



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

**December 18, 2023**

Remote Meeting

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 - *Participated remotely*  
Lindsay Nystrom, Commissioner - *Participated remotely*  
Timothy Magliaro, Commissioner - *Participated remotely*  
Andrew Truman, Commissioner - *Participated remotely*  
Amanda Amory, Commissioner - *Participated remotely*  
Devin Canton, Vice Chair - *Participated remotely*

**Commissioners Absent:** No Commissioners were absent

**Staff Present:** Eric Flint, Division of Planning & Regulatory Services, *participated remotely* (DPRS)  
Amy Beth Laythe, Division of Planning & Regulatory Services, *participated remotely* (DPRS)

**Call to Order**

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

**Requests for Continuances, Postponements and Withdrawals**

- 3) 50 Lafayette Street (aka 2A & 2B Lodi Street) – Notice of Intent (CC-2023-072 & DEP#349-13XX)**  
*Request to Postpone to 1/8/2024*  
*Request to Extend the Constructive Grant Deadline to 1/30/2024*
- 4) 1256 West Boylston Street – Notice of Intent (CC-2023-076 & DEP#349-1379)**  
*Request to Postpone to 1/8/2024*  
*Request to Extend the Constructive Grant Deadline to 1/30/2024*
- 5) 26 (Lots 2A & 2B) Apthorp Street – Notice of Intent (CC-2023-041 & DEP#349-1366)**  
*Request to Postpone to 1/29/2024*  
*Request to Extend the Constructive Grant Deadline to 2/27/2024*
- 6) 0 Meadowbrook Road, 501 Salisbury Street, and the Meadowbrook Road Right-of-Way– Notice of Intent (CC-2023-043 & DEP#349-13XX)**  
*Request to Postpone to 1/29/2024*  
*Request to Extend the Constructive Grant Deadline to 2/27/2024*

- 7) **487 Park Avenue – Notice of Intent (CC-2023-058)**  
*Request to Postpone to 2/26/2024*  
*Request to Extend the Constructive Grant Deadline to 3/19/2024*
- 9) **116 Northeast Cutoff – Notice of Intent (CC-2023-068 & DEP#349-1378)**  
*Request to Postpone to 1/8/2024*  
*Request to Extend the Constructive Grant Deadline to 1/30/2024*
- 12) **214 Hamilton Street – Notice of Intent (CC-2023-078)**  
*Request to Postpone to 1/8/2024*  
*Request to Extend the Constructive Grant Deadline to 1/30/2024*
- 13) **15 Endicott Street – Notice of Intent (CC-2023-079 & DEP#349-13XX)**  
*Request to Postpone to 1/8/2024*  
*Request to Extend the Constructive Grant Deadline to 1/30/2024*
- 14) **Salisbury Street Right-of-Way and 633, 646, & 655 Salisbury Street – Notice of Intent (CC-2023-081 & DEP#349-13XX)**  
*Request to Postpone to 1/8/2024*  
*Request to Extend the Constructive Grant Deadline to 1/30/2024*

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

*Upon a motion by Commissioner Amory, Seconded by Commissioner Canton the Commission voted 6-0 to postpone the public hearings and extend the constructive grant deadlines to the dates noted.*

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

1) **Railroad Right-of-Way between Burncoat Street & Mountain Street West and 1 Malden Street – Request for Determination of Applicability (CC-2023-080)**

Brendon Kelly and Lance Rasnake of Clinchfield Consulting Group, on behalf of the applicant, CSX Transportation, Inc. stated CSX purchased a portion of the Pan Am line running through the City of Worcester. CSX is looking at sites along the Worcester line to bring up to current safety standards. One location is the existing bridge over the line at West Mountain Street. The applicant is proposing to lower the line in place up to a foot at this location to make sure they have a total of 21 feet of clearance under the bridge. Land disturbance is within existing CSX right of way. There are no resources within project area. There was one concern that Mr. Flint and Mr. Kelly reviewed which is an existing rail ditch near Burncoat Street, that both don't believe is subject to regulation under the Wetlands Protection Act. Majority of land disturbance will be within vicinity of the bridge – about 500 feet on either side – where they will dig out existing ballasts, upgrade and replace, and rebuild the track. Additional work happening on existing rail ditch network to make sure there is proper drainage throughout the area. Track will be lowered a foot at West Mountain Street and then taper out from there.

