



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

Monday May 16, 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
Amanda Amory – *Participated remotely*
Devin Canton, Vice Chair – *Participated remotely*
Lindsay Nystrom
Miranda Hotham – *Participated remotely (arrived late)*

Commissioners Absent:

Staff Present: Eric Flint, Division of Planning & Regulatory Services (DPRS)
Michelle Smith, DPRS – *Participated remotely*

Call to Order

Chair Charpentier called the meeting to order at approximately 5:35 p.m.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- 2) **9 Dalton Street – Notice of Intent (CC- 2022-001)**
Request to Continue to 6/27/2022
Request to Extend the Constructive Grant Deadline to 7/19/2022
- 3) **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) (CC-2022-008; DEP#349-1320) – Notice of Intent**
Request to Postpone to 6/6/2022
Request to Extend the Constructive Grant Deadline to 6/28/2022
- 7) **Park Avenue Right-of-Way – Request for Determination of Applicability (CC- 2022-030)**
Request to Postpone to 6/6/2022
Request to Extend the Constructive Grant Deadline to 6/28/2022
- 10) **248 & 258 Mill Street – Notice of Intent (CC-2022-020 & DEP#349-1323)**
Request to Postpone to 6/6/2022
Request to Extend the Constructive Grant Deadline to 6/28/2022

12) 490 Shrewsbury Street – Notice of Intent (CC-2022-025)

Request to Continue to 6/27/2022

Request to Extend the Constructive Grant Deadline to 7/19/2022

15) 0, 9, & 19 Hemans Street, 7 Hemans Court, and 40 & 40R Milton Street – Notice of Intent (CC-2022-025)

Request to Postpone to 6/6/2022

Request to Extend the Constructive Grant Deadline to 6/28/2022

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to postpone/continue the items noted to the dates noted.

Old Business

1) 34-52 (aka Lots 101-122) Modoc Street Extension Subdivision – Request for Amended Order of Conditions (CC-2021-062, CC-2018-055 & DEP #349-1210)

Joe Graham, on behalf of the applicant, St. Anthony Realty, LLC patriating remotely, reviewed that the project was continued to allow for the Planning Board hearing and that the modifications involved increase in a footprint of the structures and additional infiltration provided on the individual lots.

Chair Charpentier requested a review of the changes in stormwater system design. Don O’Neil, counsel for the applicant, participating remotely, summarized the changes and provided additional detail regarding the permitting process with the Conservation Commission and Planning Board. Attorney O’Neil highlighted that there is no change to the road or detention basin, but that the infiltration systems had changed on the lots and were not increased as they were previously designed to be oversized.

There were no comments from the public.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 3-0 to close the public hearing, with Commissioner Nystrom unable to vote due to the Mullin Rule.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 3-0 to Amend the Order of Conditions with staff recommended conditions, with Commissioner Nystrom unable to vote due to the Mullin Rule.

Took Item 20j out of order for the same address, upon a motion from Commissioner Canton, seconded by Commissioner Amory, the Commission voted 4-0 to lift upon the recording of the amended Order of Conditions.

New Business

4) 7 Hemlock Street (CC-2022-026) – Request for Determination of Applicability

James Welsh the applicant, reviewed the proposed removal of 2 trees located 38’ and 50’ from the edge of Coes Pond, with the stumps to remain in place.

Chair Charpentier asked about other landscaping changes proposed and expressed concerns about ground stabilization if stumps were to be removed.

Commissioner Canton requested information about the means for removal. The applicant indicated that a crane would be used to remove the tree, no heavy machinery to be located in the 100' buffer as the crane would be staged in Hemlock Street.

There were no comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 4-0 to issue a negative determination of applicability.

5) 633 (aka 645) Park Avenue (CC-2022-028) – Request for Determination of Applicability

Patrick Healey, of Thompson Liston Associated, participating remotely, reviewed the proposed work to install a concrete curb just outside of the floodplain within the Stormwater Protection Zone. Inlet protection and compost tubes were proposed for erosion and sedimentation control.

Commissioner Canton questioned how stockpiling would occur. Mr. Healey indicated that material will be live-loaded and that only small stockpiles of stone would be needed and noted the minimal area to be exposed, and that a portion is covered by a canopy along the front of the structure.

