

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

November 14, 2011

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

Stefanie Wood – Chair (absent)
Jeremy Theerman – Acting Chair
Jordan Berg Powers (absent)
Paul Franco
Jack Donahue
Mia McDonald
Joseph Wanat (absent)

Staff Present:

Jonathan P. Gervais, Department of Public Works & Parks
Luba Zhaurova, Division of Planning & Regulatory Services

CALL TO ORDER – 5:30 pm

APPROVAL OF THE MINUTES – Upon a motion by Ms. McDonald and seconded by Mr. Franco, the Commission voted 4-0 to approve the 10/24/2011 minutes.

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

1. **4-6 Meadow Lane:** Request for Determination of Applicability (CC-2011-034): Attn. Morris A. Bergman, representative for Brian O’Connell & Dorothy Hargrove, requested a Leave to Withdraw Without Prejudice of the petition due to the fact that the City Council has approved an amendment to the City’s Revised General Ordinance with respect to sidewalk snow clearing. Upon a motion by Mr. Franco and seconded by Ms. McDonald, the Commission voted 4-0 to approve the petitioner’s request to Leave to Withdraw Without Prejudice.

UNFINISHED BUSINESS

Public Hearing

2. **14 Marshfield Street:** Notice of Intent (CC-2011-040): Hossein Haghanizadeh, representative for Robert Bartelson, the petitioner, stated that the petitioner is seeking to construct a 2,500 SF steel building and provide 6 off-street parking spaces for a proposed commercial use and that the trigger for review is a proximity to a catch basin. He stated that hydraulic calculations were submitted after the last hearing (Exhibit E). Mr. Gervais stated that the calculations demonstrate that the project meets the minimum Stormwater Management Standards. Upon a motion by Ms. McDonald and seconded by Mr. Franco, the Commission voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Donahue and seconded by Mr. McDonald, the Commission voted 4-0 to issue an Order of Conditions.

List of Exhibits:

- Exhibit A: WPA Form 3 – Notice of Intent for 14 Marshfield Street; prepared by Robert Bartelson; received 10/14/2011.
- Exhibit B: Site Plan for 14 Marshfield Street; prepared by HS&T Group Inc., dated 8/11/2011.
- Exhibit C: Staff review memorandum from Department of Public Works & Parks to the Conservation Commissions; re: 14 Marshfield Street – NOI; dated 10/21/2011.
- Exhibit D: Letter from HS&T to the Conservation Commission requesting a postponement to 11/14/2011.
- Exhibit E: Hydrology & Stormwater Management Report for 14 Marshfield Street; prepared by HS&T Group; dated 10/27/2011.

Public Meeting

3. **376-384 Sunderland Road- Request for Determination of Applicability** (CC-2011-043): Jason Lederer of BSC Group, representative of Massachusetts Electric Company d/b/a National Grid, stated that he submitted the requested documentation to the Commission with a plan showing the jurisdictional land, 15-ft and 30-ft buffers and proposed erosion control measures (Exhibits E & F). Mr. Gervais stated that DPW&P encourages the use of straw and hay bales, and discourages applicant from using straw waddles as it found that they often rise up between the ground stakes due their lightness.

Mr. Theerman stated that he would like to see erosion controls on the plans for Requests for Determinations going forward.

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

List of Exhibits:

- Exhibit A: WPA Form 1 – Request for Determination of Applicability for 376-384 Sunderland Road (including a narrative); prepared by Massachusetts Electric Company d/b/a National Grid; received 10/12/2011.
- Exhibit B: “Attachment “B” – Site Photographs
- Exhibit C: “Attachment C” - Site Locus Map and Project Alignment Map; prepared by BSC Group.
- Exhibit D: Staff review memorandum from Department of Public Works & Parks to the Conservation Commissions; re: 376-384 Sunderland Road; dated 10/21/2011.
- Exhibit E: Project Route Map – Electrical Distribution Cable Replacement for Massachusetts Electric Company d/b/a National Grid Project & Redwood Hill; prepared by BSC Group and National Grid; revised 10/26/2011.

Exhibit F: Environmental Guidance (EG-303): ROW Access, Maintenance and Construction Best Management Practices; National Grid; last revised 12/11/2009; received 10/31/2011.

