

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

**June 24, 2013**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Conservation Commission Members Present:** Stefanie Wood, Chair  
Jeremy Theerman, Vice-Chair  
Mia McDonald  
Jack Donahue  
Joseph Charpentier  
Paul Franco – left at 7:34 p.m.  
Jordan Berg Powers – arrived at 6:25 p.m.

**Members Absent:** None

**Staff Present:** Jonathan Gervais, Department of Public Works & Parks  
Nancy Tran, Division of Planning & Regulatory Services  
Deborah Steele, Division of Planning & Regulatory Services

**CALL TO ORDER:**

The Chair called the meeting to order at 5:31 p.m.

**APPROVAL OF THE MINUTES –**

4/22/13 – Held

Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier the Commission voted 6-0 to approve the minutes of May 13, 2013.

Upon a motion by Commissioner Franco and seconded by Commissioner McDonald the Commission voted 6-0 to approve the minutes of June 3, 2013.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,  
WITHDDRAWALS**

**UNFINISHED BUSINESS**

**1. Public Hearing - 25 Ellis Drive (CC-2013-017) – Notice of Intent:**

Engineer Hossein Haghanizadeh from HS&T Group, Inc. appeared on behalf of the applicant, Sotirios Georgiadis.

Mr. Haghanizadeh stated that his client needed to provide compensatory flood storage for the single-family home and swimming pool built. He said there was a problem with the previous engineer who was handling the project relative to the flood storage capacity. Mr. Haghanizadeh stated his company had been working to meet the requirements and conditions outlined in DPRS’

staff memorandum (updated June 3, 2013) recommending that 12 copies of a revised plan be submitted clearly comparing, through use of overlays and a 1" = 10' scale: (1) existing Conditions (present conditions) with pre-development conditions; and (2) 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.

John O'Connor, abutter at 129 Newton Avenue North, asked how the fill from the site would be removed. Mr. Haghazadeh said the fill will be hauled away and no that there will be no stockpiling on site.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco the Commission voted 6-0 to close the public hearing.

Upon a motion by Commissioner Theerman and seconded by Commissioner Charpentier, the Commission voted 6-0 to issue an Order of Conditions. Discussion regarding issuance of Order of Conditions was held to the end of the meeting. Commissioner Franco was not present for vote on issuing Order of Conditions.

**List of Exhibits:**

- Exhibit A: Notice of Intent Application for 25 Ellis Drive submitted by Sotirios Georgiadis; received April 24, 2013.
- Exhibit B: Existing Conditions Plan for 25 Ellis Drive; prepared by HS&T Group, Inc. dated April 3, 2013 and revised/received 4/24/2013(i), 5/22/13(ii), 6/10/13(iii), 6/14/13(iv).
- Exhibit C: 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 dated 7/2/12, revised 2/2/13, 3/1/13, 5/13/13, 6/3/13 & 6/21/13.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 25 Ellis Drive - NOI; dated May 10, 2013.
- Exhibit E: Email from John O'Connor to Joel Fontane, Director of Division of Planning & Regulatory Services re: 25 Ellis Drive; received May 9, 2013.
- Exhibit F: Email from John O'Connor to Joel Fontane, Director of Planning & Regulatory Services; dated May 13, 2013.
- Exhibit G: Email from John O'Connor to Abigail McCabe re: 25 Ellis Drive – June 3 Conservation Commission Meeting; received May 31, 2013.
- Exhibit H: Email from John O'Connor to Joel Fontane, Director of Division of Planning & Regulatory Services re: 25 Ellis Drive – Conservation Commission Meeting; received June 18, 2013.

**2. 501 & 509 Salisbury Street (CC-2013-018) – Notice of Intent:**

Attorney Don O'Neil, environmental scientist Scott Morrison from EcoTec and engineer Chris Keenan from Quinn Engineering appeared on behalf of the applicant, St. Mary's Albanian Orthodox Church. Mr. Morrison stated the project proposes to construct six residential dwellings with driveways, parking, gravel sidewalk as well as install a guard rail, stormwater management system, utilities and associated site work.

