



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

**Monday November 28, 2022**

Worcester City Hall – Levi Lincoln Chamber, 3<sup>rd</sup> Floor  
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  
Lindsay Nystrom

**Commissioners Absent:** Devin Canton, Vice Chair  
Miranda Hotham

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

**Call to Order**

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

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

**Item 2 – 1 & 7 Brattle Street – Notice of Intent (CC-2022-063)**

*Request to continue the public hearing to 12/12/22 & extend the constructive grant deadline to 1/10/23.*

**Item 3 – 128, 130, 132, 134, & 136 Alvarado Avenue – Notice of Intent (CC-2022-036 & DEP#349-1330)**

*Request to postpone the public hearing to 12/12/22 & extend the constructive grant deadline to 1/10/23.*

**Item 5 – 25 & 35R Tobias Boland Way, 0 McKeon Road, and 0 Millbury Street – Notice of Intent (CC-2022-069 & DEP#349-13XX)**

*Request to postpone the public hearing to 12/12/22 & extend the constructive grant deadline to 1/10/23*

**Item 10 – 29 Endicott Street – Notice of Intent (CC-2022-080 & DEP#349-13XX)**

*Request to postpone the public hearing to 12/12/22 & extend the constructive grant deadline to 1/10/23*

**Item 13 – 12R New Bond Street – Notice of Intent (CC-2022-083 & DEP#349-1344)**

*Request to postpone the public hearing to 12/12/22 & extend the constructive grant deadline to 1/10/23*

Mr. Flint read the postponement requests into the record.

*Upon a motion by Commissioner Canton, seconded by Commissioner Nystrom, the Commission Voted 3-0 to postpone agenda items 2, 3, 5, 10, & 13 until December 12, 2022, without testimony and to extend the constructive grant deadlines to January 10, 2023.*

### **New Business – Requests for Determination of Applicability**

#### **1. 14 Colton Street (CC-2022-084)**

The applicant would like to rebuild a porch that was hit by a car. House is in the 100-year floodplain.

Chair Charpentier asked about the impacts to the flood plain. The applicant said the work would take place outside of the floodplain.

Commissioner Nystrom asked for clarification on depth of footings.

Commissioner Amory asked about the project timeline.

There were no comments from the public.

Mr. Flint suggested that if Negative Determination is issued, conditions be added that no fill be brought in and that the area beneath the deck remain open.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Negative Determination with the conditions noted by Mr. Flint.*

#### **4. 47R Fourth Street (CC-2022-046 (CC-2017-052) & DEP #349-1323)**

John Grenier was present online on behalf of the applicant. Applicant is seeking to amend an order of conditions issued under CC-2017-052 per Fire Department request for a cul-de-sac as opposed to a t-turnaround. The project has Planning Board approval. Mr. Grenier noted site had 3 feet of fill across the site and may have been a dumping ground for previous surrounding developments. There will be a stormtech chamber before catch basin on Fourth.

Chair Charpentier noted re-orientation of units and asked about an increase in impervious surface. Mr. Grenier noted all runoff is captured and treated into detention basin.

Chair Charpentier asked about reduction of open space. Mr. Flint noted an approximate 5000 SF reduction overall.

Chair Charpentier noted that the applicant is also requesting an extension of time and Mr. Flint outlined DEP policy that it was at the discretion of the Commission whether to approve amendment or require a new NOI.

Mr. Grenier noted there were delays due to issues with the previous engineers and there were staff changes at the Fire Department. Mr. Flint noted city staff suggested new NOI or amendment with new plans to be submitted accordingly.

Joe Zwirbilia, 4 Fourth Street, noted site had been cleared without permission and believes that there are substantial changes. He described a previous fire on Fourth Street and runoff from the site.

Commissioner Amory noted increase in impervious surface and doesn't think it is minimal.

Mr. Flint described options for the Commission.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to deny the amendment request and require a new Notice of Intent for the proposed work.*

*Item 15a was taken out of order to be discussed concurrently.*

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to deny the request for extension of time.*

## **6. 2 Aurora Street (CC-2022-070 & DEP #349-1341)**

Zachary Gless from Existing Grade representing the applicant described the proposal to build a single-family home with on-site septic. Project is outside 15-foot buffer to wetlands and no structures in 30-foot buffer.