Mr. Flint noted across Burncoat Street there is a Bordering Vegetated Wetland network and showed the buffer zone that extends from that on the slides. There is a culvert that runs along Burncoat Street that brings run off from the downgraded ditch into wetland network.

Clinchfield representatives added that they are not touching culvert, just lowering the track a few inches.

Chair Charpentier opened up for questions from the commission:

Commissioner Magliaro asked if during this project there be any dewatering during the process of lowering the track.

Clinchfield representatives responded that there should not be a requirement for dewatering. The existing ditches will be in place. They will have an appropriate set of erosion controls and water will flow as it typically does. Only going down a foot so will not be getting into the water table or areas of concern for an extensive amount of water.

Clinchfield representatives confirmed ditches are historic and are a part of all the rail networks throughout the state/country. The purpose is to make sure the track is staying dry. The area in question closer to Burncoat Street looks as though the ditches have not been well maintained and that's what CSX wants to remedy and bring back to operational as it was designed/constructed. Right now, there is organic material over existing railroad ballasts in those ditches.

Chair Charpentier further clarified that even though these ditches show the characteristics of wetlands, Clinchfield is maintaining that they are non-jurisdictional because they were constructed at the same time as the railroad bed.

Clinchfield Reps confirmed that the ditches are a part of the stormwater system associated with the rail.

Chair Charpentier then asked if Clinchfield anticipates with the regrading if that will change the amount or frequency of outfall of drainage into the adjacent wetlands that Mr. Flint mentioned.

Clinchfield answered no. In this location, the rail is actually lower than the surrounding area through construction so there is not much of a drainage area it's just going to continue to drain as designed. Want to keep the water in the ditches as much as possible. When there is a lot of rain as has happened recently, water is going up onto the track and not into the wetlands.

Chair Charpentier asked if they are proposing anything to prevent additional runoff during/after construction?

Clinchfield answered that they have construction phase BMPs - ditch will be stabilized in place with ballasts (crushed stone) and will be continuously maintained. The grade of a rail ditch is relatively flat so you won't see significant increase of velocity of water.

No Public Comment.

*Upon a motion by Commissioner Magliaro, Seconded by Commissioner Amory, Voted 6-0 to issue negative determination of applicability for the work.*

List of Exhibits:

- Exhibit A: RDA Application, dated 11/27/2023, prepared by Clinchfield Consulting Group  
Exhibit B: Site Plans, dated 10/23/2023, prepared by Colliers Engineering & Design

### **Old Business – Notices of Intent**

#### **2) 53 Mason Street – Notice of Intent (CC-2023-064)**

John Grenier of J.M. Grenier Associates Inc., on behalf of the applicant, Daniel Yarnie, summarized the plan changes since the prior meeting in response to DPRS and DPW comments.

Commissioner Magliaro stated that at the last meeting, a lot of questions were answered. Commissioner Magliaro remembers that the main may have been 15 or 16 feet deep and there was a lot of ground water and asked how the applicant planned to handle that.

Mr. Grenier responded that there is an erosion sedimentation control plan which includes a temporary sedimentation basin. If there is dewatering, they would have to pump/settle it out onsite.

Mr. Flint confirmed that staff & DPW comments were addressed.

No Public Comment.

*Upon a motion by Commissioner Truman, Seconded by Commissioner Magliaro the Commission voted 5-0 to close the public hearing. (Commissioner Amory is ineligible to vote due to the Mullin Rule.)*

Mr. Flint described staff recommended conditions which include certification of the subsurface storm water system, 52, cement truck washing and deeded condition #40, in addition to the standard conditions.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 5-0 (Commissioner Amory ineligible due to Mullin Rule) to issue an Order of Conditions as discussed.*

List of Exhibits:

- Exhibit A: NOI Application; dated 9/28/2023; prepared by J.M. Grenier Associates INC.
- Exhibit B: Site Plans; dated 09/28/23; revised 12/12/2023; prepared by J.M. Grenier Associates Inc
- Exhibit C: Stormwater Management Report; dated 9/28/2023; prepared by J.M. Grenier Associates INC.
- Exhibit D: DPW Comments; dated 10/16/2023; Department of Public Works and Parks
- Exhibit E: Staff Comments; dated 10/18/2023; Eric Flint, Conservation Planner/Agent

