

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

MARCH 14, 2016

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present: Joe Charpentier, Chair
Peter McKone, Vice-Chair
Amanda Amory
Jordan Berg Powers

Member Absent: Henry Fields

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

Approval of Minutes: None.

Requests for Continuances, Postponements, Withdrawals Public Hearings:

1. 0 & 9 Hemans Street and part of 40 Milton Street (MBL 09-030-007-2, 09-030-00009 & 09-030-00004) (CC-2015-055)

Application: Notice of Intent
Applicant: John Boggia of JNBB, LLC
Project: The demolition of the existing structure on-site and the construction of three multi-family high-rise dwellings (a total of 93 dwelling units) and associated off-street parking along with related grading, utilities, and site work
Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – n/a; WWPO – 3/14/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the April 25, 2016 Conservation Commission meeting and to extend the constructive grant deadline until May 17, 2016.

List of Exhibits:

Exhibit A: 0 & 9 Hemans Street; submitted by John Boggia of JNBB, LLC; received September 1, 2015; dated June 16, 2015.

Exhibit B: 0 & 9 Hemans Street plan; prepared by H.S. T. Group Inc.; dated September 2, 2015.

Exhibit C: Request for Postponements various dates.

2. 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 – 3/14/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the April 25, 2016 Conservation Commission meeting and to extend the constructive grant deadline until May 17, 2016

List of Exhibits:

Exhibit A: Webster Street Tap #1; submitted by VHB; received December 19, 2015; dated November 15, 2016.

Exhibit B: Letter from DPW; re: Webster Street Tap #1, received December 3, 2015 and dated December 1, 2015.

Exhibit C: Request for Postponement dated March 11, 2015; received March 20, 2016.

Exhibit D: Letter from DPW; re: Webster Street Tap, received April 26, 2016 and dated April 22, 2016.

Exhibit E: Letter from VHB; re: Webster Street Tap Project, received April 13, 2016 and dated April 13, 2016.

3. Request for Determination of Significance and Subsequent Action due to a Project Change for Avery Estates Subdivision (Avery Path, Brookline Street, & Wyola Drive) (CC-2008-019)

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 5-0 to postpone the item until the April 4, 2016 Conservation Commission meeting.

4. Requests for Certificate of Compliance for 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)

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the April 4, 2016 Conservation Commission meeting.

Unfinished Business – Request for Determination of Applicability:

5. 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.

Constructive Grant Deadline: WPA –4/5/2016; WPO – n/a

David Halliwell from VHB appeared on behalf of the application. He stated that the Commission requested additional information pertaining to soil management and Eversource provided a plan therefor. He summarized that soils would excavated for the installation of the infrastructure around the pipe line the clean fill and that any excess soils are removed from the site. He stated that bollards will be installed around the tank for protection.

Commissioner Berg Powers asked why a Notice Intent was not filed. Mr. Halliwell stated that the site is completely paved and that the disturbance is minimal. Ms. Smith stated that the applicant indicated in the application that the site is located ~1 foot above the established floodplain elevations, as per Google Map’s data, while the FEMA maps indicate that the site is located within the floodplain.

Ms. Smith stated that DPW&P comments requested a formal field survey of the actual elevations of the site to verify the site elevations and noted that Mass DEP recommends field-verified elevations be provided in circumstances where there is an assertion that is contrary to FEMA data. Ms. Smith stated that the assumption is that the FEMA Maps are accurate, until proven otherwise.

Mr. Halliwell stated that compensatory storage would be difficult on this site given it is paved and has contaminated soils.

Ms. Smith stated that if the site is presumed to be located in the floodplain and the applicant is unable to provide compensatory storage and feels there would be no impact to the floodplain as a result of the project, the applicant could provide a hydrologic analysis of the proposed work’s impacts to the floodplain by demonstrating that the impact to the floodplain is

negligible for the areas where fill is proposed within the floodplain to the Commission's satisfaction.

Commissioner Berg Powers encouraged the Commission to obtain as much documentation as possible.