Commissioner Charpentier requested information about the project duration. Mr. Healy indicated the project would take about 1 week to complete.

There were no comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 4-0 to issue a negative determination of applicability.

6) 8 Winter Hill Drive (CC-2022-029) – Request for Determination of Applicability

Casey Freeman, the property owner, indicated that he had a pool constructed a few years ago and that they would like to install a deck just over 60' away from the stream abutting the property. He indicated that the existing deck on-proposed pool and deck were retroactive, with the pool approved by the building department and the deck in process.

Mr. Flint indicated that MassDEP did provide comments regarding concerns about historic encroachments toward the wetland. He indicated that staff reviewed the limits of the 15' and 30' buffers and that staff had observed grass clippings in the stream and discussed the regulations with the owner. The applicant affirmed that they understood the regulations.

There were no comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 4-0 to issue a negative determination of applicability.

8) Webster Street, Cambridge Street & Illinois Street (CC-2022-033) – Request for Determination of Applicability

Carolyn Gorss, BSC Group, on behalf of Massachusetts Electric Company, reviewed the proposal to rebuild two manhole chimneys and conduct other utility maintenance work. Ms. Gorss noted that a portion of the

work was located within the 100' buffer to the bank of the Middle River, Bordering Land Subject to Flooding, and the local Stormwater Protection Zone. Ms. Gorss noted that the work would be exempt under the Wetlands Protection Act for maintenance of utility services, and that best management practices would be implemented to control erosion and sedimentation during the work.

Commissioner Canton requested information as to how catch basins would be protected during the work, Ms. Gorss responded that silt sacks would be installed.

Chair Charpentier requested the applicant describe the duration of the work and how exposed soils would be handled. Mr. Gorss noted that the scope of work would take more than one day but that the work areas would be stabilized at the end of each working day.

There were no comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 4-0 to issue a negative determination of applicability.

9) 66 Tory Fort Lane (CC-2022-015 & DEP#349-1318) – Notice of Intent

Scott Morrison, EcoTec, on behalf of the applicant, Sparhawk Realty, reviewed the proposal to pave the existing private way/driveway and extend the way to include asphalt grindings up to the existing gate. Mr. Morrison noted that signage is also proposed, which would be installed in collaboration with Greater Worcester Land Trust.

Chair Charpentier requested that the applicant clarify why the as-built plan reflects asphalt and how the edge of pavement and limit of tailings would be field located during construction. Mr. Morrison indicated that the as-built site plan was modified to depict the proposed work and that the plan title was not adjusted. Mr. Morrison noted that the road/driveway is presently gravel, proposed to be paved and that the area could be staked.

Chair Charpentier requested to see the proposed re-grading that there would be no curbing and the pitch of the pavement. Mr. Morrison indicated regrading would be a matter of inches and it would be difficult to show on a plan but that it would be pitched to the north and there would be no curbing to allow for sheet-flow.

Mr. Flint noted the need for a Ch. 12 Sec. 12 filing, expressed concerns related to snow plowing and storage, as well as the proximity of the work to the wetlands.

There were no comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 4-0 to close the public hearing.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 4-0 to issue an Order of Conditions with conditions of approval as discussed.

Commissioner Miranda Hotham joined the meeting.

11) 11, & 15B Havana Road, 14 & 15 Cuba Road, 23 Curtis Street, 72 James Street, 221 Ludlow Street, 32 Genesee Street, 1 Heard Street, 2 Spencer Street, and 50 Webster Street (CC-2022-022; DEP#349-1319) – Notice of Intent

Erika Jipson, TRC, on behalf of New England Power Company, reviewed the proposed transmission line upgrades. Ms. Jipson noted that the proposed activities are exempt under the Massachusetts Wetlands Protection Act, but that the replacement of one of the structures fell under the jurisdiction of the local Wetlands Protection Ordinance. The work is to occur within the Bordering Land Subject to Flooding and within the 100' buffer zone to a wetland. Impacts were noted as temporary, and Ms. Jipson noted that the disturbed areas would be seeded and returned to existing conditions at the conclusion of the work.

Commissioner Canton asked for additional information regarding the expected duration of the work. Ms. Jipson replied that it will last a couple of months.