OTHER BUSINESS

4. **Existing Right-of-Way Easement off Granite St., Providence St. & Gloucester St - Request for Certificate of Compliance (CC-2009-047):** Mr. Gervais stated that the applicant successfully complied with the Order of Conditions issued for the project. He stated that the project involved above-ground high tension wires and was completed last year.

Upon a motion by Mr. Donahue and seconded by Ms. McDonald, the Commission voted 4-0 to issue a Certificate of Compliance.
5. **1001 Millbury Street at Providence Street - Request for Certificate of Compliance (CC-2010-043):** Mr. Gervais stated that the project has not been completed and landscaping has not been installed, and that therefore Orders of Conditions have not been complied with yet. Upon a motion by Mr. Donahue and seconded by Mr. Franco, the Commission voted 4-0 to withhold granting of Certificate of Compliance until the applicant complies with all Orders of Condition. Mr. Gervais stated that typically Certificate of Compliance is issued one full growing season after planting.
6. **1121 Grafton Street – Enforcement Order (CC-2006-088):** Ms. Zhaurova distributed a letter submitted by Mr. Quinn to the Commission (Exhibit A). Mr. Gervais stated that the information provided to the DPW&P was not sufficient to demonstrate that the installed unit would meet Massachusetts Stormwater Management Policy and that Mr. Quinn is awaiting information from the manufacturer demonstrating compliance. Mr. Theerman stated that it would be preferable to get information regarding such compliance from a third-party independent source. He stated that the Commission needs to consider the next enforcement steps if the applicant does not comply. Mr. Donahue stated that if compliance is demonstrated, then the applicant has been in compliance with all the standards from the beginning. Upon a motion by Mr. Donahue and seconded by Ms. McDonald the Commission voted 4-0 to continue the matter to December 19, 2011 to provide Mr. Quinn time to submit new information about the stormwater treatment unit to Mr. Gervais for review.

Exhibit A: Letter from Quinn Engineering, Inc. to Conservation Commission; re” 1119-1121 Grafton Street; dated 11/14/2011.
7. **14 Ada Street – Enforcement Order:** Gerard Aubin, the owner, was not present. Mr. Gervais stated that he spoke with Mr. Aubin several days after the last meeting and told him that the City will not be involved in assisting with erosion problems on site. Mr. Franco suggested channeling the brook to ease the erosion forces acting on the 14 Ada Street parcel. Mr. Gervais stated that this could cause stronger erosion on the neighboring properties and stated that he believed the best option would be for Mr. Aubin to construct a retaining wall on his property. He stated that the wall that collapsed into the brook was not a retaining wall, but a wall built on land. Mr. Franco asked if the Commission should rescind its Enforcement Order since the erosion of the wall by the brook was not an intentional action of the property owner. Mr. Donahue stated that Mr. Aubin stated that removal of the stones would worsen the situation.

Ms. Zhaurova indicated to the Commission that Mr. Aubin called her and indicated that he will not be able to attend the meeting and that he will not be able to afford to build a wall on his own.

Mr. Donahue asked staff to explore option for Mr. Aubin to pursue and to see if Corps of Engineering has guidance and provides assistance to homeowners in such matters. The Commission asked DPW&P to issue a statement in writing with regards to the City's willingness and ability to assist Mr. Aubin.

Upon a motion by Mr. Franco and seconded by Mr. Donahue, the Commission voted 4-0 to continue the item to December 19, 2011 in order to allow staff to respond and for Mr. Aubin to be present.

8. **156 Olean Street – Enforcement Order:** Mr. Gervais stated that he conducted a site visit and that the owner now complies with the Enforcement Order request as the concrete has been removed from the brook bank area and there are no visible pieces in the brook itself. The Commission asked Ms. Zhaurova if a vote needs to be taken by the Commission. She stated that she will get back to the Commission at the next meeting. Upon a motion by Mr. Franco and seconded by Ms. McDonald, the Commission voted 4-0 to continue the item to December 19, 2011.
9. **16 Dixon Avenue - Request for Certificate of Compliance (CC-2010-019):** Mr. Gervais stated that the applicant complies with the Order of Conditions issued for this project. Upon a motion by Mr. Franco and seconded by Ms. McDonald, the Commission voted 4-0 to issue a Certificate of Compliance.

ADJOURNMENT

Upon a motion by Mr. Franco and seconded by Mr. Donahue, the Commission voted 4-0 to adjourn the meeting at 6:32 pm.