



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

**Monday April 8, 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  
Devin Canton, Vice Chair  
Joseph Charpentier, Commissioner  
Stuart Kirshner, Commissioner, remote  
Timothy Magliaro, Commissioner, remote

**Commissioners Absent:** Lindsay Nystrom, Commissioner

**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 5:33pm**

**Requests for Continuances, Postponements and Withdrawals**

**Item 4 – 10 Apthorp Street (aka Lots 1A & 1B) – Notice of Intent (CC-2024-017 & DEP#349-13XX)**

*Request to postpone the public hearing to 05/06/24 & extend the constructive grant deadline to 05/28/24*

**Item 6 – 1256 West Boylston Street – Notice of Intent (CC-2023-076 & DEP#349-1379)**

*Request to postpone the public hearing to 05/06/24 & extend the constructive grant deadline to 05/28/24*

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

*Request to postpone the public hearing to 05/06/24 & extend the constructive grant deadline to 05/28/24*

**Item 8 – 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 the public hearing to 05/06/24 & extend the constructive grant deadline to 05/28/24*

**Item 13 – 99 Ararat Street – Notice of Intent (CC-2024-023 & DEP#349-13XX)**

*Request to postpone the public hearing to 05/06/24 & extend the constructive grant deadline to 05/28/24*

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

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

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

#### **1) 81 Randolph Road (MBL 22-009-00001)**

Joseph Johnson, the applicant, proposed removal of invasive vegetation by hand at Dodge Park. Mr. Johnson reviewed the history of Dodge Park, explaining that areas of the park were clear cut after an Asian Longhorned Beetle infestation. Invasive plants including Multiflora Rose, Oriental Bittersweet, and Glossy Buckthorn have become established at the park. Mr. Johnson has organized a group of volunteers to hand remove the invasives by cutting them flush to the ground.

Mr. Flint met with Mr. Johnson onsite to review the project and the applicable wetland regulations. Mr. Flint confirmed that Mr. Johnson received permission from the Parks Department to do this project.

Commissioner Charpentier asked if the fee for filing would be waived and if the project would be partnered with Greater Worcester Land Trust. Mr. Flint confirmed the project was exempt from the fee because it is a municipal project. Mr. Johnson explained that the project is not directly connected to Greater Worcester Land Trust.

Commissioner Canton asked how this manner of vegetation removal was chosen and if there is a plan to replant native plants. Mr. Johnson explained that mechanical removal is easier to get approved. The Native Plant Initiative and Worcester County Conservation District are willing to donate native plants and seeds to the project. In areas with disturbed soil, Mr. Johnson is planning to lay native seed and leaf litter to stabilize.

Chair Truman asked how the removed vegetation would be disposed of. Mr. Johnson explained that the vegetation would either be hauled away or piled onsite. He will have a better idea after talking to the Park Commission.

Commissioner Canton asked about timing of the project. Mr. Johnson is hoping to have the project done by the end of May.

Mr. Flint asked if the volunteers will know or be instructed on the identification of invasive and native plants. Mr. Johnson reviewed his qualifications and the qualifications of his volunteers.

Glenn Krevosky of EBT Environmental Consultants, Inc., provided comment on how the invasive plant removal could be upgraded by focusing efforts on the root systems. Leaving the roots of the invasives will allow them to just grow back.

*Commissioner Charpentier motioned to issue a Negative Determination of Applicability and added that under the judgement of the applicant, invasive plants could be removed by the roots, it was seconded by Commissioner Canton, the Commission voted 5-0 by a roll call vote (with Commissioner Nystrom absent) to issue a Negative Determination of Applicability.*

List of Exhibits:

Exhibit A: RDA Application; dated 03/04/2024; submitted by Joseph Johnson

**2) 6 New Bond Street (MBL 37-002-00001)**

Andrew Cruickshank, on behalf of the applicant, Abbey Kelley Foster Charter School, asked if emergency repairs to existing stormwater drain system, parking lot, driveway, and related sitework are subject to the Commission's jurisdiction.

Mr. Flint explained that this filing was follow up to the Emergency Certification that was issued in March.

Chair Truman asked if the work was completed. Mr. Cruickshank explained that the work is about 60 percent complete at this point.

