

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

March 11, 2013

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Joseph Wanat – Chair
Stefanie Wood – Vice Chair
Jeremy Theerman
Paul Franco
Jordan Berg-Powers

Members Absent: Jack Donahue
Mia McDonald

Staff Present: Jonathan Gervais, Department of Public Works & Parks
Abby McCabe, Division of Planning & Regulatory Services
Nancy Tran, Division of Planning & Regulatory Services

CALL TO ORDER:

The Chair called the meeting to order at 5:35 pm.

APPROVAL OF THE MINUTES:

Upon a motion by Commissioner Franco and seconded by Commissioner Wood, the Commission voted 4-0 to approve the minutes for October 1, 2012 and February 25, 2013 as written.

Commissioner Berg-Powers arrived late and was not present for the approval of the minutes vote.

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

1. 187, 207 & 0 Greenwood Street (CC-2012-037) – Notice of Intent:

Wetlands scientist Scott Goddard of Goddard Consulting appeared on behalf of applicant, Greenwood, LLC, and stated that a written Leave to Withdraw request was submitted to the staff on February 20, 2013. Mr. Goddard said the applicant purchased additional parcels and that a new Notice of Intent was submitted addressing the proposed scope changes.

Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 4-0 to approve the Leave to Withdraw.

List of Exhibits:

Exhibit A: Letter from Scott Goddard of Goddard Consulting re: Notice of Intent Withdrawal Request (DEP File #349-1040), 187 Greenwood Street; dated and received February 20, 2013.

Commissioner Berg-Powers arrived at 5:43 p.m.

NEW BUSINESS

Public Hearing

2. 169, 170, 181, 187 Greenwood Street and 1 Lundberg Street (CC-2013-008) – Notice of Intent:

Items # 2, 4 and 10 were taken contemporaneously.

Mr. Goddard said 187 Greenwood Street was issued an enforcement order in 2011 to redefine altered wetlands. Restoration work was approved by the Commission, completed in December 2012 and will be monitored for two growing seasons with quarterly updates. The new Notice of Intent (NOI) includes five new parcels and omits property owned by the City of Worcester that was included in the previous NOI filing. The owner has also submitted a request to City Council to abandon two paper streets located within the proposed development.

Mr. Goddard said some existing structures will be demolished and paved for rail freight storage. He added that while not accepted by MassDEP, the NOI proposes using the restored pond for volume control. The commercial building at 181 Greenwood Street was recently partially demolished and its façade still intact. Earthwork and removal of vegetation around this building, primarily Japanese Knotwood, is within the 30' wetland buffer and will not impact BVW. Erosion controls are still in place after completion of the pond restoration. The applicant is seeking a refund of the previous NOI filing fees and noted that he received the memorandum from staff regarding the other Board approvals needed for the project.

Chair Wanat expressed his concern regarding impacts within the 15' and 30' buffer zones and use of the restored pond as a detention area. He said runoff should be treated before being directed to the Blackstone River. He was also concerned about the demolition work being done within the buffer zone without permits. He stated that it is likely that the Commission will vote to issue a new enforcement order to halt demolition. He suggested use of a detention basin as an alternative to using the wetland replication area.

Mr. Goddard said that it is difficult to obtain pond volume and believed that there was flexibility for atypical use of the pond considering its situation.

Commissioner Wood said she attended the site walk on March 7, 2013 and was not aware that demolition work was performed. Because of the building's proximity to the wetland, she suggested an enforcement order to stop all demolition permits is issued. She expressed concern that the proposed pavement would choke off ecological population in and around the pond.

Commissioner Theerman also attended the site walk and concurred with both Chair Wanat and Commissioner Wood. He said he was uncomfortable with the project's scale, pond isolation and pond volume. He suggested reducing the scale and imperviousness.

Commissioner Berg-Powers agreed with the other Commissioners concerns. He then inquired about the water flow and treatment.

Mr. Goddard said there were two inflow pipes from and a deep sump station at Greenwood Street.

Chair Wanat said it was not ideal for the proposed work to impact the pond and suggested that runoff should be treated before reaching the replicated area.

Earl Turner said his mother is an abutter and said the City should issue a Cease & Desist for demolition work on site. He disagreed with Mr. Goddard about the difficulty to achieve pond volume and stated that Pakachoag Hill fills the pond with the aid of an asphalt trough near the Lutheran church. He said the Commission should not provide flexibility to the petitioner.

Ms. McCabe said a memorandum was distributed to the Commission prior to the meeting recommending waiving duplicate fees paid less the amendment and advertising costs. The memorandum also states that the project will also require approvals from the Planning Board, Zoning Board of Appeals and other city departments.