Mr. Morrison said changes to the plan had been made after the Conservation members had conducted a site walk. He explained that these changes addressed discrepancies found in

previously approved plans with respect to the parking lot, wetland and topography changes, driveway location and width, and stormwater management. He stated the parking lot site plans submitted in the Notice of Intent depicted a larger parking lot than approved by the 1987 Order of Conditions. Quinn Engineering revised the plans to correct the parking lot location to be consistent with the approved parking lot under the 1987 Order of Conditions. The engineer also overlaid current wetland delineations with previous wetland delineations and approved limit of work. This showed that previously approved limit of work occurred both north and south of the wetland boundary and resulted in a net loss of 2,712 SF bordering vegetated wetlands. The applicant proposes to construct a 2,750 SF wetland mitigation area in the southeastern portion of the site for the wetland loss.

Mr. Keenan stated the access driveway was proposed and approved as a 12' wide gravel access for the Illyrian Gardens project in 1987. He said the revised project plans before the Commission proposes to reduce the width from 20' to 18' to allow for water main and guardrail installation in the area that is currently pavement. The driveway between the units is outside the 30' no structure zone and is proposed to remain in 20' in width. With respect to stormwater management, the project had been designed to collect, treat, detain, and/or recharge all new impervious as well as portions of the existing driveway. Recharge on site is accommodated through dry wells proposed for each individual unit. All newly proposed impervious surfaces drain to the proposed treatment unit and will be treated for water quality.

Chair Wood said a question arose as to when HUD had paving done for the site. Mr. O'Neil stated research had been done but the work was completed over twenty years prior. The only information he was able to obtain was a recent email with HUD stating the site would have had to meet paving requirements.

Mr. Keenan stated proposed tree species will be changed to ALB-resistant white oak. He provided an overview of the 1987 delineation, previous limit of work and what was being presently proposed. Mr. Keenan stated that the 1987 Order of Conditions allowed grading, drainage pipe installation and rip-rap dissipaters within portion of the wetland.

Commissioner Charpentier asked if the three houses being proposed would they have fit based on original approval or whether it required the proposed changes. Mr. Keenan stated it would require a shift for the houses and road.

Stephanie Brennan, 509 Salisbury Street, expressed her concern about the project and asked how the applicant can be held accountable after it was not held accountable for past filling.

Chair Wood said she understood Ms. Brennan's concerns but the Conservation Commission's purview was limited only to the application and plans presented. Ms. Brennan asked if there was a phone number for neighbors to call with their concerns. Chair Wood suggested that Ms. Brennan contact the Planning Division or DPW&P with concerns relative to Conservation matters and Inspectional Services for other matters.

Ellen Moore, 521 Salisbury Street, stated she was unhappy with the road width and paving done. She said it has been used as contract parking for JCC and expressed her concern that the six units will take up all the available road area. Ms. Moore asked if the plans could be explained again. Mr. Morrison gave an additional overview of the plans. Ms. Moore stated she was not happy with what was being presented as the project would be closer to her property and asked how the drainage would be handled. Mr. Morrison stated that would not change since original submittal.

Chair Wood stated wetland delineations only have certain number of years for which valid as things change over time. She explained that the applicant proposes to extend the wetland along

the surface road and to mitigate for wetlands lost in the 1980s. Ms. Moore stated that addresses Conservation Commission concerns but not neighbor concerns.

Henry and Donna Rose, 12 Meadowbrook Road, expressed their concern with stormwater runoff and presented an image taken from his property (Exhibit N). Mr. Keenan responded they are required by law to submit computations showing that the proposed project does not exceed pre-construction runoff rates; he said the DPW&P has reviewed the calculations and determined that the project will reduce peak runoff rates near Mr. Rose's property.

Beverly Brooks, Illyrian Gardens resident, expressed her concern with the access road. She stated that the Fire Department said the road cannot be closed that there would be an issue with where to gather residents in case of an emergency.

Chair Wood asked if it was Planning Board issue. Ms. Tran responded that would go through Planning Board once the Conservation Commission rendered their decision. Chair Wood suggested that Ms. Brooks bring those concerns to Planning Board.

