ACOP from MassDEP, specifically the requirement to cease and desist is removed and add wording consistent with phasing (only one phase opened at a time) and restoration requirements in ACOP, requiring environmental monitoring reports to be submitted every week or after ¼-inch rain event, with the credentials of the environmental monitor remain, and removal of items that have been satisfied.

Project Change Requests (Determination of Significance and Subsequent Action)

Item #15a: Order of Conditions for 37 Sigel Street (CC-2015-059; DEP #349-1119)

Postponed as noted above.

Item #15b.: Order of Conditions for Southerly part of 45 Crawford St. (aka 0 or 8, 10, & 12 Hazel St.) (CC-2017-081)

The Commission discussed the plans received and requested the following information by Tuesday, April 24:

1. Certification from a professional engineer that all deviations from the approved plans (including but not limited to the grading and retaining walls constructed on the site,) have not changed the existing drainage patterns, and
2. An inspection of the subsurface infiltration units, as required by condition #32 of the order of conditions:

“Infiltration Unit Inspection - Prior to back-filling, the applicant shall request and have conducted an inspection by the Commission or its Agents in order to verify the installation of the infiltration unit was conducted in a manner consistent with that provided on the approved plans.”

If proof cannot be provided, the Commission required that the units are excavated sufficiently to be inspected by one of its agents.

3. A revised as-built plan showing the connections of the infiltration units as approved.

Chairman Charpentier asked that if the information is not received that enforcement action is issued to cease and desist all activity on the site.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to continue the project change request to the April 30 meeting.

Item #17: Informal Discussion: 80 Institute Road (WPI)(CC-2016-037) – Proposed Walkway

Jared Gentilucci from Nitsch Engineering represented the project at WPI: the Foise Innovation Studio. Walkway to connect the back of the building to adjacent area was proposed in original filing and stormwater calculations, but no information in that filing on erosion controls in that area. Limit of work is decreased, with a possible increase of 250 square foot increase in impervious area on the walkway.

Chairman Charpentier stated that he supported the change to be submitted as a request for insignificant project change and other Commissioners concurred.

Requests for Certificate of Compliance

Item #16a: 150 Blackstone River Road (CC-2016-028; CC-2017-035; DEP #349-1137)

Postponed as noted above.

Item #16b: 42 (fka 40), 20 & 0 (aka 30) Quinsigamond Avenue (CC-2017-018; CC-2016-029; CC-2016-013; DEP #349-1127)

Ms. Smith summarized the request resulting in a net gain of flood storage at the project site; while the exact amounts of such gains had not been quantified, a professional engineer would supply these. The site stabilization plan had been submitted and work is to proceed under a new order of conditions voted at the April 9 meeting of the Commission. Mr. Cherduville said the site has been stable for months.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 5-0 to issue the Certificate of Compliance.

Enforcement Order Updates

Item #18a. Arboretum Village (CC-EO-2016-002; CC-2009-042; DEP #349-979)

- i. Correspondence regarding turbidity and environmental monitoring activities for Arboretum Village (CC-EO-2016-002; CC-2009-042; DEP #349-979); from EcoTec, Inc.; from various dates including 10/30/2018.

Item #18b. 128 Alvarado Avenue (CC-2008-045 & CC-2017-017; DEP #349-963; CC-EO-2016-004)

No update.

Item #18c. 21 (aka 29) Quaboag Street (CC-2017-009; DEP #349-1157; CC-EO-2016-005)

No update.

Item #18d. 100 (fka 72) Goldthwaite Road (aka White Birch Commons (fka 72 Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001) – as noted above.

Item #18e. 9 Luther Avenue (and abutting portions of the Toronita Avenue and Luther Avenue ROWs) (CC-EO-2017-002)

No update.

Item #18f. 21 Paradox Drive (CC-2018-002; CC-EO-2017-004)

i. Correspondence from Raymond Sansoucy (dated 3/20/2018); received 3/21/2018.

The Commission discussed a letter received from Mr. Sansoucy and neighbor, Amy Scott. Chair Charpentier stated that the condition of the buffer zone before the alterations is unclear. The Commission read both letters and stated that they would still expect a restoration plan to be submitted for the Commission's May 21, 2018 meeting.

Item #18g. Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane (fka Paradise Point)) (CC-2007-025; DEP #349-931; CC-EO-2017-009; UAO-CE-18-6W001)

As noted in item 14f, above.

Item #18h. 93 Chicopee Street (CC-EO-2018-001)

Commissioners discussed the fence within the stream and confirmed that the enforcement order required the removal of the fence immediately from the water. None of the commissioners visited the site, but agreed to allow the footbridge to remain. The Commissioners also agreed to allow the fence to be placed along the edge of the footbridge.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commission voted 5-0 to make Mr. Cherduville and Mrs. McDonald agents of the Commission.

Communications

Item #19a. Email re: Southerly part of 45 Crawford St. (aka 0 or 8, 10, & 12 Hazel St.) (CC-2017-081) site conditions; from Bob Bilodeau; received 2/23/2018.

Item #19b. Invitation to the 2018 Volunteer Recognition Ceremony (4/10/2018); from the Worcester City Manager's Office; received 3/22/2018.

Item #19c. Letter re: ALB tree removal at 0 Penobscot Street; from ALB Cooperative Eradication Program; received 3/26/2018.

Item #19d. Invitation to Regional Quarterly Wetland Forums (4/21/2018); from MACC; received 3/29/2018.

No comments.

Item # 20: Land Management/Acquisition Updates

No updates.

Item #21: Discussion of Special Conditions and Issuance of Orders of Conditions

Orders of Conditions were discussed and issued, as noted in-line above.

Item # 22: Signing of Decisions

Decisions were signed for the following projects:

- Negative Determination of Applicability for Florence Street Right of Way from Maywood Street to May Street (CC-2018-019)
- Negative Determination of Applicability for 10 Lake Ave North (CC-2018-021)
- Negative Determination of Applicability for 123 Lake Ave (CC-2018-022)
- Negative Determination of Applicability for 73 (aka 75) Winfield Street (CC-2018-023)

- Order of Conditions for 26 Narragansett Avenue, 5 & 13 Keach Avenue and the Evelyn Street and Narragansett Avenue Right of Ways (CC-2018-009)
- Order of Conditions for 100 Fremont Street (CC-2018-011)
- Order of Conditions for 590 & 610 Southbridge Street and 4 Washburn Street (CC-2018-016)
- Order of Conditions for 135 Goddard Memorial Drive and 3 Coppage Drive (CC-2018-018)
- Order of Conditions for 72 James Street (CC-2018-020)

Adjournment

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory, the Commission voted 5-0 to adjourn at 10:53 P.M.