Chair Wanat noted that it there needed to be more review discussion about the project and recommended continuing the item. Mr. Goddard was amenable to continuing the item.

Item #2 – Notice of Intent (CC-2013-008): Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to continue the Notice of Intent to April 1.

Item #4 – Enforcement Order Update – Quarterly Update: The update was provided and no further action was taken.

New Enforcement Order – Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 5-0 to issue an enforcement order for the Cease & Desist of work to the structure on 181 Greenwood Street.

Item #10 – Fee Refund Request: Upon a motion by Commissioner Berg and seconded by Commissioner Theerman, the Commission voted 2-3 to refund \$2,175 to the applicant (Commissioners Wood, Theerman and Franco voted against).

List of Exhibits:

Exhibit A: Notice of Intent Application for 169, 170, 181, 187 Greenwood Street and 1 Lundberg Street submitted by Greenwood LLC; received February 20, 2013.

Exhibit B: Site Plan and Details for 170-180 Greenwood St; prepared by Connorstone Consulting Civil Engineers and Land Surveyors; dated December 21, 2012; received February 20, 2013.

Exhibit C: Stormwater Report & Project Narrative; dated prepared by Connorstone Consulting Civil Engineers and Land Surveyors; dated May 29, 2012; revised July 6, 2012 and January 28, 2013; received February 20, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 169-187 Greenwood Street - NOI; dated March 11, 2013.

Exhibit E: Memorandum from Abby McCabe, Chief Planner to the Conservation Commission; re: 169, 170, 181, 187 Greenwood Street – Notice of Intent (WPA & WPPO); dated March 11, 2013.

OTHER BUSINESS

3. Enforcement Order Update – 14 Ada Street (CC-EO-2011):

Ms. Tran said there was no update for the item.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Franco, the Commission voted 5-0 to continue the item to April 1.

4. Enforcement Order Update – 187 Greenwood Street – Quarterly Update:

Items # 2, 4 and 10 were taken contemporaneously.

Mr. Goddard updated the Commission during his presentation of the new NOI filing. No further action was taken.

5. Request for Certificate of Compliance – 25 Ellis Drive (CC-2011-064):

Items # 5 & 6 were taken contemporaneously.

Glenn Krevosky provided a topographical map to the Commission showing the property and isolated basin. He said he received a memorandum from staff and was amenable to the recommendation that a NOI application be submitted on/before April 24, 2013. He stated that it will provide the engineer enough time to figure out how and where to provide the additional 9,000 SF of compensatory flood storage. New delineations will also be performed to update the 1994 wetlands delineation performed by Defalco Engineering, Inc. The property will also be re-surveyed to check contours of the as-built plans prepared by Allen F. Paige Consulting Engineering.

Mr. Gervais said DPW&P had no comments.

Ms. McCabe said that based on the calculations, staff recommends issuing a new enforcement order requiring that a new NOI showing the additional 9,000 SF of flood storage be submitted by April 24 for the Commission's May 13 meeting.

John O'Connor, abutter at 129 Newton Avenue North, stressed the long-term flooding issue that has caused rot and bug to damage trees in the area. He did not want the Commission to issue a Certificate of Compliance until the problem was resolved.

Item #5 – Request for Certificate of Compliance: Upon a motion by Commissioner Franco and seconded by Commissioner Wood, the Commission voted 5-0 to continue the Request for Certificate of Compliance to May 13.

New Enforcement Order: Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 5-0 to require the applicant to submit a new NOI by April 24 for the May 13 meeting.

Item #6 – Enforcement Order Update: The item was continued to May 13.

List of Exhibits:

- Exhibit A: Request for Certificate of Compliance – 25 Ellis Drive; submitted by Sotirios Georgiadis; received December 3, 2012.
- Exhibit B: As Built Topo Plan of 25 Ellis Drive; prepared by Allen F. Paige Consulting Engineering; dated November 14, 2012 and received December 3, 2012.
- Exhibit C: Email from Atty. Bachrach to Joel Fontane, Division of Planning & Regulatory Services; dated December 10, 2012.
- Exhibit D: Email from Glenn Krevosky to Worcester Conservation Commission re: Sotirios – 25 Ellis Drive; dated February 25, 2013.
- Exhibit E: Floodplain Calculation Plan for 25 Ellis Drive; prepared by CFS Engineering; dated February 28, 2013; received March 4, 2013.

Exhibit F: Floodplain Calculations for 25 Ellis Drive; prepared by CFS Engineering; dated February 28, 2013; received March 4, 2013.