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

#### **8) 2 Hastings Avenue – Notice of Intent (CC-2023-066 & DEP#349-1381)**

Christopher Stoddard of Stoddard Engineering, on behalf of the applicant, Aaron Dahrooge, presented that this project is an existing piece of property that has been split in 2 parcels. On the property there is an existing structure with an existing deck & dock. The current deck leans over Indian Lake and sits on 4 inch diameter piers. The proposal involves demolishing the existing building, removing the deck, leaving the existing dock, pulling out the 4 piers that the deck sits on, then constructing two new two-family structures with two car garages under them and new driveways. The entire project is within the 100 year

floodplain and within 50 feet of Indian Lake. Calculations were performed for the existing structure and the new proposed buildings, which show an increase of approximately 411 cubic feet of flood storage capacity under proposed conditions. As part of project, on site currently, there is 11,000 SF of existing pavement on the site, all of which is to be removed before installing two new driveways accessing the two structures from Hastings Ave. This would result in proposed impervious area to decrease to 3,600 SF. Two rain gardens are proposed to infiltrate the roof runoff from both buildings. The soil conditions are favorable for the rain gardens and the requirement for 4' of separation to groundwater is met. There are two dead trees located on eastern edge of the property along Indian Lake, which are proposed to be removed. The remainder of the site, anywhere that was pavement will be loamed and seeded so it will be pervious.

Commissioner Canton asked about the driveway condition and they he is not seeing a construction entrance and noted a desire to see one, he also asked about the phasing of the work.

Mr. Stoddard answered that first the building would be removed, then pavement removal would begin starting from the peninsula and working towards the street. Mr. Stoddard noted that their preference would be to leave a portion of the driveway adjacent to Hastings Ave for access to the site.

Commissioner Magliaro responded that they could do a construction entrance on top of the asphalt as well, he then asked if tree stumps were proposed to be removed as part of the removal of two dead trees.

Mr. Stoddard responded that due to the proximity to the lake the preference is to cut the trees and leave the stumps.

Commissioner Magliaro then stated that he sees there is a turbidity barrier by deck and asked if it is to remain in place during the entire construction.

Mr. Stoddard responded that the turbidity curtain would only be in place to pull the four wooden piers out of the water.

Commissioner Magliaro asked to see the limit of the erosion control barrier on the plan. Please label as Limit of work and erosion control barrier and asked if roof drains/down spouts are going to tie into the rain gardens.

Mr. Stoddard responded that gutters on both sides of the roof connect to the rain garden

Commissioner Canton asked Mr. Stoddard to speak on how they plan on removing the piers. Mr. Stoddard responded an excavator would be used to pull them straight up.

Commissioner Truman stated that he is assuming this is going to be a condo, and noted he wanted to see the O&M recorded with the condo documents.

Christopher Stoddard responded that would all be tied into deed, so the future owners would know their O&M plan and what they would have to do.

Chair Charpentier noted that if the plan was approved, that he would like to take exception to the wetland boundary going between A12/A13, noting that the bank flags are consistently at one elevation with the exception of that location.

Christopher Stoddard responded that this elevation is under the deck and guessed that it got skewed by the way they collected the data.

Chair Charpentier clarified that when the commission approves a plan and there is a wetland boundary shown, that is the official record of the boundary so wanted to make official note of the exception of the boundary as shown on the plan between A12 and A13.

Commissioner Magliaro asked if they plan to have an onsite stockpile.

Mr. Stoddard that the intention is to haul everything offsite and bring materials onsite as needed. There will be no excavating as the buildings are slab on grade.

Commissioner Truman indicated a desire to see a condition that stockpiling on site be prohibited.

Chair Charpentier stated boundaries shown on plan would adjust 15 and 30 foot buffer slightly but it's possible that the rain garden may need to shift. Propose that before the rain garden is installed and after demolition is complete applicant provides updated plan showing the actual resource area limit and associated buffer zones to confirm that the rain gardens fit as shown

Christopher Stoddard responded he believes that's reasonable

Mr. Flint reviewed DEP comments, which included a note about the 50' setback requirement for infiltration BMPs such as rain gardens. Discussion ensued. Commissioner Truman stated it is runoff from the roof which is considered clean anyway

Chair Charpentier asked for clarification on other DEP comments, which Mr. Flint and Mr. Stoddard provided.

Mr. Stoddard provided clarification on plan elements in response to questions from Commissioners Amory & Canton.