Mr. Halliwell stated that they would be willing to conduct a survey and hydrological analysis as a condition of the determination.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 3-0 (Commissioner Berg Powers was unable to vote, due to the Mullin Rule) with the condition that the applicant provide an on-the ground survey demonstrating that site is located outside of the floodplain and if not, that they provide a hydrological analysis demonstrating or the proposed work would have a negligible impact on the floodplain or be subject to compliance with applicable compensatory storage requirements.

List of Exhibits:

Exhibit A: 25 Quinsigamond Avenue RDA; submitted by Eversource Energy; received February 2, 2106; dated February 3, 2016.

Exhibit B: Letter from DPW re: 19 (aka 25) Quinsigamond Avenue; received February 20, 2016 and dated February 18, 2016.

New Business – Requests for Determination of Applicability:

6. 100 Shore Drive (MBL 37-027-0005A) (CC-2016-008)

Application: Request for Determination of Applicability

Applicant: Bancroft School

Project: To seek determination as to whether or not the work/area associated with the renovation of an existing ~25,000 SF structure, removal of a play area and construction of an outdoor exercise area, along with associated site work, located at 100 Shore Drive, is subject to the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal may occur within the 100' buffer to a bordering vegetated wetland and/or the bank of an intermittent stream.

Public Hearing Opening Deadline: WPA – n/a; WPO – 4/10/2016

Constructive Grant Deadline: WPA –3/17/2016; WPO – n/a

Commissioner McKone recused himself and left the meeting room.

Greg Macintosh from Lincoln Architects appeared on behalf of the item. He stated that the existing building is proposed to be renovated for use as an athletic facility for the School. He stated that there are wetlands on site and that they plan to use silt fence during construction and asserted that they are outside the buffer zone for the proposed new construction.

Commissioner Charpentier asked there would be any additions to the paved area. Mr. Macintosh stated that they have about 60,000 square feet of impervious surface and explained

there is a new outdoor area recreational area that has ~4,000 square feet that will be impervious but that this is a 4-5% increase in impervious area.

Commissioner Charpentier stated that the site looks tight and asked why siltation controls were proposed only around the south/east side of the building. Mr. Macintosh stated that these areas are the downhill portions of the site and the location where sediment would collect and reviewed. He noted that they've revised the plans to show additional erosion controls and submitted these to the Commission for review. He noted that they've wrapped the erosion controls up-slope.

Commissioner Armory asked if they anticipated any pooling in that area where silt fence is wrapped noting her concern is that area is paved and flows toward the wetland.

Mr. Macintosh stated that could predict what upcoming weather would happen but they want to do the construction in the summer.

Commissioner Berg Powers asked what is in place between the parking lot and interment stream. Mr. Macintosh stated the area is vegetated.

Commissioner Berg Powers requested the installation of permanent markers so people would know it is a stream. Mr. Macintosh stated that would be acceptable.

Commissioner Charpentier asked for clarification about the wetlands boundaries located uphill. Walter Bennett, Bennett Building Corp., the general contractor for the project stated that the site is steep but what exists on the back of the building near the interment stream is a ~4 foot topographical berm and as drainage of water comes down the hill it goes around the berm and moves around the building.

Commissioner Charpentier asked when the wetland survey was done. Ms. Smith stated that a report provided stated it was 2006. Mr. Macintosh stated that he believed it was recently confirmed by the surveyor.

Ms. Smith stated that the applicant has requested two determinations: 1. whether the area/work is subject to the jurisdiction of the Commission; and 2. Whether the work is subject to the Commission's jurisdiction.

Commissioner Charpentier stated that he would need to view property to determine whether it was a jurisdictional wetland. Commissioner Berg Powers asked if the jurisdictionally would change the Commission's determination and indicated that he felt that a negative determination would be appropriate.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Armory the Commission voted 3-0 to issue a Negative Determination of Applicability with the condition that the work be conducted with the revised plans submitted at the hearing and with the staking and erosion control measures shown and that permanent markers would be installed along the 15' buffer from WF-C1 thru WF-E5 spaced every 15' apart, as practicable.

List of Exhibits:

Exhibit A: 110 Shore Drive; submitted by Bancroft School; received February 25, 2016; dated February 25, 2016.