Mr. Charpentier noted slope on site and location of septic and leach field. Mr. Gless said there will be a retaining wall and pump system installed. Project is designed for a 3-BR house and there is 2500 gal of storage.

Commissioner Amory expressed concern about groundwater issues with similar designs. Mr. Gless noted there was no groundwater at 9 feet and there would be a polyvinyl barrier.

Mr. Flint noted that staff comments have been addressed.

There were no comments from the public.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to close the public hearing.*

Chair Charpentier asked Mr. Flint to describe recommended conditions of approval.

Mr. Flint noted standard conditions, plus conditions for wetland flagging (#24), revised plans showing location of granite markers (#25), demarcated limit of work (#35), infiltration unit inspection (#45), permanent granite markers every 25 feet along 15-foot-buffer (#46), invasive vegetation (#49), cement truck washing (#52), equipment/material placement (#53), fertilizers (#58), as-built site plan (#63), pesticides (#64), sand and salt (#65), snow storage (#66), and deeded conditions 40, 46, 64, 65, and 66.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Order of Conditions with the conditions noted by Mr. Flint.*

## **New Business – Abbreviated Notice of Resource Area Delineation**

### **7. 0 Granite Street (CC-2022-075 & DEP #349-13xx)**

Randa Tawadros, Alpha Omega Engineering, was present on behalf of applicant Michael Pizzarella seeking an Abbreviated Notice of Resource Area Delineation (ANRAD).

Chair Charpentier asked Mr. Flint to detail a site walk with the applicant. Mr. Flint described the site and noted that wetland flags 9 & 10 were moved back 8' and 10' respectively due to observed conditions in the field.

There were no questions from the Commission.

There were no comments from the public.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Abbreviated Notice of Resource Delineation.*

### **New Business – Notices of Intent**

#### **8. 121 Russell Street (aka Elm Park) (CC-2022-077 & DEP #349-1343)**

Scott Morrison from EcoTec was present on behalf of the City of Worcester for a proposed dredge project at the pond at Elm Park, where sediment has accumulated. There will be silt booms around the area and removed sediment will be placed on tarps onshore to dewater. City will remove sediment.

Chair Charpentier asked Mr. Morrison to clarify amount of removal. Mr. Morrison explained project amounts are funding based.

Commissioner Amory asked about the rapid sedimentation since Mass Audubon used to have canoes there.

Commissioner Nystrom asked how long dewatering tarps would be in place. Mr. Morrison said a day or two.

Joe Zwirbilia, 4 Fourth Street, Worcester, asked about impacts to wildlife. Mr. Morrison responded.

There were no comments from the public.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to close the hearing.*

Chair Charpentier asked Mr. Flint to describe recommended conditions of approval.

Mr. Flint noted standard conditions, plus condition for preconstruction conferences before each phase of the project. Chair Charpentier asked Mr. Flint if condition could also require a report after each dredging phase.

Mr. Flint noted conditions for dredging similar to the Rice Street project – all dredging in accordance with seasonal limits set by Army Corp of Engineers; all dredge spoils should be dewatered and locations should be such that runoff is directed to cofferdams; removal of material from pond bottom should be done in a manner to not impede or restrict fish migration; de-turbidity curtains and erosion controls shall be implemented per the approved plan; and evidence of obtaining 401 water quality certification once obtained should be provided.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Order of Conditions with the additional staff suggestions.*

#### **9. 378 Plantation Street (CC-2022-077 & DEP #349-1343)**

Chris Anderson representing UMass Memorial Health, which would like to turn existing nursing home into hospital facility. An addition would be added to the building. Derek Masionis from VHB described existing conditions and work proposed in resource area and buffer zones. There is an existing closed drainage system on

site, which is piped to existing basin and intermittent stream. A tenth of an acre of impervious surface (13 parking spaces) is being added. They would like to maintain existing closed drainage onsite and propose installing proprietary water quality units before discharge. They will regrade and expand existing detention basin. New addition requires shifting utilities near resource area and they are proposing 500 SF of temporary wetland impacts to install 6" water line. Scot Morrison from EcoTec further described proposed impacts and stockpile locations.

