

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

December 15, 2014

WORCESTER CITY HALL – LEVI LINCOLN ROOM

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

Member 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 5:31 pm.

NEW BUSINESS – Request for Determination of Applicability

Public Hearing

1. Wayside Road Right-of Way (between 55 White Ave, 90 &105 Wayside Rd) (CC-2014-059) – Request for Determination of Applicability

Wetlands Scientist Theresa Portante of BSC Group appeared before the Commission on behalf of the applicant, Massachusetts Electric Company d/b/a National Grid for a Request for Determination of Applicability. The applicant sought determination as to whether the area and/or work related to the replacement and reconductoring of six wooden electric distribution poles (P17-P22) with associated grading within the Wayside Road Right-of-Way (between 55 White Ave, 90 &105 Wayside Rd) is subject to the jurisdiction of the City of Worcester Wetlands Protection Ordinance.

Ms. Portante said appropriate erosion controls such as straw wattles or silt fencing will be used and regrading is proposed along the steep access road between poles 17-18. The subject area will be accessed from Wayside Road for pole replacement and total disturbance per pole is 2-4 SF. Reconductoring with wire will be accessed from both St. Nicholas/Erie Avenue and Wayside Road. Ms. Portante said replacement of all poles will take approximately 1-2 days and wire line installation will take less than one day.

Commissioner Donahue inquired whether the grading will be permanent and expressed concern with unauthorized All-Terrain Vehicles use of the access road as well as area dumping.

Ms. Portante said that the road grading will be permanent to provide access to general maintenance of the poles. She added that the access road is very narrow and does not lead to the main road.

Chair Wood recommended that all erosion and control measures be removed following project completion.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 4-0 to issue a Negative Determination of Applicability for the proposed project.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability for Wayside Road Reconductoring and Pole Replacement Project submitted by Massachusetts Electric Company d/b/a National Grid; received August 16, 2014.
- Exhibit B: Figures, Site Photographs, and Sediment Control Details; prepared by BSC Group, Inc.; various dates; received August 20, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Wayside Road – RDA (CC-2014-059); dated December 5, 2014.

NEW BUSINESS – Notices of Intent

Public Hearings

2. June Street (aka 232, 234, 236, 238 & 240 June St) (MBL 51-011-003-1, -2, -3, -4 & -5) (CC-2014-057) – Notice of Intent

Wetlands Scientist Scott Jordan of EcoTec appeared on behalf of the applicant, Botany Bay Construction Co. Inc. for a local Notice of Intent to construct five single-family dwellings with associated grading, utilities and site work at 0 June Street (between Botany Bay Road and Knowles Road). Mr. Jordan explained that the applicant received approval for multi-family dwellings on the abutting parcel off of Botany Bay Road. He said appropriate erosion controls and a stabilized construction entrance will be installed for each lot.

Commissioner McKone said the number of lots constitutes a subdivision and therefore must meet Stormwater Management Standards, to which Mr. Jordan said the project was designed to meet the requirements in conjunction with the abutting property.

Mr. Gagne said DPW&P provided two comments regarding the submitted filing (1) Provide appropriate infiltration, for the roof runoff, of each proposed house; and (2) Provide a drain connection for each of the lots. He stated that the applicant re-submitted calculations and meets required standards.

Commissioner Charpentier inquired about drainage for each lot, to which Mr. Jordan said each lot will be pitched back to direct runoff to the appropriate drainage system.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 4-0 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: Notice of Intent Application for June Street submitted by Botany Bay Construction Co. Inc.; received October 31, 2014.

- Exhibit B: Proposed Site Grading and Erosion Control Plan for 222 June Street Apartments; prepared by Finlay Engineering Services; dated October 5, 2011; received October 31, 2014
- Exhibit C: Hydraulic/Hydrologic Calculations for 222 June Street Apartments; prepared by Finlay Engineering Services; dated July 8, 2011; received October 31, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: June Street - NOI (CC-2014-057); dated December 4, 2014.

3. 0 Granite Street (MBL 31-009-00008) (CC-2014-058) – Notice of Intent

Note: The public hearing for this item was not open. The applicant was amenable to postponement of the item to the Commission's January 5, 2015 meeting to allow time to submit the remaining required application fee. The project was informally discussed and no vote was rendered.

