

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

September 8, 2014

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Stefanie Wood, Chair
Joseph Charpentier
Peter McKone
Jack Donahue

Member Absent: Jordan Berg Powers

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

CALL TO ORDER

The Chair called the meeting to order at 5:34 pm.

NEW BUSINESS

Public Hearing

1. 1 Century Drive (CC-2014-042)– Request for Determination of Applicability

Commissioner Donahue recused himself from discussing the item.

Wetlands Scientist Stacy Minihane of Beals and Thomas, Inc. appeared before the Commission on behalf of the applicant, St. Pierre Associates II Limited Partnership, for a Request for Determination of Applicability. The applicant sought determination as to whether the ~.74 acre area at 1 Century Drive, as depicted on the plan, is subject to the jurisdiction of the Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance. Ms. Minihane said the item was continued from the Commission’s August 25 meeting pending a site walk.

Commissioner Charpentier stated he attended the site walk and observed many invasive plant species and small water collection areas. However, he determined that there are no wetland resources within the subject area after collecting and reviewing soil samples. Mr. Charpentier recommended a negative determination of applicability.

Ms. Minihane stated that the applicant sought a negative determination under the Wetland Protection Act and City of Worcester Wetlands Protection Ordinance. She clarified that the applicant understands that a Notice of Intent is required for any work within 100-ft buffer to a Stormwater Protection Zone.

Chair Wood stated she was comfortable with Commissioner Charpentier’s assessment of the property.

Mr. Gagne of DPW&P had no comments.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to issue a Negative Determination of Applicability for the specified area under the Wetlands Protection Act and Wetlands Protection Ordinance with the caveat that any work within 100-ft buffer to a Stormwater Protection Zone will require a local Notice of Intent.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability for 1 Century Drive submitted by St. Pierre Associates II Limited Partnership; received August 16, 2014.
- Exhibit B: Locus and Aerial Maps; prepared by Beals and Thomas, Inc.; dated June 30, 2014, received August 1, 2014.
- Exhibit C: Plan of Land; prepared by BSC Group, Inc.; dated June 6, 2001, revised June 6, 2001; received August 1, 2014.
- Exhibit D: Request for Determination of Applicability Plan; prepared by Beals and Thomas, Inc.; dated July 14, 2014; received August 1, 2012.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 1 Century Drive – RDA (CC-2014-042); dated August 22, 2014.

2. 449 Southwest Cutoff (Worcester) & 1 Latti Farm Road (Millbury) (CC-2014-049) – Request for Determination of Applicability

Commissioner Donahue returned to the Commission following a vote on the previous item.

Wetlands Scientist Michael Toohill, of BSC Group, Inc., appeared before the Commission for a Request for Determination of Applicability. The applicant sought determination as to whether the area and/or work related to ~72,000 SF of surface parking lot repaving (~20,000 SF within Worcester) is subject to the jurisdiction of the Massachusetts Wetlands Protection Act and/or City of Worcester Wetlands Protection Ordinance. The proposed project will be at the National Grid Millbury Training Facility site located at 449 Southwest Cutoff, Worcester and 1 Latti Farm Road, Millbury.

Mr. Toohill stated that the Town of Millbury recently issued a Negative Determination of Applicability for the proposed work in its jurisdiction. He explained that ~2,000 SF of work in Worcester will be within the buffer to Bordering Vegetated Wetlands. Mr. Toohill said work will consist of scarification, drainage and new pavement. He added that replacement of pavement and curbing will be in-kind, with no increase in impervious surface and no grade changes.

Chair Wood asked how existing sheetflow was handled on site, to which Mr. Toohill said it is directed to a westerly outlet.

Commissioner McKone inquired about stockpiling, to which Mr. Toohill stated that there will be temporary stockpiling until materials are removed off site.

Mr. Gagne of DPW&P had no comments.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 4-0 to issue a Negative Determination of Applicability.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability for 449 Southwest Cutoff, Worcester; submitted by Massachusetts Electric Company; received August 20, 2014.
- Exhibit B: Site Photographs, Environmental Constraints Map and Environmental Guidance Details; prepared by BSC Group, Inc.; various dates; received August 20, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 449 Southwest Cutoff– RDA (CC-2014-049); dated September 3, 2014.

