



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

Monday March 28, 2022

Worcester City Hall - Levi Lincoln Chamber,
with remote participation options available via Webex online at
<https://cow.webex.com/meet/conservationcommissionwebex> and
call-in number 415-655-0001 (Access Code: 1609734358).

Commissioners Present: Joseph Charpentier, Chair
Devin Canton, Vice Chair – *Participated remotely*
Sarah French – *Participated remotely*

Commissioners Absent: Amanda Amory

Staff Present: Eric Flint, Division of Planning & Regulatory Services (DPRS)
Michelle Smith, DPRS – *Participated remotely*
Stephen Rolle, DPRS – *Participated remotely for a portion of the meeting*

Call to Order

Chair Charpentier called the meeting to order at approximately 5:30 p.m.

Requests for Continuances, Extensions, Postponements, and Withdrawals

4) White Birch Village (fka Burncoat Gardens) or 34, 36, 44, 46, and 49-80 Goldthwaite Road (aka Phases 2 & 3) and areas east of Cherry Blossom Circle, Paper Birch Path & Sourwood Circle (aka Phase V) – Notice of Intent (CC-2021-015 & DEP#349-1320)

Request to Continue to 4/25/2022

Request to Extend the Constructive Grant Deadline to 5/17/2022

5) 0 Meadow Lane/Pleasant Street (aka 14 Meadow Lane) – Notice of Intent (CC-2022-009 & DEP#349-1316)

Request to Continue to 4/25/2022

Request to Extend the Constructive Grant Deadline to 5/17/2022

6) 1 & 2 Rice Street (aka Worcester Country Club) – Notice of Intent (CC-2022-013 & DEP#349-1317)

Request to Continue to 4/25/2022

Request to Extend the Constructive Grant Deadline to 5/17/2022

Eric Flint read the requests for continuation and postponement into the record.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to grant the postponements and continuations.

Old Business

1) 75 Quinsigamond Avenue (CC-2021-055; DEP#349-1310) – Notice of Intent

Mark Donahue, Attorney for the applicant reviewed the Special Permit obtained from the Zoning Board of Appeals and provided an overview of the work.

Randy Miron, Bohler Engineering reviewed the proposed plan and a determination regarding the use of calculations for existing condition flood storage capacity that were based on the conditions on site at the time the JJ Nissan building was in place. He noted that there was an increase of +/- 2,000 CF of flood storage capacity over conditions in 2012, and that impervious coverage was to be decreased by 6,000 SF from existing conditions.

Mr. Miron addressed a list of staff comments one by one, and noted that a signed & stamped checklist and signed illicit discharge statement could be provided as requested. He noted that smaller items such as light posts were not included as fill in the storage calculations, but that these would be insignificant in comparison to the storage being created.

Commissioner Canton requested a review of sequencing of construction activities, related to priority for opening certain activities first. Mr. Miron reviewed the proposed work to remove existing surface first, and then begin excavation.

Commissioner French noted concerns about the use of underground storage tanks, and the potential for gas to get into the downgradient river. Mark Smith, CMG Engineering Services, reviewed the safety features of the proposed tank, highlighting the modern double wall system.

Mr. Miron noted that grooves in the concrete area surrounding the gas tank were proposed to prevent migration of contaminants. He further described several different components of the stormwater management system.

Jordan Berg Powers, resident and ZBA member, noted concerns regarding the impact of having a gas station within the floodplain. He noted that the area faces increasing flooding that is continuing to get worse due to climate change. He highlighted the history of the site as a brownfield, and noted that the City made a significant effort to clean it up, asserting that it would be a mistake to allow a gas station now. He reviewed additional concerns related to daily spillage of contaminants, and implored the Commission to deny the work.

Mr. Donahue noted that a Supermajority of the Zoning Board of Appeals approved this location for this use, requested that the Commission focus solely on jurisdictional issues related to the floodplain, and noted disagreement with that the assertion that the proposed use of the site would create a brownfield.

Upon request from Chair Charpentier, Gary Magnusson, Environmental Specialist, reviewed the history of the site in regards to contaminated soils on the site, highlighted that all remediation work had been appropriately addressed, and noted that there are no known contaminated soils currently on site.

