



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

Monday July 24, 2023

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, Commissioner
Timothy Magliaro, Commissioner

Commissioners Absent: Devin Canton, Vice Chair
Lindsay Nystrom, Commissioner

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

Call to Order

Chair Charpentier called the meeting to order at approximately 5:36 p.m.

Requests for Continuances, Postponements and Withdrawals

- 1) 25 & 35R Tobias Boland Way, 0 McKeon Road, and 0 Millbury Street – Notice of Intent (CC-2022-069 & DEP#349-13XX)**

Request to Postpone to 8/14/2023

Request to Extend the Constructive Grant Deadline to 9/12/2023

- 2) Salisbury Street Right-of-Way and 633 & 646 Salisbury Street – Notice of Intent (CC-2023-002 & DEP#349-1350)**

Request to Postpone to 8/14/2023

Request to Extend the Constructive Grant Deadline to 9/12/2023

- 3) 34-38 Blackstone River Road – Notice of Intent (CC-2023-020)**

Request to Postpone to 8/14/2023

Request to Extend the Constructive Grant Deadline to 9/12/2023

- 4) 26 (Lots 2A & 2B) Aphthorp Street – Notice of Intent (CC-2023-041 & DEP#349-13XX)**

Request to Postpone to 8/14/2023

Request to Extend the Constructive Grant Deadline to 9/12/2023

Mr. Flint read the requests for continuances, postponements, and withdrawals into the record.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro the Commission voted 3-0 to postpone the public hearings and extend the constructive grant deadlines to the dates noted.

New Business – Notices of Intent

5) 10 Blithewood Avenue (aka Blithewood Park) – Notice of Intent (CC-2023-042)

Chelsea Christenson, Nitsch Engineering, presented the proposed work to construct park improvements at Blithewood Park. She reviewed the drainage plans for the site, which included the use of porous asphalt for the walkways and noted that there was an overall net decrease in impervious area.

Mr. Flint noted that staff had minimal comments and that they had been addressed.

Commissioner Amory asked about when the proposed work was proposed to commence, Ms. Christenson was unsure.

Chair Charpentier requested information about the maintenance needed for the porous asphalt, Ms. Christenson elaborated. Mr. Flint noted that details for the required maintenance were included in the O&M section of the Stormwater Report.

There were no comments from the public.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro the Commission voted 3-0 to close the public hearing.

Mr. Flint described staff recommended conditions.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro the Commission voted 3-0 to issue an Order of Conditions as discussed.

Other Business

6) Requests for Certificates of Compliance

a. 7 & 9 Modred Court (CC-2021-022)

b. 133 Kendig Street (CC-2022-059)

Mr. Flint noted that the applicants for items 6a and 6b had requested a postponement to the 8/14/2023 meeting to allow for additional time for complete site stabilization

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro, the Commission voted 3-0 postpone items 6a and 6b to the meeting on 8/14/2023.

7) Requests for Extension of Time

a. Leesville Pond (CC-2012-017 & DEP#349-1031)

Mr. Flint stated the applicant is seeking a one-year extension request for aquatic management of Leesville Pond.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro, the Commission voted 3-0 to grant the one-year extension through 9/11/2024.

b. 727 Salisbury Street (aka Salisbury Hills) (CC-2019-035 & DEP#349-1253)

Mr. Flint reviewed a recent site visit and the request for a 1-year extension for the ongoing subdivision at Salisbury Hills.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro, the Commission voted 3-0 to grant the one-year extension through 9/11/2024.

8) Project Change Requests

a. 500 Salisbury Street (CC-2022-027)

Mr. Flint reviewed the Project Change Request, which was submitted as required by the recently amended Order of Conditions for the adjacent Valley & Tennis Court parking lots. The applicant is no longer planning to build the parking lot behind Authier Hall.

Mr. Flint and Chair Charpentier noted that they recalled that the applicant had stated some of the work behind Authier Hall was still to be completed under CC-2022-027, but that the plan submitted with the project change request did not clarify what would be done.

Chair Charpentier suggested tabling the matter until a marked-up plan was received from the applicant.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro, the Commission voted 3-0 to table the item until the meeting on 8/14/2023.

9) Approval of Wetland Crossing Design – Malden Woods (CC-2019-074 & DEP#349-1266)

Mr. Flint reviewed that the Order of Conditions for Malden Woods required the applicant to submit a plan for the wetland crossing and reviewed staff comments on the received plans, which included a request to the applicant to reconcile the differences between the structural and civil plan sets.

Phil George and Jack Thomas, the applicant, reviewed the structural plans that were provided to the Commission. Chair Charpentier concurred with Mr. Flint's comments related to reconciling the civil and structural plan sets, as the increased footing size on the structural plans appeared to potentially result in increased impacts to the Bordering Vegetated Wetland.

