



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

Monday May 22, 2023

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
Devin Canton, Vice Chair
Amanda Amory – Commissioner
Timothy Magliaro, Commissioner

Commissioners Absent: Lindsay Nystrom, Commissioner
Miranda Hotham, Commissioner

Staff Present: Eric Flint, Division of Planning & Regulatory Services (DPRS)
Olivia Holden, Division of Planning & Regulatory Services (DPRS), *Participated remotely*

Call to Order

Chair Charpentier called the meeting to order at approximately 5:36 p.m.

Requests for Continuances, Postponements and Withdrawals

- 3) **25 & 35R Tobias Boland Way, 0 McKeon Road, and 0 Millbury Street – Notice of Intent (CC-2022-069 & DEP#349-13XX)**
Request to Postpone to 6/12/2023
Request to Extend the Constructive Grant Deadline to 7/5/2023
- 4) **Salisbury Street Right-of-Way and 633 & 646 Salisbury Street – Notice of Intent (CC-2023-002 & DEP#349-1350)**
Request to Postpone to 6/12/2023
Request to Extend the Constructive Grant Deadline 7/5/2023
- 6) **34-38 Blackstone River Road – Notice of Intent (CC-2023-020)**
Request to Postpone to 6/12/2023
Request to Extend the Constructive Grant Deadline to 7/5/2023
- 10) **1103 Main Street – Notice of Intent (CC-2023-031)**
Request to Postpone to 6/12/2023
Request to Extend the Constructive Grant Deadline to 7/5/2023

Mr. Flint read the requests for continuances, postponements, and withdrawals into the record.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to postpone the public hearings and extend the constructive grant deadlines to the dates noted.

New Business – Requests for Determination of Applicability

1) Park Avenue Right-of-Way & 585 Park Avenue – Request for Determination of Applicability (CC-2023-030)

Peter Burnell of Sigma Consultants Inc., on behalf of the applicant, Verizon, presented the proposed work which is to excavate a 30' deep trench from manhole to utility pole about 150' apart. PVC conduit within concrete will facilitate run phone line from existing manhole to existing utility pole.

Commissioner Canton asked about plans for displaced soil; Mr. Burnell stated most soil will be reused to refill the hole and excess soil will be removed from site.

Chair Charpentier inquired about the location of erosion controls and BMPs; Mr. Burnell stated there are none currently proposed but would consider if deemed appropriate.

Commissioner Canton requested information regarding the topography between the work area to the creek; Mr. Burnell stated it is relatively flat and graded away from the street.

Commissioner Canton asked what they anticipate for length of work; Mr. Burnell stated they didn't get an estimate, but the nature of this work typically takes about two days.

Commissioner Amory asked for clarification on topography; Mr. Burnell clarified.

Chair Charpentier asked if area is paved; Mr. Burnell confirmed the area is not paved and is mostly grass covered.

Chair Charpentier proposed that they bring erosion controls up to the building in the area where the work will be done; Mr. Burnell agreed to this condition.

There were no comments from the public.

Mr. Flint stated the Commission may also want to condition no re-grading on site due to location of floodplain.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton the Commission voted 4-0 to issue negative determination of applicability with conditions stated by staff.

Old Business – Notices of Intent

2) 425 Salisbury Street & 425B Salisbury Lane – Notice of Intent (CC-2023-019)

Kevin Quinn of Quinn Engineering, on behalf of the applicant, Notre Dame Academy, presented the proposed work which is to reconstruct the existing parking area by milling the existing asphalt, regrading, repaving, and replacing the existing curbs and sidewalks. The updates will result in a slight decrease in

impervious area and the work will be located within the stormwater protection zone. Existing drainage will remain in place. Erosion controls are in place and silt sacks have been placed in all catch basins within the stormwater protection zone and in one catch basin just outside of the stormwater protection zone.

Chair Charpentier asked if any significant changes resulted from review by the Planning Board; Mr. Quinn confirmed there were not any changes.

There were no comments from the public.

Mr. Flint stated staff comments have been addressed.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include #26, #64 and #65, with deeded conditions #40, #65 and #66, in addition to the standard conditions.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to issue an Order of Conditions as discussed.

