

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

**October 19, 2015**

**WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS**

**Conservation Commission Members Present:** Stefanie Wood, Chair  
Peter McKone  
Amanda Amory

**Members Absent:** Jordan Berg Powers  
Joseph Charpentier

**Staff Present:** Michelle Smith, Division of Planning & Regulatory Services  
Edmund Kochling, Department of Public Works & Parks (DPW&P)

**CALL TO ORDER – 5:30 pm**

**APPROVAL OF THE MINUTES –**

No minutes were before the Commission for consideration.

**REQUESTS FOR CONTINUANCES, POSTPONEMENTS, WITHDRAWAL**

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to hold a special meeting on Monday, November 2, 2015 in the Levi Lincoln Chamber in City Hall at 5:30 p.m.

**1. 79 Joppa Road (MBL 47-004-00060) (CC-2015-006)**

Application: Notice of Intent

Applicant: James Spahiu

Project: Construct a single-family detached dwelling along with associated grading, paving, site work, and landscaping on property located at 79 Joppa Road.

Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – the proposal shall occur within 100-ft buffer to a Bordering Vegetated Wetland and within the Stormwater Protection Zone

Public Hearing Opened: 3/2/2015

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to continue the item until the November 2, 2015 meeting and extend the constructive grant deadline to December 8, 2015.

**List of Exhibits:**

Exhibit A: Application for Notice of Intent filed March 9, 2015 and dated February 19, 2015.

Exhibit B: Proposed Site Plan prepared by Finlay Engineering Services dated April 16, 2015.

Exhibit C: DPW memo dated February 25, 2015 and revised October 15, 2015.

**2. 1117 Grafton Street (MBL 38-034-00016) (CC-2015-047)**

Application: Notice of Intent

Applicant: Anthony Bianco

Project: To fill in and level out the rear-yard of the property and construct a retaining wall to hold the fill, along with related grading, utilities, and site work on property located at 1117 Grafton Street

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed intermittent stream and within the Stormwater Protection Zone

Public Hearing Opened: 8/31/2015

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to postpone the item to the November 16, 2015 Conservation Commission meeting and to extend the constructive grant deadline until December 8, 2015.

**List of Exhibits:**

Exhibit A: Application for Notice of Intent filed August 10, 2015 and dated August 31, 2015.

Exhibit B: Plan prepared by ASA Engineering Services dated September 15, 2015.

Exhibit C: DPW memo dated February 25, 2015 and revised October 15, 2015.

Exhibit D: DPW memo dated August 27, 2015 and revised September 17, 2015.

Exhibit E: Request to postpone form dated November 16, 2015 and received November 16, 2015.

**3. 712 Plantation Street (MBL 46-49A-00008) (CC-2015-061)**

Application: Request for Determination of Applicability

Applicant: Pullman Street, LLC

Project: To seek determination as to whether or not the work/area associated with the re-construction of the existing parking area and associated drainage infrastructure, along with minor repairs/demolition to the existing structure, along with associated site-work, on property located at 712 Plantation Street is subject to the Commission's jurisdiction

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - the proposal shall occur partially within the 100 ft. buffer zone to the Bordering Vegetated Wetlands associated with the Bank of Poor Farm Brook and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – 10/21/2015; WWPO - 11/14/2015

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to postpone the item to the November 16, 2015 Conservation Commission meeting and to extend the constructive grant deadline until December 8, 2015.

**List of Exhibits:**

Exhibit A: Request for Determination of Applicability filed September 30, 2015 and dated September 30, 2015.

Exhibit B: Plan prepared by Graves Engineering, Inc. dated November 19, 2015.

Exhibit C: Supplemental Stormwater Report data received November 23, 2015 and dated November 19, 2015.

Exhibit D: DPW memo dated December 1, 2015.

Exhibit E: Request to postpone form dated November 16, 2015 and received November 16, 2015.

**4. 4. 0 (aka 3R) Bowker Street (MBL18-036-15-3R) (CC-2015-060)**

Application: Notice of Intent

Applicant: KLA Holdings

Project: For construction of a single-family detached dwelling and associated off-street parking, along with associated site work, on property located at 0 (aka 3R) Bowker Street.

Jurisdiction: City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WWPO – 11/14/2015

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to postpone the item until the November 2, 2015 Conservation Commission meeting and to extend the constructive grant deadline until December 17, 2015.

**List of Exhibits:**

Exhibit A: Notice of Intent Application filed September 30, 2015 and dated September 30, 2015.

Exhibit B: Plan prepared by New England Survey, Inc. dated September 17, 2015.

Exhibit C: DPW memo dated October 15, 2015..

Exhibit D: Request to postpone form dated October 19, 2015 and received October 19, 2015.

**5. a. 501-505 Mill Street (CC-2001-027) - Request for Certificate of Compliance**

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to postpone the item until the November 16, 2015 Conservation Commission meeting and to extend the constructive grant deadline until December 8, 2015.

**5. b. Whippoorwill Drive (CC-2004-059) - Request for Certificate of Compliance**

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to postpone the item until the November 16, 2015 Conservation Commission meeting and to extend the constructive grant deadline until December 8, 2015.

**5. c. Whippoorwill Drive (CC-2014-020) - Request for Certificate of Compliance**

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to postpone the item until the November 16, 2015 Conservation Commission meeting and to extend the constructive grant deadline until December 8, 2015.

**5. d. 486 Chandler Street (CC-2012-044) - Request for Certificate of Compliance**

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to postpone the item until the November 16, 2015 Conservation Commission meeting and to extend the constructive grant deadline until December 8, 2015.

