

**MINUTES OF THE PROCEEDINGS OF THE
CONSERVATION COMMISSION OF THE CITY OF WORCESTER**
June 3, 2013

WORCESTER CITY HALL – LEVI LINCOLN

Conservation Commission Members Present:	Stephanie Wood – Chair Jeremy Theerman John Donahue Jordan Berg Powers-Arrived at 5:36 Joseph Charpentier Mia McDonald Paul Franco
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Members Absent:	None
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Staff Present:	Abby McCabe, Division of Planning & Regulatory Services Deborah Steele, Division of Planning & Regulatory Services
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CALL TO ORDER:

The Chair called the meeting to order at 5:30 pm.

APPROVAL OF THE MINUTES:

4/22/2013, 5/13/2013 – Held, 5/20/2013-Approved by a 6-0 vote as written.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
NEW BUSINESS**

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 501 & 509 Salisbury Street (CC-2013-018): Notice of Intent:

Ms. McCabe informed the Commission that applicant had requested a postponement of this item until the June 24, 2013 Conservation meeting.

Upon a motion by Commissioner Franco and seconded by Commissioner McDonald, the Commission voted 6-0 to continue the item until the June 24, 2013 Conservation meeting.

List of Exhibits:

Exhibit A: Notice of Intent Application for 501 & 509 Salisbury Street submitted by St. Mary's Albanian Orthodox Church; received April 24, 2013.

Exhibit B: Hydrology & Stormwater Report for 501 & 509 Salisbury Street; prepared by Quinn Engineering; dated January 25, 2013.

Exhibit C: Site Development Plan; prepared by Quinn Engineering; dated January 25, 2013 and revised March 12, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 501 & 509 Salisbury Street - NOI; dated May 10, 2013.

Exhibit E: Email from Stephanie Brennan to Conservation Commission re: 501 Salisbury Street 6 single family houses on single lot; dated May 1, 2013.

Exhibit F: Email from Donna Rose to Luba Zhaurova re: 501-509 Salisbury Street (ConComm filing) – staff review memo for Monday meeting; dated May 12, 2013.

Exhibit G: Email from Stephanie Brennan to Luba Zhaurova re: 501-509 Salisbury Street (ConComm filing) – staff review memo for Monday meeting; dated May 13, 2013.

Exhibit H: Email from Geoffrey Vaughan to Luba Zhaurova re: 501-509 Salisbury Street (ConComm filing) – staff review memo for Monday meeting; dated May 13, 2013

Unfinished Business

Public Hearing

2. 25 Ellis Drive (CC-2013-017): Notice of Intent:

Hossein HaghaniZadeh from H.S.T. Group, Inc. appeared on behalf of the applicant, Sotirios Georgiadis.

Chair Wood asked Mr. HaghaniZadeh to give a brief overview of proposal. Mr. HaghaniZadeh stated applicant plans to remove, fill, dredge and alter an area located at 25 Ellis Drive and applicant proposed:

Adjusting the contours northeast and southeast of the existing pool to compensate flood storage capacity lost due to placement of the pool

Mr. HaghaniZadeh stated that his client had built a single family home with a swimming pool and needed to compensate for the flood storage and there was a problem with previous engineer who was handling the project relative to the flood storage capacity. Mr. HaghaniZadeh stated his company took over the project a couple months ago and have been working to meet the requirements and agree to the conditions outlined in the Division of Planning & Regulatory Services memo updated June 3, 2013 that 12 copies of a revised plan be submitted clearly comparing, through use of overlays and a 1" = 10' scale:

Existing Conditions (present conditions) with pre-development conditions; and

Pre-development conditions of Option B and changes to 562 and 563 contour lines to be further from the property line as requested by the Conservation Commission.

Chair Wood stated according to the plan submitted the flood storage would be 1,831 cubic yards. Mr. HaghaniZadeh stated that would be correct which is more than pre-development.

John O'Connor, an abutter, to the property stated he had some concerns relative to the project as planning staff had previously recommended another approach and wanted to know how firm this new approach was.