Chair Truman requested that the applicant coordinate with staff to arrange a site visit once the work is complete.

No public Comment.

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

List of Exhibits:

Exhibit A: RDA Application; dated 03/20/2024; prepared by OHI Engineering, INC

**Old Business – Notices of Intent**

**4) 26 (Lots 2A & 2B) Apthorp Street (MBL 32-024-00287) – Notice of Intent (CC-2023-041 & DEP#349-1366)**

Glenn Krevosky, EBT Environmental Consultants, Inc., and Zach Gless, Existing Grade, Inc., on behalf of the applicant, JV Realty LLC, proposed construction of a duplex. Mr. Gless reviewed the latest revision on the plan. The plan now shows spot grading to provide details on how water will be directed to the rain garden. Mr. Krevosky stated that all the plantings in the rain garden are to be native.

Commissioner Charpentier asked if there is management plan for the rain gardens and if the owners of the duplexes will be responsible from maintenance. Mr. Gless explained that there is a written management plan for the rain gardens. The owners will be responsible for the rain garden on their property and will be issued a copy of the management plan.

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

There were no comments from the public.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro, the Commission voted 4-0 by roll call vote (with Commissioner Nystrom absent) to close the public hearing. Commissioner Canton was ineligible to vote.*

Mr. Flint noted the standard conditions and recommended special conditions including wetland flagging, retention basin vegetation(deeded), permanent markers, cement truck washing, equipment placement, sedimentation control for rain gardens during construction, as-built plan, pesticides (deeded), sand/salt (deeded) and snow storage (deeded).

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro, the Commission voted 4-0 by a roll call vote (with Commissioner Nystrom absent) to issue the Certificate of Compliance. Commissioner Canton was ineligible to vote.*

List of Exhibits:

- 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; revised 03/29/2024; prepared by Edwin H. Gless, Existing Grade, Inc.

**5) 265 Lake Avenue (MBL 17-030-00002) – Notice of Intent (CC-2023-055 & DEP#349-1373)**

Mitch Maslanka of Goddard Consulting LLC, on behalf of the applicant, Cherele Gentile, reviewed the history of the property and the multiple Enforcement Orders that have been issued due to unpermitted clearing of the slope that leads to Lake Quinsigamond. Mr. Maslanka explained the purpose of this Notice of Intent is for the restoration planting required by the latest Enforcement Order but also proposed building a stairway on the slope. A dock was also proposed in the most recent revisions, but Mr. Flint suggested that the applicant file another Notice of Intent.

Mr. Flint asked about the sequencing of the project. Mr. Maslanka explained that the stairs would be installed before the plantings are planted. Tom Hopkins, the contractor, expects to start working on the stair in the next month or two.

In response to questions from Commissioner Charpentier and Chair Truman, Mr. Hopkins explained how the stairs would be constructed on the slope and the equipment that would be used.

Commissioner Charpentier asked what would be stabilizing the slope under the stairs and deck. Mr. Maslanka suggested leaving leaf litter in place, planting shade tolerant plants, or riprap and gravel. Commissioner Charpentier prefers to see that area seeded and monitored for signs of erosion over a 2-year period.

No public Comment.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro, the Commission voted 4-0 by roll call vote (with Commissioner Nystrom absent) to close the public hearing. Commissioner Kirshner was ineligible to vote.*

In addition to the standard conditions, Mr. Flint recommended wetland flagging, revised plans removing the proposed dock, equipment placement, no work is permitted within Bordering Land Subject to Flooding with a base elevation of 358.62(NAVD88), pesticides (deeded), and sand/salt (deeded).