Wetlands Scientist Scott Morrison of EcoTec appeared before the Commission on behalf of applicant, Constitution Drive, LLC, for its Notice of Intent to construct two single-family dwellings with a common driveway, septic system, associated grading, site work, wetlands filling and replication at 0 Granite Street (westerly side, just north of Aurora Street). Mr. Morrison said a vast majority of the site consists of wetland resource area and would require wetland crossing to access the proposed structures. Haybales and silt fencing will also be installed during construction. He indicated that proposed replication areas were moved on the plan to save existing oak trees on site but the change will provide less than 1.5:1 replication ratio required by the Commission.

Commissioner McKone stated that the Commission is concerned with providing shading and providing the minimum required replication more than saving the oak trees. He asked whether one area shown as replication is already existing wetlands. Commissioner McKone also inquired about utility connections and excavated soils.

Mr. Morrison said Commissioner McKone was correct and that updated plans will provide additional replication areas. He stated that there is no sewer in the right-of-way and that he was unsure whether electric will be conduit or overhead. Site soils are primarily rocky and deep and limits the area where replication can be located. He indicated that the soils will remain on site to help build up the area where the structures are proposed. Replication area soils will be mixed off-site.

Commissioner Donahue asked if inclusion of the oak trees prevented the applicant from meeting the 1.5:1 replication requirement, to which Mr. Morrison said it was the tradeoff but he believed he can find additional area based on clarification by Commissioner McKone.

Russell Mattson, 22 Dogwood Road, expressed his concern the nearby culvert. He indicated that the area receives significant water and wanted to ensure that there are no blockages that would affect the area and brook.

Mr. Morrison stated that the project proposes a 30" pipe to maintain hydrology and ensure adequacy for sheetflow from the road. He added that a 12" corrugated pipe with a catchbasin will direct water and discharge to the wetland.

No action was taken on the item. Upon a motion by Commissioner Donahue and seconded by Commissioner Charpentier, the public hearing for the project was postponed to January 5, 2015 due to outstanding fees.

List of Exhibits:

- Exhibit A: Notice of Intent Application for Granite Street submitted by Constitution Drive, LLC; received November 18, 2014.
- Exhibit B: Burke Engineering for Granite Street; prepared by Burke Engineering; dated October 28, 2011; received November 18, 2014.
- Exhibit C: Wetland Resource Evaluation, Granite Street; prepared by EcoTec, Inc.; dated April 21, 2010, revised October 30, 2014; received November 8, 2014.
- Exhibit D: Wetland Replication Area Descriptions & Construction Protocol for Granite Street; prepared by EcoTec, Inc.; dated November 15, 2014; received November 8, 2014.
- Exhibit E: Revised Wetland Replication Area Descriptions & Construction Protocol for Granite Street; prepared by EcoTec, Inc.; dated November 15, 2014; received November 8, 2014.
- Exhibit F: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: June Street - NOI (CC-2014-057); dated December 4, 2014.

4. 421 & 427 Grove Street (MBL 20-031-00018 & 20-031-00011) (CC-2014-062) – Notice of Intent

Engineer Robert Murphy of Murphy G. Murphy & Associates, Inc. appeared before the Commission on behalf of applicant, Lake 20, LLC, for its local Notice of Intent to demolish the existing structure at 421 Grove Street and construct a ~2,400 SF commercial building for retail and bank uses with 12 accessory off-street parking spaces at 421 & 427 Grove Street. Other proposed work includes grading, drainage, stormwater management system, utilities, retaining wall, landscaping and associated site work. The project proposes a roof drain to recharge in the rear and a recharge drain system at the front of the property to meet SS removal requirements. He indicated that site test pits were scheduled within the upcoming week and a revised stormwater management plan will be submitted to DPW&P to account for the paved areas on site.

Chair Wood said the site was previously utilized as a service station and inquired whether any environmental monitoring had been conducted.

Mr. Murphy replied that the site was cleared under Chapter 21E and that all tanks were removed. He said there are no issues with hazardous materials. He indicated that he will submit a revised plan to provide additional drainage information such as the installation of a catchbasin with stormceptor manhole which will be connected to a chamber system located below the proposed garden area.

