



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

Monday March 18, 2024

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via WebEx online at
<https://cityofworchester.webex.com/meet/conservationcommissionwebex> and
call-in number 1-844-621-3956 (Access Code: 2631 737 2697).

Commissioners Present: Andrew Truman, Chair
Joseph Charpentier, Commissioner
Stuart Kirshner, Commissioner - *Participated Remotely*
Timothy Magliaro, Commissioner
Lindsay Nystrom, Commissioner

Commissioners Absent: Devin Canton, Vice Chair

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

Call to Order

Chair Truman called the meeting to order at approximately 5:32 p.m.

Requests for Continuances, Postponements and Withdrawals

Item 4 – 265 Lake Avenue – Notice of Intent (CC-2023-055 & DEP#349-1373)

Request to postpone the public hearing to 04/08/24 & extend the constructive grant deadline to 04/30/24

Item 5 – 1256 West Boylston Street – Notice of Intent (CC-2023-076 & DEP#349-1379)

Request to postpone the public hearing to 04/08/24 & extend the constructive grant deadline to 04/30/24

Item 7 – 0 Myrick Avenue and the Myrick Avenue Right-of-Way (CC-2024-008 & DEP#349-13XX)

Request to postpone the public hearing to 04/08/24 & extend the constructive grant deadline to 04/30/24

Item 9 – 0 Meadowbrook Road, 501 Salisbury Street, and the Meadowbrook Road Right-of-Way (CC-2023-043 & DEP#349-13xx)

Request to postpone the public hearing to 04/08/24 & extend the constructive grant deadline to 04/30/24

Item 10 – 116 Northeast Cutoff Notice of Intent (CC-2023-068 & DEP#349-1378)

Request to postpone the public hearing to 04/08/24 & extend the constructive grant deadline to 04/30/24

Item 14 – 267 Mill Street (CC-2024-015 & DEP#349-13xx)

Request to postpone the public hearing to 04/08/24 & extend the constructive grant deadline to 04/30/24

Item 17 – 49 & 39 Upland Street– Notice of Intent (CC-2024-019 & DEP#349-13XX)

Request to postpone the public hearing to 04/08/24 & extend the constructive grant deadline to 04/30/24

Chair Truman read the requests for continuances, postponements, and withdrawals into the record.

Upon a motion by Commissioner Charpentier, seconded by Commissioner Magliaro, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to postpone the public hearings and extend the constructive grant deadlines to the dates noted.

New Business – Requests for Determination of Applicability

1) 439 Massasoit Road (MBL 34-032-0003B)

Maria Pianka on behalf of the applicant, Teresa Pianka, stated the proposed project involves digging three test pits to comply with an order that was issued by Inspectional Services. The proposed test pit sites are within the 100' buffer zone.

Mr. Flint explained that an Enforcement Order was placed on the neighboring property, 449 Massasoit Road, for filling of a vegetated wetland. It was noted that water was draining from 439 Massasoit to the neighboring property. Inspectional Services issued an order to applicant stating that surface flow needed to be redirected and a subsurface infiltration unit would need to be installed. Test pits are required to determine the location of the infiltration unit. Staff requested the applicant file an RDA for the test pits.

No public Comment.

Upon a motion by Commissioner Charpentier, seconded by Commissioner Magliaro, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: RDA Application; dated 02/24/2024; submitted by Teresa Pianka

2) 29 (aka 59) Webster Street (MBL 08-031-00007)

Kevin Ferguson of TRC, on behalf of the applicant, New England Power Company, explained the project involves the installation of underground conduit and CCVT replacement at the Webster Street substation. All work will be done within the fence line of the substation and straw wattles will be placed to prevent sediment from entering the catch basins along Webster Street. An RDA was filed for the same project in 2021 but the applicant never ended up doing the work.

Mr. Flint noted that the proposed work is occurring in Bordering Land Subject to Flooding and recommended a condition of no net fill if the Commission issues a Negative Determination of Applicability.

Commissioner Charpentier asked if the project would require any fill. Mr. Ferguson explained that the area would be excavated and back filled on the same day using the same material. There would be no alterations to the grade of the site.

No public Comment.