Jo Hart, city resident, asked if the emergency road was originally dirt and then paved. Mr. O'Neil stated it had been paved since 1991 and that the present project proposes to narrow it.

Ms. Brennan stated that Joseph Bellino of MassDEP visited the site some years prior and stated that the road could never be paved due to its proximity to the wetlands. Chair Wood stated applicant overlaid pre-existing with proposed plans to show the wetlands delineation. Ms. Brennan stated the plans presented were beneficial to the applicant not the neighborhood.

Mr. Gervais said he spoke with Mr. Bellino regarding the fill and was told it was stockpiled within the 100' buffer zone and not the wetland itself but that Mr. Bellino had no involvement with the roadway. Mr. Gervais said there is no information on what happened to the fill. Atty. O'Neil stated that the fill was removed.

Commissioner McDonald asked about the Illyrian Gardens stormwater system. Mr. Keenan stated it was separate from this site.

Commissioner Theerman stated he had no issue with how the stormwater is being handled but he had problem with the three units on the site where a larger portion of buffer zone is being taken and he will have to review that when voting on Order of Conditions.

Commissioner Berg Powers arrived at 6:25p.m.

Commissioner McDonald concurred with Commissioner Theerman.

Chair Wood asked if there were way to increase the buffer. Mr. Keenan stated all the units would have to be shifted north which would cause all homes to be closer to Salisbury Street and reduce green space in the rear.

Commissioner McDonald said she would like to see a larger buffer zone between the homes and wetlands. Mr. Keenan said the applicant can propose a large wall to prevent further encroachment.

Commissioner Charpentier agreed with Commissioner Theerman and said it would make sense to push the units back and preferred that the applicant not be able to take advantage of previous illegal filling.

Atty. O'Neil stated that it was possible to increase the wetland mitigation area up to a 1.5 to 1 ratio in lieu of shifting buildings and the road.

Mr. Keenan said he was confident that at least 50% more wetland mitigation area can be achieved.

Chair Wood asked if parking could be moved closer to the roadway. Mr. Keenan stated there would not be enough space but possible parallel parking can be looked into.

Chair Wood asked if they would like to continue to revise the plans. Mr. Keenan stated the client is anxious to move the project along and was amenable to the Commission's conditions of approval.

Commissioner Donahue stated he would wanted to see barriers put up to protect the 30' buffer zone.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco the Commission voted 5-0-2 to close the public hearing. Commissioner Berg Powers and Commissioner McDonald abstained.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McDonald the Commission voted 3-1-2 (Commissioner Theerman voting no) to issue an Order of Conditions. Discussion regarding issuance of Order of Conditions was held to the end of the meeting. Commissioner Franco was not present for vote on issuing Order of Conditions. Commissioner Berg Powers and Commissioner McDonald abstained.

**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: Site Plan of Land, Albanian Orthodox, 501 + 509 Salisbury Street prepared by Quinn Engineering, Inc.; dated February 25, 2013, revised March 12, 2013, April 16, 2013 and June 14, 2013; received May 13, 2013 and June 17, 2013.
- Exhibit C: Hydrology & Stormwater Management Report, 501 + 509 Salisbury Street prepared by Quinn Engineering, Inc.; dated January 25, 2013, revised March 12, 2013; received April 24, 2013.
- Exhibit D: Reduced copy of Grading & Drainage Plan (535 Salisbury Street); prepared by Civil Designs Inc.; dated September 4, 1987, revised October 28, 1987, received October 30, 1987.
- Exhibit E: Trace comparison of 1987 and 2013 plan with respect to the driveway location, parking, and wetland delineation.
- Exhibit F: Trace comparison of 1987 and 2013 plan with respect to the driveway location and wetland's 30-ft buffer.
- Exhibit G: 1985 Conservation Commission documentation with respect to violation of the Wetlands Protection Act.
- Exhibit H: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Conservation Commission; re: 501 & 509 Salisbury Street – Notice of Intent (CC-2013-018); dated May 10, 2013; and revised on May 30, 2013.
- Exhibit I: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: RE: 501 & 509 Salisbury Street – NOI; dated May 10, 2013.
- Exhibit J: Abutter Correspondence to the Conservation Commission:

- a) Stephanie Brennan; dated 4/16/2013; 4/25/2013; 4/26/2013; 5/1/2013
- b) Henri Rose; dated April 14, 2013.
- c) Beverly M. Brooks; dated June 6, 2013.