Commissioner McKone inquired whether there will be high traffic for the use of the building, to which Mr. Murphy said that it will retail and primarily consist of walk-in traffic.

Upon a motion by Commissioner Donahue and seconded by Commissioner Charpentier, the Commission voted to continue the item to January 26.

List of Exhibits:

- Exhibit A: Notice of Intent Application for 421 Grove Street submitted by Lake 20, LLC; received November 19, 2014.
- Exhibit B: Site Plan for 421 Grove Street; prepared by Robert G. Murphy & Assoc., Inc.; dated October 14, 2014; received November 19, 2014.
- Exhibit C: Stormwater Management Analysis for 421 Grove Street; prepared by Robert G. Murphy & Assoc., Inc.; dated October 7, 2014; received November 18, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 421 Grove Street - NOI (CC-2014-062); dated December 4, 2014.

5. 0 & 75 McKeon Rd and Blackstone River Rd Right-of-Way (MBL 31-025-00003 & 31-025-00001) (CC-2014-063) – Notice of Intent

Chair Wood stepped down as chair for the item. Commissioner Donahue assumed chair of the Commission.

Project manager George Saliba of the City of Worcester Executive Office of Economic Development appeared before the Commission on behalf of applicant, City of Worcester Department of Public Works & Parks (DPW&P). Also present at the meeting were Robert Antonelli of DPW&P, Michael Toohill, Jeff Fasser and Alexandra Echandi of BSC Group, Inc. The applicant submitted a Notice of Intent to construct pedestrian walkways (consisting of ~1,095 linear feet of permeable paved trail and ~1,448 linear feet of elevated boardwalk), observation decks and three bridges on helical piers as well as perform vegetation management at 0 & 75 McKeon Road. Work is also proposed within the Blackstone River Road right-of-way (north of McKeon Road) to construct a plaza with pervious pavers and related park equipment. Other proposed work includes grading, landscaping and associated site work. The project is associated with the proposed ~29 acre Blackstone Gateway Park that will extend from McKeon Road (across Mill Pond dam), continue along east bank of and cross Middle River to its west bank to McKeon Road (across from Kimball Road).

The proposal shall occur within Bordering Land Subject to Flooding (FEMA Flood Zone AE), 25-foot Riverfront Area associated with Middle River, 100-foot buffer zones to Inland Bank, Bordering Vegetated Wetlands and Stormwater Protection Zone. Mr. Toohill said most of the project will be within one or more resource area and total permanent impacts are minimal, approximately 134 SF which will be caused by installation of helical piers and shading from the boardwalk. Temporary impacts to the area will be ~29,000 SF along the proposed footprint to allow for site access using swamp mats. Following completion, there will be re-vegetation underneath the boardwalk because it will be ~10 feet above ground. Mr. Toohill added that an Environmental Notification Form was submitted to the State for review.

Chair Donahue expressed his concern with area lighting, potential dumping, invasive vegetated species and proposed materials.

Mr. Toohill said no lighting will be provided and that vehicular access to the area will be prevented. He indicated that there is significant existing invasive species such as phragmites and

Japanese Knotweed but not all areas will be cleared of such vegetation. Mr. Toohill added that swamp mats reused from other projects will be inspected and sanitized before and after use to prevent the spread of invasive species. The material to be used for the proposed board was still under consideration by the application.

Commissioner Wood asked for more clarification regarding disturbance due to the piers.

Mr. Fasser said the swamp mats will not attribute to the 432 SF of temporary disturbance and that it was limited to the 2" x 2" installation of each pier. He indicated he was unsure how long installation will take.

Commissioner Charpentier expressed his concern with the maintenance of the helical piers and its impacts to resource area over time.