Mr. Flint asked if the Commission would like to see permanent markers and to establish a timeline for the plantings on the hillside. Commissioner Charpentier would like to see the restoration plantings completed within a month of the stairs being completed. He would also like to see two years of monitoring reports on the restoration plantings and slope stabilization. The Commission did not comment on permanent markers.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Canton, the Commission Magliaro voted 4-0 by roll call vote (with Commissioner Nystrom absent) to issue the Certificate of Compliance. Commissioner Kirshner was ineligible to vote.*

List of Exhibits:

- Exhibit A: NOI Application; dated 08/23/2024; revised 04/01/2024 submitted by Mitch Maslanka of Goddard Consulting LLC
- Exhibit B: Planting Plan; dated 08/03/2024; submitted by Mitch Maslanka of Goddard Consulting LLC
- Exhibit C: Department of Environmental Protection Comments; dated 09/22/2023; Kimberly Roth
- Exhibit D: Division of Planning & Regulatory Services Staff Comments; dated 09/27/2023

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

#### **9) 116 Northeast Cutoff (MBL 52-006-00008) – Notice of Intent (CC-2023-068 & DEP#349-1378)**

Patrick Healy Thompson-Liston Associates, INC, on behalf of the applicant, 115 Northeast Cutoff Realty Trust, LLC, proposed construction of a driveway, wetland crossing, and related site work associated with the construction of two commercial buildings in the Town of Shrewsbury. Mr. Healy explained the intermittent stream does not have typical wetland characteristics but does carry water during certain times of year. He provided a brief history of Northeast Cutoff and how it was designed as a 4-lane highway with all the lanes being developed but only 2 of the lanes were ever paved. He proposed an open bottom box culvert with a 20' span and 18" clearance to cross the intermittent stream. He explained that the design maintains the flow path, capacity, and meets the openness ratio requirements. The Holden Street was also considered as an access point for the lot, but it would require extensive fill.

Glenn Krevosky, EBT Environmental Consultants, Inc. reviewed the history of the resource area and how it came to be. He went into detail of how he delineated the resource area and determined the difference between the bank resource area and the Bordering Vegetated Wetland.

Mr. Healy reviewed the recalculations of alterations to the resource area. 70' of bank (35' on each side of the flow path) and 2,350 sqf of resource area within the banks would be altered. Approximately 96 cu yds of material will be removed from Land Under Water due to dredging. These calculations are reduced from the previously proposed calculations of 2,380 sqf of resource area and 166 cu yds.

Mr. Flint explained that staff has made multiple visits to the site to check the delineation of the resource area in Worcester. He added that this discretionary crossing and it is not filed as a limited project due to the access from the Holden Street side.

Mr. Flint asked for clarification on the dredging. Mr. Healy explained that the plan is to create a more defined stream channel both upstream and downstream of the proposed crossing. Mr. Krevosky explained that the current stream has not had the time to scourer a proper channel. The flow path is currently dictated by leaf litter.

Mr. Flint brought up concerns about using the proposed crossing as a construction entrance. Mr. Krevosky explained that proper measures will be taken to protect the wetlands. Mr. Healy noted the site's topography will also aid in keeping sediment on the work site.

Commissioner Charpentier asked about the phasing of the work. Mr. Healy responded that they are still waiting on decisions from the Shrewsbury Conservation Commission before finalizing the construction phasing. They plan on accessing the site from the Holden Street side and using that for the initial staging of the site.

Chair Truman asked if the crossing was necessary if the property can be accessed from Holden Street. Mr. Healy explained that a significant amount of fill would need to be brought in to bring up the grade of the site to use Holden Street. Chair Truman requested conceptual plans of what would need to be done to have Holden Street as the only access point.

Commissioner Charpentier asked how development of the site would affect the resource area and what the finished channel will look like. Mr. Healy explained that there will be reductions in peak rate of flow with this development. The dredging will define the banks of the stream. Based on the soils at the site and the flowrate, Mr. Healy does not expect erosion within the dredged channel. A settling pool is also proposed to slow the velocity into the BVW.

Chair Truman asked if the Commission had any interest in a site visit before making a decision. No one from the Commission responded. Mr. Healy added that the Shrewsbury Conservation Commission will be holding a public hearing for this project on April 16<sup>th</sup> and the applicant would be amendable to continuing the hearing.

No public Comment.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Canton, the Commission voted 5-0 by roll call vote (with Commissioner Nystrom absent) to continue the public hearing to May 6, 2024.*

List of Exhibits:

Exhibit A: NOI Application; dated 10/02/2023; submitted by Patrick Healy, Thompson-Liston Associates, INC

Exhibit B: Site Plan; dated 08/22/2023; revised 03/18/2024; prepared by Patrick Healy, Thompson-Liston Associates, INC

Exhibit C: Department of Public Works Comments; dated 12/11/2023

Exhibit D: Wetland Report; dated 04/02/2023; prepared by Glenn Krevosky, EBT Environmental Consultants, Inc.