Exhibit B: Letter from DPW; re: 100 Shore Drive, received March 11, 2016 and dated March 11, 2016.

Exhibit C: Plan prepared by Lincoln Architects, LLC; received March 14, 2016.

Commissioner McKone returned to the meeting room.

New Business – Requests for Determination of Applicability:

7. Providence & Worcester Rail Road Right-of-Ways from Auburn town-line, northeasterly, from the Millbury town-line northwesterly, and from the Holden Town-line southerly (CC-2016-009)

Application: Request for Determination of Applicability

Applicant: Tec Associates, on behalf of the Providence & Worcester Railroad Company

Project: To seek determination as to whether or not the boundaries of the resource areas depicted on the plans are accurately delineated, and/or whether the work/area associated with annual vegetation Management Plan for the property located within the Providence & Worcester Rail Road Right-of-Ways from Auburn town-line, northeasterly, from the Millbury town-line northwesterly, and from the Holden Town-line, southerly, is within the Commission's jurisdiction.

Jurisdiction: The Massachusetts Wetlands Protection Act – The proposal may occur within a resource area and/or within the 100' buffer to a resource area

Public Hearing Opening Deadline: WPA – n/a; WPO – 4/11/2016

Constructive Grant Deadline: WPA –3/18/2016; WPO – n/a

Tom Lewis from Tech Associates appeared on behalf of the application. He stated that the Providence & Worcester Railroad Company does vegetation management and every five years they need to submit an updated Vegetation Management Plan and need to file an RDA for each municipality in which they operate. He explained the MDAR oversees application of herbicides & pesticides as associated with Vegetation Management Plans (VMP). He indicated that there are no changes to the VMP from the Commission's previous approval from in 2011.

Mr. Lewis stated that have permanent markers in the field where the wetlands are and they go out every five years and make sure the boundaries haven't changed and that the permanent markers aren't missing or damaged they fix and replace these.

Upon a motion by Commissioner Armory and seconded Commissioner Berg Powers the Commission voted 4-0 to issue Positive Determination of Applicability to affirm resource area boundaries as depicted on the plans.

List of Exhibits:

Exhibit A: Providence & Worcester Railroad; submitted by Tec Associates; received February 26, 2016; dated February 19, 2016.

New Business – Notices of Intent:

8. 275 Harrington Way (MBL 17-032-00023) (CC-2016-007)

Application: Notice of Intent

Applicant: Good Shephard Ghana Methodist Church
Project: Construction of a ~6,113 SF structure, to be used as a place of worship, and associated 87 space parking area, along with associated grading, drainage, and site work, on property located at 275 Harrington Way
Jurisdiction: The City of Worcester Wetlands Protection Ordinance - The proposal shall occur within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – n/a; WWPO - 4/10/2016

Andrew Baum from Summit Engineering and Survey appeared on behalf of the item. He stated that the proposal includes the construction of a ~6,500 square foot church along with 87 space parking lot. Mr. Baum reviewed on the plans and the locations of existing catch basins. He stated that there will be two retention basins that will tie into the city's system. Mr. Baum explained concerns relative to the Fire Department Concerns receive in response to a pending Planning Board filing and gave an overview of possible changes in response thereto.

Commissioner Charpentier asked if there is additional paved area requires resizing of the detention basins. Mr. Baum stated that he would need to re-do calculations.

Commissioner Charpentier asked where the snow storage would be located. Mr. Baum stated that it is identified on Sheet 4 of the plan. Commissioner Charpentier indicated that the snow storage area to the north was also a detention basin. Mr. Baum stated that they can revise the plan to re-locate the snow storage area outside of the drainage infrastructure.

Commissioner Charpentier asked if there was any plan to restrict access from the site for ATV's. Mr. Baum stated that he became aware of that problem prior to meeting and found out that a fence is planned for installation along the lot line by the abutting property owner. Mr. Rolle stated that is correct and a fence is planned to be installed on the property boundary with the EcoTarium's land.

Commissioner Berg Powers asked how run-off would be managed. Mr. Baum stated that roof-drainage is proposed to infiltrate with overflows that goes into the drainage basin and the basin provides re-charge capacity with the overflow going to the City system.