No Public Comment.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 6-0 to close the public hearing.*

Mr. Flint reviewed the Order of Conditions drafted by staff, which included a discretionary allowance from Section 4.2.4 of the Worcester Wetland Protection Regulations and a finding related to the wetland delineation. Special conditions included revised plans, restoration plantings, elevation certificates based on proposed and finished construction, compliance with floodplain requirements in the building code, and Conditions numbered 40, 41, 52, 53, 64, 65, 66.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro the Commission voted 6-0 to issue an Order of Conditions as discussed.*

List of Exhibits:

- Exhibit A: NOI Application; dated 10/03/2023; prepared by Stoddard Engineering
- Exhibit B: Site Plans; dated 10/02/2023; revised 11/06/2023; prepared by Stoddard Engineering
- Exhibit C: Stormwater Management Report; dated 10/02/23; revised 11/06/2023; prepared by Stoddard Engineering
- Exhibit D: Project Narrative; revised 11/06/2023; prepared by Stoddard Engineering
- Exhibit E: DEP Comments; dated 12/13/2023; Department of Environmental Protection
- Exhibit F: Staff Comments; dated 10/17/2023; Eric Flint, Conservation Planner/Agent

**10) 34 Lakeside Avenue, 2 Circuit Avenue South, and Garland Street & Vincent Avenue Rights-of-Way – Notice of Intent (CC-2023-074)**

Matthew Ashley of Bohler, on behalf of the applicant, Tremont Development Partners LLC & E3 Development LLC, provided an overview of the proposed work to construct Phase 2 of the Lakeside Apartments redevelopment project.

In response to questions from Commissioner Magliaro and Chair Charpentier, Mr. Ashley provided additional details about stockpiling, erosion controls, and the phasing of the work.

In response to a question from Chair Charpentier, Mr. Ashley reviewed the proposed stormwater management in detail.

No Public Comment.

*Upon a motion by Commissioner Magliaro, Seconded by Commissioner Canton the Commission voted 6-0 to close the public hearing.*

Mr. Flint described staff recommended conditions which in addition to the standard conditions, include 45, 52, 55, 65, with conditions 40 and 65 being ongoing.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 6-0 to issue an Order of Conditions as discussed.*

List of Exhibits:

- Exhibit A: NOI Application; dated 10/25/2023; prepared by Bohler Engineering
- Exhibit B: Site Plans; dated 09/28/2023; revised 12/11/2023; prepared by Bohler Engineering
- Exhibit C: Stormwater Report; revised 12/12/2023; prepared by Bohler Engineering
- Exhibit D: Staff Comments; dated 11/07/2023, Eric Flint; Conservation Planner/Agent
- Exhibit E: Staff Follow Up Comments; dated 12/12/2023; Eric Flint, Conservation Planner/Agent
- Exhibit F: Test Pit Data; 10/26/2023; prepared by Bohler Engineering

**11) 1 & 3 Hawthorne Street, 157 Woodland Street, and 914-934 Main Street – Notice of Intent (CC-2023-077)**

Matt Brassard of Nitsch Engineering, on behalf of the applicant, Trustees of Clark University, provided an overview of the redevelopment project to construct a residence hall. Mr. Brassard reviewed proposed erosion & sedimentation controls, stormwater management.

In response to a question from Chair Charpentier, Mr. Brassard provided clarification about various elements of the site plan.

Chair Charpentier indicated a desire to see temporary sedimentation basins as requested in DPW comments. Walker May, Capstone Development, and Scott Reed, Erland Construction, both noted that the existing basements and foundations would serve as a barrier and basin for stormwater runoff from the site preventing it from reaching the street.

Mr. Brassard and Mr. Reed discussed other options for stormwater management during construction.

No Public Comment.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Magliaro the Commission voted 6-0 to close the public hearing.*

Mr. Flint described staff recommended conditions which include 25, 41, 45, 52, 55, with condition 40 as ongoing, in addition to the standard conditions.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Truman the Commission voted 6-0 to issue an Order of Conditions as discussed.*

List of Exhibits:

- Exhibit A: NOI Application; dated 10/25/2023; prepared by Nitsch Engineering
- Exhibit B: Site Plans; revised 12/13/2023; prepared by Nitsch Engineering
- Exhibit C: Site Engineering Narrative; dated 10/25/2023; prepared by Nitsch Engineering
- Exhibit D: Staff Comments; dated 11/08/2023; Eric Flint, Conservation Planner/Agent
- Exhibit E: Response to Comments; dated 12/07/2023; Eric Flint, Conservation Planner/Agent

**Other Business**

**15) Requests for Extensions of Time**

**a. 73 Merrick Street / 11 Sever Street (CC-2020-070)**

Mr. Flint stated current order of conditions expires December 14, 2023, and that the applicant is seeking to extend the validity of the Order of Conditions until next December and summarized the current status of the project.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 6-0 to grant the one-year extension.*



List of Exhibits:

Exhibit A: EOT Request; dated 12/06/2024; prepared by Rachana Crowley, Merrick at the Square LLC.