Chair Charpentier asked for clarification on wetland impacts beyond erosion control.

Commission Amory asked whether water line could be repurposed through existing drain line or run through parking area under retaining wall based on observations during site visit. Brittany Gessner from VHB noted that since they have no design data for existing wall, that could impact stability and create additional work and disturbance. Chair Charpentier asked whether bridging with steel plates would be possible before impacting wetland. Ms. Gessner noted that the pipe has to be 5' down below frost line, so bridging wouldn't enable that.

Chair Charpentier asked whether stockpile area could be relocated and would like to see reports when trenching happens.

Commissioner Amory asked whether and ground penetrating radar was used to analyze existing wall and whether that would help. Ms. Gessner said they would look into it but were more concerned about rebar in wall and not footings.

Chair Charpentier noted past work to stabilize resource area, so it is not a high-quality wetland as a result and temporary disturbance is reasonable in a highly developed area, although there are still concerns about Lake Quinsigamond. He asked Mr. Macionis to describe work in the disturbed area. Mr. Macionis responded.

Commissioner Amory asked about the composition of slope stabilization and possibility of slumpage. Mr. Macionis responded.

There were no comments from the public.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to close the hearing.*

Chair Charpentier asked Mr. Flint to describe proposed order of conditions.

Mr. Flint noted standard conditions, plus conditions for wetland & bank flagging (#24), revised plans showing location of erosion control barrier and adding a note for silt fence within 100' of wetland buffer, stockpile moved outside 15' buffer, and additional straw wattle between stockpile and wetland (#25), invasive vegetation (#49), as-built site plan showing location of where water main is installed, (#63), pesticides (#64), sand and salt (#65), snow storage (#66), and deeded condition 40, that work be conducted during period of low flow, and daily report of any work within 15' buffer as well as any SWPPP reports.

Chair Charpentier asked about preconstruction conference and location of barriers.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Order of Conditions with the additional staff suggestions.*

**9. 18 Hunthurst Circle (CC-2022-081 & DEP #349-1342)**

Kate O'Donnell, from EcoTec representing applicants/owners Gerard & Michele Aubin (also present) described the application. Ms. O'Donnell flagged the property in July. There is an existing single-family house with two paved driveways. The applicants would like to construct two additions and a deck. All the work would be in developed lawn areas. Access to the site for the work will be via 16 Hunthurst Circle.

Chair Charpentier noted proposed work would not be closer to resource area than current conditions. Patio area will be eliminated.

Commissioner Amory asked if existing porch would be demolished and asked whether new deck would go beyond existing. Ms. O'Donnell replied no.

Mr. Aubin noted existing flagstones would be removed and area re-seeded.

There were no comments from the public.

Mr. Flint noted that all staff comments have been addressed.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to close the hearing.*

Chair Charpentier asked Mr. Flint to describe proposed order of conditions.

Mr. Flint noted standard conditions, plus conditions for wetland flagging (#24), cement truck washing (#52), equipment placement (#53), pesticides (#64), sand and salt (#65), snow storage (#66), and deeded conditions 64, 65, and 66.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Order of Conditions with the additional staff suggestions.*

**12. 414R Massasoit Road & 204 Granite Street (CC-2022-082 & DEP #349-1340)**

Erica St. Pierre from TRC attended virtually representing applicant New England Power Company. Erin Whoriskey from New England Power Company also attended virtually. The project is in support of M165 Transmission line refurbishment. Soil borings must be conducted where replacement structures would be located. Applicant is also requesting a waiver from performance standard for construction activity within 15' of wetland.

Chair Charpentier clarified that structures are not in the resources areas and are adjacent to buffer zone.

Chair Charpentier asked about proposed temporary mat over the stream and whether other adjacent work could be used. Ms. St. Pierre noted Mass Audubon trails could potentially be used for access.