Ms. McCabe stated the previous approach used was based on the previous engineer's plan but based on the new plan it will require that the total compensatory flood storage provided on site must (not incrementally by elevation) be equal to or greater than what existed prior to development.

Chair Wood explained that staff did a more extensive review and that that is why new approach is being used.

Tim O'Malley, an abutter, to the property asked where he would obtain copies of the plans. Chair Wood stated he could contact the Division of Planning & Regulatory Office for that information.

Ms. McCabe advised the Commission that before closing the hearing it would be advisable that Commission had a chance to review revised plan.

Mr. Haghazadeh stated he would be able to provide revised plans by the next meeting.

Notice of Intent (CC-2013-017): Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier, the Commission voted 7-0 to continue the Notice of Intent to June 24, 2013.

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: Memorandum from Nancy Tran, Planning Analyst and 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); dated July 2, 2012, Updated February 2, 2013, March 11, 2013 and May 13, 2013.
- Exhibit G: Notice of Intent Application for 25 Ellis Drive submitted by Sotirios Georgiadis; received April 24, 2013.
- Exhibit H: Existing Conditions Plan for 25 Ellis Drive; prepared by HS&T Group, Inc. dated April 3, 2013.
- Exhibit I: Email from John O'Connor to Joel Fontane, Director of Planning & Regulatory Services; dated May 13, 2013

3. McKeon Road (Sidewalk Improvements) (CC-2013-021): Order of Conditions Amendment:

Joseph Borbone, Director of Engineering for Public Works & Parks, appeared upon behalf of the applicant, City of Worcester Department of Public Works & Parks.

Mr. Borbone stated they would like to remove the condition requiring the creation of compensatory flood storage as this project is a simple sidewalk replacement and the work planned is not large. Mr. Borbone stated across the street is park land that the City of Worcester has worked planned for and he has some concerns about setting aside storage area that City would need to work around.

Doug Vigneau from VHB stated BLFS impacts are small in nature. Mr. Vigneau stated they had been before the Commission before and have made revisions to the plan based on discussions with the Commission and changes have reduced the amount of impact and would like to have item #36 from order of conditions from Conservation Commission be removed.

Chair Wood asked if the proposal then is to reduce the flood storage from 1,105.4 to 508 and half of what was originally proposed? Mr. Vigneau stated that is correct.

Order of Conditions Amendment (CC-2013-021): Upon a motion by Commissioner Berg Powers and seconded by Commissioner Thereman, the Commission voted 6-0-1 (Commissioner Franco abstained) to close the public hearing.

Upon a motion by Commissioner Donahue and seconded by Commission Theerman, the Commission voted 5-0 to amend the Order of Conditions. Discussion regarding issuance of Amended Order of Conditions was held to the end of the meeting. Commissioner Berg Powers was not present for vote to issue Order of Conditions.

List of Exhibits:

Exhibit A: Amendment to Notice of Intent Application for McKeon Road submitted by City of Worcester Department of Public Works & Parks; received April 30, 2013.

Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: McKeon Road Sidewalk Improvements - Amendment; dated May 10, 2013.

New Business

4. 70 Elm Street & 46 Cottage Street (CC-2013-022): Notice of Intent:

Norman Hill, Chief Engineer of Land Planning appeared on behalf of the applicant, 70 Elm Street Property, LLC. Mr. Hill stated the plan is to demolish the existing building to construct a new ~12,315 SF professional office building with 59 associated off-street parking spaces. Additional site work includes the installation of landscaping and drainage improvements.

Chair Wood stated that the Commission had received a letter from DPW stating that some items were missing from plans. Mr. Hill stated that amended plans will be provided.

Notice of Intent (CC-2013-022): Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 7-0 to close the public hearing.

Upon a motion by Commissioner McDonald and seconded by Commissioner Franco, the Commission voted 6-0 to issue an order or conditions with items #52 and #36.

Discussion regarding issuance of Notice of Intent was held to the end of the meeting. Commissioner Berg Powers was not present for vote to issue Notice of Intent.

List of Exhibits:

Exhibit A: Notice of Intent Application for 70 Elm Street submitted by Alkhoury Houssam; received May 13, 2013.