**6. a. 486 Chandler Street (DEP # 349-1047; CC-2013-001 & CC-2014-037) - Request for Extension of Time**

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to postpone the item until the November 16, 2015 Conservation Commission meeting and to extend the constructive grant deadline until December 8, 2015.

**OTHER BUSINESS:**

**7. Enforcement Order Updates:**

**a. 1117 Grafton Street (CC-EO-2015-004)**

No update was provided.

**b. Arboretum Village Estates (CC-EO-2015-005)**

Ms. Smith stated that she had provided a letter from an abutter to the Commission who had a concern with a manhole and overflowing water in a heavy rain and Mr. Kochling did a site inspection and Mr. Kochling provided update on conditions he saw during site view.

Chair Wood asked if it possible that property owner submit something in writing regarding conditions at site. Ms. Smith stated she would contact the property owner regarding submitting something in writing.

**c. 181 Lake Avenue (CC-EO-2015-006)**

No update was provided.

**d. 27 New Street Extension (CC-EO-2015-009)**

Ms. Smith stated that the applicant's representative was not able to be to attend the meeting but she had provided some emails regarding the stabilization of the area.

Mr. Kochling stated that he had done a site visit the other day and they did have the area stabilized.

**RECESS**

The Commission voted to recess at 5:45 p.m. and returned to the regularly scheduled hearing at 6:04 p.m.

**e. 604 Burncoat Street (aka Burncoat Heights) (CC-EO-2015-011)**

Chuck Scott along with Ross Stewart appeared on behalf of the item. Mr. Scott stated there was a site visit to the property and he stated that he a letter from the abutter allowing him to place fill on his property as long as it clean. Mr. Scott stated he has put together a plan on how they can control storm water runoff for this project and he stated that he is able to take storm water from a large portion of the site and redirect it to where they are placing fill and stated about half way up the road they can create a bench that will take away all the open excavation area and discharge it to the adjacent property. He showed on a plan where the loam stockpile was and stated it was stable and vegetated.

Mr. Scott showed a building pad from a project he did in Westminister and how he stabilized the slope and stated he would do similar at this location.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 3-0 to allow the treatment on the site and that applicant would provide notice to abutters about the treatment.

**f. Goldthwaite Road (Burncoat Gardens Phase I & V) (CC-EO-2015-007)**

Chuck Scott appeared on behalf of the item. He stated that he is having problem obtaining the letter of credit and was told the item was done but has not been provided to him.

Chair Wood asked if that was only thing outstanding. Mr. Scott reviewed other items that were outstanding and reviewed plans for the work.

Mr. Kochling stated that they need to add a temporary basin and stated that he had concern about the sandbags and how they will work when it snows.

Mr. Scott stated that there really no houses out there yet and doesn't envision anything happening in that area until next summer.

**g. Pierce Avenue (Burncoat Gardens Phase IV) (CC-EO-2015-008)**

Mr. Scott stated that are three order of conditions on this property and all presently are controlled from any erosion happening and the hot item for them is Lot 37 which is due to be sold October 27 and they have put in wall in and they were originally going to hydro seed and he would request that the Conservation Commission vote to release this from the Enforcement Order and then vote to issue a Certificate of Compliance pending review from Mr. Kochling.

Chair Wood stated that she had been to the lot and wall is stable and only thing left to be done is vegetate.

Upon a motion by Commissioner Amory and seconded by Commissioner McKone the Commission voted 3-0 to lift the Enforcement Order by Lot #56 pending confirmation that the sod is down, site visit from staff and receipt of letter.

**h. 149-151 Lake Avenue (CC-EO-2015-010)**

**8. Request for Certificate of Compliance:**

**b. 56 Pierce Avenue (CC-2014-029) - Request for Certificate of Compliance**

A brief discussion was held on what we being done to stabilize the site and the Commission stated that they would like to view site.

**9. Whippoorwill Drive (CC-2004-059) Request for Determination of Subsequent Action from Project Changes**

The Commission voted to postpone the item to the November 16, 2015 Conservation Commission meeting.

**10. Communications:**

The Commission received the following communications but had no comments.

- a.** Notice of Project Change – Greenwood Street Landfill; by Tighe & Bond, Inc.; dated 10/2/2015. No comment.
- b.** Notice that 2013 Open Space Plan has been posted to the Parks Department website; 10/5/2015. No comment.
- c.** Letter regarding stabilization of Slope A; by EcoTec; received 10/6/2015. No comment.

- d. Letter regarding stabilization of Slope A; by Gallo Builders, Inc.; received 10/14/2015. No comment.
- e. CMRPC Technical Assistance Application; dated 10/8/2015. No comment.

**11. Conservation Commission’s Policy on Compensatory Flood Storage ‘Banking’ – Copy of Revised Policy**

Chair Wood requested that this item be discussed at the November 16, 2015 Conservation Commission meeting.

**12. Requests for Emergency Certifications**

**a. Bailey Street Right-of-Way – Collapse of Box Culvert**

Ms. Smith stated that at this point they do not any additional information but the applicant would like to begin the work mid November and asked if the Commission would vote to issue the certification pending receipt of the start date from DPW staff. She noted that staff could insert the start of work and associated termination date for the Emergency Certification once the Commission has been notified of the start date and issue the Certification thereafter.

Mr. Kochling stated that that delay was a result of a drainage structure that required a special order.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 3-0 to allow the Emergency Certification

**13. Issuance of Orders of Conditions**

**14. Signing of Decisions**

**ADJOURNMENT**

Upon a motion the Commission voted to adjourn the meeting at 6:48 p.m.