Exhibit E: Stormwater Report and Plan; dated 9/05/2023; revised 03/18/2024; prepared by Patrick Healy, Thompson-Liston Associates, INC

Exhibit F: Department of Environmental Protection Comments; dated 11/07/2023; Thomas Rebula

Exhibit G: Division of Planning & Regulatory Services Staff Comments; dated 10/18/2023

Exhibit H: Response to Staff Comments; dated 04/02/2024; submitted by Patrick Healy, Thompson-Liston Associates, INC

**10) 267 (aka 265) Mill Street (MBL 42-031-00020) – Notice of Intent (CC-2024-015 & DEP#349-13XX)**

Stephen Balcewicz of Land Planning, INC on behalf of the applicant, Gus Farah, proposed installation of utilities, repaving of an existing parking lot, reconstruction of a retaining wall, landscaping, and debris removal. Mr. Balcewicz reviewed staff comments and how each comment was addressed.

Mr. Flint explained that the Commission received complaints of unpermitted work being done within a resource area. Mr. Flint requested the property owner install erosion controls and file a Notice of Intent. All staff comments have been addressed.

No comments from the public.

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

In addition to the standard conditions, Mr. Flint recommended wetland flagging, a note stating debris in the buffer zone is to be removed by hand, cement truck washing, pesticides (deeded), and sand/salt (deeded).

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

List of Exhibits:

Exhibit A: NOI Application; dated 02/26/2023; prepared by Norman G. Hill, Land Planning, INC

Exhibit B: Site Plan; dated 02/27/2024; revised 03/12/2024; Norman G. Hill, Land Planning, INC

Exhibit C: Staff Comments; dated 03/11/2024; Eric Flint, Conservation Planner/Agent

**11) 49 & 39 Upland Street (MBL 29-040-00002 & 29-038-00038) – Notice of Intent (CC-2024-019 & DEP#349-13XX)**

James Tetreault of Azimuth Land Design, LLC, on behalf of the applicant, Henchey, LLC, proposed construction of two apartment buildings, parking lots, driveways, stormwater management infrastructure, landscaping, and related sitework. He explained that they are still working on addressing the comments that staff provided.

Mr. Flint explained that a file number has not been issued by DEP and that the project will be going before Planning Board.

Commissioner Charpentier asked about stormwater flow from the site. Mr. Tetreault explained that there will be 10 percent reduction in stormwater flow to the abutting sites because of the infiltration structure.

Commissioner Charpentier had concerns that the flow will be concentrated to one area post development.

Commissioner Charpentier recommended the Commission visiting the site to see the area where the basin outflow will be placed.

Commissioner Canton asked about the phasing of the project. Mr. Tetreault explained that it will be done in one phase. There will be temporary sediment basins that are sized according to DEP standards. Commissioner Canton pointed out that erosion controls should be placed around stockpile areas.

Chair Truman asked about the peak flows from the basin during different levels of storm events. Mr. Tetreault explained the unit will act like as infiltration unit during the 2-year storm event and during the 25-year to 100-year storm event it will act as a detention basin, slowing the flow of stormwater.

No Public Comment.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Charpentier the Commission voted 5-0 by roll call vote (with Commissioner Nystrom absent) to continue the public hearing to May 6<sup>th</sup> Hearing.*

List of Exhibits:

Exhibit A: NOI Application; dated 02/28/2024; submitted by James Tetreault, Azimuth Land Design, LLC

Exhibit B: Site Plan; dated 09/25/2023; revised 02/06/2024; prepared by James Tetreault, Azimuth Land Design, LLC

Exhibit C: Stormwater Report; dated 02/06/2024; prepared by James Tetreault, Azimuth Land Design, LLC

Exhibit D: Wetland Resource Evaluation; dated 04/07/2021; prepared by Chris Henchey, EcoTec Inc.