Upon a motion by Commissioner Charpentier, seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: RDA Application; dated 02/20/2024; prepared by Kevin Ferguson, TRC

3) Pleasant Street & Olean Street South Rights-of-Way

Casey Bardier of VHB, on behalf of the applicant, Massachusetts Electric Company, reviewed the proposal to install a new utility pole and replace an existing utility pole. The work is proposed is within the 100' buffer zone for Bank and Bordering Vegetated Wetland and falls within Bordering Land Subject to Flooding. The poles will be installed into the paved sidewalk and disturbed roadside shoulder.

Mr. Flint confirmed that the new pole location is within Bordering Land Subject to Flooding, but a single utility could likely be considered de minimis fill.

No public Comment.

Upon a motion by Commissioner Charpentier, seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: RDA Application; dated 02/20/2024; prepared by Jim Bolduc VHB

Old Business – Notices of Intent

4) 357 Granite Street (MBL 45-013-00012) – Notice of Intent (CC-2024-002 & DEP# 349-1387)

Jason Dubois of DC Engineering and Survey Inc. on behalf of the applicant, reviewed the changes to project since the last appearance before the Commission. The location of the driveway has been moved to be outside of the 15' and 30' buffer zone.

No staff comments.

Commissioner Charpentier asked if a waiver of performance standard 4.2.4 was still needed. Mr. Flint explained that construction activity will still happen within the 15' buffer zone and that a discretionary allowance was still needed.

No public comments.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to close the public hearing.

Mr. Flint stated that there would a finding for a discretionary allowance issued under Section 4.2.4 of the Worcester Wetlands Protection Regulations for activity within the 15' buffer zone (limited to gravel driveway removal and loam, seeding, and planting).

Mr. Flint reviewed the conditions of approval recommend by staff. In addition to the standard conditions, staff recommended the following:

- Wetland flagging
- Infiltration unit inspection
- Permanent markers, deeded condition
- Revised plans
- Cement truck washing
- Equipment/material placement
- As-built required for COC request
- Pesticides, Etc., deeded condition
- Sand/salt, deeded condition

No further comments by staff and Commissioners.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue the Certificate of Compliance.

List of Exhibits:

- Exhibit A: NOI Application; dated 12/05/2023; submitted by David Matte
- Exhibit B: Site Plan; dated 10/27/2023; revised 12/29/2023; revised 02/12/2024; revised 02/21/2024; prepared by Jason D. Dubois, DC Engineering and Survey Inc.
- Exhibit C: Staff Comments; dated 12/29/2023; dated 02/15/2024; Eric Flint, Conservation Planner/Agent
- Exhibit D: Wetland Report; dated 10/26/2023; prepared by EcoTec Inc.
- Exhibit E: Draft Special Conditions; prepared by DPRS Staff

New Business – Notices of Intent

- 8) 26 (Lots 2A & 2B) Apthorp Street (MBL 32-024-00287) – Notice of Intent (CC-2023-041 & DEP#349-1366)**
16) 10 Apthorp Street (aka Lots 1A & 1B) (MBL 32-024-287-1) – Notice of Intent (CC-2024-017 & DEP#349-13XX)

Item 16 was taken out of order to be heard concurrently with the Notice of Intent for the neighboring site.

Glenn Krevosky, EBT Environmental Consultants, Inc., on behalf of the applicant, S&K Development, LLC and JV Realty LLC, proposed construction of two duplexes under two different NOI filings. Mr. Krevosky asked for a continuance for both hearings, explaining that staff and DEP comments have been addressed but it was last minute. He listed off each comment and explained how he addressed it.

Mr. Flint reviewed the project history and confirmed that most the initial comments have been addressed. Staff still have questions about the design of the rain garden.

Zachary Gless, Existing Grade, Inc, explained that they are planning spot grading the site to direct the impervious flow into the rain gardens. The rain gardens will be lined and will serve only as filtration. He will be updating the plan to clarify the design of the rain gardens.

Commissioner Charpentier asked if both filings are meeting the stormwater standards. Mr. Flint confirmed that applicant is meeting the stormwater standards and the stormwater report factored in impervious surface across both sites.

Commissioner Charpentier asked about the impervious liner in the rain garden. Mr. Gless explained that water would leave through evaporation and absorption by the plants planted in the garden.