Commissioner Berg Powers asked about discharge from the site along near the front of the site and if it will it go onto Harrington way. Mr. Baum stated that the area does not include curbing and will flow into a grass-lined swale.

Commissioner McKone asked how the swale would function in the winter. Mr. Baum stated that would need to be addressed with the owner to ensure water can get into the basin.

Steve Stankus, from 43 Benedict Road, expressed concern about snow storage and Fire access. Chair Charpentier explained that fire access was not subject to the Commission's jurisdiction.

Mr. Stankus stated that site used to have greenhouses and asked if soil samples had been done to the site for contamination. Mr. Baum stated that he did not know status of any soils samples. Ms. Smith stated that there is not a specific requirement that this information be provided to the Commission and found no reportable releases on MassDEP's website.

Mr. Stankus expressed concerns about soil quality and the lack of infiltration capacity. Commissioner Charpentier stated that the drainage calculations were provided from an professional engineer.

Maurice Colon, from 8 Raphael Street, expressed concerns about snow melt runoff and the possible it will go onto his property. He asked where the water would go and expressed concerns about people parking illegally. Chair Charpentier stated that if that area near Raphael Street is to be used for the Fire Department access he doesn't believe it could be used as a snow storage area. Mr. Rolle stated that Planning Board will discuss the parking and fire access at their Wednesday meeting.

Joy Colonna stated that Raphael Street is a gravel street and when there is a large storm all the gravel goes down the street to Harrington Way and expressed concerns that the area will become a mud trap if it's not used as fire access.

Commissioner Berg Powers stated there is a lot of stormwater runoff storage proposed which should assist with the existing conditions for regular rain events but they need to make something clear how snow melt is captured.

Dolores Colonna, 8 Raphael Street, expressed concerns about flooding of basements and runoff during heavy rain events in the spring and fall on abutting properties and within the right-of-way.

Commissioner Berg Powers stated that the existing problems should be improved with this additional stormwater being captured by the drainage system as designed.

Commissioner McKone stated that he would like to see revised plans showing snow storage.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to continue the item until the April 4, 2016 Conservation Commission meeting and to extend the constructive grant deadline until the April 26, 2016.

List of Exhibits:

Exhibit A: 275 Harrington Way; submitted by Good Shepard Ghana Methodist Church; received February 25, 2016; dated February 3, 2016.

Exhibit B: Plan prepared by Summit Engineering & Survey, Inc.

Other Business:

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

Ms. Smith stated that information provided consists of emails from DPW and emails from Jamie Vander Salm.

The Commission took up item 14B contemporaneously.

Ms. Smith stated that there were changes made to the project and outlined three options for the Commission to consider whether the changes are 1) inconsequential - requiring no further action; 2) minor - requiring an amendment to the Order of Conditions; or 3) major - requiring the filing of a new Notice of Intent.

Commissioner Charpentier stated that himself, Commissioner McKone, and DPW&P staff went to the site over weekend and conditions were consistent with Mr. Vander Salm's video. He noted entrapped sediment in the erosion control barriers. He stated that it was obvious that the flow coming off that pad is still significant and fast enough to cause erosion

downstream. Chair Charpentier stated that he would like to see re-engineering of the outfall to provide for some detention of water at that outfall. He stated that the grade that the original pipe on the original outfall discharges to was much less steep and this new discharge point is downgradient with additional energy coming from the elevation change and causing water to come out pretty fast. He stated that he felt that the current design of the outfall is not adequate to prevent erosion.

Commissioner McKone stated that he would agree as it not slowing down the water enough and perhaps a forebay would help slow the water. He noted erosion scouring down gradient to the erosion control barriers being apparent after the changes by the DPW&P.

Commissioner Charpentier asked how they should proceed on the matter. Mr. Rolle recommended that the Commission take a vote requesting DPW investigate the matter further and report back to the Commission and at that time the Commission could make a determination regarding subsequent action.