- Exhibit K: Request for a Continuance for CC-2013-018; dated June 3, 2013; 501 & 509 Salisbury Street.
- Exhibit L: Letter from EcoTec, Inc. to Worcester Conservation Commission; Re: Notice of Intent, 501 & 509 Salisbury Street, Worcester, MA Applicant: St. Mary's Albanian Orthodox Church; dated June 17, 2013.
- Exhibit M: Letter from Salisbury St. Residents to St. Mary's Albanian Orthodox Church, 531 Salisbury Street; re: Proposed Development at 501 & 509 Salisbury St.; dated May 29, 2013.
- Exhibit N: Image taken by Henry Rose (abutter); received June 24, 2013.

### **3. 14 Leyton Road (CC-2013-023)- Notice of Intent:**

Scott Morrison from EcoTec, Inc. appeared on behalf of the applicants, Jonathan and Sara Jacobson, on a Notice of Intent 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, replace it with a paver block patio, install a retaining wall, remove a tree, and perform associated work.

Mr. Morrison stated the Commission was concerned with the removal of an oak tree on site; he said the tree will not be removed and that there were minor changes to the erosion control barrier to prevent erosion going toward the wetland.

Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier the Commission 7-0 to close the public hearing.

Upon a motion by Commissioner McDonald and seconded by Commissioner Charpentier, the Commission voted 6-0 to issue an Order of Conditions. Discussion regarding issuance of Order of Conditions was held to the end of the meeting. Commissioner Franco was not present for vote on issuing Order of Conditions.

#### **List of Exhibits:**

- Exhibit A: Notice of Intent Application for 14 Leyton Road submitted by Jonathan and Sarah Jacobson; received May 13, 2013.
- Exhibit B: Site Plan for Conservation Commission, 14 Leyton Road prepared by B&R Survey; dated April 23, 2013; received May 13, 2013.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 14 Leyton Road - NOI; dated May 31, 2013.
- Exhibit D: Site Plan for Conservation Commission, 14 Leyton Road prepared by B&R Survey; dated April 23, 2013; revised June 6, 2013; received May 13, 2013.

### **4. 102 Randolph Road (CC-2013-024) – Notice of Intent:**

Engineer Michael Andrade of Graves Engineering appeared on behalf of applicant, KMRN Investments, LLC on a Notice to Intent 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 work includes installing new sidewalks, driveways, utilities and stormwater management improvements.

Mr. Andrade stated at the last meeting the Commission had asked for information regarding the possibility of LID on site. He said he prepared a response to the request.

Chair Wood said that the submitted memorandum addresses all the Commission's concerns.

Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier the Commission voted 7-0 to close the public hearing.

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

**List of Exhibits:**

- Exhibit A: Notice of Intent Application for 102 Randolph Road submitted by KMRN Investments, LLC; received May 14, 2013.
- Exhibit B: Stormwater Report for Oasis at Dodge Park, 102 Randolph Road; prepared by Graves Engineering, Inc.; dated May 14, 2013; received May 14, 2013.
- Exhibit C: Definitive Site Plan, Oasis at Dodge Park, 102 Randolph Road; prepared by Graves Engineering, Inc.; dated and received May 14, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 102 Randolph Road - NOI; dated May 31, 2013.
- Exhibit E: Memorandum from Michael Andrade, P.E. to the Conservation Commission re: Notice of Intent (CC-2013-024) 102 Randolph Road – Supplemental Information; dated June 12, 2013; received June 14, 2013.

**NEW BUSINESS**

**5. 7 Millbury Street (aka 692 Millbury Street) (CC-2013-028) –Notice of Intent:**

Dan Delaney, project manager with Fuss & O'Neill, appeared on behalf of the applicant, Dennison Lubricants, Inc. for a Notice of Intent to construct a 20,000 SF addition onto the easterly side of an existing 43,850 SF building with associated site and parking improvements.