Chair Truman would like to see the liner removed from the rain garden. Mr. Gless explained that the liner was added to the design to meet compliance with groundwater separation. Mr. Flint added that infiltration BMPs are to be setback 50' from surface water or wetlands according to the Stormwater Handbook.

Commissioner Charpentier had concerns about placement of the permanent markers but upon further review was satisfied with the placement.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to continue the hearing for 26 Aphthorp Street (CC-2023-041 & DEP#349-1366) and 10 Aphthorp Street (CC-2024-017 & DEP#349-13xx) to the April 8th meeting.

List of Exhibits for 26 Aphthorp Street (CC-2023-041 & DEP#349-1366):

- Exhibit A: NOI Application; dated 06/15/2023; submitted by Glenn Krevosky, EBT Environmental Consultants, Inc.
- Exhibit B: Site Plans; dated 06/15/2023; prepared by George Edward Smith III, New England Land Survey Inc
- Exhibit C: Stormwater Report; dated 02/18/2024; prepared by Edwin H. Gless, Existing Grade, Inc.
- Exhibit D: DEP Comments; dated 07/18/2023; Kimberly Roth
- Exhibit E: Staff Comments; dated 06/23/2023; Eric Flint, Conservation Planner/Agent
- Exhibit F: Site Plans; dated 02/15/2024; revised 03/17/2024; prepared by Edwin H. Gless, Existing Grade, Inc.
- Exhibit G: Draft Special Conditions; prepared by DPRS Staff

List of Exhibits for 10 Aphthorp Street(CC-2024-017 & DEP#349-13XX):

- Exhibit A: NOI Application; dated 02/28/2024; submitted by Glenn Krevosky, EBT Environmental Consultants, Inc.
- Exhibit B: Site Plans; dated 02/15/2024; prepared by Edwin H. Gless, Existing Grade Inc.
- Exhibit C: Stormwater Report; dated 02/18/2024; prepared by Edwin H. Gless, Existing Grade, Inc.
- Exhibit D: Staff Comments; dated 03/12/2024; Eric Flint, Conservation Planner/Agent
- Exhibit E: Draft Special Conditions; prepared by DPRS Staff

11) 5 Gates Road (MBL 42-038-00003)– Notice of Intent (CC-2024-009)

Carolina Gomes of RP Management Inc, on behalf of the applicant, Dizney Construction, reviewed the proposed construction of a single-family home, driveway, and retaining walls.

Brian Kilduff of Dizney Construction was confused as to why this project needed to file with the Conservation Commission as there are no wetlands near the site. Mr. Flint explained that the project falls within a stormwater protection zone by being within 100' of a catch basin. The work also involves alterations on a site that has greater than 15% slope and meets the ground disturbance threshold.

Mr. Kilduff stated that there is a detention tank easement on the property and went into further detail on the plans for development of the lot.

Mr. Flint stated that most of the staff comments have been addressed with the latest plan revision. The only remaining concern was the stockpile location. Mr. Flint also provided details on the detention tank easement.

Commissioner Magliaro asked if the detention tank easement is city owned. Mr. Flint explained that there is no clear record of the who owns the detention tank easement.

Commissioner Charpentier asked about their plan for developing the site with the steep incline. Mr. Kilduff explained that they plan on starting at the top of the site and building the retaining wall first. He does not expect there to be a need to stockpile anything from the site.

Commissioner Charpentier expressed concerns about the grading being shown on the plan. The plans do not show really show a change between existing and proposed grades. Mr. Kilduff tried to address the grading concerns by providing details on the development of the site.

Commissioner Magliaro asked about erosion controls for the site. The plan shows waddles on one page and on the next it showed silt fence and waddles. Mr. Kilduff said that he plans on just using waddles because he does not expect erosion to be an issue at the site.

Chair Truman expressed concerns about the retaining walls being designed by others. Mr. Kilduff was unsure of the design of the wall but stated the back retaining wall is only supposed to be 10' tall, not 12'.

Public Comment:

Colin Novick asked if any soil exploration had been conducted at the site and if anyone knew the depth to bedrock. Mr. Flint stated that no soil exploration has been done for the site.

