



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

Monday April 25, 2022

Worcester City Hall - Levi Lincoln Chamber,
with remote participation options available via WebEx online at
<https://cow.webex.com/meet/conservationcommissionwebex> and
call-in number 415-655-0001 (Access Code: 1609734358).

Commissioners Present: Joseph Charpentier, Chair
Amanda Amory – *Participated remotely*
Devin Canton, Vice Chair – *Participated remotely*

Commissioners Absent: Sarah French

Staff Present: Eric Flint, Division of Planning & Regulatory Services (DPRS)
Michelle Smith, DPRS – *Participated remotely*

Call to Order

Chair Charpentier called the meeting to order at approximately 5:33 p.m.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- 1) 34-52 (aka Lots 101-122) Modoc Street Extension Subdivision – Request for Amended Order of Conditions (CC-2021-062, CC-2018-055 & DEP #349-1210)**
Request to Continue to 5/16/2022
Request to Extend the Constructive Grant Deadline to 6/7/2022
- 2) 9 Dalton Street – Notice of Intent (CC- 2022-001)**
Request to Continue to 5/16/2022
Request to Extend the Constructive Grant Deadline to 6/7/2022
- 8) 84, 90, & 91 Lamartine Street – Notice of Intent (CC-2022-008 & DEP#349-1315)**
Request to Postpone to 6/6/2022
Request to Extend the Constructive Grant Deadline to 6/28/2022
- 11) 66 Tory Fort Lane (CC-2022-015 & DEP#349-1318)**
Request to Continue to 5/16/2022
Request to Extend the Constructive Grant Deadline to 6/7/2022

12) 248 & 258 Mill Street – Notice of Intent (CC-2022-020 & DEP#349-13XX)

Request to Postpone to 5/16/2022

Request to Extend the Constructive Grant Deadline to 6/7/2022

13) 11, & 15B Havana Road, 14 & 15 Cuba Road, 23 Curtis Street, 72 James Street, 221 Ludlow Street, 32 Genesee Street, 1 Heard Street, 2 Spencer Street, and 50 Webster Street – Notice of Intent (CC-2022-022 & DEP#349-1319)

Request to Postpone to 5/16/2022

Request to Extend the Constructive Grant Deadline to 6/7/2022

15) 490 Shrewsbury Street – Notice of Intent (CC-2022-025)

Request to Postpone to 5/16/2022

Request to Extend the Constructive Grant Deadline to 6/7/2022

Eric Flint read the requests for continuation and postponement into the record.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to grant the postponements and continuations.

New Business

3) Monticello Drive West & Monticello Drive Right-of-Ways (CC-2022-018) – Request for Determination of Applicability

Travis Yandow, SWCA Environmental Consultants, on behalf of the applicant, Eversource, presented the proposed work, which involves the installation of approximately 580 linear feet of gas main within the paved right-of-way. The proposed work is described as partially within the 100' buffer zone and Stormwater Protection Zone. Erosion & sedimentation controls, stockpiling, and project timeline were discussed.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to issue a negative determination of applicability.

4) 445 Lake Avenue (CC-2022-019) – Request for Determination of Applicability

Robert Spence, on behalf of property owner Tammy Nguyen, described the proposal to build a new deck at the rear of the house. Mr. Spence reviewed proposed disturbance which involves the installation of helical piles, driven by a small rubber tracked machine and noted that the work is about 60 feet from the water at its closest point.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to issue a negative determination of applicability.

5) Lamartine Street, Lunelle Street, & Lafayette Street Right of Ways, 84 & 90 Lamartine Street, and 116 Gold Street (CC-2022-021) – Request for Determination of Applicability

Kim Degutis, PWS with GZA, on behalf of Mass Electric Company. Proposal involves removal of equipment mounted on a concrete pad, and the installation of new conduit within the existing right-of-way. Ms. Degutis noted that the conduit in Lunelle and Lafayette initially proposed as part of the RDA has been

removed from the request, as that work was found to be already covered under an Order of Conditions issued to DPW for the repaving of the street.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to issue a negative determination of applicability.

