

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

July 14, 2014

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Stefanie Wood, Chair
Jack Donahue, Vice-Chair
Joseph Charpentier
Peter McKone

Members Absent: Jordan Berg Powers

Staff Present: Christopher Gagne, Department of Public Works & Parks (DPW&P)
Stephen Rolle, Division of Planning & Regulatory Services
Nancy Tran, Division of Planning & Regulatory Services

CALL TO ORDER

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

APPROVAL OF THE MINUTES

Approval of minutes from the June 23, 2014 meeting was held.

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

Ms. Tran stated that the applicant for 0 Salisbury Street (Lots 5 & 8-10) (MBL 50-023-00003) (CC-2014-033) requested a Leave to Withdraw Without Prejudice.

Upon a motion by Commissioner Donahue and seconded by Commissioner Charpentier, the Commission voted to approve the Leave to Withdraw Without Prejudice requested by the applicant for 0 Salisbury Street.

UNFINISHED BUSINESS

Public Hearing

1. 38 Toronita Avenue (Lots 1, 2 and 3) (CC-2014-015) – Notice of Intent

Engineer Carl Hultgren appeared before the Commission on behalf of the applicant, AET Realty Trust, for a Notice of Intent to construct three single-family detached dwellings with associated site work at 38 Toronita Avenue. The item was continued from the Commission's May 19 meeting. He stated that the Commission issued an Emergency Order allowing the applicant pump out standing water from Toronita Avenue which was caused by a blocked drain pipe; however, no work was performed because the water subsided on its own. Mr. Hultgren said the revised

plans show wetlands delineation, footprint of the demolished house, as well as sewer and drainage improvements proposed for installation by DPW&P. He added that the plans were revised to divert sheetflow from each driveway toward the rear of each lot. Mr. Hultgren said he spoke with Mr. Gagne who indicated that future area flooding will not occur following drainage improvements by the City.

Chair Wood said she was concerned about sheetflow from the lots and said it appears that the applicant addresses it in the revised plans. She noted that the applicant's plans rely on work performed by the City.

Mr. Gagne said DPW&P was in the process of scheduling the work and confirmed that the proposed houses cannot connect until drainage improvements have been completed. He indicated that work is planned to begin in the fall and pavement work is proposed within the next few years.

Chair Wood inquired what would happen should the City's project get delayed.

Mr. Gagne said the houses cannot connect until the entire length of the drainage in the street is connected to the sewer line.

Walter Burns, 10 Knapp Avenue, expressed his concern with the culvert and the potential amount of runoff from the proposed construction.

Mr. Hultgren responded that the volume of runoff from the site will decrease because roof drains will connect to the city drain system and driveway sheetflow will be diverted away from the street toward the rear of each property. He indicated that the houses will not be constructed until the city project is completed.

Susan Burns, 10 Knapp Avenue, inquired whether the houses will be constructed on raised elevations.

Mr. Hultgren replied that there will be a 3' difference between the house and low point in the driveway. He stated that there will be appropriate sloping to divert runoff to the rear of each lot.

Commissioner McKone elaborated further for Mrs. Burns stating that grading will be done to direct runoff to the back of each property and connections to proposed drainage in the street will reduce water in the area.

Mrs. Burns said she was confused and asked how water will be addressed from Barry Road Extension.

Chair Wood said a new culvert will help the area drain.

Mr. Gagne added that a new culvert and headwall will discharge to the city drain line and into the Luther Avenue infiltration system.

Chair Wood said that Mr. and Mrs. Burns' questions are not related to the project at hand. She suggested that they review the plans for area drainage submitted by the City and previously approved by the Commission.

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

The Commission reviewed the closed item for 38 Toronita Avenue and upon a motion by Commissioner Wood and seconded by Commissioner McKone, the Commission voted 3-0-1 (Commissioner McKone abstained) to issue conditions as discussed (CC-2014-015).

List of Exhibits:

- Exhibit A: Notice of Intent Application for 38 Toronita Avenue; dated March 7, 2014; received March 12, 2014.
- Exhibit B: Definitive Site Plan for 38 Toronita Avenue; dated March 11, 2014; received March 12, 2014; revised May 1, 2014; received May 7, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 38 Toronita Avenue – NOI (CC-2014-015); dated April 18, 2014; revised May 29, 2014; received June 2, 2014.