Exhibit E: Drainage Report; dated 09/25/2023; prepared by James Tetreault, Azimuth Land Design, LLC

Exhibit F: Division of Planning & Regulatory Services Staff Comments; dated 03/13/2024

Exhibit G: Department of Public Works Comments; dated 03/13/2024

## **12) 79 Pullman Street (MBL 23-01A-0006A) (CC-2024-021)**

Patrick Doherty of Midpoint Engineering + Consulting, LLC, on behalf of the applicant, Lacy Topaz LLC, proposed construction of a new food service building, parking area, stormwater management infrastructure, landscaping, and related sitework. All existing site improvements would be removed. 5,000 sqf of additional impervious surface would be added to the site. Mr. Doherty reviewed staff comments and how they would be addressed. The project will still need go through Planning Board and Zoning Board of Appeals.

Staff did not have any comments.

No public comments.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Canton the Commission voted 5-0 by roll call vote (with Commissioner Nystrom absent) to continue the hearing to May 6<sup>th</sup>.*



List of Exhibits:

- Exhibit A: NOI Application; dated 03/05/2024; prepared by Patrick Doherty, Midpoint Engineering + Consulting, LLC
- Exhibit B: Site Plan; dated 01/30/2024; revised 02/28/2024; prepared by Patrick Doherty, Midpoint Engineering + Consulting, LLC
- Exhibit C: Stormwater Report; dated 02/28/2024; revised; 03/28/2024 prepared by Patrick Doherty, Midpoint Engineering + Consulting, LLC
- Exhibit D: Division of Planning & Regulatory Services Staff Comments; dated 03/27/2024
- Exhibit E: Department of Public Works Comments; dated 04/04/2024

**New Business – Request for Amended Orders of Conditions**

**14) 0 Snowberry Circle and Rights-of-Way associated with Bittersweet Boulevard, Indigo Circle and Snowberry Circle (aka Arboretum Subdivision Phase IV) (MBL 29-11A -00087, -00088, -00089R, -0089L, -0090R, -0090L, -0091R, -0091L, -0092R, -0092L, -0093R, -0093L, -0094R, -0094L, -0095R, -0095L, -0096R, 0096L) (CC-2024-022 (CC-2022-034, & CC-2019-068))**

Jennifer Kurzon on behalf of the applicant, of Arboretum Village LLC, gave a brief overview of the changes proposed for the Amended Order of Conditions with file number CC-2019-068. Julian Votruba of New England Environmental Design, LLC, explained that the duplexes have been redesigned, allowing for changes in the grading of the site and the ability to reduce the number of retaining walls needed for the site.

Mr. Flint explained that the current OOC states that the retaining walls and grading on the south side of the site need to be constructed before the new units are constructed. This condition is to remain in the Amended Order of Conditions.

Commissioner Charpentier asked about the grading of the site. Mr. Votruba explained the slope will not be any steeper than the existing conditions. The slope will be seeded, and jute matting will be used to help stabilize it while the vegetation is growing in. The slope is slightly reduced from the previously approved plan.

Chair Truman asked if the homes would have usable backyards. Mr. Votruba confirmed that the backyards would not be usable yard space.

No comments from the public.

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

Chair Truman asked if there would be changes to the conditions in the Amended Order. Mr. Flint recommend a change in the condition for revised plans with the intent to clarify the stabilization of the slope process. Mr. Flint also recommended additional sediment controls be extend along the perimeter of the work site.

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

List of Exhibits:

- Exhibit A: Amendment Request; dated 03/13/2024; prepared by Julian P. Votruba, New England Environmental Design, LLC
- Exhibit B: Site Plan; dated 03/12/2024; prepared by Bruce E. Wilson New England Environmental Design, LLC
- Exhibit C: CC-2019-068 Order of Conditions; recorded 12/08/2020
- Exhibit D: CC-2022-034 Amended Order of Conditions; recorded 06/09/2022

**Other Business**

**15) Project Change Request**

**a. Salisbury Hill (CC-2019-040)**

John Kucich of Bohler, on behalf of the applicant, Salisbury Holdings, LLC submitted a project change request to make adjustments to the dwelling design and to address comments from the City. He explained that there is a slight increase of impervious surface due to an increase in the dwelling's footprints. Other changes included modification of road name per request of the City, removal of water meter pit at Barrows Road, change in phasing plans, addition of emergency access to abutting property, relocation of sewer pump station access drive, retaining wall added to mailbox area, and a change in materials used to build the access drive to Stormwater Management Area #1.

