

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

August 5, 2013

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Jeremy Theerman, Acting Chair
Jack Donahue
Joseph Charpentier
Paul Franco

Members Absent: Stefanie Wood, Chair
Mia McDonald
Jordan Berg Powers

Staff Present: Jonathan Gervais, Department of Public Works & Parks
Nancy Tran, Division of Planning & Regulatory Services

CALL TO ORDER:

The Chair called the meeting to order at 5:30 p.m.

APPROVAL OF THE MINUTES –

7/15/13 – Held

Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier the Commission voted 4-0 to approve the minutes of April 22, 2013.

Upon a motion by Commissioner Franco and seconded by Commissioner McDonald the Commission voted 4-0 to approve the minutes of June 24, 2013.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDDRAWALS**

NEW BUSINESS

1. 6 Flint Pond Road (CC-2013-037) –Request for Determination of Applicability:

Amie D’Errico, owner of 6 Flint Pond Road, appeared before the Commission for her Request for Determination of Applicability petition. She sought determination as to whether the work related to the proposed construction of a 320 SF (16’ x 20’) addition onto the rear of the house and a ~1,120 SF garage and storage shed in the back yard, as depicted on the plan is subject to the jurisdiction of the Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance.

Commissioner Charpentier asked for clarification of the nearby resource area.

Mr. Gervais said he reviewed the location and stated that there is a drainage easement for a pipe that daylight on the abutting property. He added that the proposed garage and addition are approximately 80' and 90' away from the resource area.

Ms. D'Errico stated that there will be no extension of the driveway to the garage.

Chair Theerman inquired whether the contractor is aware of the resource areas, to which Ms. D'Errico responded yes.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Franco the Commission voted 4-0 close the public hearing.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Franco, the Commission voted 4-0 to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability for 6 Flint Pond Road submitted by Amie D'Errico; received July 2, 2013.

Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 6 Flint Pond Road - RDA; dated August 1, 2013.

2. 490 West Boylston Street (CC-2013-039A) – Notice of Intent:

Items #2 and 3 were taken contemporaneously.

Erin Jacque, GIS Coordinator and Wetlands Scientist at BSC Group, was present on behalf of the petitioner, Massachusetts Electric Company d/b/a National Grid for its Notice of Intent Applications for 490 West Boylston Street and 125 Goddard Memorial Drive. The applicant proposes to install new electrical switchgear station. The work will involve trenching and excavating for new conduit and manhole installation.

Work at 490 West Boylston Street will involve excavating through an existing manhole and installing a 7' x 7' box that is 4' tall and tying in existing electric service. The work area is located in a flood hazard zone with a nearby stream on the other side of the road along the railroad tracks. Ms. Jacque stated that there will be appropriate erosion and sediment controls as well as Best Management Practices in place. She added that the work will be monitored by an environmental compliance person from BSC Group.

Work located at 125 Goddard Memorial Drive will involve installing approximately 90' of conduit. A stormwater swale is located nearby and straw wattle and silt sacks will be used.

Commissioner Donahue inquired about the start date and estimated time to completion, to which Ms. Jacque replied that work will commence upon receipt of the Order of Conditions and securing an easement for the site. The work would be completed within a couple days and there will be no stockpiling on site.

Upon a motion by Commissioner Franco and seconded by Commissioner Donahue the Commission voted 4-0 to close the public hearing for 490 West Boylston Street.

Upon a motion by Commissioner Franco and seconded by Commissioner Donahue the Commission voted 4-0 to close the public hearing for 125 Goddard Memorial Drive.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Franco, the Commission voted 4-0 to issue an Order of Conditions for 490 West Boylston Street.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Franco, the Commission voted 4-0 to issue an Order of Conditions for 125 Goddard Memorial Drive.

Discussion regarding issuance of Order of Conditions for both was held to the end of the meeting.

List of Exhibits:

Exhibit A: Notice of Intent Application for 490 West Boylston Street and 125 Goddard Memorial Drive submitted by Massachusetts Electric Company d/b/a National Grid; received July 17, 2013.

Exhibit B: Site Plans for 490 West Boylston Street and 125 Goddard Memorial Drive; prepared by BSC Group; dated April 12, 2013; received July 17, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 490 West Boylston Street & 125 Goddard Memorial Drive - NOI; dated August 1, 2013.

3. 125 Goddard Memorial Drive (CC-2013-039B) – Notice of Intent:

Items #2 and 3 were taken contemporaneously.

Exhibit A: Notice of Intent Application for 490 West Boylston Street and 125 Goddard Memorial Drive submitted by Massachusetts Electric Company d/b/a National Grid; received July 17, 2013.

Exhibit B: Site Plans for 490 West Boylston Street and 125 Goddard Memorial Drive; prepared by BSC Group; dated April 12, 2013; received July 17, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 490 West Boylston Street & 125 Goddard Memorial Drive - NOI; dated August 1, 2013.