Chair Truman asked if there was ledge at the site. Mr. Kilduff explained that they do not plan to dig too much into the ground, that most of the work will be above grade, and does not expect ledge to be a problem. Chair Truman pointed out that they will be cutting into the hillside.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to close the public hearing.

In addition to the standard conditions, Mr. Flint recommended:

- Revised plan
- Demarcation of the limit of work

- Cement truck washing

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom the Commission voted 5-0 to issue the order of conditions as discussed.

List of Exhibits:

Exhibit A: NOI Application; dated 01/11/2023; submitted by Valias Herold Jr.

Exhibit B: Site Plan; dated 11/01/2023; revised 02/28/2024; revised 03/11/2024; revised 03/12/2024; prepared by HS&T Group, INC

Exhibit C: Staff Comments; dated 02/20/2024; Eric Flint, Conservation Planner/Agent

Exhibit D: Special Conditions; prepared by Eric Flint, Conservation Planner/Agent

12) 382 Plantation Street (MBL46-001-00010) – Notice of Intent (CC-2024-011 & DEP#349-1389)

Suzanne Woods, UMASS Chan Medical School, provided an overview of the project. Derek Masionis and Scott Morrison of VHB, on behalf of the applicant, UMass Chan Medical School, proposed construction of a hydroponic farm within a shipping container, plaza walkways, parking, landscaping, stormwater management, and to request a waiver of performance standard 4.2.4. UMass Chan Medical School is separate from UMass Medical School and is exempt from the Local Filing requirements. Approximately 2,000 sf of impervious surfaces being added to the site.

Mr. Flint explained that staff had initially requested documentation regarding the claimed exemption from filing under the Local Ordinance. The Law Department responded back that this project would be exempt from filing under the Local Ordinance.

Mr. Flint reviewed additional staff comments, noting that most had been addressed by revised plans. The only remaining question was about the outfall of the planted depression. Mr. Masionis reviewed the design of the planted depression, explaining that it's a small swale that will pitch to the stream. Mr. Flint asked if there were concerns about erosion at that outlet. Mr. Masionis said they could add riprap to the slope to prevent erosion or could shift the outlet to be on the less steep side of the slope.

Commissioner Charpentier was wondering what level of rainfall event would cause the southerly rain garden to overtop. Mr. Masionis believed that it only overtopped in the 100-year rainfall event.

Commissioner Charpentier asked about the design of the walkways and freight farm. Mr. Masionis explained that the walkways would be concrete, and the freight farm is a shipping container.

Chair Truman asked about the long-term maintenance of the vegetation in the rain gardens. Mr. Masionis stated that plantings are all naïve and are adapted to living in this area and will require minimal maintenance.

Commissioner Charpentier asked if the outfall for the detention area adjacent to the parking lot was within the 15' buffer zone. Mr. Masionis confirmed that the outfall is outside the 15' buffer zone but falls in the 30' buffer zone.

There were no comments from the public.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to close the public hearing.

In addition to the standard conditions, Mr. Flint recommended the following conditions:

- Revised plans
- Wetland flagging
- Cement truck washing
- Equipment/material placement
- Sedimentation control for rain gardens until site is stabilized
- As-built required for COC request
- Pesticides, Etc., deeded condition
- Sand/salt, deeded condition
- Snow storage, deeded condition

Commissioner Charpentier proposed that the outfall be monitored quarterly post construction for 2 years and reports be submitted to the Commission.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue the order of conditions as discussed.

List of Exhibits:

- Exhibit A: NOI Application; dated 01/11/2024; revised 03/12/2024; submitted by Derek Masionis, VHB
- Exhibit B: Site Plan; dated 02/07/2024; revised 03/12/2024; prepared by Brittany Gesner, PE VHB
- Exhibit C: Stormwater Report; dated 02/07/2024; revised 03/12/2024; prepared by Brittany Gesner, PE VHB
- Exhibit D: Staff Comments; dated 02/20/2024; Eric Flint, Conservation Planner/Agent
- Exhibit E: DPW Comments; dated 02/21/2024; Richard Saltrick, Assistant Commissioner of Engineering
- Exhibit F: Response to Staff Comments; dated 03/12/2024; submitted by Derek Masionis
- Exhibit G: Draft Special Conditions; prepared by DPRS Staff

13) 561 Plantation Street (MBL 46-045-0000B) – Notice of Intent (CC-2024-012 & DEP#349-1388)

Nicole Langley, HighPoint Engineering, INC, on behalf of the applicant, Mohegan Council, Inc., reviewed the history of the Conservation Restriction on the property and then reviewed the proposed construction of a day care facility, playground, single-story office building, parking lot, walkways, landscaping, and the stormwater management infrastructure. The site falls within critical areas including a well-head protection area and Coal Mine Brook, a cold-water fishery, runs just outside of the project area. She explained that staff comments have been addressed.

