

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

November 18, 2013

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Stefanie Wood, Chair
Jeremy Theerman
Paul Franco
Jack Donahue
Joseph Charpentier

Members Absent: Jordan Berg Powers

Staff Present: Chris Gagne, Department of Public Works & Parks (DPW&P)
Nancy Tran, Division of Planning & Regulatory Services

CALL TO ORDER

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

APPROVAL OF THE MINUTES

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to approve the minutes of October 7 and October 28, 2013.

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

Ms. Tran stated that the applicant for Salisbury Street – Lots 4-10 (CC-2013-043) submitted a request to continue the item to January 6, 2014. Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to continue the item to January 6, 2014.

UNFINISHED BUSINESS

1. 29 Brookshire Road (CC-2013-049) – Request for Determination of Applicability

Chair Wood stated that the Commission continued the item from the previous meeting to conduct a site walk.

The applicant, Jimmy Georges, appeared before the Commission for approval to clear vegetation and debris along the brook as well as to construct a shed.

Chair Wood noted that the proposed shed will be located at the top of the slope and is an acceptable distance from the brook. She also said there is extensive debris and vegetation in the area along the slope leading down to the brook as well as soft ground indicating a lack of stability. Chair Wood stated that this filing covers removal of debris and shed construction but not the installation of a retaining wall.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Franco, the Commission voted 5-0 to issue a Negative Determination of Applicability.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability Application for 29 Brookshire Road submitted by Jimmy Georges; received September 20, 2013.
- Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 29 Brookshire Road- RDA (CC-2013-049); dated October 28, 2013.

NEW BUSINESS**2. 12 Dawson Road (CC-2013-053) – Notice of Intent**

Seth L. Lajoie of Seth L. Lajoie and Associates, Inc. appeared on behalf of the applicant, Barbara Fawcett, for a Notice of Intent to upgrade the failing septic system as there is a wetland area located on the site. Mr. Lajoie noted that the space on the site is limited due to the lot size, the presence of a water main in the front of the property and the current location of the septic system. He indicated that there will be limited disturbance vegetation and the site because the new system will be located roughly in the same area.

Chair Wood clarified that the septic tank will be beyond the 50' buffer and the leach field will be within the 30' buffer in one corner. Mr. Lajoie explained the existing cesspool will be excavated, pumped out and replaced with the new septic tank.

Mr. Lajoie stated that equipment will be brought on site through a parking area located off of North Bend Road and that the stockpile area would be in the garden area or near the house with some material being hauled off site.

Commissioner Theerman asked whether the hay bales and silt fence could be moved outside of the 15' buffer zone, to which Mr. Lajoie the site was tight on space but it was possible to move them.

Chair Wood recommended that they be moved outside or along the 15' buffer zone.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 5-0 to close the public hearing.

Discussion regarding issuance of Order of Conditions for both was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Notice of Intent for 12 Dawson Road; submitted by Barbara Fawcett; received November 6, 2013.
- Exhibit B: Sewage Disposal Plan for 12 Dawson Road; prepared by Seth L. Lajoie and Associates, Inc.; dated September 30, 2013; last revised November 6, 2013; received November 6, 2013.

OTHER BUSINESS

3. Enforcement Order Update – Arboretum Village Estates (CC-EO-2013-004)

Mr. Gagne stated that staff received a new erosion control proposal for the project but did not have adequate time to fully review the submittal. He indicated that currently both enforcement orders from the Conservation Commission and the Department of Environmental Protection are still in effect. He stated that he will contact the engineer to discuss the site's issues.

The Commission requested that staff table the item until further updates are provided.

List of Exhibits:

Exhibit A: Letter and turbidity sampling results from EcoTec, Inc. RE: Arboretum Village Estates, Worcester, Massachusetts to the Conservation Commission dated September 20, 2013.

Exhibit B: Letter and turbidity sampling results from EcoTec, Inc. RE: Arboretum Village Estates, Worcester, Massachusetts to the Conservation Commission dated November 1, 2013.

4. Enforcement Order Update – 11 Brookshire Road (CC-EO-2013-004)

Ms. Tran stated that the applicant was unable to plant anything on the property due to weather but that she would revisit the matter in the spring.

Chair Wood requested that the enforcement order be tabled until the spring, at which time the Commission would receive an update.

List of Exhibits:

Exhibit A: Letter from Karen Oates to the Conservation Commission dated September 10, 2013 and received September 11, 2013.

Exhibit B: Email from Karen Oates to Nancy Tran, Division of Planning & Regulatory Services RE: Enforcement Order Update – Conservation Commission; dated and received November 5, 2013.

5. Update on Encroachment Issue – 42 Amanola Avenue

Mr. Gagne indicated that he spoke to a representative from the United States Department of Agriculture regarding the felled trees in relation to the Asian Longhorned Beetle. The USDA indicated that the felled trees may be removed from the trail, cut and left in the area.

Commissioner Theerman asked whether there will be replanting with in-kind species. Ms. Tran indicated that the property owners were amenable to replacing the trees but indicated that there are questions about what type of trees and replanting on the slope.

Chair Wood suggested that the same species of trees that was felled be replanted if they are beetle resistant.

Ms. Tran stated that there were concerns regarding liability issues associated with the tree cutting. Commissioner Theerman recommended consulting the Law Department. Commissioner Theerman further recommended exploring the owner performing work in concert with the Greater Worcester Land Trust.

6. Informal Discussion – 68 Tory Fort Lane, discussion on application filing to repair a culvert on private property

Gary Eaton, owner of 68 Tory Fort Lane, stated that the water culvert under his driveway has collapsed and restricts water from going through. Mr. Eaton provided photos the Commission depicting the issue and asked what the Commission would need to approve repairs.

Mr. Eaton indicated that he did not believe the wetland is on his property. Commissioner Franco indicated that if the property is not within the 100' resource area, no Commission approval is necessary to perform the repairs.

Chair Wood stated that the Commission needed to determine whether the channel is classified as an intermittent stream. If the matter is jurisdictional then Mr. Eaton would need to file a Request for Determination of Applicability.

Commissioner Theerman expressed concern that the Commission is not aware of the full picture and nature of the culvert and whether Mr. Eaton would need to file a Notice of Intent.

Commissioner Donahue asked about the project timeframe, to which Mr. Eaton indicated that he would like to complete the work prior to the arrival of snow due concerns to ensure that the culvert can handle snow melt.

Mr. Gagne stated that Tory Fort Lane is flat throughout its entire length and many properties on the street likely have a similar type of drainage. He said he believed the culvert acts as a road drain.

Mr. Eaton indicated that the culvert handles water from the properties behind his home.

Chair Wood requested that staff review the GIS map to see whether it is an intermittent stream and if so, to contact Mr. Eaton to file a Notice of Intent.

7. Communication Received:

- a. From MassDOT re: Burns Memorial Bridge Emergency Repair/Stabilization Work; dated October 21, 2013 and received October 25, 2013.
- b. From Aquatic Control Technology re: 2013 Aquatic Plant Management Program at the Ecotarium Ponds; dated November 1, 2013 and received November 5, 2013.

The Commission reviewed the communication and took no action on them.

8. Discussion and Issuance of Orders of Conditions as relevant to a hearing closed 11/18/13.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to issue these conditions as discussed.

9. Signing of Decisions –

- 29 Brookshire Road (CC-2013-049) – Request for Determination
- 12 Dawson Road (CC-2013-053) – Notice of Intent

Adjournment

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to adjourn the meeting at 6:13 pm.