

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

October 24, 2011

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

Stefanie Wood – Chair
Jeremy Theerman
Jordan Berg Powers
Paul Franco
Jack Donahue
Mia McDonald (absent)

Joseph Wanat (absent)

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Staff Present:

Luba Zhaurova, Division of Planning & Regulatory Services

CALL TO ORDER – 5:37 pm

APPROVAL OF THE MINUTES – Upon a motion by Mr. Berg Powers and seconded by Mr. Franco, the Commission voted 5-0 to approve the 10/3/2011 minutes.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS:**

1. **4-6 Meadow Lane:** Request for Determination of Applicability (CC-2011-034): Attn. Morris A. Bergman, representative for Brian O’Connell & Dorothy Hargrove, requested a continuation of the hearing to 11/14/2011 to provide the City Council opportunity to resolve the issue. Upon a motion by Mr. Franco and seconded by Mr. Berg Powers, the Commission voted 5-0 to continue the hearing to 11/14/2011.
2. **14 Marshfield Street:** Notice of Intent (CC-2011-040): Ms. Zhaurova stated that the Commission has received a letter from the applicant (Exhibit D) requesting a postponement of the petition to 11/14/2011 in order to provide the Commission with stormwater calculations. Upon a motion by Mr. Franco and seconded by Mr. Berg Powers, the Commission voted 5-0 to continue the hearing to 11/14/2011.

List of Exhibits:

- Exhibit A: WPA Form 3 – Notice of Intent for 14 Marshfield Street; prepared by Robert Bartelson; received 10/14/2011.
- Exhibit B: Site Plan for 14 Marshfield Street; prepared by HS&T Group Inc., dated 8/11/2011.

- Exhibit C: Staff review memorandum from Department of Public Works & Parks to the Conservation Commissions; re: 14 Marshfield Street – NOI; dated 10/21/2011.
- Exhibit D: Letter from HS&T to the Conservation Commission requesting a postponement to 11/14/2011.

NEW BUSINESS

Public Meeting

3. **96 & 102 Chicopee Street and 134 Glendale Street:** Request for Determination of Applicability (CC-2011-041): Chris Stidsen of Doucet & Associates, Inc., representative for Worcester State University, the applicant, stated that the applicant is seeking to demolish three residential dwellings, being used for storage by the Worcester State University, fill in the basement voids, remove all impervious surfaces (driveways), and restore the area to its natural state by planting vegetation. Also present was Robert Daniels, an Associate Director of Facilities at Worcester State University. He stated that there is a small section of a driveway at 98 Chicopee Street which is within the 15-ft wetland buffer area and that it is proposed to be removed. He stated that the applicant is amenable to the DPW&P's recommendation to substitute the proposed straw waddles with hay bales (Exhibit C). Mr. Stidsen stated that there is asbestos in the siding and roofing of the building and that a protocol is followed in terms of responsibly removing these hazardous materials prior to the demolition.

Chair Wood stated that a lot of proposed work would be conducted within a 30-ft buffer and, consistent with the Commission's action in the past, she would prefer to conduct a site walk prior to making a decision. Mr. Daniels was not amenable to the continuation and asked that the Commission proceeds with its decision, and conducts a site walk afterwards, in order to expedite the work before frost starts.

Mr. Theerman asked about demolition sequencing. Mr. Daniels stated that hazardous materials abatement will be followed by its removal and then by demolition of the buildings, one at a time. He stated that there will be an attempt to recycle demolished materials as much as possible. Mr. Theerman expressed concern with heavy machinery operating on site, and possibly around the buildings, in close proximity to a wetland resource area. Mr. Daniels stated that he believed heavy machinery will only use driveways to access the site and that an excavator would be used to pull up the field-stone foundation. He stated that roll-off containers will be staged in the existing driveways. Mr. Stidsen stated that the applicant would be amenable to a condition not to fuel any equipment inside the 100-ft wetland buffer.

Mr. Theerman asked what the water table conditions are in the area. Mr. Daniels stated that it is very shallow, less than 1-2 ft.

Mr. Theerman stated that given the scope of work and the distance to the resource area, he is not comfortable voting on the negative determination.

Mr. Daniels stated that after demolition, the areas of disturbance will be populated with top soil and seeded with stabilizing vegetations, but not trees, and that 134 Glendale Street parcel will have a new fence per abutter's request.

Mr. Donahue was in favor of negative determination because it was "covered" under the exempted activities in the state's Code of Massachusetts Regulations, and to have a better chance of new vegetation to establish before the winter.

Mr. Theerman stated that the Commission would not have the authority to do site inspections if a negative determination is granted. Chair Wood was concerned with potential work taking place within a 15-ft buffer of the wetland. Mr. Donahue suggested that as a condition, the applicant would allow the Commission or its agents on site during the demolition. Mr. Stidsen was amenable to that condition.

Mr. Franco was doubtful that seeding and stabilizing was feasible in this growing season.