Jamie Vander Salm, 655 Salisbury Street, stated that he appreciated the Commission going to view the site. He stated that videos he sent also show additional water going into the manholes and expressed concerns that this is an additional source of the sediment laden discharge.

Commissioner Charpentier stated that DPW&P representatives stated at previous meeting that additional work was needed to be done on the manholes and asked when that work will be conducted. Mr. Kochling stated that work would be done in the next three to four weeks, once the asphalt plants come back on-line.

Commissioner Charpentier stated that the current erosion controls should remain in place until the erosion issue is resolved.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 that staff send a request to the DPW&P with a request for revision of the plan to incorporate retention and dispersion as way to slow and disperse the water flow in that area.

10. Request to discuss Enforcement Orders previously issued for and the Special Conditions pertaining to the valid Order of Conditions for Salisbury Hill (CC-2001-071)

Zac Ferguson, from Goddard Consulting, appeared on behalf of Salisbury Holdings, LLC. Mr. Ferguson summarized that the issues surrounding the enforcement orders have been resolved and asked that these be lifted. He noted that the Order of Conditions is still valid and explained that the new owner seeks to move forward with the next phase of the project without these.

Ms. Smith stated that are three enforcement orders are still open and staff doesn't have any record of the enforcement orders being lifted. She provided copies to the Commission of the Enforcement Orders and recommended the Commission review the site with regard to the Orders.

Commissioner Charpentier asked Mr. Kochling if he had received any complaints relative to the site. Mr. Kochling stated he was not aware of any such issues.

Ms. Smith stated that the Order of Conditions is still valid but that a special condition requiring bonding being in place prior to construction and explained that staff was unable to verify the existence of such a bond. Mr. Ferguson stated that he could not find any record of a bond and it was during the time when property was owned by different owner.

Ms. Smith stated that Commission would need to receive a request to amend that order of conditions or that bond would need to be presented before any work goes forward.

Commissioner Berg Powers stated that the stormwater management report received by the Commission indicated a list of problems that don't seem to indicate proper performance of the stormwater management system. He encouraged the Commission to go out to the site happening at this site given it's a difficult site and wanted to proceed cautiously and ensure problems were corrected. He indicated that he felt the bonding requirement should be kept in place and wanted to see an overview of the storm water management concerns outlined in the Proples Engineering Report before they vote to lift any orders.

Commissioner McKone requested a site walk. Chair Charpentier and Commissioner Berg Powers agreed.

Commissioner Armory stated that she like to see a clear history of the property ownership, enforcement orders resolution of any issues thereunder, work completed, etc. Ms. Smith recommended the Commission request this information from the property owner.

Ms. Smith noted that the applicant is technically in violation of the Order of Conditions without security being in place and outlined options for the Commission to get compliance therewith. Chair Charpentier stated that he would prefer to see the bond in place before additional construction starts but didn't feel an enforcement order needed to be issued.

Upon a motion by Commissioner Armory and seconded by Commissioner McKone the Commission voted 4-0 to continue the item until the April 4, 2016 meeting and that the following items take place by the April 4, 2016 meeting:

- Provide a history of the project to-date (e.g. ownership summary, review of the existing enforcement orders, responses thereto, etc.) to the Commission;
- Schedule a site walk; and
- Respond to staff's inquiry relative to security.

11. Request for Permission to Plant Trees at EcoTarium West, 145 Harrington Way, (part of Crow Hill Conservation Area) for Arbor Day from Worcester Tree Initiative

Ms. Smith reviewed a request to do a ceremonial tree planting for Arbor Day.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Armory the Commission 4-0 to approve the plantings.

12. Requests for Extension of Time:

- a. Order of Conditions (OOC) – 34 Eskow Road (MBL 34-032-00015) & 224 Southwest Cutoff (MBL 34-034-00001) (CC-2009-001 & DEP #349-964); OOC issued 4/16/2009 & expires on 4/16/2016.

Ms. Smith recommended a 1 year extension of time.

Mr. Kochling stated that he went to the site and did not find any issues with erosion.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Armory the Commission voted 4-0 to extend the Order of Conditions for one year.

