

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

April 22, 2013

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Stefanie Wood – Acting Chair
Jeremy Theerman
Paul Franco
Jordan Berg Powers
Jack Donahue
Mia McDonald
Joseph Charpentier

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 5:37 pm.

APPROVAL OF THE MINUTES:

Upon a motion by Commissioner Franco and seconded by Commissioner Berg Powers, the Commission voted 6-0-1 (Commissioner Charpentier abstaining) to approve the minutes for April 1, 2013 as written.

UNFINISHED BUSINESS

Public Hearing

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

Items # 1 and 10 were taken contemporaneously.

Dan Wells of Goddard Consulting and Vito Colonna of Connorstone Engineering appeared on behalf of applicant, Greenwood, LLC for its petition to construct a rail freight storage yard on 5 parcels encompassing a 5.9 acre site.

Mr. Wells said since the last meeting, the buffer around the wetland had been expanded to 40' except at one point which is 31', additional vegetation around disturbed area and a detention basin to control peak runoff have been proposed.

Chair Wood expressed her concern that the proposed project may jeopardize the recent wetland restoration.

Mr. Wells said the development would not affect the wetland and that the only possible concern would be erosion and sedimentation which would be addressed with managed site drainage.

Mr. Colonna explained that there would not be uniform storage of trailer beds and that the increased buffer is the maximum that can be provided.

Jane Petrella, 245 Greenwood Street, expressed support for the project.

Mr. Gervais said DPW&P had no comments.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg Powers, the Commission voted 4-0-3 (Commissioners Donahue, McDonald and Charpentier abstaining) to close the public hearing. 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 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: Letter from Scott Goddard of Goddard Consulting, LLC to the Conservation Commission; re: Notice of Intent, 169-187 Greenwood Street; dated March 28, 2013.

Exhibit F: Revised Site Plan, Details and Stormwater Calculations; prepared by Connorstone Consulting Civil Engineers and land Surveyors; revised April 1, 2013 and received April 8, 2013.

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

Environmental scientist Scott Morrison of EcoTec, Inc. was present on behalf of the petitioner Mark Aho. The petition proposed demolition, reconstruction and addition of a third floor onto a single-family residence within the existing building footprint, install a basketball court and make drainage modifications.

Mr. Morrison said a site walk was conducted upon request by the Commission. He added that there was concern that demolition debris would enter the lake. The plan had been updated in add additional haybales, temporary 8' fencing and demolition would pull work away from the lake.

Chair Wood said she was previously concerned with the proposed deck but no longer was because it would be cantilevered and not cause soil disturbance.

Commissioner Donahue concurred with Chair Wood.

Mr. Gervais said if the sewer line is shifted during work then DPW&P should be notified and an amendment filed.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0-2 (Commissioners Berg Powers and Charpentier abstaining) to close the public hearing. 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 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.

NEW BUSINESS

3. Lake Avenue North (CC-2013-012) – Notice of Intent:

Engineer William McGrath of BETA Group, Inc. appeared on behalf of the applicant, City of Worcester Department of Public Works and Parks. Mr. McGrath said the project consists of the construction of a multi-use asphalt pathway and roadway improvements within the resource area associated with Lake Quinsigamond and Coal Mine Brook. Work will involve an open space parcel for pathways, three small pervious pavement parking lots, stormwater system improvements, bank stabilization, retaining walls and a non-motorized boat launch ramp.

Chair Wood expressed her concern over peak discharge rates to Coal Mine Brook, potential siltation issues and recommended a site walk.

Mr. McGrath said there would be a small runoff increase because of the limited area for mitigation. He stated that small trees roots would be removed but large tree stumps would remain to maintain slope stability. Other stability measures include a retaining wall, curbing and a drainage system.

Commissioner Donahue asked whether alternatives were looked into for limiting the project scope. He also inquired whether there were signs warning fines for graffiti.

Mr. McGrath said it was the City's goal to build the park, that there were signs and anti-graffiti type material is being considered. He also said that the buffer and pathway are within the existing roadway footprint. While little change is proposed to the road's west side, the lake side will be graded to drain toward a buffer and not the lake. The City will also maintain snow removal and the conservation parcel will be fenced off/controlled during construction.

Commissioner Charpentier inquired about stormwater management for the project. Mr. McGrath said bringing the stormwater to a single point was considered but said there was an elevation issue.