Chair Wood stated that she believed that it would be best to dig up the foundation after the ground freezes. Mr. Daniels stated that the anticipated timeline for the project is 2 weeks. Glenn Krevosky (in the audience) stated that generally foundations and driveways are level areas and that during winter months hydroseed and straw mulch can keep them stabilized.

Upon a motion by Mr. Franco and seconded by Mr. Donahue, the Commission voted 4-1 (with Mr. Theerman voting no) to issue a negative Determination of Applicability. Chair Wood stated that she would like to do a site walk as soon as possible. The Commission suspended issuance of the conditions to the end of the meeting.

List of Exhibits:

- Exhibit A: WPA Form 1 – Request for Determination of Applicability for 96 & 102 Chicopee Street and 134 Glendale Street; prepared by Sandra Olson – Director of Facilities Department, Worcester State University; received 10/4/2011.
- Exhibit B: Site Plan for 96 & 102 Chicopee Street and 134 Glendale Street; prepared by Doucet & Associates, Inc., dated 10/03/2011.
- Exhibit C: Staff review memorandum from Department of Public Works & Parks to the Conservation Commissions; re: 96 & 102 Chicopee Street and 134 Glendale Street; dated 10/21/2011.

4. **3 Dodge Street: Request for Determination of Applicability (CC-2011-042):** Glenn Krevosky of EBT Environmental, representative for Trustees of Odd Fellows Home of Massachusetts, the applicant, stated that the applicant is seeking to establish a boundary delineation of the wetland on the now vacant site. He stated that the boundary did not change from the last time and that there is a definitive channel, but that probably due to the Asian Longhorned Beetle eradication of trees on site, the site is now heavily rutted. He stated that the purpose of the filing is for marketing purposes, to demonstrate to the potential buyer developable and undevelopable land.

Upon a motion by Mr. Berg Powers and seconded by Mr. Theerman, the Commission voted 5-0 to approve a positive Determination of Applicability for the proposed wetland delineation boundary.

List of Exhibits:

- Exhibit A: WPA Form 1 – Request for Determination of Applicability for 102-104 Randolph Road; prepared by Trustees of Odd Fellows Home of Massachusetts; received 10/5/2011.
- Exhibit B: Wetland Delineation Plan – Lot A, Dodge Avenue; prepared by HS&T Group, Inc, dated 10/03/2011.

Exhibit C: Staff review memorandum from Department of Public Works & Parks to the Conservation Commissions; re: 3 Dodge Avenue; dated 10/21/2011.

5. **376-384 Sunderland Road- Request for Determination of Applicability (CC-2011-043):** Jason Lederer of BSC Group, representative of Massachusetts Electric Company d/b/a National Grid, stated that the applicant is seeking to replace ~1,750 linear feet of direct buried cable with a concrete encased duct cable conduit under the access drive at Redwood Hill Condominium Access Drive per City's Ordinance, as this type of work is exempt under the Wetlands Protection Act. He stated that no stockpiling is proposed and that it is not expected that open trenches will be left overnight, but probably back-filled or covered up and that the site will be stabilized on a daily basis. He stated that depending on the weather, the project should take a couple of weeks and that he estimates that about 75% of the work area would take place within a resource area buffer zone.

Mr. Theerman stated that he was not ready to take a vote on this application and requested more information about the work location as relating to the resource areas. He requested that revised plans are submitted showing all resource area buffers, as well as proposed sedimentation and erosion controls. Chair Woods stated that loose material would be present on site, and especially with rain, it may run-off into a resource area. She also suggested that the applicant provides standard BMPs for sedimentation and erosion control used by Massachusetts Electric Company. Mr. Lederer was amenable to continuation to the next meeting.

Upon a motion by Mr. Theerman and seconded by Mr. Franco, the Commission voted 5-0 to continue the meeting to November 14, 2011 in order to provide the applicant time to submit revised plans showing resource area buffers and proposed erosion and sedimentation control information.

List of Exhibits:

- Exhibit A: WPA Form 1 – Request for Determination of Applicability for 376-384 Sunderland Road (including a narrative); prepared by Massachusetts Electric Company d/b/a National Grid; received 10/12/2011.
- Exhibit B: “Attachment “B” – Site Photographs
- Exhibit C: “Attachment C” - Site Locus Map and Project Alignment Map; prepared by BSC Group.
- Exhibit D: Staff review memorandum from Department of Public Works & Parks to the Conservation Commissions; re: 376-384 Sunderland Road; dated 10/21/2011.

OTHER BUSINESS

6. **1119-1121 Grafton Street (WCC-2006-088):** Mr. Quinn stated that while he was able to obtain the cut sheets of the stormwater unit installed on site, he didn't have sufficient time to verify that it is as good or better than the specifications of the unit approved by the Commission. He requested an extension to the next meeting. Mr. Quinn stated that the system

installed appears to be a clone of the specified unit. Chair Wood requested that Mr. Gervais also reviews the submitted documentation and communicates with the applicant. The Commission was amenable to postponing this conversation to the next meeting.