Mr. Thomas brought up the topic of the turbidity monitoring reports required by the Order of Conditions and requested that the requirement be lifted given the lack of any turbidity throughout the project thus far. Chair Charpentier noted that he had no issue with this given the overall stability of the site but noted that he would like the reporting to resume once additional ground was disturbed north of the existing limit of clearing, or when work commenced on the wetland crossing. Commissioners Amory and Magliaro concurred.

Chair Charpentier suggested that the applicants submit the revised plan to staff once prepared, and that the design could be discussed again at the next meeting subsequent to that.

11) Enforcement Order and Violation Updates

- a. **217 Lake Avenue (CC-EO-2020-004)**
- b. **449 Massasoit Road (CC-EO-2020-006)**
- c. **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)**
- d. **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)**
- e. **99 Wildwood Avenue (CC-EO-2020-009)**
- f. **166 Moreland Street (CC-EO-2020-011)**
- g. **522 Grove Street (CC-EO-2020-014)**
- h. **0 Myrick Avenue (CC-EO-2020-015)**
- i. **75 Harrington (CC-EO-2021-003)**
- j. **40 June Street Terrace (CC-EO-2021-004)**
- k. **12 AKA 0 Balis Avenue (CC-EO-2021-005)**
- l. **269 James Street (CC-EO-2021-007)**
- m. **90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**
- n. **0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)**
- o. **Providence & Worcester Railroad (0 Tobias Boland Way)**
- p. **70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**
- q. **3 Aster Place (CC-EO-2022-005)**
- r. **Hospital Drive ROW (CC-EO-2022-006)**
- s. **215 Lake Avenue (CC-EO-2022-007)**

Mr. Flint reviewed that a letter had been received from EcoTec regarding the restoration plantings in the Riverfront Area. Mr. Flint noted that he conducted a site visit to review the completed restoration work on 7/21/23, and found additional violations on site, including: a deck, which the applicant described as a temporary structure, in the Bordering Vegetated Wetland adjacent to the dock, additional ground disturbance in the 15' no-disturb buffer, which was staked and marked in the field, and 25' Riverfront Area, and small stone that had been placed in the Riverfront Area.

Chair Charpentier noted that the restoration work that had been completed did not restore the Riverfront Area to preexisting conditions as required by the Enforcement Order and expressed frustration with the repeated violations at this property.

Commissioner Amory suggested that something needed to be done to stop the continued violations. Chair Charpentier noted that the Commission had previously discussed fining the applicant. Mr. Flint noted that the Wetlands Protection Ordinance allowed for fines of up to \$300 per day per violation. The Commission discussed an appropriate fine amount given the number of violations and agreed that a fine of \$300 should be issued, and that they would consider additional fines for any further violations or failure to meet deadlines imposed by the Enforcement Order.

The Commission discussed revising the Enforcement Order to require an updated restoration plan for the 15' no-disturb buffer zone and 25' Riverfront area to bring these areas to their preexisting condition and to require that the deck in the BVW be removed.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro, the Commission voted 3-0 to amend the Enforcement Order.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro, the Commission voted 3-0 to issue a \$300 fine for the violations noted in the discussion of this item.

- t. **88 Randolph Road (CC-EO-2022-008)**

- u. **4 Tiffany Avenue (CC-EO-2023-001)**
- v. **0 Mcavey Way & 1393 Grafton Street (CC-EO-2023-003)**
- w. **255 Lake Avenue (CC-EO-2023-005)**
- x. **265 Lake Avenue (CC-EO-2023-006)**
- y. **133 Granite Street (CC-EO-2023-007)**

Mr. Flint reviewed a site visit he conducted at the subject site after heavy rain event. He observed turbid discharge from stormwater infrastructure at the rear of the site, which channelized and flowed downhill to a Bordering Vegetated Wetland. He noted that the applicants took corrective action the same day once they were notified of the issue.

Dave LaPointe, Beals & Thomas, on behalf of the applicant, concurred with Mr. Flint's summary, and noted that the project team would be filing a Notice of Intent as required by the Enforcement Order.

Chair Charpentier discussed his general concerns with the drainage from the site.

Commissioner Magliaro thanked the applicants for their prompt response to the issue.

Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro, the Commission voted 3-0 to amend the Enforcement Order.

11) Communications

a. Mobility Action Plan Survey; from the City of Worcester Department of Transportation & Mobility

There was no discussion of Item 11.

12) Approval of Minutes – 1/25/2021; 4/12/2021; 1/3/2022; 6/6/2022; 6/27/2022; 7/18/2022; 8/8/2022; 8/29/2022; 9/19/2022; 10/17/2022; 6/12/2023; 7/3/2023

There was no discussion of Item 12.

13) Open Space Discussion

There was no discussion of Item 13.

14) Policies and Procedures

Mr. Flint noted that Andrew Truman had been appointed to the Commission by the City Manager, and that he would be starting at the 8/14/23 meeting.

Adjournment

Upon a motion by Commissioner Amory, the Commission unanimously voted to adjourn at approximately 6:57 PM.