Exhibit G: Memorandum from Joel Fontane, Director of Planning & Regulatory Services to the Conservation Commission re: 25 Ellis Drive – Enforcement Order (WCC File 2001-064, DEP File # 349-459 & 349-360).

6. Enforcement Order Update – 25 Ellis Drive (CC-EO-2012-004):

Items # 5 & 6 were taken contemporaneously.

The item was continued to May 13.

Commissioner Theerman left the meeting at 6:45 p.m.

7. 1413 Grafton Street – Discussion of concept plans

Engineer Carl Hultgren of Quinn Engineering appeared on behalf of the property owners – Jack Richard and Mark Starrett. The owners are proposing to redevelop a vacant site for a retail building. Mr. Hultgren said he had met with city staff for an intradepartmental review team meeting to discuss the project and stormwater management. He said that stormwater would be treated and the BVW had been delineated, with its steep edge located all within the 15' buffer. Mr. Hultgren said the owners are looking for Commission input with respect to stormwater outlet options. One option was to discharge into the BVW which requires work within the 15' buffer. Another option was to pipe stormwater to Grafton Street.

Chair Wanat said the Commission prefers that structures be located outside of the 15' buffer. He stated that the part of the paved circulation in the concept plans is within the 30' buffer which is also frowned upon by the Commission. He also noted that some grading would not be necessary if the riprap is pulled back.

Mr. Hultgren said the paving can be done outside the buffer. He added that there will be TSS removal to treat stormwater before it is directed to the wetland or basin on Grafton Street. Stormwater from the central parking area will be piped to a grass swale along the property line and that catchbasins around the road will discharge into various stormwater infiltration areas.

Chair Wanat said the Commission would also want to see snow storage areas. He said that the Commission would also likely do a site visit to confirm the wetland buffer delineation.

Commissioner Berg-Power inquired about stormwater discharge over slope, to which Mr. Hultgren said most water would be intercepted and conveyed to Grafton Street. The remaining would discharge over rip rap rather than the BVW slope.

The Commission took no action on this discussion item.

List of Exhibits:

Exhibit A: Letter and Concept Site Layout Plan from Carl Hultgren, P.E. of Quinn Engineering, Inc. re: 1413 Grafton Street; dated and received February 28, 2013.

8. 965 Main Street (University Park & Crystal Pond) – Peter Amorello, Tasco Construction Co. Inc.

Atty. Donald O’Neil appeared on behalf of Peter Amorello of Tasco Construction Co. Inc., site contractor for the Crystal Park improvement project. Atty. O’Neil said Tasco needed to drain ½ of the pond in order to perform work on the retaining wall. DPW&P recommended that Tasco inform the Commission of the plan to lower the pond water level and refill it with spring runoff or with a fire-hydrant.

Mr. Gervais said the Commission approved the project and that Tasco wanted confirmation that the means and methods were within the issued Order of Conditions from 2012.

Ms. McCabe said that the Commission needed to determine whether the means and methods were within the scope of the issued Order of Conditions. If the Commission deems it is not within the scope, an Amendment to the Order of Conditions will be needed and will require proper notification and a public hearing.

Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 4-0 that the plans as well as means and methods are consistent with the original NOI filing.

List of Exhibits:

Exhibit A: Letter from Peter Amorello / Tasco Construction Co. Inc. re: Request for amendment to Notice of Intent; undated; received February 25, 2013.

Exhibit B: Layout and Materials Plan for University Park Site Improvements; prepared by Beals + Thomas, Inc.; dated September 7, 2012 and received February 25, 2013.

9. Conservation Restriction – Land off Plantation Parkway:

Ms. McCabe said staff had not yet received a draft of the Conservation Restriction from the Law Department. She requested that the item be continued to the March 11 meeting.

Upon a motion by Commissioner McDonald and seconded by Commissioner Franco, the item was continued to the March 11, 2013 meeting.

10. Fee Refund Request – 187 Greenwood Street (CC-2013-037):

Items # 2, 4 and 10 were taken contemporaneously.

Upon a motion by Commissioner Berg and seconded by Commissioner Theerman, the Commission voted 2-3 to refund \$2,175 to the applicant (Commissioners Wood, Theerman and Franco voted against).

List of Exhibits:

Exhibit A: Letter from Scott Goddard of Goddard Consulting re: Notice of Intent Fee Refund Request (DEP File #349-1040), 187 Greenwood Street; dated and received March 4, 2013.

11. Communication Items

The Commission took no action on the communication items.

ADJOURNMENT

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Donahue, the Commission voted 6-0 to adjourn the meeting at 7:15 p.m.