

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

FEBRUARY 22, 2016

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present: Stephanie Wood
Joe Charpentier
Peter McKone-
Amanda Amory
Henry Fields

Member Absent: Jordan Berg Powers

Staff Present: Michelle Smith, Planning & Regulatory Services Division
Ed Kochling, Department of Public Works & Parks

CALL TO ORDER:

Chairwoman Stefanie Wood called the meeting to Order at 5:30 p.m.

APPROVAL OF MINUTES: 12/7/2015, 11/16/2015, 11/2/2015

Upon a motion by Commissioner McKone and seconded by Commissioner Charpentier the Commission voted 5-0 to approve the minutes for 12/7/2015, 11/16/2015 and 11/2/2015 with the modification that the Chairperson be clarified for the 12/7/2015 meeting minutes.

REQUESTS FOR CONTINUANCES, POSTPONEMENTS, WITHDRAWALS:

NEW BUSINESS – Notices of Intent:

- 1. Properties located to the east of the Leicester/Worcester town-line, south of Stafford Street, west of Nixon Avenue, and north of Clover Street associated with a utility maintenance project (CC-2015-074)**

Application: Notice of Intent

Applicant: New England Power Company

Project: To confirm resource area delineation and work associated with the replacement of utility related infrastructure (e.g. poles, wires, anchors, etc.) along with associated grading and site-work, on property located to the east of the Leicester/Worcester town-line, south of Stafford Street, west of Nixon Avenue and north of Clover Street.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer zone to the bank of various bordering

vegetated wetlands, perennial and intermittent streams and associated riverfront area, bordering land subject to flooding, and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WWPO – 1/25/2016

Upon a motion by Commissioner Charpentier and seconded by Commissioner Amory, the Commission voted 5-0 to postpone the item until the March 14, 2016 Conservation Commission meeting.

List of Exhibits:

- Exhibit A: Webster Street Tap #1 Notice of Intent Application & Plans; submitted by New England Power Company; received December 19, 2015; dated November 2015.
- Exhibit B: Webster Street Tap #1; DPW&P&P Memo; dated December 1, 2015; received December 3, 2015
- Exhibit C: Request for Postponement dated December 7, 2015; received December 7, 2015.
- Exhibit D: Request for Postponement dated January 20, 2016; received January 25, 2016.
- Exhibit E: Request for Postponement dated March 11, 2016; receive March 14, 2016.

2. Requests for Certificate of Compliance:

a. 501-505 Mill Street (CC-2001-027)

Upon a motion by Commissioner Charpentier and seconded by Commissioner Amory, the Commission voted 5-0 to postpone the item until the April 25, 2016 Conservation Commission meeting.

Chair Wood took up agenda item 14, Election of Officers, out of Order.

3. Elections of Officers

Commissioner McKone nominated Commissioner Charpentier as Chair. Commissioner Charpentier accepted the nomination.

Commissioner Charpentier nominated Commissioner McKone as Vice-Chair. Commissioner McKone accepted the nomination.

Upon a motion by Commissioner Amory and seconded by Commissioner Fields, the Commission voted 5-0 to approve the new officers.

Stephanie Wood stepped down as chairperson.

Having become Chair, Commissioner Charpentier began chairing the meeting.

NEW BUSINESS – Requests for Determination of Applicability:

4. 19 (aka 25) Quinsigamond Avenue (MBL 05-040-22+47) & Within Quinsigamond Avenue Right-of-Way (CC-2016-003)

Application: Request for Determination of Applicability

Applicant: NSTAR Gas d/b/a Eversource Energy

Project: To seek determination as to whether or not the work/area associated with the installation of a concrete pad for a proposed above ground compressed natural gas tank, to the west of the site at 19 (aka 25) Quinsigamond Avenue, and of ~120 linear feet of underground utilities, along with associated site work, located at 19 (aka 25) Quinsigamond Avenue (MBL 05-040-22+47) & within the Quinsigamond Avenue Right-of-Way, is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within bordering land subject to flooding and within the stormwater protection zone.