No staff comments.

Commissioner Charpentier asked if there would be changes to the stormwater structure. Mr. Kucich explained that they ran the calculations with the increased impervious surface and there was no indication that the stormwater system would need to be changed.

Mr. Canton asked how long they were requesting the extension for. Mr. Kucich expects the project to go on for another three years but is limited to requesting one-year extensions.

No public comment.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Canton the Commission voted 4-1 by roll call vote (with Commissioner Nystrom absent) to approve the project change request, with Commissioner Magliaro voting against.*

List of Exhibits:

- Exhibit A: Project Change Request; dated 03/15/2024; prepared by Nathan Mahonen, Bohler
- Exhibit B: Revised Development Plan; revised 03/07/2024; prepared by John A. Kucich
- Exhibit C: Stormwater Memorandum; dated 03/07/2024; prepared by John A. Kucich
- Exhibit D: CC-2019-035 Order of Conditions; recorded 02/17/2021

**16) Request for Extension of Time**

**a. Salisbury Hill (CC-2019-035)**

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Canton, the Commission voted 4-1 by roll call vote (with Commissioner Nystrom absent) to grant a one-year extension through October 29, 2025, with Commissioner Magliaro voting against.*

List of Exhibits:

- Exhibit A: Extension of Time Request; dated 03/15/2024; prepared by Nathan Mahonen, Bohler
- Exhibit B: CC-2019-035 Order of Conditions; recorded 02/17/2021

**b. 261 Clover Street aka 175 James Street & the Clover Street ROW (CC-2017-077 & DEP#349-1174)**

Kate O'Donnell of Ecotec, Inc. on behalf of the applicant, Botany Bay Construction Co., Inc, requested a one-year extension for the project. Ms. O'Donnell explained that 7 of the 11 residential buildings have been constructed and are occupied. She expects 3 other buildings to be completed in July and the final building to be completed by the end of the year. This should be the last extension request needed for the project.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Canton, the Commission voted 5-0 by roll call vote (with Commissioner Nystrom absent) to grant a one-year extension through May 3, 2025.*

List of Exhibits:

- Exhibit A: Extension of Time Request; dated 03/13/2024; prepared by Kate O'Donnell, EcoTec, Inc.

**c. 305 Belmont Street (CC-2019-063 & DEP#349-1258)**

Mark A. Borenstein of Bowditch on behalf of the applicant, WuXi Biologics USA, LLC, reviewed the one-year extension request.

Commissioner Charpentier asked about stormwater management on site. Tom Staab of WuXi Biologics USA, LLC, explained that the stormwater is being managed by underground infiltration units.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Magliaro, the Commission voted 5-0 by roll call vote (with Commissioner Nystrom absent) to grant a one-year extension through April 22, 2025.*

List of Exhibits:

- Exhibit A: Extension of Time Request; dated 03/20/2024; prepared by Mark A. Borenstein, Bowditch

**17) Requests for Certificates of Compliance**

**a. Hospital Drive (CC-2019-040)**

Mr. Flint reviewed the history of the project and explained that all staff comments have been addressed.

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

List of Exhibits:

- Exhibit A: COC Request; dated 06/01/2023; prepared by Nathan Mahonen, Bohler
- Exhibit B: As-built Plan; dated 05/02/2023; prepared by Gerry L. Holdright, Control Point Associates, Inc.

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

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

Patrick Healy of Thompson-Liston Associates, Inc. provided an update of the projects since the March 18<sup>th</sup> meeting. He requested a continuance to the next meeting as they have not completed the work of removing the pavement that was mentioned at the last meeting.

List of Exhibits:

- Exhibit A: COC Request; dated 02/15/2024; submitted by Patrick Healy, Thompson-Liston Associates, Inc.
- Exhibit B: As-built Plan; dated 02/14/2024; prepared by Thompson-Liston Associates, Inc.