13. Enforcement Order Updates:

a. Arboretum Village Estates (CC-EO-2015-005)

14. Violation Letter Discussions:

a. Arboretum Phase IV (Bittersweet Boulevard Lots) (CC-2009-042)

Scott Morrison, from EcoTec, Inc., appeared on behalf of the items along with Steve Gallo, of Arboretum Village, LLC, and Attorney George Kiritsy.

Mr. Morrison stated that they received a letter on behalf of the Commission summarizing frustrations with the lack of response to turbid discharges after the last 2.14 inch rainfall event. He explained that explained the circumstances surrounding the frustrations and indicated that Mr. Gallo contacted EcoTec as soon as he was aware of the situation. He reviewed that Paul McManus from EcoTec conducted an inspection and collected turbidity samples and provided the results to staff. Mr. Morrison indicated that staff requested information relative to any additional measures put in place in response to the turbid discharge and that Ms. Smith did not receive this response until much later. He stated that such information was provided in the memorandum submitted to the Commission and reviewed the memorandum in detail. He also reviewed the results of an inspection from a March 11th rain event. He stated that he believed they were responsive and provided the information that the Commission requested, despite a miscommunication.

Chair Charpentier asked if they were able to determine the source of the turbid discharge. Mr. Morrison stated that it was a high intensity rain event and that they employed measures to decrease turbidity.

Chair Charpentier stated that it was disappointing to see this discharge and expressed concerns about a discharge of sediment during a rain event under 2.5 inches - the threshold at which monitoring is required per the revised Enforcement Order. He expressed concerns that it may have been a mistake to change this threshold given it would result in more timely responses to such issues.

Mr. Morrison summarized the history of monitoring for the site and rational for the decrease in required frequency of monitoring with the revised Enforcement Order. He stated that DEP set the limit of 150 NTU discharge and indicated that they've been within this threshold.

Chair Charpentier stated that during the 2.14" rain event sampling was not taken at the location closest to the turbid discharge identified by Mr. Kochling. Mr. Morrison reiterated that he was on vacation but that Mr. McManus filled in and conducted limited sampling despite there being no requirement to provide the sampling results to the Commission and all the samples were under 150 NTUs.

Mr. Gallo apologized for any miscommunications with staff and explained that he understands the Commission's position. He stated that they take these issues very seriously and have been taking turbidity readings even when they're not required and have been monitoring and improving erosion control measures. He stated that while the photos look bad you can't judge turbidity by photos. He reviewed the chronology of events relative to the 2.14" rain event and their effort to respond to the situation in a timely manner with the information requested.

Chair Charpentier asked if any sediment had been deposited in the wetlands downstream as a result of turbid discharge from the site. Mr. Morrison stated that he didn't see any evidence of any sediment accumulations where he sampled on March 11.

Chair Charpentier stated requested that Mr. Morrison verify that nothing had been deposited and subsequently needed to be removed. Mr. Morrison affirmed we would.

Commissioner McKone asked if the additional sampling data could be forwarded to the Commission.

Chair Charpentier requested that the Commission be provided with any additional sampling results taken. Mr. Morrison stated that they can provide the readings.

Ms. Smith confirmed that the Commission did not want to modify the existing enforcement Order and noted the lack of enforceability if the Commission did not vote on the matter. Commissioner Berg Powers reiterated that they would receive the additional results simply as a courtesy if and when monitoring is being done outside of what's required by the Order.

Mr. Morrison indicated that they could provide these in a good faith effort to demonstrate compliance and progress.

Commissioner Berg Powers stated that he felt that this good faith effort to provide results would be appropriate given the site conditions have improved.

Chair Charpentier summarized that the developer committed to providing any sampling data taken to the Commission.

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

Ms. Smith stated that staff spoke with the owner's representative and that they are fundraising with the hope of come before the Commission for repairs to the wall.

The Chair requested that the item be taken off agenda until something changes.

c. Goldthwaite Road (Burncoat Gardens Phase I & V) (CC-EO-2015-007)

Mr. Kochling stated that he went to the site prior to and after the last heavy storm and that there was a very small amount of silt getting by into the wetlands and stream. He indicated the project engineer, Chuck Scott, was notified and fixed the problem.

d. Pierce Avenue (Burncoat Gardens Phase IV) (CC-EO-2015-008)

Mr. Kochling stated that he visited the site and the dumpster debris had blown out of the property into the wetland area, due to the wind, and the project engineer cleaned up the debris.