Mr. Delaney stated the site is located at 7 Millbury Street and contains existing 43,850 SF building, asphalt pavement and a 60' x 60' storage tank for lubricants. Aside from the building addition, the applicant also proposes modifying circulation and loading docks. No grading will be performed and no work will occur within the 30' buffer. Currently, there exists no onsite stormwater management system. Roof runoff will be connected to an underground infiltration system and parking runoff will flow into a bio-retention swale. The remainder of the site is within previously developed areas and will continue to sheet flow as it does in the existing conditions. Mr. Delaney stated a perimeter fence will also be installed to keep people away from the large slope going toward the river.

Mr. Delaney stated he was in receipt of DPW&P's memorandum regarding standard details and said he will submit them.

Chair Wood requested a draft Spill Prevention, Control and Countermeasure (SPCC) plan for the tank farm. Mr. Delaney stated he can provide a draft to the Commission.

Charlotte Germain, Quinsigamond Village resident, asked for clarification of the property location and whether it would impact the Gateway Project. Mr. Delaney explained where property was located and said it would not affect the Gateway Project.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers the Commission voted 7-0 to close the public hearing.

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

**List of Exhibits:**

- Exhibit A: Notice of Intent Application for 7 Millbury Street submitted by Dennison Lubricants, Inc.; received June 18, 2013.
- Exhibit B: Stormwater Report for Proposed Facility Expansion, 7 Millbury Street; prepared by Fuss & O'Neill; dated May 22, 2013; received June 18, 2013.
- Exhibit C: Proposed Facility Expansion Plan for Dennison Lubricants, Inc, 7 Millbury Street; Fuss & O'Neill; dated May 24, 2013; received June 18, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 7 Millbury Street - NOI; dated June 19, 2013

**6. 100 Research Drive (CC-2013-029) – Notice of Intent:**

Phil Cordeiro, project manager with Allen & Major Associates, Inc. appeared on behalf of the applicant, Abbvie Bioresearch Center for a Notice of Intent to construct a three-story, 4,100 SF addition onto the northwesterly corner of an existing 109,950 SF building located at 100 Research Drive with associated site work which include landscaping, sidewalk, grading and drainage system improvements.

Mr. Cordeiro stated that existing stormwater drains will be relocated outside the footprint and that approximately 12-15 trees will need to be removed. He said he was in receipt of DPW&P's memorandum and has corrected the plans to address the following concerns: post-development peak runoff rate, underground detention system and City of Worcester standards details.

Mr. Gervais stated that the revisions have sufficiently addressed DPW&P comments.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman the Commission voted 6-0-1 to close the public hearing. Commissioner Berg Powers abstained.

Upon a motion by Commissioner McDonald and seconded by Commissioner Theerman, the Commission voted 5-0-1 to issue an Order of Conditions. Discussion regarding issuance of Order of Conditions was held to the end of the meeting. Commissioner Franco was not present for vote on issuing Order of Conditions. Commissioner Berg Powers abstained.

**List of Exhibits:**

- Exhibit A: Notice of Intent Application for 100 Research Drive submitted by Abbvie Bioresearch Center; received June 5, 2013.
- Exhibit B: Stormwater Report Plan for Abbvie Bioresearch Center, 100 Research Drive; prepared by Allen & Major Associates, Inc.; dated June 4, 2013; received May 13, 2013.

- Exhibit C: Site Plan Improvements for Abbvie Bioresearch Center, 100 Research Drive; prepared by Allen & Major Associates, Inc.; dated June 4, 2013; received May 13, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 100 Research Drive - NOI; dated June 19, 2013.
- Exhibit E: Letter from Philip Cordeiro, P.E. to the Conservation Commission re: Abbvie Bioresearch Center, Notice of Intent (Local By-law) (revised stormwater calculations); dated and received June 21, 2013.

**7. 169, 170, 181, 187 Greenwood Street & 1 Lundberg Street (CC-2013-030) – Notice of Intent:**

Commissioner Donahue recused himself from hearing this item and left the room.