Commissioner Charpentier asked if the 25' no building construction and 10' no disturb contours were a requirement for the Conservation Restriction. He noted that the driveway crosses one of the contours. Ms. Langley confirmed that the contours come from the Conservation Restriction and explained that the driveway crosses only the no building contour and would be allowed within that area.

Colin Novick, Greater Worcester Land Trust, appreciated the developers noting the critical habitat at the project site and for using the higher estimates for rainfall events when running their calculations. He did

have questions about the timeline of the project and the capacities of the temporary sediment basins. Ms. Langley explained that there is site preparation and sequencing plan in place which shows the planned mitigation features that will be used during the site development.

Commissioner Charpentier would like to see calculations for the temporary sediment basins. He also asked if the infiltration unit would be installed before the buildings were constructed. Ms. Langley was unsure but said that they usually install the infiltration unit first.

Commissioner Charpentier asked about the short-term and long-term slope stabilization of the slope. Ms. Langley explained that the slopes would be seeded with a native wildflower mix. During construction, erosion controls will be in place.

Mr. Novick, after reviewing the Conservation Restriction document, was able to confirm that the proposed project complies with the Conservation Restriction.

Commissioner Charpentier asked the Commission if they would be interested in increasing the stormwater capacity of these systems to better protect the brook. No one from the Commission responded but Ms. Langley provided information on the stormwater systems and the calculations that were run for the site.

Commissioner Magliaro asked about the drainage for the retaining wall number 4. Ms. Langley explained that the wall is only 3' tall and there would be no drainage for it.

Mr. Flint explained that a couple Planning Board comments that need to be addressed.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to close the public hearing.

In addition to the standard conditions, Mr. Flint recommended the following conditions:

- Revised plans
- Wetland flagging
- Cement truck washing
- Equipment/material placement
- Sedimentation control for rain gardens until site is stabilized
- As-built required for COC request
- Pesticides, Etc., deeded condition
- Sand/salt, deeded condition
- Snow storage, deeded condition

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue the order of conditions as discussed.

List of Exhibits:

Exhibit A: NOI Application; dated 02/06/2024; revised 03/12/2024; prepared by Nicole Langley, Highpoint Engineering, INC

Exhibit B: Site Plan; dated 02/16/2024; revised 03/13/2024; prepared by Douglas J. Hartnett, Highpoint Engineering, INC

- Exhibit C: Stormwater Report; dated 02/16/2024; revised 03/13/2024; prepared by Douglas J. Hartnett, Highpoint Engineering, INC
- Exhibit D: Staff Comments; dated 03/11/2024; Eric Flint, Conservation Planner/Agent
- Exhibit E: DPW Comments; dated 03/13/2024; Richard Saltrick, Assistant Commissioner of Engineering
- Exhibit F: Response to Staff Comments; dated 03/13/2024; submitted by Nicole Langley
- Exhibit G: Draft Special Conditions; prepared by DPRS Staff

15) 1006 Grafton Street and Lots 6-8 Sunderland Road (MBL 34-025-025-5, 34-025-025-6, 34-025-025-7, & 34-025-025-8) – Notice of Intent (CC-2024-016)

John Gaudette of Brennan Consulting, Inc, on behalf of the applicant, Worcester Public Schools, proposed construction of a driveway and parking lot, mill and overlay two existing parking lots, resurface sidewalks, install utilities and stormwater management infrastructure. Mr. Gaudette provided an overview on why the redesign and extra parking is needed for the site.

Mr. Flint stated that most of the staff comments were addressed but one concern was lack of test pits for the proposed infiltration basin. Other test pits in the area have shown inadequate separation to bedrock.