2. 35 Nelson Place & 500 Salisbury Street (CC-2014-034) – Abbreviated Notice of Resource Area Delineation

Commissioner Wood recused herself from discussing the item and the rest of the scheduled meeting. Commissioner Donahue assumed chair of the Commission.

Wetlands scientist Kenneth Thomson appeared before the Commission for an Abbreviated Notice of Resource Delineation to determine wetland resource boundaries at 35 & 0 Nelson Place and 500 Salisbury Street for proposed construction of a school. Mr. Thomson said two Isolated Vegetated Wetlands (IVW) were delineated on the property – one along the eastern property line and one along the western property line. A Bordering Vegetated Wetlands associated with an intermittent stream was also identified on the adjacent Assumption College property. He said that Nitsch Engineering performed calculations of both Isolated Vegetated Wetlands and determined that the eastern IVW has a vernal pool, which is considered Isolated Land Subject to Flooding (ISLF) due to its volume of water. The western IVW was determined to not have the minimum capacity and not subject to the Wetlands Protection Act and Worcester Wetlands Protection bylaw.

Chair Donahue stated that he attended the site walk and verified wetland flagging during the visit.

Margaret Foley, 7 Redwing Lane, questioned the applicant's flagging since it was performed in March and asked if snow and temperatures may affect delineation.

Chair Donahue said flagging was confirmed in April after snow had melted. He explained that the application does not propose any site alteration and that the applicant only sought the Commission's confirmation of the delineation.

Francis McCarthy, 5 Deborah Road, expressed concern over how a recently constructed culvert has caused issues in the area.

Chair Donahue explained that the culvert is not an issue of the application before the Commission because no work was proposed.

Louise Willett, 15 Nelson Place, inquired why the wetlands were delineated.

Mr. Thomson said that the city sought to replace the existing Nelson Place School and wanted to identify the resources on site, if any. He stated that wildlife and a large vernal pool exists in the area.

Ms. Willett asked how runoff will be addressed, to which Mr. Thomson replied that the project will likely focus on site infiltration and detention to meet state requirements.

Chair Donahue stated that the next step will be a Notice of Intent with plans showing how any impacts will be mitigated. He reemphasized that no plans have been submitted yet.

Rob Parra of Lamoureux Pagano Associates, architect for the planned school, said the project was currently in design and that the Notice of Intent will be submitted in Spring of 2015.

Commissioner McKone clarified that only site resources were identified. He explained that different resources have different protection requirements and that the Commission only needed to confirm areas at this stage of the project.

Ms. Willett expressed her disagreement with the delineation and said that it was conducted in the winter when wildlife is absent.

Mr. Thomson said that he visited the site at least six times between March and the end of spring to confirm the wetland flagging.

Mr. Gagne of &P had no comments.

Upon a motion by Commissioner McKone and seconded by Commissioner Charpentier, the Commission voted to close the public hearing.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted to accept the delineation and issue an Order of Resource Area Delineation.

List of Exhibits:

Exhibit A: Abbreviated Notice of Resource Area Delineation, Nelson Place Elementary School; received June 20, 2014.

Exhibit B: Existing Conditions, Nelson Place Elementary School; dated April 20, 2014; received June 20, 2014.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 35 Nelson Place, ANRAD (CC-2014-033); dated July 10, 2014.

3. 53 Rankin Street, Lots 1 & 2 (MBL 09-036-00012) – Notice of Intent

Engineer Patrick Burke of HS&T Group, Inc. and the applicant, Luigi Digioia appeared before the Commission for a Local Notice of Intent to construct two single-family semi-detached dwellings (total of four dwelling units) with associated utility, grading, site and roadway work at 53 Rankin Street (Lots 1L, 1R, 2L & 2R).

Mr. Burke said the site was previously issued an Order of Conditions in 2010 but that it has since expired. He explained that the project proposes catchbasin installation in the street, cultech units to capture roof runoff and a 3:1 slope with a retaining wall in the rear of the property. He added that the site has a slope of 15% or more and that a site plan application had been filed for Planning Board review. Mr. Burke said the applicant is amenable to providing silt fencing and tire scrubbers at the proposed construction entrance off of Rankin Street.

Mr. Gagne stated upon review of the submitted materials, DPW&P had four comments:

- (1) Verify the adequacy, with regard to capacity, of the proposed drainage system for Rankin Street.
- (2) Provide utility easement for the proposed 15" PCP drain pipe as it leaves the ROW.