New Business – Notices of Intent

5) 1511 Main Street (aka Kettle Brook Lofts) – Notice of Intent (CC-2023-017)

Ron Mendez of Graves Engineering Inc., on behalf of the applicant, David Barsky, presented the proposed work which is to construct about 58 condo units and additional parking lot behind building to accommodate 99 spaces. Stormwater and construction of utilities are also proposed with the work. This project was originally permitted in 2006 for 109 units and 176 parking spaces but only part of the work was finished. During this phase of work only 53 units and 84 were completed. The continuation of the work will result in a total of 111 units and 183 spaces. Some of the work will take place within the 25' riverfront area, the 30' no structure area and the 15' no disturb area. The NOI originally submitted in March has been revised based on comments by staff, DEP and DPW.

Chair Charpentier requested details on the revisions that were made; Mr. Mendez stated staff comments were in relation to outdated floodplain elevations and flood areas so they revised grading and added compensatory storage.

Commissioner Magliaro asked about anticipated duration of construction; Mr. Mendez was not aware.

David Barsky, architect and developer for project, took the floor and stated the work will take 18-24 months but, in his experience, believes they can do it in 12 months contingent to any problems they run into once the work begins.

Commissioner Magliaro asked about the proposed location for the soil stockpile area; Mr. Mendez stated they plan for it to be in the parking area.

Commissioner Magliaro asked about soil management plans; Mr. Mendez stated they do not have a volume of soil at this time so he would have to provide that information later.

Commissioner Amory inquired about management and maintenance of the stockpile area with specific concerns for stockpile washing down the grading on site and into the resource area; Mr. Mendez stated they have proposed silt fencing.

Chair Charpentier recommended that there be double erosion controls if the stockpile is on a slope.

Commissioner Canton asked if there are plans to replace any trees that will be removed on site to help stabilize the slope; Mr. Barsky stated there are a lot of invasives on parts of the site that they plan to clear but they do not anticipate removing any trees.

Commissioner Canton requested that they discuss with staff before the removal of any trees if they find they need to remove any within the buffer zone to the river.

Chair Charpentier asked the applicant to speak about the subsurface detention system; Mr. Mendez stated due to the ledge at the surface of where it's planned to be, the proposed storage will be within the stone layer for the detention system to allow water to be stored and dissipated to the remaining drainage structures. Mr. Mendez also read the proposed the elevation levels for the system reflected on sheet C-505.

Chair Charpentier voiced that the Commission would like to be sure that the outfall is as close to the existing grade level as possible so they don't have a scour condition; Mr. Mendez stated the plans propose a riprap apron; Chair Charpentier stated that this is roughly depicted on the plans and would like this to be clearer on revised plans.

Commissioner Canton noted that the dumpster pad appears to be pitched toward the resource area and inquired about curbing in that area and asked if that is the most ideal location considering what could be washed into resource area during heaving rains; Mr. Flint added that this area is also within the floodplain; Mr. Mendez stated there is not any proposed curbing at this point and they have not considered the location beyond that.

Chair Charpentier proposed that the dumpster relocated further from the resource area; Mr. Mendez stated that they are already proposing two catch basins in the planned area that drain to manhole 14 and water quality unit number 2 which would then be diverted to the riprap.

Mr. Barsky stated that they will investigate relocating dumpster and come back with a revised plan.

Chair Charpentier addressed the efflorescence on the exterior of the brick building noted during their site walk and recommended that the applicant goes to staff for a preconstruction conference before pressure washing or sandblasting.

Chair Charpentier read an abutter comment submitted to staff regarding the sewer pipe coming from the pumphouse and asked applicant's representative to address; Mr. Mendez explained the pumphouse functionality and said it can accommodate the needs for the proposed work and then some as far as he understands.

Mr. Flint confirmed the comment came from a resident of the building and his primary concerns are related to sewage backups. Staff is not aware of any issues related to sewage aside from the concerns brought up in this comment but will check with DPW and request that the facility is reviewed to be sure it is able to handle the load. DPW comments were received and none of which were regarding sewage.

There were no comments from the public.

Mr. Flint asked if limit of clearing on temporary sediment basins is accurate; Mr. Mendez stated he will revise the plans.

Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include #24, #25, #26, #45, #49, #52, #53, #54, #55, #61, #63, #64, #65 and #66 with deeded conditions #40, #64, #65, #66, 12 months of monitoring for scouring at the outfall post construction and any trees larger than 6" be reviewed with staff prior to removal, in addition to the standard conditions.

Upon a motion by Commissioner Canton, Seconded by Commissioner Magliaro the Commission voted 4-0 to issue an Order of Conditions as discussed.

7) 88 Webster Street – Notice of Intent (CC-2023-025)

Nick Facendola of Level Design Group, LLC, participating remotely on behalf of the applicant, Worcester Affordable Housing, LLC, presented the proposed work which is to revise an existing historic mill building. The property has been without power for about 4 months and they've been working off an emergency generator while the owner works with National Grid to install and relocate the transformer pad. The proposed location of the pad will be about 40' from the edge of Curtis Pond with pavement approximately 3'-5' from edge of water line. The bollards will be located around the pad and a new subsurface electrical conduit will be run up to Webster Street and connected to an existing electric manhole on Webster Street. They will be saw cutting a 3'-4' wide trench to install the single conduit for the proposed line and will then backfill the trench with the excavated material. Any excess soil as well as any pavement removed will be disposed of off-site.

Chair Charpentier asked about the location of vehicle door on the plans; Mr. Facendola stated there is an existing drive-in door bay that is about 4' from the edge of the bollards and confirmed all work is taking place in an existing disturbed area.

Commissioner Magliaro asked if the transformer pad would be precast or cast-in-place; Mr. Facendola stated final design will be from National Grad so they will provide those final details but assumes it will be a standard precast pad.

Commissioner Magliaro requested conditions be placed if the pad is cast-in-place.

There were no comments from the public.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include #24, #52, #53, and #61, in addition to the standard conditions.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to issue an Order of Conditions as discussed.

8) 69 Sever Street – Notice of Intent (CC-2023-028)

Chris Hodney of Nitsch Engineering and Ray Dunetz of Ray Dunetz Landscape Architecture, on behalf of the applicant, City of Worcester Department of Public Works & Parks, presented the proposed work which is to reconstruct Sever Street Park. The site will be upgraded to include pervious pavement on existing walkways, new plantings and trees, a pollinator garden, concrete pads for sculptures and other art installations, and drainage improvements. The site is relatively flat with an existing low point and a single catch basin. They intend to lower the existing low point and add another. Due to the pervious nature of the site, they don't anticipate much runoff and they will upsize the manhole onsite for ease of maintenance.

Chair Charpentier noted DPW had made comments and asked the applicant's representatives to address; Mr. Hodney addressed the comments from DPW and confirmed that updates have been provided.

Commissioner Canton asked about the updated construction entrance; Mr. Hodney referenced where vehicle access is indicated on the plans.

There were no comments from the public.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include #26, #49, #55, #64, #65 with deeded conditions #64 and #65, in addition to the standard conditions.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to issue an Order of Conditions as discussed.

9) 249 Lake Avenue – Notice of Intent (CC-2023-029)

Leonidas Dosfreis, homeowner, presented the proposed work which is to re-point the existing stairs and create a deck over older pre-established foundation with stairs leading to the lake.

Chair Charpentier questioned the circles indicated on plans; Mr. Dosfreis stated those are the support posts.

Chair Charpentier asked many posts will be placed within the 15' buffer; Mr. Dosfreis stated there will be about 8 tubes placed for reinforcement.

Commissioner Magliaro inquired about the approximate elevation for where the future dock would be; Mr. Dosfreis stated without a laser, it is approximately 9'.

Commissioner Magliaro asked how the stairs would be supported; Mr. Dosfreis stated they plan to use natural stone to support and is open to using less material if the resource area will be disturbed; Commissioner Magliaro explained that regardless of the material used, they will need some sort of foundation to support the 9' drop and wants to understand the disturbance to earth.

Commissioner Amory asked about dimension, depth, and number of proposed stones; Mr. Dosfreis said the stones are about 24"x50" in dimension and 8" in depth and is unsure of number to be used but estimates about 20. A crane will be needed to bring them to the proposed location.

The applicant's representative, Lar Greene of McCarty Engineering, joined the meeting remotely and reiterated the proposal.