Exhibit B: Stormwater Report for 70 Elm Street; prepared by Land Planning, Inc.; dated April 19, 2013.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 70 Elm & 46 Cottage Street – NOI; dated May 31, 2013.

5. 14 Leyton Road (CC-2013-023): Notice of Intent:

Scott Morrison from Eco Tec appeared on behalf of the applicant, Jonathan & Sara Jacobson. Mr. Morrisson stated the plan is to construct a ~282 SF addition on the rear of a single-family house at 14 Leyton Road. The project proposes to remove the existing concrete patio and replace with a paver block patio, install a retaining wall, removal of a tree, and associated work.

Commissioner Donahue asked how equipment used will access the site. Mr. Morrisson responded that property owner's mother in law lives next door and they may access that way or other option would be to remove shed on property.

Commissioner Theerman asked if the hay bales could be pulled forward out of the fifteen foot boundary. Mr. Morrison expressed concern that it would disturb the existing lawn but they could make some changes.

Commissioner Theerman asked why the oak tree in the front is being removed. Mr. Morrisson stated they are not sure if they will remove the tree but concern is whether tree is stable.

Commissioner Berg-Powers asked if there are many bounds on the property showing where people cannot build. Mr. Morrison responded just the fence and garden.

Commissioner McDonald stated they may want to consider some bounds and she would prefer an arborist look at tree being proposed to be removed to determine the health of the tree and asked if has to be removed would they be willing to replace. Mr. Morrisson stated he would ask his client but did not foresee any problem doing that and he like to continue meeting so he could discuss with client.

Jo Hart, city resident, stated that tree should be looked at by arborist.

Commissioner Franco asked if tree was in protected area. Chair Wood stated it was in the buffer.

Notice of Intent (CC-2013-022): Upon a motion by Commissioner Berg Powers and seconded by Commissioner Franco, the Commission voted 7-0 to continue the item until the June 24, 2013 meeting.

List of Exhibits:

Exhibit A: Notice of Intent Application for 14 Leyton Road, received May 13, 2013

6. 102 Randolph Road (CC-2013-024): Notice of Intent:

Michael Andrade from Graves Engineering appeared on behalf of KMRN Investments, LLC on a request to demolish the existing building located at 102 Randolph Road and to construct a new 82 bed nursing home facility with 36 associated off-street parking spaces. Other proposed associated site works includes installing new sidewalks, driveways, utilities and stormwater management improvements.

Commissioner McDonald asked if building was on the historical register.

Mr. Andrade stated the building is but applicant applied to Worcester Historical Commission for a Building Demolition Delay Waiver which was denied by that Commission but the one year time period for that decision has expired which allows for the building to be demolished.

Chair Wood stated the Commission received letter from DPW that they had not received any drainage calculations. Mr. Andrade stated that had been submitted but will submit again.

Chair Wood stated she would be more comfortable voting on this item if she could see a copy of the Historical Commission Building Demolition Delay Waiver.

Commissioner Donahue asked if any low impact options had been looked at for project. Mr. Andrade responded that project site doesn't lend itself to any low impact practices such as swales and rain gardens. Commissioner Donahue and Commissioner McDonald stated use of low impact development and some measures on the site would improve the project.

Commissioner Theerman asked if any concerns about drainage off Wildey Avenue. Mr. Andre stated that has been incorporated into the drainage calculations.

Commissioner Donahue stated how many parking trips to site per day. Mr. Andre stated it would be relatively low as site is a nursing home.

Commissioner Franco asked if there was any impact on the resource area. Mr. Andre stated no.

Commissioner Franco asked what is the increase of imperious area. Mr. Andre stated 24, 25,000 square feet.

Jo Hart, city resident, asked if this project had site plan review. Ms. McCabe stated staff has received an application but it has not gone before Planning Board yet.

Chair Wood asked if applicant would be willing to continue to next hearing so the stormwater report could be reviewed, a copy of the Building Demolition Delay Waiver be provided and that low impact measures be reviewed by applicant.

Mr. Andrade stated there was enough concern from Commission that they would like to continue but plan being presented is in compliance.

Commissioner Franco stated if application is in compliance that Commission should be voting on the item.