- (3) Verify the property owner at the drain manhole to be tied into.
- (4) Provide further detail regarding the proposed retaining wall, with respect to proximity of the proposed 15" PCP drain line.

Mr. Gagne said DPW&P wants calculations to ensure that the catchbasin can handle capacity for the entire length of Rankin Street, not only the increase in impervious area. He added that if not adequate, DPW&P will require more capacity but that it will not change the project as a whole.

Upon a motion by Commissioners McKone and seconded by Commissioner Charpentier, the Commission voted 3-0 to close the public hearing. Discussion regarding issuance of Order of Conditions for this item was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Local Notice of Intent Application for 53 Rankin Street submitted by Luigi Digioia; received June 25, 2014.
- Exhibit B: Plan for Lots 1 & 2 Rankin Street; prepared by HST&T Group, Inc.; dated June 12, 2014; received June 25, 2015 (revised with buffers received July 3, 2014).
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 43 Rankin Street - NOI (CC-2014-035); dated July 10, 2014.

4. 266 Chandler Street (CC-2014-036) – Notice of Intent

Engineer Jeff Howland of JH Engineering appeared before the Commission for a Local Notice of Intent to construct a ~4,500 SF building with a drive-through for restaurant use, 57 accessory off-street parking spaces, associated utility, grading and site work. The existing rain garden between the site and abutting Webster Five Cents Savings will be removed and runoff directed to new drainage discharging into Chandler Street. No on-site ground recharge is possible due to lead contamination but the project will provide an overall decrease in impervious area on site. The project is located within FEMA AE flood zone, proposes ~5,200 SF of disturbance, an increase in flood storage from 35 to 90 cubic feet and maintenance of existing elevations. Erosion and sedimentation measures will include straw wattles around Mayfield and Chandler Streets and silt sacks at catchbasins.

Chair Donahue expressed his concern with pollution leaving the site, stockpiling and construction access.

Mr. Howland stated that the subsurface report was in the process of being revised before its submission to MassDEP. He said excess contaminated material will be hauled off site and that Mayfield Street will be utilized for access as Chandler Street is a busy thoroughfare.

Commissioner Charpentier inquired whether the rain garden was originally installed to meet any drainage requirements.

Mr. Howland said it was installed to meet water quality standards and the proposed stormceptor unit meets such requirements but that it will only address part of the parking lot due to site flood plain elevations.

Mr. Gagne said he previously spoke with Mr. Howland to discuss the adequacy of existing pipes.

Jo Hart, Worcester resident, inquired what the process was for reviewing the brownfield site.

Mr. Gagne stated that the state handles brownfield reviews, not the city.

Mr. Howland added that the site requires MassDEP signoffs regarding hazarding waste and that the subject property was required to be capped.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to close the public hearing. Discussion regarding issuance of Order of Conditions for this item was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Local Notice of Intent Application for 266 Chandler Street submitted by UCBE, LLC; received June 25, 2014.
- Exhibit B: Parking Plan for Antonio's Pizza by the Slice, 266 Chandler Street; prepared by JH Engineering, LLC; dated June 12, 2014; received June 25, 2014.
- Exhibit C: Stormwater Report for 266 Chandler Street; JH Engineering, LLC; undated; received June 25, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 266 Chandler Street - NOI (CC-2014-036); dated July 10, 2014.

5. 486 Chandler Street (CC-2014-037) – Amendment to Order of Conditions

Wetlands scientist Michael Howard of Epsilon Associates Inc. appeared before the Commission on behalf of Massachusetts State College Building Authority for an Amendment to Order of Conditions. Also present with Mr. Howard were:

- Jared Gentilucci – Project Engineer, Nitsch Engineering
- Daniel Ocasio – Senior Project Manager, Massachusetts State College Building Authority
- Robert Daniels – Associate Director of Facilities, Worcester State University

Mr. Howard said the original Order of Conditions was for the construction of a new residence hall, dining facility and related parking. The applicant sought an amendment to widen 360' of the south side of campus driveway by 4' (~160' of 360' to be widened is within the buffer zone), relocate a sidewalk to the driveway's south side, replace the area of relocated sidewalk with grass and improve existing stormwater system.

Mr. Gentilucci stated that the driveway leads to the new residence hall and that work protection measures include straw wattles and silt sacks around Lake Ellie. Work will include replacement of an existing catchbasin with a deep sump hood catchbasin and water quality structure discharging to Lake Ellie. The changes in work increase impervious area by ~500 SF within the buffer and a hydro analysis showed that changes will result in runoff that is below predevelopment rates.

