

**MINUTES OF THE PROCEEDINGS OF THE
CONSERVATION COMMISSION OF THE CITY OF WORCESTER
May 24, 2021**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 1609734358), which was publicized on the posted meeting agenda and during the video broadcast.

Conservation Commission Members Present: Joseph Charpentier, Chairman
Devin Canton, Vice Chairman
Amanda Amory
Azal Khaled
Holly Jones

Conservation Commission Members Absent: Sarah French

Staff Present: Stefanie Covino, Planning & Regulatory Services
Steve Cary, Planning & Regulatory Services

CALL TO ORDER: 5:30PM

REQUESTS FOR CONTINUANCES, POSTPONEMENTS, WITHDRAWALS

Item 5 – 13 (A&B) Pocassett Street (CC-2021-023; DEP#349-1297)

Request to postpone the public hearing to 6/14/2021.

Item 6 – 0 & 1451 Grafton Street (CC-2021-026; DEP#349-1302)

Request to postpone the public hearing to 6/14/2021.

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Board voted 5-0 to postpone the items.

APPROVAL OF MINUTES - NONE

PUBLIC HEARINGS

NEW BUSINESS – REQUESTS FOR DETERMINATION OF APPLICABILITY

1. Various Parcels Along the Providence-Worcester Railroad Right-of-Way

File #: CC-2021-027

Applicant: Providence Worcester Rail

Project: To determine whether the boundaries of resource areas are accurate for the purposes of performing activities under a Vegetation Management Plan.

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

Tom Lewis called in on behalf of the applicant, Providence Worcester Railroad. Mr. Lewis stated that the railroad is required to go to each area the railroad covers and review with the local communities the boundaries of resource areas in order to do activities under a Vegetation Management plan.

Commissioner Canton asked Mr. Lewis to review the types of herbicides that would be used.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Negative Determination of Applicability for the work.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Positive Determination of Applicability for area.

2. 334 Lake Avenue North (MBL 46-017-00010)

File #: CC-2021-028

Applicant: Brian Lavery

Project: To determine whether the work to demolish and replace a deck, install new footings and perform associated site work is subject to the Commission's jurisdiction.

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

Ms. Covino reviewed the plans on a power point slide. Request is to demolish a deck and replace it.

Brian Lavery called in for the application. He stated that the deck would rebuilt in the same footprint and be the exact same size deck and meet current building codes.

Upon a motion made and duly seconded the Commission voted 4-0 to issue a Negative Determination of Applicability. Commissioner Amory was having audio trouble so did not vote on item.

3. 3 Island Road (MBL 27-004-00007)

File #: CC-2021-029

Applicant: Vincent Dagostino

Project: To determine whether the work to install sonotubes to support a deck and an addition to a single family residential dwelling is subject to the Commission's jurisdiction.

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

Vincent Dagostino called in for the application. He stated he needs to install sonotubes to support a deck and they will be digging by hand.

Mr. Canton asked Mr. Dagostino to review the time-line for the work.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Negative Determination of Applicability.

NEW BUSINESS – NOTICES OF INTENT

4. 7 & 9 Modred Court (MBL 25-054-001-1, -2)

File #: CC-2021-022

Applicant: Daniel Yarnie

Project: To construct two single-family dwellings, driveways, garages, landscaping, grading, and to conduct associated site work.

Jurisdiction: City of Worcester Wetlands Protection Ordinance

Brian McEwan called in for the applicant, Daniel Yarnie.

A power point slide was shown of the proposed work.

Mr. McEwan reviewed the erosion controls for the site.

Commissioner Armory asked the applicant's representative to review the stockpile plans for the site and the amount of impervious surface.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Ms. Covino reviewed the Order of Conditions proposed for the site.

Upon a motion made and duly seconded the Commission voted 5-0 to issue the Order of Conditions.

5. 13 (A&B) Pocasset Street (MBL 38-033-22-25) & the Pocasset Street Right-of-Way (from end of improved way southeast +/- 110 feet) – Postponed to 6/14/2021

6. 0 & 1451 Grafton Street (MBL 41-028-0000B & -01-29) – Postponed to 6/14/2021

7. Right-of-Way Associated with Route 20 AKA Southwest Cutoff, between 324-323 and 330-333 Southwest Cutoff

File #: CC-2021-030; DEP# 349-1298

Applicant: Massachusetts Department of Transportation

Project: To install new stormwater infrastructure along Route 20 and conduct associated site work along with a waiver of the Commission's performance standard 4.2.4.

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

Susan McArthur, Peter Reid from BSC Group and Matt Faron from MADOT called in for the application.

Ms. Covino reviewed on power point slides the proposed work for the site.

Mr. Faron stated that they are repaving along Route 20.

Ms. McArthur stated that this is a commercial/industrial area and stated that no work is proposed in the Bordering Vegetated wetlands. She stated catch basins will be installed and reviewed the proposed erosion controls for the site.

Ms. McArthur reviewed where the floodway was located on the plan.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to approve the Order of Conditions along with waivers.

8. 781 Grove Street AKA St. Peter-Marian Site (MBL 33-043-00003, -00111)

File #: CC-2021-031; DEP#349-XXXX

Applicant: Goddard/Homestead Inc.

Project: To demolish the existing school building and construct a continuing care retirement community building and related parking and to perform associated site work.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Kevin Dandre and several team partners called in for the applicant Goddard Homestead, Inc. The proposed project is to demolish the existing school building and construct a continuing care retirement community.

Mr. Dandre reviewed on power point slides the redevelopment area.