Public Hearing Opening Deadline: WPA –n/a; WPO – 3/18/2016

Constructive Grant Deadline: WPA –2/23/2016; WPO – n/a

Matt Kelley, from VHB, appeared on behalf of the applicant.

Mr. Kelley stated that the purpose of the project is to provide gas service to 25 Quinsigamond Avenue and to install a compressed natural gas tank. He stated that the condition of the site is presently paved and is located within the stormwater protection zone and is considered to be within the 100-year flood plain, Zone AE, with a flood elevation of 449, according to FEMA.

He stated that a 120' of PVC pipe as a gas line will be installed across Quinsigamond Avenue through the parking area to connect to the existing structure. He reviewed use of an open trench method, with excavated material used to backfill or be deposited off site, and estimated it would take 1-3 days to complete. The compressed natural gas tank was 4.25' x 4.25' x 4.25' and will be installed on top of a 12' x 6' concrete pad.

Mr. Kelley indicated that the impacts associated with the installation of the pipe would be negligible as it will be buried beneath the ground and no flood storage will be lost. He stated that the FEMA elevation is 449 and according to Google Earth reference data, the elevation where the pad will be is at elevation 450, outside of the floodplain.

He stated that BMP methods will be used, disturbed areas will be repaved and inlet protection will be installed as necessary.

Chair Chapentier asked for clarification that there would be no impact on the surface level of the ground and no change in the storage. Mr. Kelley affirmed.

Chair Charpentier asked if there was a plan in place to address contaminated soil. Mr. Kelley stated that spoils would be disposed of as required by law.

Commissioner Wood asked if there would be bollards around the tank and if it would be part of the application. Mr. Kelley stated that he was unsure.

John Giangregorio, Chairman of the Canal District Business Association, expressed concerns relative to contamination of the site, and others in the vicinity, and of potential migration of contaminants from offsite. Expressed concerns about the area being a tributary to the Blackstone River and potential impacts of underground contamination thereto.

Jo Hart, city resident, expressed concerns that remediation is needed for the entire area.

Commissioner Wood expressed concerns about contamination and requested a more comprehensive plan regarding soil management. She requested additional information regarding protection around the tank itself.

Chair Charpentier stated that the Commission could assume that the soil is contaminated for purposes of disposal and require clean fill for backfilling.

Commissioner Amory requested additional information relative to contamination on the site and in the vicinity thereof.

Commissioner McKone suggested a continuation given the outstanding questions. Mr. Kelley stated that they would be willing to continue to the March 14th meeting.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 5-0 to continue the item until the March 14, 2016 Conservation Commission meeting.

List of Exhibits:

Exhibit A: 40 Quinsigamond Avenue submitted by NSTAR Gas Company dba Eversource Energy received March 15, 2016; dated March 15, 2016.

Exhibit B: Plan prepared by amec foster wheeler dated March 15, 2016.

5. 6 (aka 104 & 112) Harding Street (aka 45 Winter Street), 40 (aka 38) Pond Street, & 26 Pond Street (aka 26 or 118 Harding Street) (MBL 04-020-00002, 04-020-00019, & 04-020-00008) (CC-2016-004)

Application: Request for Determination of Applicability

Applicant: New Garden Park, Inc.

Project: To seek determination as to whether or not the work/area associated with the demolition of three structures and associated brownfield remediation and site work at 106 (aka 104 & 112) Harding Street (aka 45 Winter Street), 40 (aka 38) Pond Street, & 26 Pond Street (aka 26 or 118 Harding Street) is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer zone to the bank of Mill Brook, a culverted perennial stream.

Public Hearing Opening Deadline: WPA –n/a; WPO – 3/19/2016

Constructive Grant Deadline: WPA –2/24/2016; WPO – n/a

Laura Krauss, of Nover-Armstrong, appeared on behalf of the item.

Ms. Krauss stated that this project consists of demolition of existing structures and the top six inches of the foundation of the structure as part of a proposed brownfield redevelopment. She explained that property is located within 100' of the Mill Brook, a culverted perineal stream, which carries water from Salisbury Pond to the Blackstone. She explained the culvert is ~19' wide, 9' high located about ~13' below grade or ~4' below Harding Street. She noted that the site is located is within the stormwater protection zone, but given the location within the CARD the property would otherwise be exempt from the Ordinance requirements.