Dan Wells, environmental scientist with Goddard Consulting appeared on behalf of the applicant, Greenwood LLC for a Notice of Intent to construct a rail freight storage yard with 250-350 stalls on five parcels encompassing a paved 4.8 acre site.

Mr. Wells stated this it was the applicant's third filing for this location to construct a rail freight storage yard and that the project had been designed to avoid any alteration within 15' of resources areas. He said proposed alteration within 30' of resources areas is limited to grading and that a staked silt fence and hay bale erosion control barrier will be installed prior to any construction activities.

Commissioner Theerman stated he commended the applicant for re-examining the project and was in support of the new plan.

Jane Petrella, 245 Greenwood Street, asked when the project may begin following Conservation Commission approval. Chair Wood responded if approved by the Conservation Commission the applicant can proceed following any other required board approvals.

Ms. Germain, asked if setbacks would be taken up by Planning Board. Chair Wood stated if property setbacks is dealt with the Planning Board.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg Powers the Commission voted 6-0 to close the public hearing.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Theerman, the Commission voted 5-0-1 to issue an Order of Conditions. Discussion regarding issuance of Order of Conditions was held to the end of the meeting. Commissioner Franco was not present for vote on issuing Order of Conditions. Commissioner Donahue abstained.

**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 June 5, 2013.
- Exhibit B: Stormwater Report Plan for 169, 170, 181, 187 Greenwood Street and 1 Lundberg Street; Connorstone Engineering; dated May 17, 2013; received June 5, 2013.
- Exhibit C: Proposed Site Plan for 169, 170, 181, 187 Greenwood Street and 1 Lundberg Street; prepared by Connorstone Engineers; dated December 21, 2013; revised May 5, 2013; received June 5, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 169, 170, 181, 187 Greenwood Street - NOI; dated June 19, 2013.

#### **8. Pineland Avenue (CC-2013-031)- Request for Determination of Applicability:**

Commissioner Donahue returned to hearing room.

Commissioner Franco left the meeting at 7:35 p.m.

Mr. Gervais appeared on behalf of the City of Worcester Department of Public Works & Parks for a Request for Determination of Applicability to seek determination as to whether the proposed 750' alignment, grading and paving of Pineland Avenue for its conversion from a private to public right-of-way, as depicted on the plan is subject to the jurisdiction of the Wetlands Protection Act. The proposed project is located within the existing right-of-way, Pineland Avenue, between Hora Street and Pinecrest Drive.

Mr. Gervais stated the project was underway and there was oversight in submitting a filing to the Conservation Commission. He said erosion controls have been put in place and will remain until project completion. He added that he will periodically check up on it.

Commissioner Charpentier asked whether the drainage easement was a surface drain. Mr. Gervais responded that it is piped.

Commissioner Berg Powers stated that drainage will be better after this project. Mr. Gervais stated it will be an improvement compared to what was previously existed.

Upon a motion by Commissioner Theerman and seconded by Commissioner Berg-Powers the Commission voted 7-0 close the public hearing.

Upon a motion by Commissioner Theerman and seconded by Commissioner Berg Powers, the Commission voted 6-0 to issue a negative Determination of Applicability. Discussion regarding issuance of Order of Conditions was held to the end of the meeting. Commissioner Franco was not present for vote.

#### **List of Exhibits:**

Exhibit A: Request for Determination of Applicability for Pineland Avenue submitted by City of Worcester Department of Public Works & Parks; received June 7, 2013.

Exhibit B: Private Street Conversion for Pineland Avenue Plan; prepared by City of Worcester Department of Public Works & Parks; dated April 11, 2013.

#### **9. 55 Williamsberg Drive (CC-2013-032) – Notice of Intent:**

Robert Ortiz and Scott Morrison from EcoTec appeared on behalf of the applicant, Related Washington Heights for a Notice of Intent for a temporary limited stream crossing during construction work to decommission an existing 1,500 SF in-ground pool and adjacent deck and replace with landscaped grass/lawn area.