6) Dalton Street, Duncannon Avenue, & Sunderland Road Right-of-Ways, and 232 Sunderland Road (aka Wexford Village Apartments) (CC-2022-024) – Request for Determination of Applicability

Carolyn Gorss, BSC Group, on behalf of applicant, Mass Electric Company, reviewed the proposal to install two new utility poles, a manhole, and underground conduit. Ms. Gorss noted wetlands were not delineated but estimated and that the proposed post nearest the BVW is located about 25 feet away. Ms. Gorss reviewed best management practices, including that ground disturbance would be minimized and that the trenches would be closed daily.

Chair Charpentier requested the applicant shift the pole to the 30' buffer's limit. Mr. Gorss noted that the team could likely accommodate that requested change.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to issue a negative determination of applicability with the condition that the utility poles be located a minimum of 30' from the edge of the BVW if possible.

7) 7.White Birch Village (fka Burncoat Gardens) or 34, 36, 44, 46, and 49-80 Goldthwaite Road (aka Phases 2 & 3) and areas east of Cherry Blossom Circle, Paper Birch Path & Sourwood Circle (aka Phase V) (CC-2022-008; DEP#349-13XX) – Notice of Intent

18a) White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)

Item 18a was taken out of order to be heard concurrently with the Notice of Intent for the same site.

Carlos Quintal, on behalf of the applicant, Goldthwaite Holdings LLC, reviewed the proposal for the next phase of construction at White Birch Village, and the location of the wetlands present on site in relation to the proposed work. Additional information was provided regarding the existing detention basin, and the changes proposed to it. Mr. Quintal described the key points of the Stormwater Report, the history of the project, and the various issues encountered along the way.

In response to questions from Commissioner Amory, Chair Charpentier and Mr. Quintal provided additional background about prior phases of the project, and where the work currently proposed is located in relation to that. Mr. Quintal further expanded upon the plans for how the existing detention basin would be modified to handle additional stormwater from the current phase of development.

Mr. Flint noted that the revised plans and stormwater report had been sent to the Department of Public Works & Parks for review and comment, and that the current proposal would also be in front of the Planning Board at their next meeting. He advised that DPW&P comments could be provided to the Commission prior to the next meeting if they were interested in seeing that information.

Chair Charpentier asked for staff recommendations regarding how to proceed administratively in allowing remedial work to drainage infrastructure that was covered by an older Order of Conditions that has since

expired. Mr. Flint noted that there is an active Enforcement Order for the site that could be revised to include any required actions the Commission wanted to see.

Chair Charpentier noted that he did not feel the Commission had enough information to close the hearing, and asked if the applicant would be amenable to continuing the hearing to the next meeting on 5/16/2022, to which Mr. Quintal replied in the affirmative.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to continue the hearing to 5/16/2022.

Chair Charpentier discussed potential revisions to the Enforcement Order.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to update the Enforcement Order to allow basin stabilization and clean-out work as discussed.

9) 0 Meadow Lane/Pleasant Street (aka 14 Meadow Lane) (CC-2022-009; DEP#349-1316) – Notice of Intent

Nick Hoffman, the applicant, reviewed the proposed work to construct a single family home. In response questions from Chair Charpentier, Mr. Hoffman provided additional details regarding erosion & sedimentation control, grading, retaining walls, and the layout of the house.

Mr. Flint reviewed staff comments related to additional details requested on the site plan, test pit data for the location of the infiltration unit, and pending comments from Mass DOT in relation to the drainage swale along Pleasant Street.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to close the public hearing.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to issue an Order of Conditions with Special Conditions as discussed by the Commission and Staff.

