

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

April 1, 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
Jack Donahue
Mia McDonald

Members Absent: None

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

CALL TO ORDER:

The Chair called the meeting to order at 5:32 pm.

APPROVAL OF THE MINUTES:

Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 6-0 to approve the minutes for March 11, 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:**

Ms. McCabe said that an additional emergency agenda item regarding beaver-related activity on Conservation Commission land will need to be addressed under Other Business.

On behalf of the City, Mr. Fontane thanked Chair Wanat for ten years of service on the Conservation Commission and presented him a Certificate of Appreciation.

NEW BUSINESS

Public Hearing

1. 1413 Grafton Street (CC-2013-009) – Notice of Intent:

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 wetland delineation was performed in February for the proposed ~14,400 SF retail building with 40 parking spaces. No work will occur within the 15' and 30' buffer zones. The project will provide a swale and infiltration basins that discharge stormwater into existing drains on Grafton Street. Roof runoff will go into an underground basin and be directed to Grafton Street. Haybales, silt fence, silt sacks, crushed stone (construction entrance) and erosion control blankets (slopes greater than 3:1) will be used for sedimentation and erosion control.

Chair Wanat asked for more information about the stormwater system components, to which Mr. Hultgren said that the front system feeds into a stormtech unit and the system located at the rear of the property will be treated twice through an infiltration basin and swale.

Chair Wanat expressed his concern of stormwater treatment around the potential drive-through area. Mr. Hultgren said roof water will be directed to an underground chamber. He added that surface stormwater will be treated by basins and the swale which are connected to various catchbasins. Snow storage will be placed in the green space of proposed landscaping or be trucked off-site. No snow will be stored into the wetland buffer or pushed over the berm curb into the wetland.

Commissioner Donahue inquired about the nearby vernal pool, to which Mr. Hultgren said it was outside the project limits. Commissioner Donahue asked whether a detention basin was considered, to which Mr. Hultgren stated that the proposed infiltration basin was preferred because it would not need to discharge water, not have overflow runoff and will only require periodic maintenance.

Mr. Gervais said DPW&P had no comments on the proposed project.

Upon a motion by Commissioner Franco and seconded by Commissioner Wood, the Commission voted 6-0 (Commissioner Berg-Powers was not present for the hearing and vote) to issue an Order of Conditions. Discussion regarding issuance of Order of Conditions was held to the end of the meeting.

List of Exhibits:

Exhibit A: Notice of Intent Application for 1413 Grafton Street submitted by 1413 Grafton Street Realty Trust; received March 13, 2013.

Exhibit B: Definitive Site Plan; prepared by Quinn Engineering, Inc.; dated March 12, 2013.

Exhibit C: Stormwater Report for 1413 Grafton Street; prepared by Quinn Engineering, Inc.; dated March 12, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 1413 Grafton Street - NOI; dated April 1, 2013.

2. 477 Lake Avenue (CC-2013-010)– Notice of Intent:

Environmental scientist Scott Morrison of EcoTec, Inc. and petitioner Mark Aho were present on behalf of the Notice of Intent application for 477 Lake Avenue. Mr. Morrison stated that the applicant proposed to demolish, reconstruct and add a third floor onto a single-family residence within the existing building footprint, install a basketball court and make drainage modifications.

Mr. Morrison said resource areas will be protected with a silt fence and silt sack. He said portions of the existing home are located within the 30' buffer but zoning regulations require that the house be constructed within the existing footprint because the structure is pre-existing nonconforming. The proposed area will require grading on the other side of the house, away from the resource area.

Chair Wanat inquired about the condition of the retaining wall, to which Mr. Morrison said that it was in good condition and only the top of three levels will be replaced. During excavation, bricks and patio pavers will be removed along with two trees located outside the buffer zone. Mr. Morrison said silt sacks and fence will be used. The house will be nearly identical in size except for a small deck addition which will be cantilevered over existing hardscape.

Commissioner Wood inquired about demolition methodology. Mr. Morrison said a machine will be brought from Lake Avenue, bring materials away from the lake and be hauled away during demolition. Commissioner Wood said she would be more comfortable voting after conducting a site walk.

The applicant was amenable to scheduling a site walk.

Mr. Gervais said DPW&P had no comments.

Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 6-0 (Commissioner Berg-Powers was not present for the hearing and vote) to continue the item to April 22.

List of Exhibits:

Exhibit A: Notice of Intent Application for 477 Lake Avenue submitted by Mark Aho; received March 13, 2013.

Exhibit B: Site Development Plan; prepared by EcoTec, Inc.; dated March 11, 2013.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 477 Lake Avenue - NOI; dated April 1, 2013.

Commissioner Berg-Powers arrived at 6:06 p.m.

3. 169, 170, 181, 187 Greenwood Street and 1 Lundberg Street (CC-2013-008) – Notice of Intent:

Items # 3 and 4 were taken contemporaneously.

Dan Wells of Goddard Consulting and Vito Colonna of Connorstone Engineering appeared on behalf of applicant, Greenwood, LLC.