Commissioner Wood asked how the site would be stabilized or re-development of the site after demolition. Mary-Lou Armstrong, of Nover Armstrong, stated that after demolition the concrete slabs will be removed and stone will be brought in to stabilize the site with re-development efforts taking place upon completion of demolition.

Commissioner Charpentier asked when activities would begin. Ms. Armstrong stated that they would begin within the next month and estimates demolition will take 2-3 months due to contamination within the foundations and required asbestos abatement.

Commissioner Wood asked if there was any concern about the impacted soil below the slabs. Ms. Armstrong stated that they plan to take soil samples to pre-qualify the soils and if the soil has to come out they would excavate it for removal off site and place the stone over disturbed areas. She confirmed the site was listed with a temporary solution status with on-going monitoring to DEP every 6 months as well as an ABCA.

Chair Charpentier stated that the application mentions the submission of a Stormwater Prevention Plan to be submitted to the EPA. Ms. Armstrong stated that had not been submitted yet but will be done once the contractor has been selected and that they could provide a copy to the Commission once submitted.

Mullin Sawyer, President of the Canal District Alliance, stated that he is happy to see that the site is being remediated and requested the Commission take every precaution to protect the natural environment of the canal.

John Giangregorio, abutter and Chair of the Canal District Business Association, expressed concerns about the downstream impacts of the project and about the contamination. He stated he was in favor of mitigation but wanted to ensure the Commission sets strict standards to ensure the containments don't migrate to Mill Brook.

Commissioner Wood stated that the plan is just for demolition and there is no redevelopment plan being presented tonight and asked if he was not in favor of the buildings being demolished. Mr. Giangregorio stated that he was not in favor of 104 Harding Street being demolished due to its historic attributes but that he does support remediation of the site and requested the developer re-create or beautify the bank of the River.

Chair Charpentier confirmed that he believed that the storm drains drain directly to the Middle River. He asked if there was a concern about migration of containments off-site.

Commissioner Wood stated that there is always a concern with leaching/migration off-site but in the majority of the time the contamination has been historically leaching, and impacting water quality, into the groundwater and off-site.

Jo Hart, Worcester Resident, asked how deep is the surface of the river water below the ground. Ms. Armstrong stated she believes the river surface is about 9' below grade and that the closest building to the culvert is horizontally about 9-10'.

Commissioner Charpentier confirmed that the canal was wholly under Harding Street.

Commissioner Amory stated that she would like to read the applicant's ground water studies. Ms. Armstrong stated that they could provide this and explained that testing done to date shows that contamination is confined to the site.

Commissioner McKone requested clarification on the Commission's jurisdiction over the river below Harding Street and whether that is in fact a river. He stated he did not believe it was a resource area per his read of the Act, Ordinance, and associated regulations.

Ms. Smith stated that the Act specifies that there is no Riverfront Area along the Mill Brook Culvert, given the culvert is more than 200' in length. She explained that the Act and the Ordinance are silent on jurisdiction regarding whether or not there is a 100' buffer to the culverted river bank, but stated that staff were advised to presume applicability and explained that this is why the applicant filed.

Mr. Giangregorio reviewed the history of the Mill Brook.

Commissioner McKone expressed concerns relative to the definition of a resource area as described in the Wetlands Protection Act and noted that there are underground or culverted streams all over the city and the applicability of this interpretation to mean that these are all jurisdictional as streams.

Chair Charpentier stated that historically the Commission has treated these culverted, covered, streams as non-jurisdictional. Commissioner McKone affirmed and said it would be a new interpretation to call this a resource area under the Regulations. He expressed concerns of implied jurisdiction given that the river is part of the sewer system.

Commissioner Amory disagreed with Commissioner McKone and requested clarification as to what a water resource is and when does it stop becoming a water resource and/or if it can become a water resource again and how the City Law Department interprets it.

Commissioner McKone cited an example of a project near Gateway Park and stated that he believes that once a river is daylighted it becomes jurisdictional again, based on interpretation in this instance.

Commissioner Wood asked that, even presuming jurisdiction, the question in front of the Commission is whether or not the proposed remediation and work is in the best interest of the site.