10) 1 & 2 Rice Street (aka Worcester Country Club) (CC-2022-013; DEP#349-1317) – Notice of Intent

Scott Morrison, Ecotec, and Michael Andrade, Graves Engineering, presenting on behalf of the applicant, reviewed the proposal to conduct dredging within four ponds within the golf course and the stabilization of adjacent banks. It was noted that a similar project was permitted by the Commission back in 2003.

Mr. Morrison described the proposed dredging methods to be used at each of the four ponds, the timeline associated with the work, how the stabilization work would be performed, and the erosion & sedimentation controls that would be used during the work.

Chair Charpentier reviewed that the ponds were man-made, and that they had been dredged previously in the past. In response to a question from the Chair, Mr. Morrison provided responses to each of the comments issued by Mass DEP.

Mr. Flint reviewed staff comments, and noted that staff had not prepared a list of recommended conditions of approval, as dredge projects are relatively rare, and additional time was needed to adequately prepare a list of conditions for the proposed work.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to close the public hearing, continue the discussion of the order of Conditions at the 5/16/2022 meeting, and extend the constructive grant deadline to 6/7/202.

14) 20 & 30 (aka 40) Quinsigamond Avenue (CC-2022-023; DEP#349-13XX) – Notice of Intent

Steven Herzog, presents the retroactive filing for regrading within Bordering Land Subject to Flooding (BLSF) that occurred in conjunction with work previously permitted by an RDA, and the proposed work to relocate an existing stockpile currently located within BLSF.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to close the public hearing.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to issue an Order of Conditions with Special Conditions as described by Staff.

Other Business

16) Project Change Request

a. 111 Higgins Street (CC-2021-040 & DEP#349-1305)

Steven Mayer, Allen & Major Associates, reviewed the proposed changes to the previously approved work. Mr. Mayer provided clarification regarding current and proposed conditions in response to questions from Chair Charpentier.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 approve the project change request.

17) Requests for Extensions of Time

a. 90 Barber Avenue (CC-2017-075 & DEP#349-1175)

Attorney Matt Watsky reviewed the project history and causes for delay to the project and jurisdiction for the request for an extension.

Michelle Smith emphasized that based on feedback from the law department, the commission should evaluate whether the applicant has demonstrated good cause for the delay.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to grant a 1 year extension of the OOC from the date it would have otherwise expired (i.e. to 2/19/2023) finding good cause for delay to be shown pursuant to the Acts of 2020, Chapter 53, Section 17(c).

18) Enforcement Order and Violation Updates

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

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

d. 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)

e. 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)

- f. 99 Wildwood Avenue (CC-EO-2020-009)**
- g. 166 Moreland Street (CC-EO-2020-011)**
- h. 522 Grove Street (CC-EO-2020-014)**
- i. 0 Myrick Avenue (CC-EO-2020-015)**
- j. Modoc Street (CC-EO-2021-001)**
- k. 75 Harrington (CC-EO-2021-003)**
- l. 40 June Street Terrace (CC-EO-2021-004)**
- m. 12 AKA 0 Balis Avenue (CC-EO-2021-005)**
- n. 269 James Street (CC-EO-2021-007)**

No discussion on items 18a-n

- o. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**

Andrew Gorman, Beals & Thomas, provided background on the outfall area, which was the subject of the Enforcement Order, and presented a hybrid solution for stabilization, involving placement of rip-rap and staked shrub plantings. Mr. Flint noted concerns raised by an abutter and observations that ground water appeared to be breaking out beneath the rip-rap currently in place.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to issue an amended Enforcement Order allowing the remedial work to proceed as described.

- p. 0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)**
- q. Providence & Worcester Railroad (0 Tobias Boland Way)**

No discussion on items 18p-q.

- r. 70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**

Mr. Flint reviewed the complaint received from DEP regarding removal of trees and vegetation and noted that he conducted a site visit and confirmed that a 5-10 foot strip of vegetation had been cleared, and that a number of recently cut stumps were observed.