3. 14 Bay Edge Drive (CC-2014-051) – Request for Determination of Applicability

Contractor Mark Packer, of Sterling Greenery, Inc., represented applicant James Cushman, for a Request for Determination of Applicability. The applicant sought determination as to whether the area and/or work related to repair of an existing retaining wall, concrete walkway and stairs at the rear of 14 Bay Edge Drive is subject to the jurisdiction of the Massachusetts Wetlands Protection Act and/or City of Worcester Wetlands Protection Ordinance. Mr. Packer stated that the work will be performed by hand to disassemble and repair the wall and walkway within the existing footprint.

Chair Wood asked whether the applicant planned to keep the walkway material wood, to which Mr. Packer said the owner sought to use concrete pavers. He added that work was to commence immediately following Commission approval and will take two to three days to complete.

Commissioner Charpentier asked the distance between the work and resource area, to which Mr. Packer said it is approximately 20' to the edge of Lake Quinsigamond. He clarified that no work will be performed to the retaining wall located along the water edge.

Mr. Gagne of DPW&P had no comments.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 4-0 to issue a Negative Determination of Applicability.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability for 14 Bay Edge Drive; submitted by James Cushman; received August 22, 2014.
- Exhibit B: Site Plan annotated by the applicant; prepared by the applicant; undated; received August 22, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 14 Bay Edge Drive– RDA (CC-2014-051); dated September 4, 2014.

4. 53 Rankin Street (CC-2014-050)

Engineer Patrick Burke of HS&T Group, Inc. appeared before the Commission for a Local Notice of Intent to construct two single family semi-detached dwellings (total of four dwelling units) with associated utility, grading, site and roadway work at 53 Rankin Street (Lots 1L, 1R, 2L & 2R). He stated the project was approved on July 14, 2014 (CC-2014-035) but was later revoked by the Commission on August 25, 2014 due to improper abutter notification.

Mr. Burke stated that the submitted plan shows additional erosion and sedimentation controls around an additional catchbasin that was previously requested by the Commission. He stated that no changes to the project have been made since the Commission issued its Order of Conditions. He added that the owner is in the process of negotiating an easement with abutters with respect to drainage.

Mr. Gagne said that the submitted drainage calculations are adequate.

Upon a motion by Commissioner Donahue and seconded by Commissioner Charpentier, the Commission voted 5-0 to close the public hearing. Discussion regarding issuance of Order of Conditions for this item was held to the end of the meeting.

List of Exhibits:

- Exhibit A: Local Notice of Intent Application for 53 Rankin Street (Lots 1 and 2) submitted by Luigi Digioia; received September 5, 2014.
- Exhibit B: Plan for Lots 1 & 2 Rankin Street; prepared by HST&T Group, Inc.; dated June 12, 2014; received June 25, 2015 (revised and received September 8, 2014).
- Exhibit C: Drainage Calculations for Lots 1 & 2 Rankin Street;; prepared by HST&T Group, Inc.; dated and received September 5, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 1 & 2 Rankin Street - NOI (CC-2014-050); dated September 3, 2014.

OTHER BUSINESS

5. Enforcement Order Update – 187 Greenwood Street (CC-EO-2013-001)

Commissioner Donahue recused himself from discussing the item.

Commissioner Charpentier stated he met with the owner’s wetlands scientist and observed excellent growth in the wetlands replication area. He said some plants did not fare well in areas where there was excessive water retention but that the overall restoration work was successful. He said that the nearby area had not yet been paved after being issued an Order of Conditions. Mr. Charpentier added that while not part of the Enforcement Order, the outlet structures in the proposed pavement area were not protected. He requested that staff contact the owner to install appropriate measures.

Chair Wood stated that the Enforcement Order was kept active until after two growing seasons.

Ms. Tran stated that restoration work occurred in the fall of 2012 and more than two growing seasons had passed.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted to lift the Enforcement Order (CC-EO-2013-001).

6. Enforcement Order Update – Arboretum Village Estates (CC-EO-2013-003)

Commissioner Donahue returned to the Commission following a vote on the previous item.

Chair Wood stated she attended the site walk and said that a third party geotechnical firm was retained to review the hillside. She observed vegetation growth on Slope B but stated that it was

sporadic likely due to lack of moisture and soil. Chair Wood suggested looking into additional stabilization measures such as more mats and sod to protect the section where Slope B is exposed. She confirmed that there has not been any resolution with respect to Slope A.