Mr. Gagne said the piers will have a lifespan of 30-40 years but added that if completely submerged, it should not erode and will last indefinitely. He said it is designed for the elements, built with coating and will erode only if the water levels change.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 4-0 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: Notice of Intent Application for Blackstone Gateway Park submitted by City of Worcester Department Works & Parks; received November 20, 2014.
- Exhibit B: Figures, Photographs, Swamp Mat Details; prepared by BSC Group; various dates; received November 20, 2014.
- Exhibit C: MassDEP BVW Delineation Field Data Forms; prepared by BSC Group; dated July 25, 2014; received November 20, 2014.
- Exhibit D: Plan Set for Blackstone Gateway Park, Middle River; prepared by BSC Group; dated and received November 20, 2014.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Off McKeon Road (Blackstone Gateway Park) - NOI (CC-2014-063); dated December 4, 2014.

OTHER BUSINESS

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

Commissioner Wood resumed Chair of the Commission.

Mr. Gagne informed the Commission that he inspected the slopes earlier in the day and observed movement on the rocky slope. He observed settling occurring 2-3 feet from the top with soil and rock displacement. He said there are changes in the slope 25-30 feet down on Slope A and approximately 2-3 feet of soil had sloughed off with some remaining on the bedrock on Slope B. No soil from the site was observed in the road but he expressed concern over the stability of both slopes.

Mr. Rolle stated that the city's Inspectional Services Division recently issued an enforcement order on November 18. It determined that the slope was constructed with required approvals and did not meet Zoning Ordinance requirements. The owner was instructed to submit plans by

January 6 with the potential for an extension if there is good effort to address the complexity in reconstructing the slope in total. He clarified that the enforcement order is presently limited to Slope A.

Chair Wood recalled that the Commission requested additional measures at the top of Slope B such as matting.

Mr. Gagne said he did not see that matting was installed, only additional hydroseeding. He indicated he was unsure whether additional measures or devices to provide stability will work based on existing conditions.

Commissioner McKone inquired whether the re-engineering of Slope B may be required in the future.

Mr. Rolle said that will need to be addressed should Inspectional Services make a determination similar to Slope A.

No further action was taken and the item was continued to the next meeting.

7. Request for Certificate of Compliance – 55 Williamsberg Drive (DEP-349-1064, CC-2013-032)

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

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 4-0 to issue Certificate of Compliance for 55 Williamsberg Drive.

List of Exhibits:

Exhibit A: Request for Certificate of Compliance for 55 Williamsberg Drive; prepared by Chris Connors; received November 14, 2014.

8. Requests for Certificate of Compliance – 44 Cheyenne Road (CC-1998-036) & (CC-2000-077)

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

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 4-0 to issue both Certificates of Compliance for 44 Cheyenne Road.

List of Exhibits:

Exhibit A: Request for Certificates of Compliance for 44 Cheyenne Road; prepared by Jason St. Pierre, Esq.; received November 24, 2014.

9. Donker Farm Project (0, 48R & 50 Tory Fort Lane, ~22.7 acres) - Review and Signing of the LAND Grant Project Agreement between the City and the EOEEA Division of Conservation Services

Upon a motion by Commissioner Charpentier and seconded by Commissioner Donahue, the Commission voted 4-0 to endorse the LAND Grant Project Agreement.

List of Exhibits:

Exhibit A: Donker Farm Project Agreement; dated December 5, 2014.

10. Communication:

The Commission to no action on any of the communication items.

- a. From EcoTec, Inc. re: Arboretum Village Estates (Turbidity Sampling for October); dated November 10, 2014; received November 2, 2014.
- b. From BSC Group re: Blackstone Gateway Park; dated November 17, 2014; received November 19, 2014.
- c. From NationalGrid re: 21 day herbicide application notification; dated November 24, 2014; received November 28, 2014.

11. Signing of Decisions

- Wayside Road ROW (CC-2014-057) – Negative Determination of Applicability
- June Street (CC-2014-057) – Order of Conditions
- 0 & 75 McKeon Rd & Blackstone River Rd ROW (CC-2014-063) – Order of Conditions
- 55 Williamsberg Drive (DEP-349-1064, CC-2013-032) – Certificate of Compliance
- 44 Cheyenne Road (CC-1998-036) & (CC-2000-077) – Certificate of Compliance
- Donker Farm Project – LAND Grant Project Agreement

Adjournment

Upon a motion by Commissioner Donahue and seconded by Commissioner Charpentier, the Commission voted 4-0 to adjourn the meeting at 7:04 pm.