Commissioner Canton questioned whether there was any possibility to further elevate portions of the site to bring it as high as possible. Mr. Miron noted that the design was constrained by elevations of the street and by the need to maintain flood storage capacity.

After Commissioner French indicated her intention to vote to deny, and upon request from Chair Charpentier, Michelle Smith provided information regarding procedure, noting that the three Commissioners present at the meeting would be the only ones eligible to vote going forward if the hearing were to be continued.

Commissioner Canton asks for confirmation that the applicant has met all obligations under the regulations. Ms. Smith provides additional information regarding the specifics of the performance standards for Bordering Land Subject to Flooding as it relates to this site and project, and the requirement to meet the Storm Water Standards to the maximum extent practicable as a redevelopment project.

Chair Charpentier notes that his biggest concern about the project is how the stormwater system keeps contaminants on site in the event of a flood, and asks the applicant if it is possible to keep the contaminants contained in a flood event. Mr. Miron notes that some additional research would be needed in order to provide an answer to the question.

Mr. Flint listed the outstanding information that had been discussed to that point, noted that concerns regarding quorum at a future meeting had been raised, and asked whether the Commission would consider asking the applicant if they would want to withdraw their application and resubmit once the additional information had been prepared for the Commission. Mr. Donahue requested that the Commission vote to close and vote to issue a decision.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to close the public hearing and issue an Order of Conditions denying the proposed work for insufficient information.

New Business

2) 0 & 115 Northeast Cutoff & 0 (aka 300) Clark Street) (CC-2022-014) – Request for Determination of Applicability

Amy DeSantis, Geosyntec Consultants, reviewed the proposed work, and noted the use of hand-tools only and identified the negligible, temporary impacts associated with the work needed to monitor water quality. Mr. Flint indicated on-going legal agreement to get access to the site and suggested a condition that the work be performed with hand tools.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to issue a Negative Determination with conditions.

2) 575 (aka 567) Park Avenue (CC-2022-016) – Request for Determination of Applicability

Chris Cantin, MetroWest Engineering, Inc., reviewed the proposed work to conduct 4" wide test borings and 3' x 7' x 10' test pits, and noted that the locations were chosen so as to avoid disturbing existing paved areas on the site.

Chair Charpentier voiced concerns regarding digging a large hole less than 3' from a wetland resource area, and noted that work that close typically requires the filing of a Notice of Intent. Mr. Cantin noted that it would be possible to relocate the test pits, but that disturbing existing pavement and repaving would lead to a longer timeframe for site disturbance.

In response to a question from Commissioner Canton, Mr. Cantin confirmed that test holes would be filled within the same day if outside existing pavement and two days if within to allow for sawcutting & repaving. Chair Charpentier requested erosion & sedimentation control downgradient of the hole locations.

Mr. Flint suggested that conditions of approval include the relocation of one test pit (DTH-2), implementation of erosion & sedimentation controls, and confirmation of no grade change through before & after photos and pre/post elevation information.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to issue a Negative Determination with conditions.

7) 66 Tory Fort Lane (CC-2022-015 & DEP#349-1318) – Notice of Intent

Prior to opening the hearing, Scott Morrison, EcoTec Inc., requested that the hearing be postponed without testimony to the next meeting.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to postpone the hearing to the 4/25/22 meeting.

8) 48 Northboro Street (CC-2022-017) – Notice of Intent

Zac Couture, HS&T Group, Inc. reviewed the project to construct two duplexes within the Stormwater Protection Zone, he reviewed sequencing (both structures proposed concurrently) and noted unsuitable material in the soil and high groundwater precluding infiltration. The overflow is proposed to connect into the drainage system.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to close the public hearing.

Upon request from Chair Charpentier, Mr. Flint reviewed Staff recommended Conditions of Approval.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to issue the Order of Conditions with the conditions as discussed.

Other Business

9) Project Change Requests

a. Malden Woods, Whippoorwill Drive & Castine Street (CC-2019-074 & DEP#349-1266)

Scott Morrison reviewed Condition #55, which requires sampling after .5" rain events unless modified by the Commission, and requested that monitoring for events be increased to 1" given current documentation provided regarding turbidity levels.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to approve the project change request.

b. Assumption, 500 Salisbury Street (CC-2021-049 & DEP#349-1308 / CC-2020-073)

Carl Hultgren Quinn Engineering, and Mark Novak, Activitas, reviewed the proposed changes that would affect two active projects under separate Orders of Conditions. The changes called for an expansion of the approved synthetic turf field and reduction in parking, resulting in further reduction of impervious area.