Mr. Gorman presented the proposed restoration planting plan, which included the management of invasive species currently present on site.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to ratify the Enforcement Order and approve the restoration plan as presented.

- s. Hospital Drive FKA 305 Belmont Street, 57-004-B1 -01/-02 (CC-EO-2022-001) - WuXi**

Mr. Flint reviewed issues that occurred, resulting in sediment plumes in Lake Quinsigamond at the Belmont Street outfall. He went on to describe the issues noted at the WuXi site in particular.

Mark Bornstein, Bowditch & Dewey, and Mike Trovato, Tighe & Bond, highlighted actions taken on the WuXi site, including installation of swales, adjustments to the driveway, stockpile stabilization methods, and that construction activities would be expedited to minimize the length of time the site was open.

Chair Charpentier asked for information regarding the southeast corner of the site, where large pools of turbid water were observed. Mr. Trovato provided additional detail, highlighting a sump used to pump water to upgradient basins.

Mr. Borenstein requested that the monitoring required by the Enforcement Order issued by Staff be a temporary measure. Chair Charpentier expressed frustration that erosion & sedimentation issues were still occurring at the site, and that the continued monitoring was needed until further notice.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to ratify the Enforcement Order issued by Staff, to be amended with additional conditions as discussed.

t. Hospital Drive FKA 305 Belmont Street, 57-004-B103B (CC-EO-2022-003) – Galaxy

Mr. Flint reviewed the issues noted at the Galaxy site over the past few rain events, highlighting the driveway at the northeast corner of the site as the biggest issue. Mr. Flint described the required actions in the Enforcement Order issued by Staff, and reviewed recommendations for amending the Order, including requiring ongoing monitoring with turbidity measurements and placement of erosion control blankets on exposed slopes.

Chair Charpentier asked if anyone from Galaxy was in attendance to present remedial actions taken. No one was in attendance.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to ratify the Enforcement Order issued by Staff, to be amended with additional conditions as discussed.

u. Hospital Drive FKA 305 Belmont Street, 57-004-B1-02 (CC-EO-2022-004) – WBDC

Mr. Flint reviewed the violations noted on site, which occurred on 3/24-3/25. Turbid runoff was noted running down Hospital Drive from the site. Mr. Flint noted that in his conversations with the applicant and their representatives that the issue appeared to stem from a large pile of loam, which was apparently dumped in a parking lot by an unauthorized party.

Nathan Mahonen, Bohler Engineering confirmed the illegal dumping, and reviewed the actions taken to improve sedimentation & erosion controls on the site. He noted that turbid runoff was not noted during any of the subsequent rain events.

Julie Holstrom, WBDC highlighted that a perimeter gate was install to prevent vehicle trespass and noted that it was unfortunate that the issue was a result of illegal dumping.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 3-0 to ratify the Enforcement Order issued by Staff, to be amended with additional conditions as discussed.

19) Emergency Certification

a. 520 Mill Street – Hazard Tree Removal

Mr. Flint reviewed proposal to remove two trees in the buffer zone to a brook, which were in threat of falling on a neighboring property.

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 3-0 to issue an emergency certification to authorize removal of 2 hazard trees.

20. Communications

- a. Public Lands Preservation Act; from Phillip Saunders*
- b. Worcester Now | Next Citywide Plan Spring Survey*
- c. Yearly Operational Plan; from Pan Am Railways, Inc.*

21. Approval of Minutes

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 2-0-1 (with AA – abstaining) to approve the 11/1/21, 12/13/21; 1/24/22; and 3/7/22 draft minutes with no edits.

22. Policies and Procedures

Mr. Flint noted that this would have been Commissioner Sarah French’s final meeting had she been able to attend, and expressed gratitude for her service, Chair Charpentier concurred.

Chair Charpentier noted a desire to formally transfer over properties to the Conservation Commission that were incorrectly listed as owned by the City or City Manager’s office.

Meeting adjourned at 9:28 PM