Ms. Smith clarified the request in front of the Commission is not about whether or not the area is subject to the Commission's jurisdiction, but instead, presuming jurisdiction, is the work proposed in such a manner so as to not impact the presumed resource areas.

Ms. Armstrong stated that demolition is required to facilitate remediation in order to treat the slabs.

Upon a motion by Commissioner Wood and seconded by Commissioner Amory the Commission voted 5-0 to issue a Negative Determination of Applicability with conditions. The Commission specified that the determination is valid for demolition and remediation only and the Commission is not making a formal determination of

jurisdictional of this or any other culverted stream but finds that presuming jurisdiction pre the applicant's request, the Commission doesn't believe the proposed activities will have an adverse impact to resource areas. The Commission specified that the conditions that the determination be filed with the Registry of Deeds, a copy of the Stormwater Pollution Prevention Plan be provided to the Commission, and copies of information relative to groundwater monitoring be provided to the Commission.

Commissioner McKone requested staff seek clarification from the City's Law Department on the Commission's jurisdiction relative to culverted streams.

List of Exhibits:

- Exhibit A: 106 & 112 Harding Street application submitted by New Garden Park, Inc. received February 3, 2016; dated February 2, 2016.
- Exhibit B: Communication for John Giangregorio dated February 22, 2016 and received February 22, 2016.
- Exhibit C: DPW&P Memorandum re: 106 (104 & 112) Harding Street dated February 18, 2016 and received March 2, 2016.

6. 234 Webster Street (MBL 27-009-09+10) (CC-2016-005)

Application: Request for Determination of Applicability

Applicant: Department of Public Works & Parks

Project: To seek determination as to whether or not the work/area associated with the installation of a 5' x 9' concrete pad adjacent to the existing structure on-site, for a proposed generator along with associated site work located at 234 Webster Street, is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer zone to the bank of Kettle Brook, and its associated riverfront area and within the stormwater protection zone.

Public Hearing Opening Deadline: WPA –n/a; WPO – 3/25/2016

Constructive Grant Deadline: WPA –3/1/2016; WPO – n/a

Jon Gervais from the City of Worcester DPW&P&P&P appeared on behalf of the item.

Mr. Gervais stated the parcel contains a sewer pump station and they are replacing the back-up generator which will be installed on a new concrete pad outside the building and would be located outside the 30' buffer and is not within the floodplain. He stated that work was expected to take place in the spring and would only take a few days.

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

List of Exhibits:

- Exhibit A: 234 Webster street; submitted by City of Worcester Department of Public Works & Parks received February 10, 2016; dated February 9, 2016.
- Exhibit B: Plan prepared by Tighe & Bond dated September 2015.

7. Oak Beach Terrace Sewer Pump Station (between 5 Oak Beach Terrace & 465 Lake Avenue) & within the Oak Beach Terrace Right-of-Way (CC-2016-006)

Application: Request for Determination of Applicability

Applicant: Department of Public Works & Parks

Project: To seek determination as to whether or not the work/area associated with the installation of a 5' x 9' concrete pad adjacent to the existing structure on-site, for a proposed generator along with associated site work at the Sewer Pump Station at 7 Oak Beach Terrace (between 5 Oak Beach Terrace & 465 Lake Avenue) & within the Oak Beach Terrace Right-of-Way, is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer zone to the bank of Lake Quinsigamond

Public Hearing Opening Deadline: WPA –n/a; WPO – 3/25/2016

Constructive Grant Deadline: WPA –3/1/2016; WPO – n/a

Jon Gervais from the City of Worcester DPW&P appeared on behalf of the item. He stated that the proposal is for the installation of a backup generator on a new concrete pad at the sewer pump station. He stated that the generator would be located outside the existing building and would not be within the 30' buffer or the floodplain.

Commissioner Charpentier asked if any erosion controls would be installed noting steep slopes on-site. Mr. Gervais stated that erosion controls were proposed down gradient.

Commissioner Fields asked if work would be within the existing right-of-way. Mr. Gervais stated that the work would be outside of the right of way would be on the City property.