Mr. Flint noted staff concerns about the potential for fill within the floodplain during the installation of the pads for the work envelopes but suggested that before and after photos would likely be sufficient to confirm existing grades were maintained in lieu of a topographic plan. Ms. Jipson confirmed Mr. Flint's understanding that no gravel was to be laid down during the installation of the work pads.

There were no comments from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 5-0 to close the public hearing.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 5-0 to issue an Order of Conditions with conditions of approval as recommended by staff.

13) 500 Salisbury Street & 64 Nelson Place (CC-2022-027 & DEP # 349-1322) – Notice of Intent

Scott Morrison, EcoTec, and Carl Hultgren, Quinn Engineering, on behalf of Assumption University, the applicant, reviewed the proposed project to construct surface parking lots behind Authier Hall, installation of stormwater management systems, regrading, and other related site work. Mr. Morrison reviewed the delineated wetland resource areas, and the proposed erosion & sedimentation controls proposed to protect them during the work.

Mr. Hultgren reviewed the proposed stormwater management improvements and reviewed the permitting history of several adjacent projects.

Chair Charpentier questioned the classification of the project as a redevelopment, noting that while impervious cover was decreased across a large area, that there was an increase in impervious within the limits of the site for which the current application covers. Mr. Hultgren notes that a revised stormwater report could be provided that considers only the portion of work included in this Notice of Intent, classifying it as new development.

Commissioner Amory expressed concern about the need to encroach so closely to the buffer to the wetland and asked what alternatives were considered.

Mr. Flint reviewed DEP and staff comments, which included that the project should be classified as new development and that snow storage should be depicted on the plans.

Margret Foley, a Worcester resident, questioned the need for so much additional parking spaces and expressed concerns with a parking lot so close to the wetland area. Ms. Foley mentioned the wildlife that use the currently forested area as habitat.

Chair Charpentier reviewed the Commission's purview under the Wetlands Protection Act and Worcester Wetlands Protection Ordinance.

Ms. Foley clarified her concerns with regards to the Commission's jurisdiction, citing potential runoff into the wetlands which serve as a tributary to Indian Lake. Chair Charpentier directs the question of how runoff is handled back to the applicant.

Mr. Hultgren reviewed the proposed stormwater management system consisting of stormwater basins, underground infiltration systems, catch basins, and that the project assumed contribution to a critical area and has proposed increased pre-treatment for larger rain events.

Chair Charpentier requested information about system overflows and when they would overflow and what peak rates would be. Mr. Hultgren indicated that the system overflows in each event with low rates.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 5-0 to continue the public hearing to the commissions 6/6/2022 meeting to allow for a revised stormwater report to be submitted reflecting the project as a new development.

14) 300 Southbridge Street (CC-2022-031; DEP#349-13XX) – Notice of Intent

Maureen Herald, Norse Environmental, reviewed the proposed project for redevelopment of the existing property, partially located within the floodplain. The work includes enhancements to the proposed parking area, construction of a patio area, stormwater management improvements and related site work. Ms. Herald notes that based on staff feedback regarding the lack of proposed compensatory storage, the applicant is now considering alternatives to the current proposed location of a handicap ramp that would remove proposed fill from within the floodplain.

Guillermo Beltran, project engineer, reviewed that the infiltration system is 2 feet above the floodplain and that the infiltration system captures the left side of the parking lot with the infiltration system. He indicated that the three existing catch basins on the lower level will be restored and that they're proposing a storm water planter on the lower side of the site.

Mr. Charpentier requested information about the existing drainage system and where it connects as well as where the overflow for the infiltration unit would. Mr. Beltran indicated that the infiltration system is designed to fully mitigate the 100-year event and with no overflow the area will pond on-site were it to back-up and the surveyor would have to confirm the location of the lower site drainage and where it's interconnected.

Commissioner Canton requested information about snow storage. Mr. Herald indicated that snow storage could be added to the plan.

Mr. Flint noted that there was no DEP file number issued and that the hearing would need to be continued. Mr. Flint reviewed staff comments including information about fill in the floodplain and quantification of the impacts, as well as possible restriction of flood waters due to proposed fencing & walls, requested a detailed analysis of the fill at each elevation at or below the BFE, including HVAC units, etc.