Mr. Howard stated that following discussion with DEP, the modifications are minor and proposes work no closer than what was originally approved.

Chair Donahue inquired whether there was a potential for adverse impacts, to which Mr. Howard said the work is proposed within the same footprint limits.

Upon a motion by Commission Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to close the public hearing. Discussion regarding issuance of Order of Conditions for this item was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Request to Amend Order of Conditions for 486 Chandler Street submitted by Massachusetts State College Building Authority; received July 1, 2014.
- Exhibit B: Plan Amendment to Order of Conditions for Worcester State Housing + Student Dining Facility, 486 Chandler Street; prepared by Nitsch Engineering; dated and received July 1, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 4866 Chandler Street - NOI (CC-2014-037); dated July 10, 2014.
- Exhibit D: Stormwater Report, Worcester State University New Housing + Student Dining Facility Phase 2; prepared by Nitsch Engineering; dated and received July 14, 2014.

6. 42 Quinsigamond Avenue (fka 40 Quinsigamond Ave) (CC-2014-038) – Amendment to Order of Conditions

Project Manager Neal DePasquale of STV Incorporated appeared before the Commission on behalf of the applicant, Worcester Regional Transit Authority (WRTA), for an Amendment to Order of Conditions. Mr. DePasquale requested modification of condition #36 which prohibits stockpiling of excavated material within 50' of any wetland, floodplain or storm drain inlet. He said the applicant sought to reduce the prohibited stockpile distance from 50' to 20' of Bordering Land Subject to Flooding because additional staging room was needed to facilitate construction phasing. He said no stockpiling is proposed within the floodplain and that each location will be no more than 500 cubic yards each. He added that at least 45,000 cubic yards of material will be removed off site, possibly via rail.

Upon a motion by Commission McKone and seconded by Commissioner Charpentier, the Commission voted 3-0 to close the public hearing. Discussion regarding issuance of Order of Conditions for this item was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Order of Conditions Amendment Request for 42 Quinsigamond Avenue; submitted by Worcester Regional Transit Authority; received July 1, 2014.
- Exhibit B: Erosion Control Plan for 42 Quinsigamond Avenue; prepared by STV, Incorporated; dated June 27, 2014; received July 1, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 42 Quinsigamond Avenue WRTA, OOCA – CC-2014-038; dated July 10, 2014.

OTHER BUSINESS

- 7. Crow Hill North** (southern portion of 145 Harrington Way) – Request to Review, Comment and Endorsement of the Baseline Report and Land Management Plan (LAND Grant Reimbursement Requirement)

The Commission was provided a copy of the Baseline Report and Land Management Plan but took no action on it. The item was continued to the Commission's August 4 meeting to allow time for review.

- 8. Informal Discussion** – Worcester Fire Department re: Installation of piping for emergency water pumping

Ms. Tran said the Fire Department will appear before the Commission at a later date upon finalizing its proposal.

- 9. Enforcement Order** – 30 Breeze Drive (CC-2014-001)

Ms. Tran said an Enforcement Order was issued to 30 Breeze Drive for work within the 100-ft buffer zone to Bank of Patch Reservoir and Bordering Land Subject to Flooding (FEMA Flood Zone AE) without Conservation Commission approval. She said the Notice of Intent application was expected and would be scheduled for the Commission's August 4 meeting.

- 10. Enforcement Order Update – Arboretum Village Estates (CC-EO-2013-003)**

Items #10 and #11c were taken contemporaneously.

Commissioner Charpentier inquired whether the Planning Board took any action on the slope.

Mr. Rolle said that the Planning Board considered rescinding approval of work but was unable to do so due to mortgage holder objection afforded by Massachusetts General Law. He added that the Board approved a site plan for work on the other side of Bittersweet Boulevard, on land not directly abutting the slope.

The Commission continued the item to hear Planning Board updates on resolution regarding the slope.

Communication Item: From EcoTec, Inc. re: Arboretum Village Estates (Enforcement Order Modification for Turbidity Sampling); dated June 29, 2014; received July 1, 2014.

Chair Donahue reviewed EcoTec's request and said it was reasonable.

Commissioner McKone inquired how well installation of the bonded fiber matrix held to stabilize the slope.