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

List of Exhibits:

Exhibit A: 7 Oak Beach Terrace submitted by City of Worcester Department of Works & Parks received February 9, 2016; dated February 10, 2016.

Exhibit B: Plan prepared by Tighe & Bond dated September 2015.

OTHER BUSINESS:

8. Enforcement Order Updates:

a. 181 Lake Avenue (CC-EO-2015-006)

Mr. Kochling stated that nothing had occurred at the site since the last meeting.

b. Goldthwaite Road (Burncoat Gardens Phase I & V, except units 1-13) (CC-EO-2015-007)

Mr. Kochling stated that he had been to the site at last rain event and everything is holding up well and noted that foundations were beginning to be poured.

c. Lot 38 (#58) Pierce Avenue (Burncoat Gardens Phase IV) (CC-EO-2015-008)

Mr. Kochling stated that he also visited this site and it is holding up well.

d. 27 New Street Extension (CC-EO-2015-009)

Ms. Smith stated that staff has not received a recorded copy of the special permit and she stated that it was up to the Commission if they wanted to require the property owner submit a filing.

e. 149-151 Lake Avenue (CC-EO-2015-010)

Ms. Smith stated that she would e-mail the property owner relative to a status update.

f. 604 Burncoat Street (aka Burncoat Heights) (CC-EO-2015-011)

Mr. Kochling stated that he visited the site during the last storm and noted that everything is holding up. He explained that tarping was being used and that sod had been placed around the detention basin.

g. 21 Quaboag Street (CC-EO-2016-001)

Ms. Smith stated reviewed the enforcement order history and noted that the property owner was present at meeting to discuss. She noted that there were also issues relative to state building code violations.

Zamyir Kallisi, owner appeared with his representative. His representative stated that the residence was remodeled and that nothing touched the wetlands. Mr. Kallisi submitted photos to the Commission for review.

Ms. Smith stated that some concrete rubble had been placed in the river. Mr. Kallisi's representative stated that there ways concrete place in order to keep land dry.

Chair Charpentier asked if property owner did that. Mr. Kallisi stated he did not.

Ms. Smith stated the concrete may have been in the brook before property owner purchased property but the additions were previously open decks which are now enclosed with roofs and are no longer permeable.

Mr. Kochling stated that the rubble and debris is right along the edge of the brook.

Commissioner Wood suggested a site walk so the Commission could get idea what the site looks like now versus historical conditions. Chair Charpentier stated that staff would work with the owner to coordinate a site walk before the next meeting.

Mr. Kallisi stated that he's working with an architect. Chair Charpentier stated that if property owner has any plans they could give to the Commission that would be helpful. Mr. Kallisi's representative stated that he did not and that he had lived here for ~2 years.

h. Arboretum Village Estates (CC-EO-2016-002)

Mr. Kochling stated that not much had happened on Slope B.

9. Informal Presentation of Proposed Improvements near Coe's Reservoir (aka Coe's Pond) by DPW&P

Michael Moonan from Weston and Sampson appeared on behalf of the City of Works Parks Department. Mr. Moonan explained that the project consists of three areas, Coes Knife Property, Coes Pond Beach Area, and the Former Beach area and reviewed the location and site history.

He stated that the Coes Knife property is to re-locate the Stearns Tavern to the site and expand the parking lot and construct a playground and other public amenities. He stated that at the Coes Pond Beach area the plan is to provide additional pedestrian amenities and accessible parking and to conduct beach restoration activities. He explained that at the former beach area they intend to extend an asphalt path from the Worcester Housing Authority property along the existing trail towards Columbus Park.

Chair Charpentier expressed concerns with the construction of the kayak path through the wetland and wasn't sure if the Commission had precedent for such a project. Commissioner McKone stated he did not know if there was anything in the by-laws and as long as they get the replication plan complies it could be permitted at the Commission's discretion.

Chair Charpentier stated that the path that goes along the playground seems to go within the 15' buffer and was wondering why it was designed that way. Mr. Moonan stated there is an access path there now and it continues along the top of the dam and goes over the bridge and is also for vehicular access for dam maintenance.

