

WORCESTER CONSERVATION COMMISSION

Minutes

Banx Room

Worcester Public Library

3 Salem Square

September 26, 2005

Attendance

Commission Members

Peter McKone
Tristan Lundgren
Chris Evasius
Phil Landry
Joseph Wanat
Daniel McManus
John Magnant

DPH

Wayne Curran

DPW

Kathleen Donovan
Chris Gagne

I. Open Meeting (5:36 pm)

A. Executive Session

On a motion made by D. McManus, seconded by C. Evasius the board voted 6 in favor, 0 against to convene into executive session for purposes of litigation strategy for Vincent Gencarelli's property on Holden Street.

P. McKone abstained from all discussion relating to this project, as was the case throughout the public meeting process.

After discussion with City Solicitor, David M. Moore, C. Evasius made a motion which was seconded by J. Wanat and voted 5 in favor, 0 against as follows:

- 1) to approve the Restoration Plan presented to the Commission by Graves Engineering on behalf of Mr. Gencarelli as complying with the 1986 Enforcement Order and the January 28,1991 Rulings and Order of the Court made in the case of *City of Worcester v. Vincent Gencarelli*, Worcester Superior Court CV1989-02508A;**
- 2) to authorize the restoration work described in said Plan and to require that such work be completed before any further development of the property is commenced;**
- 3) to advise Mr. Gencarelli by letter of these actions and that the filing of the Restoration Plan as a "Notice of Intent" was in error in that the Restoration Plan was required by the Enforcement Order and the Court Order and that Commission has acted upon said filing as such and not in response to a Notice of Intent; and,**
- 4) to authorize and request the city solicitor to report these actions to the Superior Court and prepare an appropriate document to be recorded in the Registry of Deeds in the chain of title to this property indicating the terms of this vote.**

On a motion made by P. Landry, seconded by C. Evasius the board voted 5 in favor, 0 against to reconvene the regular meeting.

B. Review Minutes

On a motion made by C. Evasius, seconded by J. Wanat the minutes of September 12, 2005 were accepted.

C. Additions or Deletions to Agenda

II. Routine Hearings

1. 151 West Boylston Drive

Notice of Intent to reconstruct the parking areas

P. Landry abstained from all discussion regarding this project.

Motion to close the hearing -

C. Evasius

Seconded -

T. Lundgren

Voted – 5 in favor, 0 against, 1 abstention (P. Landry)

Motion to issue an Order of Conditions -

C. Evasius

Seconded -

T. Lundgren

Voted – 5 in favor, 0 against, 1 abstention (P. Landry)

2. Orono Street

Notice of Intent to construct a roadway and three duplexes with associated site work

Motion to continue the hearing at the request of the applicant -

P. Landry

Seconded -

C. Evasius

Voted – 6 in favor, 0 against.

III. Continued Hearings

1. Myrick Avenue

Request to for Determination to construct 2 single-family homes

Motion to issue a negative determination -

P. Landry

Seconded -

C. Evasius

Voted – 6 in favor, 0 against.

2. 3 Dodge Ave & Randolph Road

Request for Determination to determine jurisdiction

Motion to continue the hearing at the request of the applicant -

P. Landry

Seconded -

C. Evasius

Voted – 6 in favor, 0 against.

Continued to 10/17

3. **31 Caroline Street**
Request for Determination to determine jurisdiction

Motion to issue a negative determination - T. Lundgren
Seconded - C. Evasius
Voted – 6 in favor, 0 against.

4. **521 Grove Street**
Request for Determination to clear vegetation and stabilize waterfront

Motion to issue a negative determination - P. Landry
Seconded - C. Evasius
Voted – 6 in favor, 0 against.

5. **Harrington Estates – Harrington Way and Gordon Street**
Notice of Intent to construct a 24-lot single-family subdivision with 1 crossing

Motion to continue the hearing at the request of the applicant - P. Landry
Seconded - C. Evasius
Voted – 6 in favor, 0 against.
Continued to 11/14

6. **242A Stafford Street**
Notice of Intent to redevelop area and construct a 6,000 square foot building

Motion to close the hearing - T. Lundgren
Seconded - J. Wanat
Voted – 5 in favor, 0 against.

Motion to issue an Order of Conditions - C. Evasius
Seconded - T. Lundgren
Voted – 5 in favor, 0 against.

7. **Whiporwill Drive/Malden Woods**
Notice of Intent to construct a subdivision

Motion to continue the hearing at the request of the applicant - P. Landry
Seconded - C. Evasius
Voted – 6 in favor, 0 against.
Continued to 10/17

8. **Tory Fort Lane (Lots 1-7)**
Notice of Intent to construct 4 single-family homes

Motion to continue the hearing at the request of the applicant -
Seconded -
Voted – 6 in favor, 0 against.
Continued to 10/17

P. Landry
C. Evasius

IV. Official Business/Informal Discussion

1. Tax Title Parcels – 47 Westminster Street, 6 Waverly Street

Motion to not pursue these parcels -
Seconded -
Voted – 6 in favor, 0 against.

C. Evasius
J. Magnant

2. Certificates of Compliance – Pointe Rock Estates (2), Westmont Subdivision (9), 111 Higgins Street

Motion to issue Certificates of Compliance -
Seconded -
Voted – 6 in favor, 0 against.

C. Evasius
J. Magnant

3. Bond Release – Westmont Subdivision

Motion to release the bond -
Seconded -
Voted – 6 in favor, 0 against.

C. Evasius
J. Magnant

4. Request map/report of Stormwater Management Structures maintained by the City of Worcester

Motion to make request -
Seconded -
Voted – 6 in favor, 0 against.

P. Landry
T. Lundgren