

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

September 16, 2019

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present: Joseph Charpentier, Chair
Christian Escobar, Vice Chair
Devin Canton
Amanda Amory

Conservation Commission Members Absent: Azal Khaled

Staff Present: Stefanie Covino, Division of Planning & Regulatory Services

Call to Order

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

Requests for Continuances, Postponements, Withdrawals

Item #1: **Notice of Intent:** 20 Pine Hill Road (CC-2019-014; DEP#349-1238)

Item #6: **Notice of Intent:** 757 Salisbury Street (CC-2019-045)

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 4-0 to continue Item 1 until 11/25/19 and Item 6 until 10/7/19.

Approval of Minutes: None

Public Hearings

Old Business – Notices of Intent

Item 2. **0 Whisper Drive (MBL 50-022-04B-6 and 50-022-04B-7)**

File #: CC-2019-039

Applicant: Wingspan Development

Project: To construct two single family homes with associated driveways, utilities, stormwater systems, and site work

Jurisdiction: City of Worcester Wetlands Protection Ordinance

Action: The applicant's representative from EcoTec discussed the project, but the Commission noted they still had questions about stormwater management and design storms. Upon a motion by Commission Escobar and seconded by Commission Canton, the Commission voted 4-0 to continue the public hearing until 10/7/19.

New Business – Requests for Determination of Applicability

Item 3. **492 Mill Street (MBL 30-027-00008)**

File #: CC-2019-051

Applicant: James Pearson

Project: To install a gas service connection to a new customer

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Action: Upon a motion by Commission Escobar and seconded by Commission Canton, the Commission voted 4-0 to issue a negative determination of applicability.

Item 4. 376 Sunderland Road (AKA Redwood Hills) (MBL 34-026-00001)

File #: CC-2019-052

Applicant: National Grid

Project: To retroactively install approximately 878 linear feet of underground conduit, riser pole, and associated site work

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Action: This item was taken concurrently with item 9: Emergency Certification for the same work. The applicant's representative from BSC Group presented the project and, upon a motion by Commission Escobar and seconded by Commission Canton, the Commission voted 4-0 to issue a negative determination of applicability.

New Business – Notices of Intent

Item 5. Salisbury Hill (aka property located off of Salisbury Hill Boulevard and Barrows Road; fka 727 Salisbury Street) (MBL CO-NDO-02019)

File #: CC-2019-035; DEP # 349-1253

Applicant: Premier Property Group

Project: To construct 114 age-restricted condominium units with associated roadways, utilities, and stormwater infrastructure

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Action: The applicant's representative from Bohler Engineering presented the project, noting that additional phasing information was forthcoming. Upon a motion by Commission Amory and seconded by Commission Canton, the Commission voted 4-0 to deem that a third party review by a professional civil engineer was necessary for this project, due to the scope and scale of the project, the expense of which would be covered by the applicant pursuant to Regulations 7.2.3.2.D and to authorize staff to take all necessary actions to create and distribute an RFP/RFQ and administer that process. Upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to continue the public hearing until 10/7/19.

Item 7. 140 Mill Street and 30 Coes Street (AKA Coes Reservoir Dam) (MBL 08-051-00001, -00002)

File #: CC-2019-046; DEP#349-1254

Applicant: City of Worcester Department of Public Works and Parks

Project: To repair an existing dam spillway and related site work and a waiver of performance standard 4.2.4

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Action: The applicant's representative from Weston and Sampson discussed the project and answered questions from the Commission. Upon a motion by Commission Escobar and seconded by Commission Canton, the Commission voted 4-0 to close the public hearing. Upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to issue an order of conditions as well as a waiver of performance standard 4.2.4 allowing work in the 15' buffer and structures within the 30' buffer for the benefit of public health and safety.

Item 8. 100 Institute Road (AKA Worcester Polytechnic Institute) (MBL 02-044-01+02)

File #: CC-2019-050

Applicant: Worcester Polytechnic Institute (WPI)
Project: To construct a new academic building with associated site work, including parking modifications, utility replacement, and stormwater connections.
Jurisdiction: Worcester Wetlands Protection Ordinance
Action: The applicant's representative from Nitsch Engineering discussed the project and answered questions from the Commission. Upon a motion by Commission Escobar and seconded by Commission Canton, the Commission voted 4-0 to close the public hearing. Upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to issue an order of conditions.

Other Business

Item 9. Emergency Certifications

- a. 376 Sunderland Road AKA Redwood Hills
The Commission took this item concurrently with Item 4.

Item 10. Request for Extension of Time

- a. 125 Olean St (AKA Soheili Circle) (CC-2004-034/CC-2016-062)
After staff noted the applicant's cooperation to clean up the violation within the 15' buffer, upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to approve a one year extension of time.
- b. 128 Alvarado Avenue (CC-2008-045)
This item was taken concurrently with item 13e. The applicant's representative from WDA Design Group provided photos to the Commission and an update that erosion controls had been installed and required plantings were stabilized. Since the project change would be heard at the next meeting, the Commission decided to wait to vote on the extension. Upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to continue the item until 10/7/19.