Commissioner Theerman stated he supported the Commissioners who like to see low impact measures presented to Commission.

Notice of Intent (CC-2013-024): Upon a motion by Commissioner Berg Powers and seconded by Commissioner Franco the Commission voted 7-0 to continue the item until the June 24, 2013 meeting.

List of Exhibits:

Exhibit A: Notice of Intent Application for 102 Randolph Road, received May 14, 2013

Exhibit B: Stormwater Report; dated May 14, 2013, prepared by Graves Engineering; received May 14, 2013.

6:55 p.m. Commissioner Berg Powers left the meeting

7. 401 Bridle Path (CC-2013-025): Request for Determination of Applicability:

Galen P. Doody appeared on behalf of the application. Mr. Doody stated he is seeking determination on proposed work for the construction of a 119 SF deck off of the second floor on the rear of the existing single family home.

Chair Wood asked how long project would take. Mr. Doody stated a week.

Chair Wood asked if DPW could help applicant and show him where to put hay bales and silt fences. Mr. Gervais stated he would be able to help him applicant with that.

Request for Determination of Applicability (CC-2013-025): Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 6-0 to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability for 401 Bridle Path Road, received May 15, 2013

8. 55 Williamsberg Drive (CC-2013-026): Request for Determination of Applicability:

Robert Ortiz, property manager of 55 Williamsberg Drive appeared on behalf of the application to remove the existing 1500 SF in-ground pool and adjacent deck and replace with landscaping. Mr. Ortiz stated there is a brook that borders site and they have to cross brook to access the site and have hired a contractor who will construct bridge to bring in the equipment.

Chair Wood asked what would happen to current pool. Mr. Ortiz responded they just want to be able to collapse it in place.

Chair Wood asked if any debris being taking out or was just clean fill being brought in. Mr. Ortiz responded that clean fill was being brought in.

Commissioner Donahue stated that a suggestion for the bridge the applicant may want to put some sandbags so materials don't go into the brook.

Commissioner Theerman asked if existing deck around the pool is going to be demolished. Mr. Ortiz stated the concrete area would remain so picnic tables and BBQ pits could be placed.

Chair Wood asked how far pool was from edge of brook. Mr. Ortiz responded he would guess 45 to 50 feet.

Chair Wood asked where fill would come from. Mr. Ortiz stated contractor would obtain clean fill.

Commissioner Theerman asked if stream runs all year. Mr. Ortiz responded it did.

Commissioner Theerman stated with information presented he didn't feel it was proper to do a Request for Determination of Applicability and would like to see it done under a Notice of Intent.

Commissioner Donahue stated he agreed with Commissioner Theerman.

Commissioner McDonald stated she would prefer application for Notice of Intent.

Chair Wood explained that Commission has enough questions that it would be preferable that a Notice of Intent be filed considering the work involved.

Request for Determination of Applicability (CC-2013-026):

Upon a motion by Commissioner Charpentier and seconded by Commissioner Franco, the Commission voted 6-0 to issue a positive Request for Determination for Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability; received May 15, 2013.

9. 121 Russell Street (Elm Park) (CC-2013-027): Notice of Intent:

Dave LaPointe, from Beals and Thomas appeared on behalf of the applicant, City of Worcester.

Mr. LaPointe stated request is to:

Pave existing gravel paths; 2) Replace existing benches and light fixtures; 3) Remove and replace existing electrical conduit; 4) Repave the sidewalks along the park's perimeter; 5) Repair stone walls surrounding the ponds and remove accumulated sediment along the ponds adjacent shoreline.

Mr. LaPointe stated they had appeared a year ago before the Commission and were approved for Phase I of the project and showed a plan of what was previously approved and is under construction currently. This application is to do the remaining walks throughout the park and repair the walls and they have met on site with some Conservation members to review project.

Mr. LaPointe stated another part of the project is to replace the sidewalks around entire perimeter of the park. Mr. LaPointe stated funding is not in place to do all the work at this time but they would like to receive approval in order to do the work if funding does become available.