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

Mr. Kochling stated that he went to site the and observed grass growing but noted that the area in front is still unstable but that this area is outside of the buffer zones. He stated that he would contact them and ask that they install a tracking pad.

Ms. Smith outlined the remaining items the Commission was awaiting and options for proceeding.

The Chair requested that the item be taken off agenda until something changes.

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

Ms. Smith stated that she spoke with the owner and they are working to provide the Commission with revised plans and that they would apply for a Certificate of Compliance.

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

Mr. Kochling stated that he has visited the site before, during, and after the heavy rain event and noticed some sediment was leaking into the pond. He indicated that the project engineer was contacted and the temporary pond was pumped down to ensure capacity for additional stormwater to avoid overflow of sediment laden discharge.

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

Chair Charpentier stated that they conducted a site walk and noted that was quite a bit of debris in the stream bed. He indicated that the owner was apologetic and stated that he would remove the bricks and concrete block debris within the stream and a large pile of yard waste and brush adjacent to the stream. He stated that he was unsure of the pre-existing nature of some of the existing structures in the rear of the lot.

Mr. Kochling stated that he went to site today and that the owner had begun removing the debris and brush.

Commissioner Charpentier stated that the owner was not requested to remove concrete blocks in the stream that appeared to have been in the stream historically.

Commissioner Armory asked who installed the fence and if it was installed prior to the requirements of the local Ordinance. Chair Charpentier stated that he believed it was installed prior to the owner acquiring the property and indicated he felt it was not appropriate to ask for the fence to be removed. Commissioner McKone reiterated that the fence had been there quite a while.

Commissioner Amory requested information pertaining to. Commissioner Charpentier stated that some of the existing structure may be within the 30' buffer but wanted Inspectional Services to comment on the structures given the possible code issues violations.

Ms. Smith stated that the site, and new construction, was conducted within the floodplain and noted applicable compensatory storage requirements. She stated that she has been working with property owner to help him understand what needs to be done and will provide an update at the next meetings.

15. Requests for Certificate of Compliance:

a. Salisbury Hill – 0 (aka Lot 7), 671 (aka Lot 4), 673 (aka Lot 5), 675 (aka Lot 6) (all fka Lot 3) Salisbury Street (partial release from CC-2001—071)

Jim Harrity appeared and stated that no work has been done in relation to that old Orders and that he is in process of selling the house at 673 Salisbury Street and that they needed a Certificate of Compliance given it showing up on the title. He indicated that new construction on these lots would be governed under new Orders recently issued.

Chair Charpentier asked for clarification. Ms. Smith stated that Mr. Harrity is coming into ownership of Lot 4, Lot 6, Lot 7 and currently owns Lot 5 are they were previously all known as part of what was Lot 3 as part of the Order for Salisbury Hill. She indicated that these lots were shown as undeveloped with the exception of utility connections on the approved plans. But that the Order was linked to the title for each of the lots and that Mr. Harrity is going to sell house on Lot 5 and is requesting a Certificate of Compliance to clear

the title cloud. She explained that 673 Salisbury Street now has a home constructed, but that this work was done outside of any applicable buffer zones. She noted that the remaining lots were undeveloped at this time.

Commissioner Berg Powers clarified the Certificate of Compliance would not affect the possible ongoing enforcement issues on the remainder of Salisbury Hill. Ms. Smith affirmed.

Commissioner Berg Powers asked if the structure at 673 is located outside of the buffer zone. Mr. Kochling stated that erosion controls were installed but that the yard is not stabilized and that the other lots have erosion controls installed and that trees are being taken down.

Mr. Harritty stated that the tracking pad and silt sacks were installed. Mr. Kochling affirmed.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to issue a partial Certificate of Compliance for Salisbury Hill (CC-2001-071) – for lots 0 (aka Lot 7), 671 (aka Lot 4), 673 (aka Lot 5), 675 (aka Lot 6) (all fka Lot 3) Salisbury Street.