Chair Charpentier asked about regrading in the area; Mr. Greene confirmed the levels of grading.

Chair Charpentier echoed Commissioner Magliaro's concern regarding disturbance of earth caused by the proposed stairs and suggests they consider standard wooden stairs; Mr. Greene agreed to revising the plans to reflect timber stairs in that area.

Chair Charpentier stated for the record, the future dock indicated on the plans would need to come before the Commission again as a separate filing and would like to see revised plans that do not reflect the future dock; Mr. Greene stated the homeowner is aware that they would need to submit a new filing and will submit revised plans.

Commissioner Canton asked if there are plans to remove the existing stone wall; Mr. Greene confirmed that the stone wall will remain in place.

There were no comments from the public.

Mr. Flint stated staff comments have been addressed with a revised plan.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include #24, #25, #49, #52, #53, #63, #64, #65 with deeded conditions #64 and #65, in addition to the standard conditions.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to issue an Order of Conditions as discussed.

11) 305 Chandler Street (aka Foley Stadium) – Notice of Intent (CC-2023-032)

Michael Liu of Berkshire Design Group, on behalf of the applicant, City of Worcester Department of Public Works & Parks, presented the proposed work which is to re-construct the baseball field to the north of the track facility on-site. The proposal includes plans to create a synthetic turf baseball field and surround the field with a concrete walk to contain the synthetic turf material. The triangle areas to the south of the baseball field will be regraded and reseeded as a natural turf area to support discus and javelin events. Erosion controls along the southern edge of the site will be in place to protect the track as the site slopes from the north to the south. The site passes over the existing Beaver Brook culvert with only minimal

coverage over the pipe. Due to the depth of the pipe, they are not able to pass over it, so the intent is to connect the subdrainage system into header pipes and make penetrations into the culvert to relieve the groundwater and carry the flow. There will also be standard site work including concrete work, fencing, installation of bleachers, and new lighting around the perimeter of the field. Staff and DPW comments have been received but the applicant would like to hear the Commission's comments and questions, then return with revisions to address all comments and concerns at a later date.

Commissioner Canton asked about harmful chemicals associated with the synthetic turf; Mr. Liu understands concerns of contaminants from rubber and plastics, but they have been able to obtain lab tested results that indicate levels of heavy metals are very low and not a health risk; Commissioner Canton requested that the applicant documents the testing information and results to address the Commission's concerns; Mr. Liu will incorporate language to address these concerns.

Chair Charpentier asked about elevation of the pipes in relation to subgrade; Mr. Liu stated he understands the concerns of the Commission and explained that the header pipes are lower than the collector pipes and they may need to install some sort of underground detention basin to create a balance.

Chair Charpentier stated the plans do not clearly indicate where water flows in between the collector pipes; Mr. Liu said there is space between panel drains to allow water to drain and they are about 25' apart.

Commissioner Magliaro inquired about the number of pipe penetrations going into the culvert and if there is a check valve; Mr. Liu confirmed that there will be two and that there is not a check valve included in the plans, but they are open to providing that feature.

Public Comment:

Maria Caplanas, owner of abutting property, asked about soundproofing during construction and post-construction; Chair Charpentier stated these questions are outside of the purview of the Commission, but staff could happily provide the correct contact to address concerns.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to continue the public hearing to the 6/12/23 meeting.

New Business – Requests for Amended Orders of Conditions

12) 500 Salisbury Street – CC-2023-019 (CC-2020-073)

Kevin Quinn of Quinn Engineering, Inc., on behalf of the applicant, Assumption University, presented the proposed work which is to demolish existing tennis courts and expand parking capacity to reduce impact on neighboring properties. The plan includes mitigation chambers to treat runoff as well as erosion controls and silt sacks placed on all catch basins on site.

Chair Charpentier asked for clarification on which areas of parking were previously approved and which areas are newly proposed; Mr. Quinn referenced the plans and indicated which areas are new vs. what

was previously approved, noting that the applicant no longer planned to move forward with the Authier Hall parking lot.

Mr. Flint noted that since the Authier Lot was covered under a separate Order of Conditions, the approval for that lot would not be revoked by amending the Order of Conditions that is the subject of this request.