Mr. Gagne stated that the slope's near vertical face was hydroseeded and that nothing has changed or grown.

Commissioner McKone expressed his concern and said he was not amenable to reducing the threshold based on the actions by the contractor thus far.

Commissioner Charpentier said while the request was reasonable, he concurred with Commissioner McKone given the history.

Mr. Rolle said the Commission can take no action and keep the enforcement order as-is, modify the order or wait for staff to verify and review turbidity readings for rain events over ½.”

The Commission was amenable to Mr. Rolle’s suggestion regarding turbidity report review and took no action on the request.

List of Exhibits:

Exhibit A: Letter from Scott Morrison of EcoTec, Inc. re: Arboretum Village Estates, Worcester, Massachusetts (Slopes A & B); dated June 19, 2014.

11. Communication Received:

The Commission reviewed the following communications received but took no action on it.

- a. From Massachusetts Historical Commission; re: Donker Farm Conservation Restriction Acquisition, 048R & 50 Tory Fort Lane, 221 Beaconsfield Road, and 18 Briarcliff Street, Worcester, MA; dated June 25, 2014; received June 27, 2014.
- b. From Army Corps of Engineers re: Elm Park, 121 Russell Street, Section 404 Permit; dated June 20, 2014; received June 24, 2014.
- c. From EcoTec, Inc. re: Arboretum Village Estates (Enforcement Order Modification for Turbidity Sampling); dated June 29, 2014; received July 1, 2014.

Items #10 and #11c were taken contemporaneously.

The Commission considered EcoTec’s request to modify Enforcement Order (CC-EO-2013-003) to collect turbidity sampling at 0.5” or greater rainfall threshold. The Commission took no action and the requirement to conduct sampling after each rain event with no precipitation threshold remains.

12. Discussion and Issuance of Orders of Conditions as relevant to a hearing closed 7/14/14.

The Commission reviewed the closed item for 53 Rankin Street and upon a motion by Commissioner McKone and seconded by Commissioner Charpentier, the Commission voted 3-0 to issue conditions as discussed (CC-2014-035).

The Commission reviewed the closed item for 266 Chandler Street and upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to issue conditions as discussed (CC-2014-036).

The Commission reviewed the closed item for 486 Chandler Street and upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to issue an Amended Order with no changes to previous special conditions¹ (CC-2014-037).

The Commission reviewed the closed item for 42 Quinsigamond Avenue and upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission

¹ CC-2013-001

voted 3-0 to issue an Amended Order with modification of condition #36 which prohibits stockpiling of excavated material within 20' of any wetland, floodplain or storm drain inlet.² (CC-2014-037).

13. Signing of Decisions

- 38 Toronita Avenue (CC-2014-015) – Order of Conditions
- 53 Rankin Street (CC-2014-035) – Order of Conditions
- 266 Chandler Street (CC-2014-036) – Order of Conditions
- 486 Chandler Street (CC-2014-037) – Amended Order of Conditions
- 42 Quinsigamond Avenue (CC-2014-038) – Amended Order of Conditions
- 45 McKeon Road (CC-2012-052) – Certificate of Compliance
- 88 Webster Street (CC-2014-026) – Certificate of Compliance

14. Enforcement Order – 30 Breeze Drive (CC-EO-2014-001)

Ms. Tran stated that applicant intended to appear before the Commission regarding the Order but had not yet arrived.

Chair Wood recommended reviewing the issue without the owner present and asked DPW&P's report regarding the Enforcement Order.

Mr. Gagne stated that an Enforcement Order was issued to the owner of 30 Breeze Drive for work within 100' of Patch Pond. Work on the property involved trench digging and pipe installation for a replacement retaining wall. He required the owner to install erosion and sedimentation controls and halt all work until the project filing had been submitted and reviewed by the Commission.

No action was taken and the item was continued to the following meeting pending submission of a Notice of Intent by the owner.

15. Request for Certificate of Compliance – Putnam Lane & Franklin St, CSX Worcester Terminal Expansion Project (CC-2011-016)

Mr. Gagne said the work had been completed and there were no issues.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to issue a Certificate of Compliance.

16. Request for Certificate of Compliance – Putnam Lane & Franklin St, CSX Worcester Terminal Expansion Project (CC-2011-016)

Mr. Gagne said the work had been completed and there were no issues.

² CC-2014-006

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to issue a Certificate of Compliance.

Adjournment

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to adjourn the meeting at 7:58 pm.