Mr. Wells said after meeting with staff last week, it was determined that the proposed use was considered rail freight terminal and accessory storage, a by-right use, and did not require a Special Permit from the Zoning Board of Appeals. He provided further information regarding the Enforcement Order issued by the Commission on April 1 as a result of unauthorized damage to vegetation within the Bordering Vegetated Wetland (BVW). After investigation by the police, it was discovered that a youth vandalized the area using a loading machine stored on site. Structural damage was caused to the existing building and tree damage which required demolition for safety precaution. While an emergency permit was issued, the demolition contractor failed to contact the Commission. Mr. Wells requested that the Enforcement Order be lifted as the area has been stabilized.

Chair Wanat expressed concern regarding the hazardous materials stored within the damaged building and inquired where it had been sent. Mr. Wells said the contractor hauled it off-site and submitted all required documentation to Inspectional Services.

Mr. Wells asked whether the applicant could proceed to demolish the building located outside the buffer.

Chair Wanat, Commissioner Franco and Commissioner Berg-Powers believed the structure located outside the buffer may be demolished.

Commissioners Wood and Theerman disagreed and recommended that the Enforcement Order remain until an Order of Conditions was issued as there was a lack of due care of the site.

Mr. Gervais said DPW&P had no comments.

Commissioner McDonald said she believed the Enforcement Order provides an extra level of protection that no work should occur.

Chair Wanat said the Commission was concerned about stormwater management and strategies to maintain pond water levels.

Mr. Colonna said the proposed project will have work outside the 15' and 30' buffers. A detention basin will be located adjacent to the pond for additional green space and most pavement will be at least 40' from the pond. The basin will contain water to match pre-existing flow and water from the property's northerly area will be diverted to the pond. Runoff rate will be controlled, water will discharge into the city system and proposed treatment will provide 80% TSS removal. Mr. Colonna said he discussed hydrologic models with Mr. Gervais and will submit revised stormwater calculations to staff.

Commissioner Berg-Powers inquired how water flow will be diverted to the pond. Mr. Colonna said a 24" line bypass will bring treated water from the detention basin to the pond. He added that three catchbasins will collect greater than 80% of runoff, direct it to the detention basin outlet structure and to the pond or offsite.

Jane Petrella, 245 Greenwood Street, expressed her concern about the project and asked whether the Commission had come to a decision.

Chair Wanat said the applicant still needed to submit revised plans and stormwater calculations for review. He stated that the Commission will continue this item to the April 22 meeting.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 2-4-1 (Berg-Powers and Franco voted yes; Wanat, McDonald, Theerman and Wood voted no; Donahue abstained) to lift the Enforcement Order concerning the Cease & Desist of work to the structure on 181 Greenwood Street (CC-EO-2013-001). The motion to lift the enforcement order was denied.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Franco, the Commission voted 5-0-2 (McDonald and Donahue abstained) to continue the item to April 22.

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 & WPO); dated March 11, 2013.

Exhibit F: Letter from Scott Goddard of Goddard Consulting, LLC to the Conservation Commission; re: Notice of Intent, 169-187 Greenwood Street; dated March 28, 2013.

OTHER BUSINESS

4. Enforcement Order Update – 187 Greenwood Street – (CC-EO-2012-001) & (CC-2013-001):

Items # 3 and 4 were taken contemporaneously.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 2-4-1 (Berg-Powers and Franco voted yes; Wanat, McDonald, Theerman and Wood voted no; Donahue abstained) to lift the Enforcement Order concerning the Cease & Desist of work to the structure on 181 Greenwood Street. (CC-EO-2013-001).

Enforcement Order, (CC-EO-2012-001) is ongoing as the restoration work will be monitored for two growing seasons.

5. 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 6-0 (Commissioner Theerman was not present for the vote) to continue the item to April 22.

6. Request for Certificate of Compliance – 5 Broome Avenue (DEP-349-1012):

Mr. Gervais said he did not inspect the site and recommended that it be continued to the May 13 Conservation Commission meeting.

Upon a motion by Commissioner Franco and seconded by Commissioner Jordan, the Commission voted 6-0 (Commissioner Theerman was not present for the vote) to continue the item to May 13.

7. Conservation Restriction – Plantation Parkway:

Upon a motion by Commissioner Jordan and seconded by Commissioner Franco, the Commission voted 7-0 to continue the item to May 13.

8. Duplicate Order of Conditions – Whippoorwill Drive/ Malden Woods (CC-2004-095):

Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 7-0 to issue a duplicate Order of Conditions.

9. Communication Items:

The Commission took no action on the communication items.

10. Emergency Item – 2-4 Gustavus Avenue – Threat from Beaver-Related Activities and Action Taken

Chair Wanat said DPRS staff prepared a memorandum for the Commission regarding a block culvert from beaver activity. As stated in the memorandum, staff requested that the Commission take a vote to allow staff to submit a 10-day Emergency Beaver or Muskrat Permit to address the issue.

Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 7-0 allowing staff to apply for the 10-day permit and a 30-day extension should additional time be required to complete work.

List of Exhibits:

Exhibit A: Memorandum from Luba Zhaurova, DPRS Senior Planner to the Conservation Commission re: 2-4 Gustavus Avenue – Threat from beaver-Related Activities and Action Taken.

ADJOURNMENT

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 6-0 to adjourn the meeting at 7:00 p.m.