There was no comment from the public.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 5-0 to continue the hearing to 6/6/2022 to allow for revised plans and supplemental information to be submitted in response to staff/commissioner comments, and to allow for the issuance of a DEP file number.

16) Arboretum Village (CC-2022-031) – Amendment to Order of Conditions

Jennifer Kurzon, Attorney for Arboretum Village LLC, reviewed two requests for modifications to the conditions of an active Order of Conditions (CC-2019-068). She requested a modification to specific lots referenced on the first page of the Order, and an amendment to condition #39, related to sequencing of construction activities related to the slope labeled on the approved plans as “Slope B”.

Chair Charpentier reviewed the factors the Commission considered during the initial issuance of the Order of Conditions, noting that the intent was to have the stabilization of the slope completed as early as possible, but conceding that the lots for which the applicant is now seeking an amendment would not appear to influence the stability of the slope.

Upon a question from Commissioner Amory, Ms. Kurzon confirmed that the specific amendment being requested was to allow the construction of lots 93R-96L prior to the stabilization of slope B.

Mr. Flint provided his observations from a recent visit to the cite, noting that while some erosion control measures were in place, there were a few additional items needed. Ms. Kurzon confirmed that these would be implemented prior to starting the work.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 5-0 to close the public hearing and issue an amended Order of Conditions with the modified conditions requested by the applicant.

Other Business

17.a. Issuance of OOC’s for 1 & 2 Rice Street (aka Worcester Country Club) (CC-2022-013; DEP#349-1317) – Notice of Intent

Mr. Flint reviewed the staff recommended conditions of approval.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0, with Commissioners Hotham and Nystrom not voting due to the Mullin Rule, to issue the Order of Conditions with conditions of approval recommended by staff.

18) Requests for COCs

a. 1087 & 1089 A&B Millbury Street (CC-2021-057)

Mr. Flint reviewed the request for a Certificate of Compliance, noting that the request was revised to include only 1089 A&B Millbury Street.

Upon review of the site visit photos, Chair Charpentier noted that erosion controls should be installed along the perimeter of the 1087 lot. Dave Sadowski, D&J Associates, provides additional context to the project.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 5-0 to continue the 6/6/2022 to allow for an additional site inspection by staff.

19) 47R Fourth Street –Duplicate Signature page for OOC

Mr. Flint reviewed the request.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 5-0 to issue a duplicate signature page.

20) 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)

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

Taken concurrently with Item 1

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)

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

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

r. 70 North Parkway AKA Burncoat Park (CC-EO-2022-002)

There was no discussion for items a-i or k-r.

s. Hospital Drive FKA 305 Belmont Street, 57-004-B1 -01/-02 (CC-EO-2022-001)

Mr. Flint indicated that there have been no .5" rain events since the last meeting, but reports have been received as required.

t. Hospital Drive FKA 305 Belmont Street, 57-004-B103B (CC-EO-2022-003)

Patrick Doherty, Midpoint Engineering, provided an update on behalf of Galaxy Reactory LLC. Mr. Doherty noted that a high-performance mulch hydroseed was installed in lieu of erosion control blankets, that the drainage system on site had been cleaned, and that the requirement to clean the Vortecnic unit has yet to be completed as he wasn't sure who to reach out to at DPW.

Mr. Flint noted that he had provided contact information for the appropriate contact at DPW, Ian Weyburne, and that Mr. Weyburne had advised he had yet to hear anything from the applicant. Mr. Doherty noted that this would be completed as soon as possible.

Mr. Flint reiterated the requirement for turbidity monitoring at several points identified in the revised Enforcement Order.

u. Hospital Drive FKA 305 Belmont Street, 57-004-B1-02 (CC-EO-2022-004)

Mr. Flint indicated that there have been no .5" rain events since the last meeting, but reports have been received as required.

21. Communications

a. DEP Wetlands Program Policy 21-01: Diadromous Fisheries Stream Management; from MassDEP

22. Approval of Minutes

None

23. Policies and Procedures

Chair Charpentier welcomed the two new Commissioners.

Adjournment

Upon a motion by Commissioner Amory, seconded by Commissioner Canton, the Commission unanimously voted to adjourn at 8:49PM.