4. 67 James Street (CC-2013-040) –Request for Determination of Applicability:

Michael Moonan, landscape architect and project manager at Weston & Sampson Associates appeared on behalf of the petitioner, City of Worcester Department of Public Works & Parks for a Request for Determination of Applicability. The applicant sought determination as to whether the work related to the proposed renovation of the existing baseball fields to provide handicap accessible access paths and installation of new field lighting and associated utility connections as depicted on the plan is subject to the jurisdiction of the Wetlands Protection Act.

Mr. Moonan said all the work is located within the buffer zone and the proposed pervious asphalt pathway is proposed around the perimeter behind the backstop, hugging the existing fence. He said alternatives were there pathway could not be moved outside the 15' buffer without moving the ball fields. There will be access to the field from Laurier Street and there will be a slight pitch in the pathway to the catchbasin draining to the street for rainfall that does not infiltrate. He said a wetland delineation shows an existing wall and pipe behind it.

Commissioner Donahue inquired about equipment, grading and work completion time.

Mr. Moonan stated that graders and excavators will be used in the resource buffer area.

Mr. Gervais said he was familiar with the site, stating the project was for facility improvements and ADA compliance. He stated that the proposed permeable pathway will allow for infiltration.

Commissioner Franco stated he had no issue with the project.

Commissioner Donahue inquired about field maintenance with respect to fertilizer use. Mr. Moonan said leagues maintain the fields, not the City and that fertilizers will be minimally used. He added that he was not sure how it is maintained or where the water will drain.

Commissioner Donahue expressed concern about the opportunities for problems that may arise during the construction phase. Mr. Moonan said the pavement will be hand poured and compacted using a small roller.

Mr. Gervais said the pathway material will be similar to that used at Elm Park and a plate compacter will be used. He said he inspects erosion controls before permits can be obtained for the project.

Mr. Moonan said silt fences can be used in lieu of the proposed straw wattles. Mr. Gervais said he recommends applicants to use mulch wattles instead.

Upon a motion by Commissioner Franco and seconded by Commissioner Donahue, the Commission voted 4-0 close the public hearing.

Upon a motion by Commissioner Franco and seconded by Commissioner Donahue, the Commission voted 3-1 (Commissioner Charpentier voting against) to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability for 67 James Street submitted by City of Worcester Department of Parks and Recreation; received July 22, 2013.

Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 67 James Street - RDA; dated August 1, 2013.

OTHER BUSINESS

5. Enforcement Order – Arboretum Village Estates (CC-EO-2013-003):

Chair Theerman said the Commission received communication about a state-issued enforcement order for the subdivision and a city-issued enforcement order signed by Mr. Gervais.

Mr. Gervais said he inspected the area and saw the same issues as Joseph Bellino of MassDEP. Mr. Gervais said he discussed the matter with Chair Wood, who believed it would be prudent for the City to issue an enforcement order in addition to MassDEP's, which was currently in the appeal request process. He stated he was unsure whether the appeal meeting had occurred and will follow-up with MassDEP.

Chair Theerman asked if the issues have been corrected.

Mr. Gervais said he had not seen any corrective measures taken and is still waiting for confirmation that the enforcement order was received. He added that while viewing the subdivision, he saw the owner's consultant testing turbidity per MassDEP requirement. During the visit, he saw unstable open areas and slope issues. He told the Commission that the city-issued enforcement order was similar to the State's but also required monthly reports, disconnecting the Honeysuckle drainage from the city system, installation of temporary drainage from the approved plan and further monitoring to ensure stabilization.

The Commission continued the item to the August 26 meeting for further updates.

6. Communication Items:

- a. Letter from MassDEP; re: Worcester – Arboretum Village Estates, Violations of M.G.L. c.131 § 40; dated June 26, 2013; received June 27, 2013.
- b. Environmental Assessment, Proposed Rectrix Facilities, Worcester Regional Airport; received July 15, 2013.
- c. Letter from Massachusetts Congress of Lake and Pond Associations, Inc.; received July 17, 2013.
- d. Project Notification Form; re: Ecotarium West, 127 Harrington Way; dated July 11, 2013, received July 22, 2013.
- e. Letter from Worcester Department of Public Works & Parks to Worcester Conservation Commission; 21-Day Herbicide Application – City of Worcester; dated July 19, 2013.
- f. Department of Environmental Protection letter from Philip P. Nadeau; Water Quality Certification & Kettle Brook Reservoir # 4 Dam – BRPWW11; dated July 18, 2013.
- g. Massachusetts Superior Court Stipulation of Dismissal to Worcester Conservation Commission; dated July 26, 2013.

The Commission reviewed the communication items but had no comments on any of them.

Adjournment

Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier, the Commission voted 6-0 to adjourn the meeting at 6:28 p.m.