Upon a motion by Commissioner Donahue and seconded by Commissioner Franco, the Commission voted 7-0 to continue the item to May 17 in order to conduct a site walk.

List of Exhibits:

Exhibit A: Notice of Intent Application for Linear Park along Lake Avenue North Project; submitted by City of Worcester Department of Public Works & Parks; received March 29, 2013.

Exhibit B: Stormwater Report for Linear Park along Lake Avenue North Project; prepared by BETA Group; dated March 2013 and received March 29, 2013.

Exhibit C: Site Plan for; Linear Park along Lake Avenue North Project; prepared by BETA Group; dated March 2013; received March 29, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 230 Park Avenue - NOI; dated April 19, 2013.

Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Linear Park along Lake Avenue North - NOI; dated April 19, 2013.

4. 230 Park Avenue (CC-2013-013) – Notice of Intent:

Attorney John Spillane of Spillane and Spillane LLC appeared on behalf of the applicant, Spencer Bank. Also present were John Graves of Graves Engineering, Greg O'Connor of Greg O'Connor Associates, Inc. and K. Michael Robbins of Spencer Bank.

Atty. Spillane said the property appeared before the Zoning Board and Planning Board and was rezoned.

Mr. Graves said the project is before the Commission for a Local Notice of Intent for a building addition and site work that includes retaining walls and stormwater system with 70% TSS removal and an underground system for recharge.

Commissioner Franco expressed concern over proposed impervious pavement.

Commissioner McDonald said the steep slope would not allow for groundwater recharging as runoff would be directed to a catchbasin. She suggested that a leech field would be a greater improvement than present conditions.

Mr. Fontane clarified that the parcel is no longer considered park area as it was removed by City Council and the state legislature.

Commissioner Berg Powers expressed disapproval of the project for use as a bank.

Jo Hart, Worcester resident expressed her position of the project for its size and parking.

Rick Miler from the Friends of Newton Hill, said that surrounding neighbors have invested a lot of time to improve the park and support the proposed project that was before the Commission.

Deborah Packard, Executive Director of Preservation Worcester, stated that the public/private partnership to rehabilitate the building and site will greatly improve the city.

Mr. Fontane said that the city administration respectfully recommends approval of the project.

Chair Wood stated that the project was before the Commission because its proximity to catchbasins and that its previous designation as park land was irrelevant.

Upon a motion by Commissioner Theerman and seconded by Commissioner McDonald, the Commission voted 5-2 (Commissioners Berg Powers and Franco voting against) to close the

public hearing. 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 230 Park Avenue submitted by Spencer Bank; received April 2, 2013.

Exhibit B: Narrative & Stormwater Report for Spencer Bank; prepared by Graves Engineering, Inc.; dated and received April 2, 2013.

Exhibit C: Definitive Site Plan for Spencer Bank, 230 Park Avenue; prepared by Graves Engineering, Inc.; dated November 27, 2012, revised March 19, 2013 and received April 2, 2013.

Exhibit D: Memorandum from Joel Fontane, Director of Planning & Regulatory Services to the Conservation Commission; re: 230 Park Avenue – Notice of Intent – Worcester Wetland Protection Ordinance; dated April 21, 2013.

5. North Road (Improvements & New Library Parking) (CC-2013-014) – Notice of Intent:

Environmental scientist Matt Varrell and stormwater engineer Sarah Widing of Vanasse Hangen and Brustlin were present on behalf of applicant, University of Massachusetts Medical School. The project before the Commission proposed to make improvements to North Road and the library parking. Work included repaving North Road, expanding the library parking lot area by adding seven (7) parking spaces, installing an electrical duct bank on Fifth Road, stormwater improvements and landscaping.

Mr. Varrell said only a small portion of the parking lot reconfiguration falls within the Commission's jurisdictional area.

Ms. Wilding said that the project will increase the overall impervious surface by 3,315 SF but will provide deep sump catchbasins that do not currently exist on site. Redevelopment will also provide landscaping, improvements to the stormwater system and cultech units that provide 80% TSS removal. She added that all catchbasins along North Road collecting stormwater from the parking area will be replaced and that there will be no groundwater recharge because the site's steepness is not amenable to filtration.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 7-0 to close the public hearing. 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 North Road (Improvements & New Library Parking) submitted by University of Massachusetts Medical School; received April 3, 2013.