Item 11. Project Change Request and Request for Amended Order of Conditions

- a. Country Club Acres (CC-2019-010; DEP# 349-1239) – request to modify permanent marker locations
The Chair requested that Commissioners review the provided modified marker locations and to provide feedback to staff before the next scheduled meeting.

Item 12. Requests for Certificates of Compliance

- a. 3 Paul Clancy Way AKA Blackstone Heritage Corridor Visitor Center FKA 0 & 574 Millbury Street (CC-2014-053; DEP#349-1094)
- b. 3 Paul Clancy Way AKA Blackstone Heritage Corridor Visitor Center FKA 0 & 574 Millbury Street (CC-2015-030; DEP#349-1109)

The Commission took items a and b concurrently. Upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to issue a certificate of compliance for both projects.

Item 13. Enforcement Order and Violation Updates

- a. 100 Goldthwaite Road (AKA White Birch Commons (FKA Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)
Staff provided an update that the applicant and representatives had met with staff on 9/10/19 and clarified and discussed all items still pending. Staff received a report from a PWS on wetland impacts, but still needed to review modifications received 9/16/19.
- b. Arboretum Village (CC-EO-2016-002; CC-2009-042; DEP #349-979)
Staff noted that the applicant had requested an additional extension of time to be discussed at the next meeting.

- c. Country Club Acres (AKA Garrison Avenue & 190 Mountain Street East; Cobblestone Lane (FKA Paradise Point)) (CC-2007-025; DEP #349-931; CC-EO-2017-009; UAO-CE-18-6W001)
No update
- d. 20 Quinsigamond Avenue (CC-EO-2018-004)
Staff noted that the applicant had encountered unexpected underground pipes and that the plan would have to be modified. Staff anticipates a new plan to be submitted before the 10/7/19 meeting date for the Commission to approve.
- e. 128 Alvarado Ave (CC-2008-045 / CC-2017-017)
Taken with item 10b.
- f. Burncoat Heights (CC-2017-043; CC-EO-2019-001)
The applicant's attorney presented an update for the project, including plans of the as-built conditions of the grades of lots still undergoing stabilization. Upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to modify the enforcement order to allow work to proceed inside the structures and siding, not to include any land disturbance except as explicit allowed by the Commission or its agents, at the direction of a P.E. and that additional site plans were required to determine how the site should move forward.
- g. 13 White Birch Drive (CC-2018-069; EO-CC-2019-002)
Staff provided an update of the issuance of the enforcement order, noting that the project had an order of conditions, but an additional, unintended impact occurred when the wall partially fell into the bank and land under water. The fill was removed, but the site is not yet stabilized. Upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to ratify the enforcement order.
- h. 351 Bridle Path (CC-2018-089; EO-CC-2019-003)
Staff provided an update of the issuance of the enforcement order, noting that the project had an order of conditions, but the wall was not built in compliance with the approved plans and included fill within the Bordering Land Subject to Flooding and the bank. Staff has received plans, but noted that they require modifications to update existing and proposed conditions as well as appropriate sequencing. Upon a motion by Commission Escobar and seconded by Commission Amory, the Commission voted 4-0 to ratify the enforcement order and modify it to include the plan requirements regarding original, approved, existing, and proposed conditions as well as sequencing.

Item 14. Communication

- a. Water Quality Certification for Institute Park Woodland Path and Firefighters Memorial (CC-2018-052/DEP#349-1212), from MassDEP; received August 28, 2019
No comment
- b. 100 Goldthwaite Rd – Open Meeting Law Complaint, Filed by Matthew Marro on September 4, 2019
The Commission acknowledged the complaint and, upon a motion by Commissioner Escobar, seconded by Commissioner Amory, voted 4-0 to transmit the complaint and the response report from the City of Worcester Deputy City Solicitor to the Attorney General for further review under the Open Meeting Law.

Item 15. Discussion of Commission Regulations, Processes & Procedures

- a. Discuss proposed budget for FY20
This item was held until the 10/7/19 meeting

Item 16. Discussion of Special Conditions and Issuance of Orders of Conditions

Item 17. Signing of Decisions

Otherwise Not Reasonably Anticipated Business

Staff noted that the order of conditions for 21 Paradox Drive (CC-2018-002/DEP# 349-1182) expired on 9/15/19. Upon inspection on 9/16/19, the site appeared hydroseeded and erosion control blankets had been installed on the slopes, but no additional plantings were in place. The applicant requested that they not be required to install additional plantings. The Commission noted that the plantings shall be completed per the final approved plan and, upon a motion by Commissioner Escobar, seconded by Commissioner Amory, the Commission voted 4-0 to issue a new enforcement order for 21 Paradox Avenue to require plantings.

Adjournment

Upon a motion by Commission Amory and seconded by Commission Escobar, the Commission voted 4-0 to adjourn at 9:06pm.