Chair Charpentier asked about spoils from test pits and Ms. St. Pierre responded.

There were no comments from the public.

Mr. Flint noted that all staff comments have been addressed.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to close the hearing.*

Chair Charpentier asked Mr. Flint to describe proposed order of conditions.

Mr. Flint noted standard conditions, plus conditions for wetland flagging (#24), condition that alternate path through Mass Audubon trail be used instead of timber mat over stream if feasible; equipment/material placement (#53), at conclusion of work disturbed areas should be seeded and photos of stabilization provided.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Order of Conditions with the staff suggestions.*

## **Other Business**

### **14. Requests for Certificate of Compliance**

- a. 265 Lake Avenue (CC-2019-026 & DEP #349-1245)
- b. 265 Lake Avenue (CC-2020-048 & DEP #349-1280)

Mr. Flint reviewed the project to demo an existing structure and build a new house (CC-2019-026) and for work around the back slope (CC-2020-048).

Chair Charpentier described the site visit and planting plans. Also, proposed driveway did not match approved plans, but it is outside the buffer zone.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Certificate of Compliance for CC-2019-026.*

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 2-1 to issue the Certificate of Compliance for CC-2020-048 (Chairman Charpentier voted no).*

- c. 90 Outlook Drive (CC-2019-002)

Mr. Flint reviewed the project for a walkway and parking area and the request for Certificate of Compliance.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Certificate of Compliance for CC-2019-026.*

- d. 135 Goddard Memorial Drive (CC-2021-051 & DEP #349-1309)

Mr. Flint reviewed the project at the TJX facility to address parking and drainage. Required shrubbery was installed and reports were received as required. Applicant does not think 2 years of post-construction monitoring is necessary regarding scour due to ledge.

Commissioner Amory asked about potential impacts and Mr. Flint noted that he had observed ledge. Scott Morrison from EcoTec responded to Mr. Flint and showed photos of the site.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Certificate of Compliance for CC-2021-051.*

- e. White Birch Commons (CC-2013-057 & DEP #349-1075)

Mr. Flint described a second phase for this project which requires a certificate of compliance on first phase before proceeding. The Commission received an as-built site plan and certification that work was done according to the order of conditions. A wetland monitoring report certifying replication area was also received.

Chair Charpentier asked the applicant's engineer to address stabilization at outfall adjacent to smaller westernmost pond. Carlos Quintal responded.

Chair Charpentier asked the applicant's engineer to address work at larger detention pond. Mr. Quintal responded.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue the Certificate of Compliance for CC-2013-057.*

### **15. Requests for Extension of Time**

- a. 47R Fourth Street (CC-2017-052 & DEP#349-1223)

*Request denied earlier in meeting.*

- b. 305 Belmont Street, WuXi Biologics (CC-2019-063 & DEP#349-1258)

Mr. Flint noted that the request has been requested to be withdrawn by the applicant, as the current permit actually expires in 2024 due to COVID provisions.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue a Leave to Withdraw on the Request for Extension of Time on CC-2019-063.*

### **16. Requests for Emergency Certificate**

- a. Blackstone Gateway Park (CC-EC-2022-006)

Mr. Flint described work by City DPWP to remove a fallen tree against the base of boardwalk at Blackstone Gateway Park. The tree was cut with hand tools and there were no impacts to the wetland area, although work did take place within the wetland to cut up the wood. Staff requested that the Commission ratify the emergency certification.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to ratify the Emergency Certificate for CC-2022-006.*

- b. Silver Linden Lane (CC-EC-2022-007)



Mr. Flint described the request from the HOA regarding removal of a hazardous dead tree within the 15' buffer zone. Staff issued the certificate with the condition that the lower 8' of the tree trunk remain for habitat and allowed pruning of adjacent trees.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to ratify the Emergency Certificate for CC-2022-006.*

### **17. Request for Duplicate Signature Page**

- a. 65 Pullman Street (COC for CC-2016-036)