Mr. Moonan stated in reference to stormwater detention there is a basin on the property that is oversized by 400 CF and will handle the impervious on the site but not the runoff for the building so they plan to install raingardens to handle the roof runoff.

Chair Charpentier stated that he would prefer to see the foot path out of the 15' buffer. Mr. Moonan stated that they would investigate but that it may not be possible with the grade change. .

Mr. Moonan asked with regard to fill within the floodplain that they would need to compensate for that and wanted to know if they provide compensatory storage on the Coes Pond side. Chair Charpentier stated that provided it was the same flood elevation that would be fine.

Commissioner McKone stated that they are going to need to move soil in order to get the wetland to function. Commissioner Charpentier agreed that would be needed to

10. Request for Determination of Significance and Subsequent Action due to a Project Change - 0 (aka Lot 3) Salisbury Street & Salisbury Street Right-of-Way (CC-2015-063)

Ms. Smith stated that some changes had been made to the site, deviating from the approved plans, and that the Commission is being requested to make a determination about any required subsequent actions that may need to take relative to the Order of Conditions for the work and reviewed the Commission's options, per written request from DPW&P staff.

Mr. Kochling stated that he had been site and at last meeting there was discussion regarding a higher velocity of flow at the discharge point, as recognized from the video that Jamie Vander Salm had provided, necessitating actions to prevent erosion downgradient of the discharge point. He explained that the City's contractor returned to create a larger depression at the discharge point and installed larger rocks in order to disperse and attenuate flow from the discharge point.

Mr. Kochling stated that he went out after a small rain event after the changes and noted that the water was running clean and relatively slow after a large rain event last Tuesday. He stated that an engineer from DPW&P did check the site and felt that water was running clean and slow. He acknowledged that a plow had struck a manhole mid-way between the inlet and discharge point and knocked the cover off exposing a small section area of the top of the manhole during the event as evidenced by Mr. Vander Salm's photos and videos. He explained that the water in this area and was somewhat turbid and the the discharge at the outlet was resultantly impacted. He noted that the erosion controls in place appeared to have prevent turbid discharge from leaving the area. Mr. Kochling explained that he returned to the site and added a few sandbags around the manhole to prevent the issue in the future and stated that when Spring comes they plan to fix the shoulder.

Mr. Kochling stated that he has been monitoring the site and since January and reviewed photos but noted that nothing much had changed. He stated that there does not appear to be any scouring or erosion downstream although the water is taking three discrete paths down to the brook. He reviewed improvements that would take place come spring.

Chair Charpentier asked about the condition of the road shoulder and about how much was due to this work versus an existing condition. Mr. Kochling stated that the shoulder has historically been susceptible to wash-out along the road shoulder, but that the area was disturbed with construction and explained that the site would be improved further in the spring.

Chair Charpentier asked about the erosion controls in place. Mr. Kochling reviewed the erosion controls right by the outlet areas and reviewed the location of the sandbags.

Ms. Smith reviewed the Commissions three options relative to the project changes.

Commissioner McKone stated that he went to the site and that he was concerned with the volume of water shown on the video but that there did not appear to be any scouring of the soil downgradient, only movement of the leaf litter in these areas. He requested review after more severe rain events before making a determination.

Mr. Charpentier requested before and after photos relative to the changes and performance during rain events. Mr. Kochling stated that he would monitor during the next heavy rain event.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 5-0 to continue the item to the March 14, 2016 Meeting.

11. Requests for Certificate of Compliance:

a. 4-30 (aka lots 25-31) Sophia (fka Sarah) Drive (CC-2006-049)

Mr. Kochling stated that he went to the site and noted that the permanent markers were installed but could not tell about the infiltration units were installed given they're underground, but that it appears that the drainage systems were piped underground and thus its presumed that they are done but couldn't verify with DPW&P records in time for the meeting.

Upon a motion by Commissioner McKone and seconded by Commissioner Wood the Commission voted 5-0 to issue a Certificate of Compliance.

b. Avery Estates (1 Avery Path & Avery Path Right-of-Way, Wyola Drive Right of Way, ~750' west of Avery Path, & 159-176, and a portion of 190 & 192, Brookline Street & Brookline Street Right-of-Way, ~930' east of 190 & 192 Brookline Street) (CC-2008-019).