Commissioner Charpentier asked if the infiltration basin could be moved if the test pits show the area is not suitable for the basin. Mr. Gaudette explained that the location can be adjusted but did not want to move it under the parking lot to the grade of that area.

Public Comment:

Sharon B., a Sunderland Road resident, complained about the traffic issues caused by the school and wanted to know if this project would fix it. Chair Truman explained that traffic is not in the purview of the Conservation Commission.

Upon a motion by Commissioner Magliaro, Seconded by Commissioner Charpentier the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to close the public hearing.

Mr. Flint reviewed the recommended conditions for approval including test pits at the proposed location of the infiltration unit with reports being provided to the Commission. If the test pits reveal inadequate separation between groundwater or bedrock, revised plans and stormwater report shall be submitted for the Commission's review and approval. Other special conditions included revised plans addressing DPW comments, engineer certification of the stormwater infrastructure, and cement truck washing. Deeded conditions include sand/salt usage and maintenance of stormwater system.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue the order of conditions as discussed.

List of Exhibits:

- Exhibit A: NOI Application; dated 02/26/2024; submitted by Chris Emilius, Brennan Consulting, Inc
- Exhibit B: Site Plan; dated 02/27/2024; revised 03/11/2024; prepared by Chris Emilius, Brennan Consulting, Inc

- Exhibit C: Stormwater Report; dated 02/28/2024; revised 03/11/2024; prepared by Chris Emilius, Brennan Consulting, Inc
- Exhibit D: Staff Comments; dated 03/12/2024; Eric Flint, Conservation Planner/Agent
- Exhibit E: DPW Comments; dated 03/13/2024; Richard Saltrick, Assistant Commissioner of Engineering
- Exhibit F: Response to Staff Comments; dated 03/12/2024; submitted by John Gaudette, Brennan Consulting, Inc
- Exhibit G: Draft Special Conditions; prepared by DPRS Staff

Other Business

18) Requests for Certificates of Compliance

21 Foxmeadow Drive (DEP# 349-0365)

Mr. Flint explained that this is a partial Certificate of Compliance request for a single-family home built in a large subdivision. They have requested a waiver to provide an engineer certified as-built plan due to the age of the Order of Conditions and the lack of resource areas near the property. A site visit was conducted to confirm the stability of the site.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue a partial Certificate of Compliance.

List of Exhibits:

Exhibit A: COC Request; dated 02/28/2024; submitted by Eugene McCarthy

b. 45 Fourth Street (DEP# 349-0252)

Mr. Flint explained that this is another partial Certificate of Compliance request for a duplex. It is unclear if this lot was apart of the Order of Conditions, but the Order appeared on a title search.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to issue a partial Certificate of Compliance.

List of Exhibits:

Exhibit A: COC Request; dated 03/06/2024; submitted by Kevin Tan, SKM Title & Closing Services, PC

c. 115 Northeast Cutoff (CC-2020-012 & DEP#349-1268)

d. 115 Northeast Cutoff (CC-2022-004 & DEP#349-1314)

Patrick Healy of Thompson-Liston Associates, Inc. requested to continue the hearing to next meeting. During a site walk with staff, a few things were identified as needing to be addressed before issuing a Certificate of Compliance. He explained that replication areas are completed and have been growing in for two years. There is a proposal to divide the parcel into two different lots. The boundaries of the lots would line up with the boundaries of the proposed Conservation Restriction.

Mr. Flint provided details on the site walk and reviewed the areas that needed to be addressed prior to issuing the Certificate of Compliance.

Mr. Healy explained that they will be addressing those areas and have a projected deadline of April 5th.

Commissioner Charpentier asked if the Conservation Restriction has been finalized. Mr. Healy explained that there is a draft that has been circulated between the two parties but has not been signed. It will still need to be reviewed by the state and will take some time.

Commissioner Charpentier asked to see how the lots would be divided. Mr. Flint pulled up the full plan to show where the new lot lines would run.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to continue the hearing to the April 8th meeting.