Chair Wood asked if Phase #2 is the middle section and the walkways shown on the plan and once a decision is made as to what on the South side would that be Phase #3. Mr. Lapointe stated Phase #3 is the perimeter sidewalk but there may be phases beyond that depending upon funding.

Chair Wood stated she was at site walk and Phase I looks really good and this plan looks to be continuation of that.

Commissioner Theerman asked if there plan to replace trees being removed. Mr. Lapointe stated they will replace same number of trees that they take out.

Jo Hart, city resident, stated she petitioned city a year ago regarding this project and never heard back and gave copy of petition to staff.

Notice of Intent (CC-2013-027): Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier the Commission voted 6-0 to close the public hearing.

Upon a motion by Commissioner Franco and seconded Commissioner Theerman the Commission voted 6-0 to issue Notice of Intent with same conditions as Phase I plus mark the trees being removed. Discussion regarding issuance of Notice of Intent was held to the end of the meeting. Commissioner Berg Powers was not present for vote to issue Notice of Intent.

List of Exhibits:

Exhibit A: Notice of Intent Application for Elm Park submitted by Beals & Thomas; received May 17, 2013.

Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Elm Park – NOI; dated May 31, 2013.

Exhibit C: MWPA General Performance Standards for BLSF; received at June 3, 2013 Conservation Commission meeting.

Exhibit D: Letter from Jo Hart, re: Elm Park; received at June 3, 2013 Conservation meeting.

Other Business**10. Request for Certificate of Compliance – 36 Lanesboro Road (DEP-1035):**

Jon Gervais stated he had been to site and site is in compliance.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco the Commission voted 6-0 to issue Certificate of Compliance.

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

Ms. McCabe stated there was no update at present time. Chair Wood asked staff send certified letter to property owner requesting he appear at next meeting to provide update.

12. Enforcement Order Update – 25 Ellis Drive (CC-EO-2012-004) & (CC-EO-2013-002):

Upon a motion by Commissioner Franco and second by Commissioner Theerman the Commission voted 6-0 to postpone item until the June 25, 2013 Conservation Commission meeting.

13. Conservation Restriction (Greater Worcester Land Trust) - Plantation Parkway:

Ms. McCabe stated there was no update on this item. Chair Wood stated she would like item removed from agenda until documentation required is received.

14. Highland Ave – work to convert to public within Bordering Vegetated Wetland

Mr. Gervais stated there was a communication error and the address on the agenda is listed incorrectly. Ms. McCabe stated there was a typo and it should be Pineland Avenue and should be continued to next meeting.

Mr. Gervais stated a RDA is being prepared for the next meeting.

Communication Items:

- a) Letter from Division of Fisheries & Wildlife; re: Vernal Pool and Rare Species (VPRS) Information System; dated May 2013
- b) Letter from NSTAR; re: Yearly Operational Plan; dated May 1, 2013.

- c) Letter from NSTAR; re: national Gas Pipe Extension and Service – 40 Honnewell Rd; dated May 6, 2013.
 - d) Letter from NSTAR; re: national Gas Pipe Service – 353 Grove Street; dated May 6, 2013.
 - e) Letter from NSTAR; re: national Gas Pipe Relay – June Street; dated May 6, 2013.
 - f) Letter from NSTAR; re: Natural Gas Pipe Replacement – Bjorklund Ave; dated May 20, 2013
 - g) Letter from NSTAR; re: Natural Gas Pipe Replacement – North Ashland St and John St; dated May 20, 2013
 - h) Letter from NSTAR; re: Natural Gas Pipe Replacement – Oleum Ct; dated May 20, 2013
- A-H were taken contemporaneously. The Commission had no comments.

Discussion of conditions for public hearings closed on 6/3/13

Signing of Decisions

70 Elm Street, 121 Russell Street, McKeon Road, 401 Bridle Path, 55 Williamsburg, 36/39 Lanesboro Road signed

Review & Approval 2014 Board Meeting Schedule

Upon a motion by Commissioner Theerman and seconded by Commissioner Charpentier the Commission voted 6-0 to approve the 2014 Board meeting schedule.

ADJOURNMENT

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 6-0 to adjourn the meeting at 7:50 p.m.