Mr. Kochling stated that he went on a site visit and noticed that the downspouts are all day lighted which gave him the impression that the infiltration units were not installed but everything seemed to be stabilized.

Harry Avery, the developer, stated that he developed the site ~10 years ago. Chair Charpentier asked if the infiltration units had been installed.

Mr. Avery stated that they installed a catch basin in the corner of the front yard at the first and that they lifted the grade on the plans at the bottom of the right-of-way and had talked to DPW&P at the time and said he could obtain a letter from engineer stating what the changes were.

Chair Charpentier asked if they needed to vote that the change was insubstantial. Ms. Smith reviewed the Commissions options and recommended that the Commission ask that the developer have his engineer provide a revised letter updating the deviations from the approved plans to be inclusive of all changes and provide on how the lack of installation of the infiltration units impacts the stormwater report.

Chair Charpentier stated he would prefer to continue and see engineering information.

Mr. Avery asked for a Certificate of Compliance for only one house lot, #174 Brookline, set to sell at the end of the month. Chair Charpentier requested that they consider issuance of a partial certificate of compliance for this lot alone. Commissioner McKone agreed.

Upon a motion by Commissioner Wood and seconded by Commissioner McKone the Commission voted 5-0 to issue a partial Certificate of Compliance for #174 Brookline Street.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 5-0 to continue the remaining request for a Certificate of Compliance to the March 14, 2016 with the requirement that the applicant provide a letter from engineer explaining all the deviations and why infiltration units were not installed and reviewing the subsequent impacts on the stormwater calculations.

c. 11 & 5 Orrison Street (CC-2008-042)

Mr. Kochling stated that he visited the site and no work completed. He reviewed the original plans and scope of work.

Ms. Smith stated that there is an Order of Conditions on record with the Registry of Deeds which is no longer valid, having expired in December. She explained that the owner is asking for a certificate of compliance which certified that work was never completed and that the Order of Conditions is no longer valid.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 5-0 to issue a Certificate of Compliance.

12. Communication:

a. Salisbury Hill 2015 Stormwater System Monitoring; from Peoples Engineering; received 12/23/2015; per Order for CC-2001-071.

No comment.

b. Notice of Integrated Vegetation Management Program for property at 329 West Boylston Street; from National Grid; dated 1/12/2016; received 1/20/2016.

No comment.

c. Minutes of the 1/5/2016 Broad Meadow Brook Sanctuary Advisory Committee Meeting & Notice of the Broad Meadow Brook Sanctuary 25th Anniversary Celebration; from Commissioner Amory; Received 2/2/2016.

No comment.

d. 2016 Massachusetts Land Conservation Conference Brochure; from Massachusetts Land Trust Coalition; received 2/3/2016.

No comment.

e. Notification of Reportable Release – 1 New Bond Street (Saint-Gobain); from Clean Harbors Environmental Services, Inc.; received 2/16/2016.

No comment.

f. E-mail regarding, and Photos of, the City of Worcester's drainage infrastructure located at 0 aka Lot 3 & Salisbury Street Right-of-Way (CC-2015-063); from Jamie Vander Salm; received 2/17/16.

Mr. Vander Salm asked if the volume of water, and pollutants therein, depicted in the video he sent was acceptable to DPW&P. Mr. Kochling stated that the volume of water the appeared to have increased due to fact that the manhole cover had was knocked off by a plow. He noted that the velocity of the water is a problem but that the volume was consistent with historical volumes and could not have increased because no additional sources enter the drain line between the inlet and the discharge point. Mr. Vander Slam disagreed and asserted that the volume was greater.

Mr. Kochling stated that DPW&P was not happy with the turbidity of the water but that there was no evidence that turbid water had traveled to the brook after the last event. He reviewed the volume of water this inlet could allow for and the likely volume and rate at the discharge point.

Mr. Vander Salm expressed concerns relative to the volume and turbidity of the water and about flaws with the drainage system. He reviewed that the discharge enters a perennial stream which feeds his pond and expressed concerns about downstream pollution and water quality impacts from this project. He requested the Commission require the City to take the catch basin off-line.