List of Exhibits:

Exhibit A: COC Request; dated 03/06/2024; submitted by Kevin Tan, SKM Title & Closing Services, PC

19) Emergency Certificate

a. 6 New Bond Street (CC-2024-001)

Mr. Flint explained that this was a request for an Emergency Certificate by Abbey Kelley Foster Charter Public School to fix the collapsing drain lines in their parking lot. The parking lot has developed sink holes and is a public safety hazard. Staff issued the Emergency Certificate to allow them to begin working on the site before filing with the Commission. The site is in Bordering Land Subject to Flooding. Staff added the condition that no net fill result from the project and preexisting grades cannot be exceeded. The applicant will be filing a retroactive Request for Determination of Applicability.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to ratify the Emergency Certificate.

20) Enforcement Order and Violation Updates

- a. **99 Wildwood Avenue (CC-EO-2020-009)**
- b. **166 Moreland Street (CC-EO-2020-011)**
- c. **522 Grove Street (CC-EO-2020-014)**
- d. **0 Myrick Avenue (CC-EO-2020-015)**
- e. **75 Harrington Way (CC-EO-2021-003)**
- f. **40 June Street Terrace (CC-EO-2021-004)**
- g. **12 AKA 0 Balis Avenue (CC-EO-2021-005)**
- h. **269 James Street (CC-EO-2021-007)**
- i. **90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**
- j. **70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**
- k. **3 Aster Place (CC-EO-2022-005)**
- l. **Hospital Drive ROW (CC-EO-2022-006)**
- m. **215 Lake Avenue (CC-EO-2022-007)**
- n. **4 Tiffany Avenue (CC-EO-2023-001)**
- o. **0 Mcavey Way & 1393 Grafton Street (CC-EO-2023-003)**
- p. **265 Lake Avenue (CC-EO-2023-006)**

- q. **0 Harrington Way (CC-EO-2023-009)**
- r. **570 Lincoln Street (CC-EO-2023-010)**

Patrick Healy of Thompson-Liston Associates, Inc. expects to have a full update for the 570 Lincoln Street Enforcement Order by the April 8th meeting.

Mr. Flint had no updates to report for the listed Enforcement Orders.

21) Communications

- a. **Lake Quinsigamond Commission Refill Notice**
- b. **Vision Zero Safety Action Plan Survey**
- c. **DEP Appeal of Order of Conditions for 50 Lafayette Street (CC-2023-073 & DEP#349-1383)**

Mr. Flint explained that DEP appealed the Order of Conditions due to the proposed project not meeting the performance standard for Bordering Land Subject to Flooding.

- d. **National Grid Vegetation Management Notice – 03/06/2024**
- e. **Notice of Project Change and Draft Environmental Impact Report for Interstate Crossing EEA #16605**

22) Approval of Minutes – 01/29/2024, 02/26/2024

Commissioner Charpentier noted that on item 13 of the January 29th minutes, that the minutes did not acknowledge the commissioner that dissented during the vote.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to approve the two sets of minutes as presented.

23) Open Space Discussion

a. 2024 Earth Day Cleanup

Mr. Flint asked if the Commissioners thought about areas that they would like to clean up. Chair Truman mentioned Institute Park as a location but noted it is a Parks and Recreation owned property. Commissioner Charpentier said that there is plenty of trash to be picked up along Granite Street.

b. Affirmation of Revised ANR Plan for St. George Forest CR

Mr. Flint reviewed the history of the project and detailed the changes that have been made to the plan since the last time it came before the Commission.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to affirm the ANR plan for St. George Forest Conservation Restriction.

24) Policies and Procedures

a. 2025 Meeting Schedule & Filing Deadlines

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to approve the 2025 Meeting Schedule.

b. Policy Regarding Test Pits

Mr. Flint proposed a new policy that would allow administrative approval of test pits instead of requiring applicants to file a Request of Determination of Applicability.

Commissioner Charpentier asked if it would be a change to the regulations. Mr. Flint explained that it would not be a change to the regulations but would act to clarify the regulation.

Upon a motion by Commissioner Charpentier, Seconded by Commissioner Nystrom the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to approve the Test Pit Policy.

Adjournment

Upon a motion by Commissioner Charpentier, seconded by Commissioner Magliaro, the Commission voted 5-0 by a roll call vote (with Commissioner Canton absent) to adjourned at approximately 7:42 PM.