Mr. Flint described the request.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to issue a Duplicate Signature Page for CC-2016-036.*

### **18. Review & Set Bond Amount for Performance Security**

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

Mr. Flint described the request regarding a wetland replication area. DPW agreed with the \$38,525 figure submitted by the applicant.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to set the bond amount for CC-2017-075 at \$38,525.*

### **19. Enforcement Order and Violation Updates**

- a. 128 Alvarado Avenue (CC-EO-2016-004)
- b. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)

Mr. Flint noted this matter had been addressed earlier in the meeting and requested that the Commission lift the enforcement order.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to release the enforcement order.*

- c. 217 Lake Avenue (CC-EO-2020-004)
- d. 449 Massasoit Road (CC-EO-2020-006)
- e. 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)
- f. 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)
- g. 99 Wildwood Avenue (CC-EO-2020-009)
- h. 166 Moreland Street (CC-EO-2020-011)
- i. 522 Grove Street (CC-EO-2020-014)

- j. 0 Myrick Avenue (CC-EO-2020-015)
- 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. 269 James Street (CC-EO-2021-007)
- o. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)

Mr. Flint described project history and noted that wetland scientist for the project had worked with contractor to properly locate and plant vegetation. Mr. Flint also noted that straw wattles wrapped in plastic had been used instead of biodegradable core logs. Wetland scientist came up with corrective actions described by Mr. Flint who noted Commission could amend the order to impose deadlines.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to revise the enforcement order to include all of the wetland scientist's recommendations and said should work should be done by the next meeting (two weeks).*

- p. 0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)
- q. Providence & Worcester Railroad (0 Tobias Boland Way)
- r. 70 North Parkway AKA Burncoat Park (CC-EO-2022-002)
- s. Hospital Drive FKA 305 Belmont Street, 57-004-B103B (CC-EO-2022-003)
- t. 3 Aster Place (CC-EO-2022-005)
- u. Hospital Drive ROW (CC-EO-2022-006)
- v. 215 Lake Avenue (CC-2022-007)
  
- w. 88 Randolph Road (CC-2022-008)

Mr. Flint showed photos taken by staff in response to a complaint. Photos showed runoff coming off site. Mr. Flint described the emergency enforcement order and associated conditions. Staff would request placement of sedimentation controls at all exposed soil and vacuuming of catch basins.

Richie Kubert, who was hired to remodel the house, was present on behalf of the owner.

Chair Charpentier asked Mr. Kubert to describe how the street and catch basin were cleaned. The grate was not removed,

Chair Charpentier asked Mr. Kubert when planting and stabilization will occur and would like to see and additional condition for this.

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to revise to ratify the enforcement order modified with an added requirement for a landscape plan, and said work should be done by January 9.*

## **20. Open Space Discussion**

Mr. Flint reported that The Planning Division had submitted a \$40,000 grant application to DCR's Urban and Community Forest program to do a tree canopy assessment. The grant should be awarded in the

spring and had support letters from Mass Audubon and the Greater Worcester Land Trust.

## **21. Approval of Minutes**

There were no minutes ready for approval.

## **22. Policies and Procedures**

Assistant Chief Development Officer Michelle Smith was present to discuss the possibility of a stormwater protection overlay per a query from Commissioner Amory.

Ms. Smith described the Now|Next long range plan process and survey underway and anticipates that the zoning ordinance as whole will need a re-write and would ask for Commission input and recommendations.

Ms. Smith noted Commission could revise their own regulations to make adjustments without City Council approval, as is the case with zoning. Ms. Smith noted MCCC guidance memos on 100' and 30' buffers.

The Commission discussed different approaches and potential outreach.

Chair Charpentier noted his frustration with some ANR lots not having to go through a stormwater process as the whole site would if it wasn't subdivided piecemeal.

There was discussion about using a google doc and sending comments to Mr. Flint regarding possible changes to regulations and what circumstances would violate the open meeting law.

## **Adjournment – 9:30pm**

*Upon a motion by Commissioner Amory, seconded by Commissioner Nystrom, the Commission Voted 3-0 to adjourn.*