Commissioner Charpentier concurred and added that there is exposed soil over the rock face of Slope B. He indicated that he did not see any change to the slope since February.

Mr. Rolle confirmed that the City had retained a geotechnical firm to focus on the structural stability of the slopes. He anticipated that the report would be completed by the end of the month. He added that the long term solution is construction and agreed with Chair Wood's suggestion for additional erosion control measures.

Chair Wood requested that copies of the report be forward to the Commission when available.

Commissioner Charpentier stated Slope B continues to erode and that he is uncomfortable with Slope A as it has bulges in it. He requested that staff follow-up with the environmental consultant, EcoTec, regarding additional erosion control measures for Slope B.

7. Requests for Certificate of Compliance – 25 Ellis Drive (CC-2001-064 & CC-2013-017)

Sotirios Georgiadis and Attorney Bachrach appeared before the Commission for two Certificate of Compliance requests. Attorney Bachrach stated he submitted copies of as-built plans showing calculations for compensatory flood storage provided on site. See Exhibit C.

Chair Wood stated the Commission received a background summary for the site and communication from abutter John O'Connor the day of the meeting. She recommended continuing the item to September 29 to allow the Commission time to review the information.

Attorney Bachrach inquired whether it will affect the court hearing scheduled the following day. He said Mr. Georgiadis must provide proof of Certificate of Compliance to be out of contempt.

Mr. Rolle stated he could not speak on behalf of the Law Department and suggested that Mr. Bachrach contact the solicitor handling the case.

Commissioner McKone stated that the Commission must make a decision regarding the Certificate of Compliance within 21 days.

Ms. Tran stated that Mr. Georgiadis submit a form requesting continuance and extension of the deadline.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 4-0 to continue the item to the September 29 meeting and approval deadline to October 6.

List of Exhibits:

Exhibit A: Request for Certificate of Compliance for 25 Ellis Drive (CC-2001-064 & CC-2013-017); prepared by Sotirios Georgiadis; received December 3, 2012.

Exhibit B: Request for Certificate of Compliance for 25 Ellis Drive (CC-2013-017); prepared by Sotirios Georgiadis; received August 27, 2014.

Exhibit C: As-built Plan for 25 Ellis Drive; prepared by Sotirios Georgiadis; dated 8/5/2014; received August 27, 2014.

Exhibit D: 25 Ellis Drive – Conservation Commission Summary; dated September 8, 2014.

8. Request for Certificate of Compliances – 2 Navajo Road (CC-1998-036) and (CC-2000-077)

Mr. Gagne said the work had been completed and there were no issues.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 3-0 to issue Certificates of Compliance for 2 Navajo Road.

List of Exhibits:

Exhibit A: Request for Certificate of Compliance for 441 Lake Avenue; prepared by Richard Marseglia; dated August 21, 2014.

9. Request for Certificate of Compliances – 32 Cheyenne Road (CC-1998-036) and (CC-2000-077)

Mr. Gagne said the work had been completed and there were no issues.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 3-0 to issue Certificates of Compliance for 32 Cheyenne Road.

List of Exhibits:

Exhibit A: Request for Certificate of Compliance for 32 Cheyenne Road; prepared by Gina M. Fegreus; dated August 27, 2014.

10. Communication Received:

- a. From MassDOT re: Bridge Replacement (Kenneth F. Burns Memorial Bridge) Route 9, 401 Water Quality Certification Major Dredging Amendment; dated August 27, 2014; received August 29, 2014.

The Commission took no action on the communication item.

11. Signing of Decisions

- 1 Century Drive (CC-2014-042) – Negative Determination of Applicability
- 449 Southwest Cutoff (Worcester) & 1 Latti Farm Road (Millbury) (CC-2014-049) – Negative Determination of Applicability
- 14 Bay Edge Drive (CC-2014-051) – Negative Determination of Applicability
- 53 Rankin Street (CC-2014-050) – Order of Conditions
- 2 Navajo Road (CC-1998-036) and (CC-2000-077) – Certificates of Compliance
- 32 Cheyenne Road (CC-1998-036) and (CC-2000-077) – Certificates of Compliance

Adjournment

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone, the Commission voted 3-0 to adjourn the meeting at 6:32 pm.