7. **14 Ada Street – Enforcement Order:** Gerard Aubin, the owner, was present. Chair Wood stated that she and Mr. Theerman attended a site walk. She stated that the brook bank is compromised but that she was not able to obtain photographs from MassGIS dating to a time prior to 2003 in order to see if the brook has shifted its course over time. She stated that the Enforcement Order stated that the violation consisted of “depositing granite curbstones into and on the bank of Tatnuck Brook between Patch Reservoir and Patch Pond.” Chair Wood stated that the Enforcement Order calls for removal of the granite stones and stabilization of the bank. Ms. Zhaurova stated that intent should be considered, since it appears from the evidence that the granite retaining wall has collapsed into the brook due to the erosive power of the brook, and not, as originally stated in the Enforcement Order, the granite stones were deposited into the brook by the owner. Mr. Berg Power was not sure the intent mattered, but the fact that the brook was altered. Mr. Donahue speculated that possibly a construction or an alteration upstream might have affected the brook over time. Chair Wood discussed a possibility of moving the soil in such a way as to divert the brook slightly to reduce its erosive power on the bank. Mr. Theerman suggested that a Notice of Intent is issued to require the owner to work on stabilizing the bank. Mr. Franco suggested revoking the Enforcement Order. Chair Wood stated that she would like to see a bank restoration plan, consulting with the Department of Public Work, who owns the land across the brook, prior to taking further action. Mr. Aubin stated that he will contact Jonathan Gervais of DPW&P and that he was amenable to Commissioners doing a site visit of his property at their own time. He expressed a wish that the City can assist with this work. The Commission continued the meeting to November 14, 2011.

8. **156 Olean Street – Enforcement Order:** Ms. Zhaurova stated that the owner did not contact staff after receiving the Enforcement Order in the mail and that Jonathan Gervais of DPW&P will conduct a site visit and will try to meet the owner in person. Mr. Franco stated that he will drive by the site and will take pictures.

Mr. Franco left the meeting.

9. **8 Admiral Avenue - Certificate of Compliance Request:** Ms. Zhaurova stated that the current owner is requesting a partial release of the lot from the Order of Condition. The lot was part of a Subdivision (Admiral Avenue and Fourth Street) that was approved in 1997. She stated that Jonathan Gervais of DPW&P indicated to her that the building has been constructed and re-vegetated many years ago. Upon a motion by Mr. Theerman and seconded by Mr. Donahue, the Commission voted 4-0 to issue a Certificate of Compliance for 8 Admiral Avenue.

Mr. Franco joined the meeting.

NEW BUSINESS

10. **96 & 102 Chicopee Street and 134 Glendale Street:** Commissioner Theerman stated that he felt a Notice of Intent was appropriate for this project and stated that he believed a negative Determination of Applicability cannot have conditions attached to it because they would not be enforceable. Mr. Donahue disagreed stating that he believed conditions can be imposed. Chair Wood stated that she was troubled that the Commission might find itself imposing conditions prior to the site walk taking place.

Upon a motion by Ms. Wood and seconded by Mr. Theerman, the Commission voted 3-2 (with Ms. Wood, Mr. Theerman and Mr. Donahue voting yes and Mr. Berg Power and Mr. Franco voting no) to reconsider the issuance of a negative Determination of Applicability. Mr. Donahue stated that he was in favor of more discussion on the topic by the Commission, but he was in favor of a negative Determination of Applicability with conditions. The motion passed.

Mr. Franco stated that he believed that Worcester State University is being a “good neighbor” and that he trusts it would do good work. Chair Wood was concerned with damage to the resource area done during the demolition. Mr. Theerman was concerned that the conditions would not be enforceable.

Upon a motion by Mr. Theerman and seconded by Ms. Wood, the Commission voted 2-3 (with Ms. Wood and Mr. Theerman voting yes and Mr. Berg Power, Mr. Donahue and Mr. Franco voting no) to issue a positive Determination of Applicability. The motion did not pass and a positive Determination of Applicability was not issued.

Upon a motion by Mr. Donahue and seconded by Mr. Berg Powers, the Commission voted 3-2 (with Mr. Berg Power, Mr. Donahue and Mr. Franco voting yes and Ms. Wood and Mr. Theerman voting no) to issue a negative Determination of Applicability. The motion passed and the negative Determination of Applicability was issued with the following conditions:

- 1) No construction staging shall occur within the 15-ft buffer of the wetland resource area.
- 2) No construction vehicle fueling shall take place within the 100-ft buffer of the wetland resource area (i.e. only at the head of the 102 Chicopee Street parcel driveway).
- 3) Additional erosion control measures shall be installed around driveways and any other access areas to the sites to be used, if any.
- 4) The basement voids shall be filled.
- 5) All disturbed areas shall be revegetated with native plants.

Mr. Franco requested that the applicant reports to the Commission on the progress on November 14, 2011.

ADJOURNMENT

Upon a motion by Mr. Franco and seconded by Mr. Theerman, the Commission voted 5-0 to adjourn the meeting at 8:15 pm.