Exhibit B: Stormwater Report for North Road (Improvements & New Library Parking); prepared by Vanasse Hangen and Brustlin; dated April 2013; received April 3, 2013.

Exhibit C: Definitive Site Plan for Spencer Bank, 230 Park Avenue; prepared by Vanasse Hangen and Brustlin; dated March 13, 2013; received April 3, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: North Road Improvements - NOI; dated April 19, 2013.

6. McKeon Road (Sidewalk Improvements) (CC-2013-015) – Notice of Intent:

Project manager Brian Brosnan and environmental scientist Matt Varrell of Vanasse Hangen and Brustlin were present of the applicant, City of Worcester Department of Public Works & Parks. The project proposed construction of a new sidewalk along the western side of McKeon Road between the College of the Holy Cross at the I-290 intersection and Butler Street.

Mr. Brosnan said silt sacks were proposed along the roadway and erosion control where grading work will occur near the culvert to reduce sediment.

Commissioner Theerman stated he wanted to see compensatory flood storage provided for the work. Chair Wood and Commissioner McDonald concurred.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Franco, the Commission voted 7-0 to close the public hearing. 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 McKeon Road submitted by City of Worcester Department of Public Works & Parks; received April 3, 2013.

Exhibit B: Sidewalk Improvement Project for McKeon Road; prepared by MassDOT; dated April 2013.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: McKeon Road Sidewalk Improvements - NOI; dated April 19, 2013.

7. 30 Nippnapp Trail (Greenwood Street Landfill & Nippnapp Trail) (CC-2013-016) – Order of Conditions Amendment:

Brian Huntley of Tighe and Bond appeared before the Commission on behalf of the City of Worcester Department of Public Works and Parks DPW&P. Also present were Ed Kochling of DPW&P and environmental scientist Melissa Coady of Tighe & Bond. The application before the Commission requested to amend the original Order of Conditions issued in October 2012. The proposed modifications included design changes related to the slope.

Mr. Huntley said the 2012 plan proposed a 2:1 grade for capping. However, MassDEP reviewed the proposal and issued a Notice of Technical Deficiency for the grading. Tighe and Bond had replaced the previous engineer and recommended regrading to a 3:1 sloped terrace with stormwater management. Mr. Huntley said this change requires pushing the work closer toward the wetland. He added that the runoff volume is unchanged and that there were no other options as the grasshopper sparrow habitat cannot be moved.

Commissioner Charpentier inquired how much closer will the grading be to the wetland. Ms. Coady replied that the 2:1 grading allowed provided a 20' buffer whereas the 3:1 grading provided 4-6'.

Ms. Petrella expressed her concern regarding the project and suggested that other options can be looked into to protect the grasshopper sparrow habitat.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg Powers, the Commission voted 7-0 to close the public hearing. Discussion regarding issuance of Order of Conditions was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Request for Amended Order of Conditions for 30 Nippnapp Trail (Greenwood Street Landfill & Nippnapp Trail) submitted by City of Worcester Department of Public Works & Parks; received April 3, 2013.
- Exhibit B: Greenwood Landfill Corrective Action Design Site Plans; prepared by Tighe and Bond Consulting Engineers; dated April 2013 and received April 3, 2013.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Greenwood Street Landfill - NOI; dated April 19, 2013.

8. Massachusetts Bay Commuter Railroad (MBCR) Right-of-Way (CC-2013-011) – Request for Determination of Applicability:

Brendan Amy of TEC Associates appeared on behalf of applicant, Massachusetts Bay Commuter Railroad (MBCR). The petition before the Commission was an RDA to confirm wetland boundaries along its right-of-way in order to conduct vegetation management.

Mr. Amy said the tracks were required to be sprayed by the Federal Railroad Administration for safety. Proposed spraying for the MBCR tracks were proposed once a year in June by a licensed sprayer.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg Powers, the Commission voted 7-0 to issue a negative determination of applicability.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability Application for Massachusetts Bay Commuter Railroad (MBCR) Right-of-Way; submitted by TEC Associates; received March 20, 2013.
- Exhibit B: Map; dated February 28, 2013; received March 20, 2013.
- Exhibit C: Vegetation Management Plan; 1 January 2011- 31 December 2015; received April 3, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Massachusetts Bay Commuter Railroad - RDA; dated April 19, 2013.
- Exhibit E: 2013 Vegetation Control Plan, Yearly Operational Plan 2013 and Maps; received April 5, 2013.