Chair Charpentier asked Mr. Dandre to review the interment stages of the plan.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to approve the Order of Conditions.

9. 305 Belmont Street (MBL 57-004-B1-01, -02)

File #: CC-2021-032; DEP# 349-1301
Applicant: WuXi Biologics Inc.
Project: To install new drainage infrastructure, including a riprap swale/basin, and to perform related site work.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Ms. Covino gave a brief overview of the history of the application and enforcement order and Ms. Covino showed on power point slides the property work.

Attorney Mark Bornstein and other representatives from WuXi Biologics, Inc. called in for the meeting.

Mr. Bornstein reviewed the pipes that would be replaced, how the runoff would be handled for the site.

The engineer reviewed the pipes that would be used and how it would the water for a 50 year storm.

Chair Charpentier asked for a review of the headwall area.

The Commission and the applicant's representative discussed the plantings sequence for the site.

Ms. Covino stated that the application could not be closed tonight as DEP has not assigned a number to project yet.

Upon a motion made and duly seconded the Commission voted 5-0 to continue the application to the June 14, 2021 Conservation Commission meeting.

10. 31 Ellis Drive (MBL 43-01C-128-9)

File #: CC-2021-033; DEP#349- 349-1299
Applicant: Eftim & Rachel Milkani
Project: To install an above ground pool and for a waiver of the Commission's performance standard 4.2.4.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Ms. Covino showed slides outlining the wetland area of the property.

Karen Keegan called in representing the Milkani's. She gave a history of the property and the work that is being requested to be done.

Commissioners questioned if there was a better spot for the pool to be positioned.

Ms. Covino agreed with Ms. Keegan that the proposed spot was the best spot.

Commissioner Canton expressed concern with the proximity to the Wetlands.

Ms. Covino spoke on why waivers are requested and granted and how it seems that these wetlands have grown and changed over the years.

Chair Charpentier asked if there was a shed located in the wetland.

Ms. Keegan confirmed that it was a shed put up by a previous owner.

Chair Charpentier expressed his discomfort with allowing a waiver for a non-necessary item.

Ms. Keegan suggested a smaller pool.

Chair Charpentier stated that having a shed in the wetland wasn't ideal and he would like it removed.

Ms. Jones stated that she would issue an OOC for the pool but would like to see the shed moved.

Public Comment

No Public comment

It was determined that the shed wasn't on their property but they could get land owner permission to remove the shed.

Applicant stated they can move it closer to the house by 2 feet or put in a smaller pool to avoid going 2 feet into the buffer zone.

Commissioner questioned the process of putting in an above ground pool. Applicant responded.

Upon a motion made and duly seconded the Commission voted 5-0 to continue the application to the June 14, 2021 Conservation Commission meeting in anticipation of a revised plan showing the pool outside of the 30 foot buffer.

OTHER BUSINESS

11. Requests for Certificates of Compliance

- a. Burncoat Heights (CC-2016-070; CC-EO-2019-001)

Upon a motion made and duly seconded the Commission voted 5-0 to continue the application to the June 14, 2021 Conservation Commission meeting.

- b. 97 Wildwood Avenue (CC-2004-015)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- c. 79 Saint Louis Street (CC-2018-044; DEP#349-1204)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- d. 100 Upland Street (CC-2006-059; DEP #349-906)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- e. 11 Ellie Way (CC-2006-058)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- f. 415 Sunderland Road AKA 1120 Grafton Street (DEP#349-440)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- g. 46 Honeysuckle Drive (2006-059; DEP#349-906)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- h. 46 Honeysuckle Drive (2010-010; DEP#349-993)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- i. 2 Rollingwood Drive (CC-2019-043, Amended CC-2020-064; DEP#349-1251)

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

12. Enforcement Order and Violation Updates

- j. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)

No update.

- k. 217 Lake Avenue (CC-EO-2020-004)

No update.

- l. 449 Massasoit Road (CC-EO-2020-006)

No update.

- m. Across from 133 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Dominion Road & Belcourt Road) and Lake Quinsigamond (CC-EO-2020-007)

No update.

- n. Across from 175 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Belcourt Road & Sonoma Drive) and Lake Quinsigamond (CC-EO-2020-008)

No update.

- o. 99 Wildwood Avenue (CC-EO-2020-009)

No update.

- p. 166 Moreland Street (CC-EO-2020-011)

No update.

- q. 305 Belmont (WuXi) (CC-EO-2020-012)

No update.

- r. 305 Belmont (WBDC Stockpile) (CC-EO-2020-013)

No update.

- s. 522 Grove Street (CC-EO-2020-014)

No update.

t. 0 Myrick Avenue (CC-EO-2020-015)

No update.

u. 265 Lake Avenue (CC-EO-2020-016)

Mia McDonald provided an update on the status of the site.

Upon a motion made and duly seconded the Commission voted 5-0 to lift the Enforcement Order.

v. Modoc Street (CC-EO-2021-001)

No update.

w. 75 Harrington (CC-EO-2021-003)

No update.

x. 40 June Street Terrace (CC-EO-2021-004)

No update.

12. Communications

- a. City of Worcester Draft 2020 Open Space and Recreation Plan available for download and review at <https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:54f86383-03c9-4c65-8938-7eaa9ddb57b>.

Ms. Covino stated that if the Commissioners have any comments, they can provide them to her.

ADJOURNMENT

Upon a motion made and duly seconded the Commission voted 5-0 to adjourn the meeting at 8:37 p.m.