**Order and Violation Updates**

**a. 449 Massasoit Road (CC-EO-2020-006)**

Mr. Flint provided a summary of the history of the Enforcement Order and described a recent site visit conducted with the property owner. Mr. Flint summarized the wetland resource areas present on site, and reviewed a letter provided by the owner's wetland consultant.

In response to questions from Chair Charpentier, Mr. Flint provided clarifying information about the site.

Mr. Flint outlined one potential course of action, which would be to simply require the owner to stop mowing the wet meadow area and to leave the site as is. Chair Charpentier noted that it was not the most ideal outcome, but also not the worst given that the previous fill had not prevented the area from functioning as a wetland.

Mr. Flint suggested using the fence on the adjacent property as a line to demarcate the limit of no-disturbance, which would be about 50' from the swale-like feature.

Commissioner Magliaro asked for clarification on why the Commission would ask for this area to be left alone. Mr. Flint responded that the wet meadow area is a Bordering Vegetated Wetland, which is jurisdictional under the Wetlands Protection Act, and that alteration of this area would require a permit from the Commission.

Mr. Flint provided additional information regarding a drain from the neighbor's property, which the owner of the subject site complained about. Commission Amory asked if Enforcement Action was necessary for this issue. Mr. Flint responded that the first steps would be to make contact with the owner of the adjacent property and investigate the issue and attempt to resolve it, without enforcement if possible.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro voted 6-0 to lift enforcement order and cease mowing the wet meadow 50 feet from the drainage ditch in line with the fence.*

- b. 99 Wildwood Avenue (CC-EO-2020-009)**
- c. 166 Moreland Street (CC-EO-2020-011)**
- d. 522 Grove Street (CC-EO-2020-014)**
- e. 0 Myrick Avenue (CC-EO-2020-015)**
- f. 75 Harrington Way (CC-EO-2021-003)**
- g. 40 June Street Terrace (CC-EO-2021-004)**
- h. 12 AKA 0 Balis Avenue (CC-EO-2021-005)**
- i. 269 James Street (CC-EO-2021-007)**
- j. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**
- k. Providence & Worcester Railroad (0 Tobias Boland Way)**
- l. 70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**
- m. 3 Aster Place (CC-EO-2022-005)**
- n. Hospital Drive ROW (CC-EO-2022-006)**
- o. 215 Lake Avenue (CC-EO-2022-007)**
- p. 4 Tiffany Avenue (CC-EO-2023-001)**
- q. 0 Mcavey Way & 1393 Grafton Street (CC-EO-2023-003)**

- r. 265 Lake Avenue (CC-EO-2023-006)
- s. 133 Granite Street (CC-EO-2023-007)
- t. 0 Harrington Way (CC-EO-2023-009)
- u. 570 Lincoln Street (CC-EO-2023-010)

*There was no discussion of items 16 b-u*

#### **17) Communications**

None.

#### **18) Approval of Minutes – 12/4/2023**

Chair Charpentier had minor corrections that Mr. Flint will incorporate.

*Upon a motion by Commissioner Magliaro, Seconded by Commissioner Canton, the Commission voted 6-0 to approve the minutes from 12/04/2023 with minor corrections.*

#### **19) Open Space Discussion**

None.

#### **20) Policies and Procedures**

Chair Charpentier noted that this was Commissioner Amory's final meeting and thanked her for her contributions to the Commission over the past 8 or 9 years.

Mr. Flint noted that Stuart Kirshner would be taking Commissioner Amory's seat and would be starting at the next meeting. Mr. Flint echoed Chair Charpentier's comments thanking Commissioner Amory for her contributions.

#### **Adjournment**

Upon a motion by Commissioner Amory, the Commission unanimously (6-0) voted to adjourn at approximately 7:21PM.