OTHER BUSINESS

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

Ms. Tran stated she contacted Mr. Aubin about attending the meeting to update the Commission. He was not in attendance.

Chair Wood asked staff to send a certified letter requesting Mr. Aubin's attendance at the next scheduled Conservation Commission meeting.

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

Ms. McCabe updated the Commission and said that action had been taken to trap approximately 11 beavers in the area.

List of Exhibits:

Exhibit A: Memorandum from Luba Zhaurova, Senior Planner to the Conservation Commission; re: 2-4 Gustavus Avenue – Update on Threat from Beaver-Related Activities and Action Taken; dated April 19, 2013.

11. Crow Hill – Complaint of ATV use and encroachment

Ms. McCabe said in a memo from Luba Zhaurova, Senior Planner, there were two issues at Crow Hill – ATV use and encroachment onto Conservation Commission property. Ms. McCabe said Greater Worcester Land Trust was and continuing to put up signage prohibiting of ATV use. With respect to property encroachment, it appeared that the shed at neighboring property, 40 Amanola Avenue, was encroaching on Conservation Commission property.

Commissioner Charpentier added that he was familiar with the site and saw that there appeared to be possible wetland filling of which the area is currently maintained as a lawn, construction equipment storage, yard waste, construction debris and a shed on Conservation Commission land.

Chair Wood said the Commission can have staff consult with the legal department and issue a letter to notify them to stop the encroachment.

Commissioner Theerman suggested placing large stones to prevent ATV use. Commissioner Charpentier said that would be difficult to do as the property is large and there were multiple access points.

Chair Wood recommended contacting Colin Novick for recommendations on where to place stones to prevent ATV use.

List of Exhibits:

Exhibit A: Memorandum from Luba Zhaurova, Senior Planner to the Conservation Commission; re: Crow Hill Land Management – Complaint of ATV Use and Encroachment; dated April 18, 2013.

12. Communication Items

The Commission no action on the received communication items.

- a. re: 45 McKeon Rd – Middle River Pipeline Replacement Project, Chapter 91 RDA; dated 3/21/13, received 3/25/13
- b. re: MACC Spring/Summer 2013 Workshops; received 3/29/13

- c. re: Wetlands/Worcester, 128 Sears Island Dr – Administrative Consent Order with Penalty – ACOP-CE-13-6W001; dated 3/21/13, received 4/1/13
- d. re: Providence & Worcester Railroad Company, 2013 Vegetation Control Program from Kyle Fair – TEC Associates; dated 3/19/13, received 4/5/13
- e. re: Massachusetts Bay Commuter Railroad, 2013 Vegetation Control Program from Kyle Fair – TEC Associates; dated 4/1/13, received 4/5/13

9. Emergency Certification – Route 122 Sidewalk & Slope Repair

Mr. Gervais said the emergency work was to repair a portion of Route 122 toward State Road that was eroding and undermining the sidewalk and guardrail. The project was to re-armor the slope and reset the guardrail for stabilization. He said the work had been completed the week prior. No Certificate of Compliance was required.

The Commission took no action on the item.

10. Notice of Project Change – Ash Landfill Expansion Landfill Project; dated April 1, 2013; received April 3, 2013

The Commission took no action on the item.

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

Mr. Gervais stated he inspected the site and said there were no issues.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 7-0 to issue a Certificate of Compliance for 5 Broome Avenue.

12. Enforcement Order Update – 187 Greenwood St (CC-EO-2012-001) & (CC-EO-2013-001)

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Franco, the Commission voted 4-1-2 (Theerman voting against; Donahue and Charpentier abstained) to amend the Enforcement Order (CC-EO-2013-001) to allow removal of the remaining partially demolished building located at 181 Greenwood Street. The enforcement order is to remain in effect to prevent any further activity from being conducted within the 100' buffers to the wetland and Stormwater Protection zones.

The previous Enforcement Order (CC-EO-2012-001) was continued until after two growing seasons.

13. Discussion of conditions for public hearings closed on 4/22/13

14. Election of Officers

Upon a motion by Commissioner McDonald and seconded by Commissioner Berg Powers, the Commission voted to elect Stefanie Wood as Chair and Jeremy Theerman as Vice-Chair.

ADJOURNMENT

The Commission adjourned the meeting at 9:14 p.m.