16. Communication:

- a. Salisbury Hill 2015 Stormwater System Monitoring; from Peoples Engineering; received 12/23/2015; per Order for CC-2001-071.**
- b. Analysis of Brownfields Clean-up Alternatives (ABCA) Report for 112 Harding Street; associated with Conditions from CC-2016-004 or 40 (aka 38) Pond Street, 106 (aka 112 or 104) Harding Street (aka 45 Winter Street), 26 Pond Street (aka 26 or 118 Harding Street); from Nover-Armstrong Associates, Inc.; received 2/26/2016.**
- c. Notification of Submission of Release Abatement Measure Plan for Quinsigamond Avenue; from EverSource Energy; received 3/1/2016.**
- d. 2016 Pre-Disaster Mitigation Grant Program & 2016 Flood Mitigation Assistance Program Announcements; from the Massachusetts Department of Conservation & Recreation and the Massachusetts Emergency Management Agency; dated February 25, 2016; & received March 4, 2016.**
- e. Memorandum of Understanding between the City of Worcester, Greater Worcester Land Trust, and the EcoTarium for Management of the Crow Hill Conservation Area; executed 2/23/2016.**

The Commission had no comments.

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

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to postpone the item until the April 4, 2016 Conservation Commission meeting.

18. Discussion of Meeting Process, Plan Revision Acceptance, & Site Walk Policies

Ms. Smith stated that she had met with Chair Charpentier to discuss possible changes to the Commission and Staff's internal procedures and policies. She suggested setting a policy requiring receipt of revised plans in a timely manner to allow ample time for staff and the Commission to review plans prior to discussion at a hearing; scheduling site walks for filings prior to schedule meetings to avoid continuances; and changing the meeting flow to discuss

special conditions for Orders of Conditions immediately after the hearing the item instead of at the end of the meeting.

Chair Charpentier stated that discussion of conditions at other Boards is done right after the hearing.

Commissioner Berg Powers expressed concerns about discussion taking place despite the hearing being closed and a preference to hold discussion to the end to avoid making meetings longer.

Commissioner McKone stated that discussing conditions at the time of the hearing may be useful.

Commissioner Charpentier expressed concerns with remembering projects until the end of the meeting and suggested the Commission try different approaches and see what works best. Commissioner McKone suggested that change the format of the meeting next time there is a short agenda.

Chair Charpentier stated that he would like to schedule the site walks prior to the hearing when possible. Ms. Smith stated that staff would use discretion and make recommendations to the Chair for determinations on whether a site walk should be scheduled before a hearing.

Commissioner McKone stated he would prefer not to set a policy on revised plans to go on as some revisions are small and need not require return to the Commission for review.

Commissioner Armory stated that if they received revised plans without ample time to review she would prefer to wait until a subsequent meeting to vote on them.

Chair Charpentier stated that on revised plans that they will take on case by case basis.

Commissioner Charpentier suggested that plans be provided to the Commissioners when receive and that board packets be provided electronically and only in hard-copy at the meeting.

19. Discussion of Special Conditions and Issuance of Orders of Conditions

No orders were issued.

20. Signing of Decisions

Decisions were signed for the following projects:

- Determination of Applicability for 19 (aka 25) Quinsigamond Avenue (MBL 05-040-22+47) & Within Quinsigamond Avenue Right- of-Way (CC-2016-003);
- Determination of Applicability for the Providence & Worcester Rail Road Right-of-Ways from Auburn town-line, northeasterly, from the Millbury town-line northwesterly, and from the Holden Town-line southerly (CC-2016-009); &
- Partial Certificate of Compliance for Salisbury Hill – 0 (aka Lot 7), 671 (aka Lot 4), 673 (aka Lot 5), 675 (aka Lot 6) (all fka Lot 3) Salisbury Street (partial release from CC-2001—071).

Adjournment

Upon a motion by Commissioner Armory and seconded by Commissioner McKone the Commission voted 4-0 to adjourn the meeting at 8:52 p.m.