Chair Charpentier stated that the Commission has already approved this construction. Mr. Vander Salm stated that it was approved by the Commission with the assumption that pollutants would be treated and that the volume of discharge would not have detrimental impacts to a resource area; he stated that this is not the case.

Chair Charpentier stated that DPW&P and the Commission have been working to address the situation and acknowledged that erosion controls would be required in order to prevent sedimentation downstream until the problem was resolved to the Commissions satisfaction.

Chair Charpentier explained that there are no catch basins along that road and this inlet and discharge point were installed with the intent of improving water quality and that the Commission intends to see that though.

Mr. Vander Salm stated that the catch basin was installed in response to a complaint about flooding of private property. Commissioner Wood stated that she has not heard a specific complaint about such an issue but stated that she has been told that this stretch of Salisbury Street can be treacherous due to excessive stormwater runoff and icing conditions that result. She explained that her informed assumption for the purpose of the catch basin was also for public safety.

Mr. Vander Salm suggested that the Commission rescind their approval given it was granted under false assumptions. Chair Charpentier asked if Mr. Vander Salm wanted the use of the basin to be discontinued. Mr. Vander Salm affirmed.

Chair Charpentier stated that the Commission seemed to have a difference of opinion from Mr. Vander Salm. Chair Charpentier explained that the catch basin had been installed as part of an approved project and did not believe any additional volume of water was entering the system. He noted that the Commission would ensure the discharge is not erosive and is not sediment laden.

Mr. Vander Salm questioned the applicability of the Clean Water Act and expressed concerns about cities creating new discharges; he disagreed with the Commission.

13. Update from Staff regarding CMRPC Grant for LID

Ms. Smith provided an update relative to the forthcoming materials.

14. Update from Staff regarding the Commission's Budget and Reporting on Fees

Mr. Rolle reviewed the memorandum provided to the Commission relative to the main sources of funds associated with the Commissions activities. He noted that tax levy money and fees associated with application under the local ordinance go into the

general fund and that fees associated with applications under the Wetlands Protection Act were subject to specific regulations relative to their accounting and use.

Mr. Rolle noted that staff was working with the City's Budget Office to provide the Commission with an up-to-date budget. He reviewed that the Commission would need to discuss a plan for expenditures of these monies for each fiscal year and that the City Manager must then approve their spending plan.

The Commission inquired about property acquisitions and associated grants. Staff reviewed the current status of affairs relative to these items.

15. Appointment of a Commission Representative to the Lake Quinsigamond Commission

The item was postponed to the March 14, 2016 Conservation Commission meeting.

16. Signing of Decisions

The Commission signed decisions for the following:

a. Request for Issuance of Duplicate Order of Conditions for 1099, 1117, & 1121 Grafton Street (CC-2015-047)

Ms. Smith reviewed the history of issuance and stated that a duplicate original would need to be issued as applicant has not signed for the one sent by certified mail and staff had not received the original order back in the mail to-date.

Upon a motion by Commissioner McKone and seconded by Commissioner Wood the Commission voted 5-0 to issue a duplicate signature page for the Order.

b. Determination of Applicability for 6 (aka 104 & 112) Harding Street (aka 45 Winter Street), 40 (aka 38) Pond Street, & 26 Pond Street (aka 26 or 118 Harding Street) (CC-2016-004).

d. Determination of Applicability for Oak Beach Terrace Sewer Pump Station (between 5 Oak Beach Terrace & 465 Lake Avenue) & within the Oak Beach Terrace Right-of-Way (CC-2016-006).

e. Determination of Applicability for 234 Webster Street (CC-2016-005).

f. Partial Certificate of Compliance for Avery Estates (176 Brookline Street) (CC-2008-019).

g. Certificate of Compliance for 4-30 (aka lots 25-31) Sophia (fka Sarah) Drive (CC-2006-049).

Commissioner Wood was presented with a Certificate of Appreciation; the Commission and Staff thanked Commissioner Wood for her many years as a volunteer.

ADJOURNMENT

Upon a motion the Commission voted 5-0 to adjourn the meeting at 8:25 p.m.