**d. 181 Lake Avenue (CC-2020-002 & DEP#349-1264)**

Mr. Flint reviewed the history of the project and the project change that was requested a few months ago. An as-built plan was received as part of the request, confirming the top of wall is at 358.62'. A site visit was conducted on April 8<sup>th</sup>.

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

List of Exhibits:

- Exhibit A: COC Request; dated 03/28/2024; submitted by Marine Club League
- Exhibit B: As-built Plan; dated 04/01/2024; prepared by Kevin Jarvis, Jarvis Land Survey, Inc.

**18) 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)**

Mr. Flint recommended the Enforcement Order be lifted for Hospital Drive since the Commission voted to issue a Certificate of Compliance.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Canton, the Commission voted 5-0 by roll call vote (with Commissioner Nystrom absent) to lift the enforcement order.*

**m. 215 Lake Avenue (CC-EO-2022-007)**

Mr. Flint stated that staff had recently received an existing condition plan that was required by the Commission. There are a few items that still need to be addressed including confirmation that the wetland buffer boundary markers have been installed. Two years of monitoring is also required for the restoration plantings.

**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)**

Mr. Healy provided an update. They are currently looking at options for stabilizing the stream bank and will hopefully have a plan soon.

**s. 3 Knollwood Drive (CC-EO-2020-002 & DEP#349-1284)**

Mr. Flint reviewed the history of the prior Enforcement Order on this property. In July of 2020, the homeowners filed a Notice of Intent to remediate the violation and in November, the Commission issued the Order of Conditions for the work. The Order has since expired, and the work was never completed. Mr. Krevosky on behalf of the homeowners, John and Shay Parretti, requested that an Enforcement Order be issued to allow for the remedial work.

*Upon a motion by Commissioner Charpentier, Seconded by Commissioner Canton, the Commission voted 4-0 by roll call vote (with Commissioner Nystrom absent) to issue an Enforcement Order. Commissioner Kirshner experienced technical difficulties and was unable to vote.*

**t. 198 Granite Street (CC-EO-2024-001)**

Mr. Flint explained that over the past year, the Commission has received reports of sheet flow and discharges of turbid water from the scrap yard to a Bordering Vegetated Wetland offsite. Staff met onsite to with the property owner to identify areas of concern and reviewed how stormwater management could be improved and the next steps to fixing the issue.

The Commissioners discussed temporary erosion controls that could be installed to limit the damage while a formalized plan is put in place.

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

*There was no discussion of Items 14 a-k or n-q.*

**19) Communications**

**a. Keolis Commuter Services 2024 Vegetation Management Notice**

**b. Community Planting Days**

**c. Amendment to 401 WQC for Dredging – Worcester Country Club**

*There was no discussion of Items 15 a-c.*

**20) Approval of Minutes – 03/18/2024**

*Commissioner Charpentier made a motion to approve the minutes as presented. Commissioner Canton seconded the motion. It passed 4-0 by roll call vote (with Commissioner Nystrom absent). Commissioner Kirshner experienced technical difficulties and was unable to vote.*

**21) Open Space Discussion**

**a. 2024 Earth Day Cleanup**

Mr. Flint announced that Earth Day Cleanup will be held on Granite Street this year.

**b. God's Acre – Referral from City Council**

Mr. Flint explained that someone petitioned City Council to transfer custodianship of God's Acre and the woodlands of Swan Ave to the Conservation Commission. This is a restrictive covenant on the property. Staff will need to do more research on the topic.

**22) Policies and Procedures**

**a. DEP Proposed Wetland Resilience 1.0 Draft Regulations**

Mr. Flint explained that this is the last meeting before the comment period closes. Under the proposed regulations, no stormwater infrastructure will be allowed within the 50' buffer of a BVW. The proposed setbacks will be very difficult to meet within an urban setting. Staff will draft a comment letter on behalf the Commission and will send it to the Chair for review.

**Adjournment**

*Upon a motion by Commissioner Charpentier, seconded by Commissioner Canton, the Commission 4-0 by roll call vote (with Commissioner Nystrom absent) voted to adjourn at approximately 8:27 PM. Commissioner Kirshner experienced technical difficulties and was unable to vote.*