Mr. Charpentier requested confirmation that the field drains to infiltration system headwall near the wetland and inquired about slope steepness. Mr. Novak confirmed, and reviewed drainage patterns, the location of the outfall, and confirmed slope grade.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to approve the project change request.

c. Southwest Cutoff (aka Rt. 20) Right-of-Way (CC-2019-028 & DEP#349-1247)

Ray Willis, On-site Engineering, for the Town of Auburn, reviewed Condition #25 of the Order of Conditions, that required that work may be no closer to the wetland than 10'. He stated that the intent was to keep the work as far away as possible, but that it was stated at the prior meeting that it could come as close as within 5'.

Mr. Charpentier reviewed that the 10' requirement was not specifically discussed at the meeting when the Order of Conditions was issued. He noted that the commission granted a waiver for work in the 15' buffer and that the language in question appeared to be a scrivener's error.

Mr. Flint highlighted that the proposed work also now includes the uncovering of an existing manhole cover. Mr. Willis that this would allow for blockages to be cleared, among other maintenance, highlighting environmental benefits associated with its utility.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to interpret Condition #25 as fulfilled by the plans submitted, as consistent with the Order of Conditions as voted.

Other Business

10) Requests for Certificates of Compliance

a. 37 Honeysuckle Road (CC-2006-059 & DEP#349-906)

b. 37 Honeysuckle Road (CC-2010-010 & DEP#349-993)

Items 10 a&b were taken concurrently.

Mr. Flint reviewed the projects and requests for partial Certificates of Compliance.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to issue a partial Certificate of Compliance for each request.

c. 16 Bullard Avenue (CC-2017-085)

Mr. Flint reviewed the request, and noted that no issues were found at the site visit.

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to issue a Certificate of Compliance.

11) Requests for Extensions of Time

a. 90 Barber Avenue (CC-2017-075 & DEP#349-1175)

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to table the discussion to the next meeting without discussion.

12) Enforcement Order and Violation Updates

a. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)

b. 217 Lake Avenue (CC-EO-2020-004)

c. 449 Massasoit Road (CC-EO-2020-006)

d. Across from 133 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Dominion Road & Belcourt Road) and Lake Quinsigamond (CC-EO-2020-007)

e. Across from 175 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Belcourt Road & Sonoma Drive) and Lake Quinsigamond (CC-EO-2020-008)

f. 99 Wildwood Avenue (CC-EO-2020-009)

g. 166 Moreland Street (CC-EO-2020-011)

h. 522 Grove Street (CC-EO-2020-014)

i. 0 Myrick Avenue (CC-EO-2020-015)

Mr. Flint noted that the wetlands had been flagged and that a new Notice of Intent is expected in the coming months.

j. Modoc Street (CC-EO-2021-001)

k. 75 Harrington (CC-EO-2021-003)

l. 40 June Street Terrace (CC-EO-2021-004)

m. 12 AKA 0 Balis Avenue (CC-EO-2021-005)

n. 1087-1089 Millbury Street and 18 Leland Street (CC-EO-2021-006)

o. 269 James Street (CC-EO-2021-007)

p. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)

q. 0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)

Allen Cutler, Apex Companies LLC on behalf of Walmart, provided an update on the preparation of a restoration plan, which is expected to be implemented this year.

r. Providence & Worcester Railroad (0 Tobias Boland Way)

There was no discussion of Items 12 a-h or j-p.

13. Duplicate Signature Pages

a. Rustic Avenue Extension – Certificate of Compliance (CC-2000-058)

On a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to issue the duplicate signature page.

14. Communications

a. Status Update Regarding 189 May Street; from Patrick Healy, P.E.

b. Salisbury Hill Stormwater System Monitoring; from Capital Group Properties

There was no discussion of Items 20 a-b.

15. Approval of Minutes

Held to the next meeting.

16. Policies and Procedures

Adjournment

At approximately 8:19 pm, on a motion by Commissioner Canton, seconded by Commissioner French, the Commission voted 3-0 by a roll call (with Commissioner Amory absent) to adjourn.