Chair Charpentier recommended that the applicant submits a project change request for the Order of Conditions for the work adjacent to Authier Hall; Mr. Quinn stated they are willing to submit a project change request.

There were no comments from the public.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to close the public hearing.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to issue the Amended Order of Conditions as discussed.

13) 190 & 238 Belmont Street – CC-2023-034 (CC-2023-018)

Matthew Soule of Weston & Sampson, on behalf of the applicant, City of Worcester Department of Public Works & Parks, gave an overview of the results from the test pits and is requesting an amended OOC to propose a detention system opposed to an infiltration system. The newly proposed system will still mitigate peak discharge and treat runoff.

There were no comments from the public.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to close the public hearing.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 4-0 to issue the amended Order of Conditions as discussed.

Other Business

14) Requests for Certificates of Compliance

a. 140 & 170 Apricot Street (aka South High Community School) (CC-2018-063 & DEP#349-1194)

Mr. Flint described the order of conditions issued in 2018 for construction of a new high school building, new athletic fields, and demolition of the old the high school building. An as-built site plan and PE certification of conformance to the order of conditions has been provided. Staff walked the portion of the site near the wetlands and did not observe any issues.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 4-0 to issue the certificate of compliance.

15) Enforcement Order and Violation Updates

- a. **217 Lake Avenue (CC-EO-2020-004)**
- b. **449 Massasoit Road (CC-EO-2020-006)**
- c. **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)**
- d. **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)**
- e. **99 Wildwood Avenue (CC-EO-2020-009)**
- f. **166 Moreland Street (CC-EO-2020-011)**
- g. **522 Grove Street (CC-EO-2020-014)**
- h. **0 Myrick Avenue (CC-EO-2020-015)**
- i. **75 Harrington (CC-EO-2021-003)**
- j. **40 June Street Terrace (CC-EO-2021-004)**
- k. **12 AKA 0 Balis Avenue (CC-EO-2021-005)**
- l. **269 James Street (CC-EO-2021-007)**
- m. **90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**
- n. **0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)**
- o. **Providence & Worcester Railroad (0 Tobias Boland Way)**
- p. **70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**
- q. **3 Aster Place (CC-EO-2022-005)**
- r. **Hospital Drive ROW (CC-EO-2022-006)**
- s. **215 Lake Avenue (CC-EO-2022-007)**

Mr. Flint noted that the deadline for submitting an as-built plan showing the completion of the required remedial actions had not been submitted by the 5/22/23 deadline.
- t. **88 Randolph Road (CC-EO-2022-008)**
- u. **4 Tiffany Avenue (CC-EO-2023-001)**
- v. **115 McKeon Road (CC-EO-2023-002)**
- w. **0 Mcavey Way & 1393 Grafton Street (CC-EO-2023-003)**
- x. **173 Grove Street (CC-EO-2023-004)**

Mr. Flint read the original enforcement order and stated the applicant has completed the work.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 4-0 to lift the enforcement order on item x.

There was no discussion of items 15 a-r and t-w.

16) Appointment to Community Preservation Committee

Mr. Flint reviewed that in the Fall 2022 election, Worcester voters passed the Community Preservation Act and the Conservation Commission will need to designate a delegate to serve on the CPC; Chair Charpentier and Commissioner Amory expressed interest in volunteering for this role.

Mr. Flint stated the Commission does not have to vote tonight and should wait for all members to be present before making a vote.

17) Communications

- a. **Ch. 91 License Issuance – 215 Lake Ave; from MassDEP; dated 5/9/2023**

Mr. Flint stated the plan included on this license is the same one that the Commission approved and based on photos provided, it did appear to be in compliance with the approval.

18) Approval of Minutes – 1/25/2021; 4/12/2021; 1/3/2022; 6/6/2022; 6/27/2022; 7/18/2022; 8/8/2022; 8/29/2022; 9/19/2022; 10/17/2022; 4/10/2023; 5/1/2023

There was no discussion of Item 18

19) Open Space Discussion

There was no discussion of Item 19

20) Policies and Procedures

Mr. Flint announced that as of today, Commissioner Hotham has stepped down from her duties on the Commission and thanked her for her service.

Adjournment

Upon a motion by Commissioner Canton, the Commission unanimously voted to adjourn at approximately 8:00PM.