Mr. Morrison stated that Washington Heights Apartments has opted to close their pool and convert the area to a landscaped grass/lawn area. He said there is an access issue as there was no alternative to cross the perennially mapped stream with vegetated swale from the parking lot. Mr. Morrison said he had prepared a document detailing the work protocol. The work will consist of using steel plates over the stream to bring in fill, grading towards the pool and loam/seedling the area and replacing the existing stockade fencing with a rod iron or chain link fence to allow the

area to be secured while not in use. Following the decommissioning, the swamp mat/steel planes will be removed. No trees will be removed as part of the project.

Chair Wood stated that there were some problems with the application and site plan based on DPW&P comments. Mr. Ortiz stated he had made the corrections and submitted copies to MassDEP and staff. Mr. Morrisson stated he provided a protocol with a site plan.

Chair Wood asked whether they had considered a limited crossing. Mr. Morrisson stated it would qualify as a limited project.

Commissioner Berg Powers asked if the concrete liner of pool would be taken out. Mr. Morrisson responded they plan to take out the liner and then filled.

Upon a motion by Commissioner McDonald and seconded by Commissioner Theerman the Commission voted 6-0 to close the public hearing.

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

**List of Exhibits:**

- Exhibit A: Notice of Intent Application for 55 Williamsberg Drive submitted by Related Washington Heights; received June 10, 2013.
- Exhibit B: Pool Decommissioning Description and Construction Sequence; prepared by EcoTec, Inc.; dated June 7, 2013; received June 10, 2013.
- Exhibit C: Images and Annotated Plan; prepared by Related Washington Heights; undated; received June 10, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 55 Williamsberg Drive - NOI; dated June 19, 2013.

**OTHER BUSINESS**

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

Ms. Tran stated she had contacted the homeowner and he was unable to attend as he works in the evening. She summarized previous meetings regarding the property and said the Commission had asked homeowner to remove the stones from the stream. Since then, he had performed some work but due to the cost involved, no additional work was planned.

Chair Wood asked Mr. Gervais to conduct a site view update the Commission at its next meeting.

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

Chair Wood stated the hearing had been closed and that the applicant fulfilled conditions outlined in the enforcement order issued in 2012.

Commissioner Theerman expressed his concern that lifting the enforcement order would lead to the applicant not fulfilling his obligations to provide required compensatory flood storage.

Chair Wood stated there were two enforcement orders.

Commissioner McDonald asked if an enforcement order can be amended.

Mr. Gervais stated the 2013 enforcement order required NOI submission and the applicant to provide compensatory flood storage. He said the newer order could be kept open.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Theerman the Commission voted 5-0-1 to close the 2012 enforcement order – CC-EO-2012-004. Commissioner Charpentier abstained.

Chair Wood asked the 2013 order be tabled until work is completed.

**12. Amanola Avenue** – Possible encroachment on Conservation Commission property:

Items # 12 and 13 were taken contemporaneously.

Ms. Tran stated letter had been written and would be sent out.

**13. 42 Amanola Avenue** – Tree cutting on Conservation Commission property:

Items # 12 and 13 were taken contemporaneously.

**14. Ecotarium West property** – Application for a LAND Grant to Division of Conservation Services:

No action was taken regarding the item.

**15. 722 Plantation Street** – Request for Insubstantial Change of Plan (CC-2006-082):

Mr. Gervais stated the applicant contacted him regarding minor modification. He said it would not significantly affect the project and was recommended that a letter outlining the changes be added to the project file.

**16. Communication Items:**

- a. From Massachusetts Historical Commission re: Poor Farm Dam Removal Feasibility Study, Plantation Street; dated May 30, 2013; received June 4, 2013.
- b. From MACC re: MACC membership, Publications Catalog and Certificate Training Course; dated June 6, 2013; received June 11, 2013.
- c. From NSTAR re: Natural Gas Pipe Replacement for:
  - Bjorklund Ave
  - Ebenezer St
  - 353 Grove St
  - North Ashland St and John St
  - Oleum Ct
  - 4-6 Revere St

The Commission reviewed the communication items but had no comments on any of them.

**Adjournment**

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 6-0 to adjourn the meeting at 8:52 p.m.