

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

AUGUST 15, 2016

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Joseph Charpentier
Peter Mckone
Jordan Berg Powers

Member Absent: Amanda Armory
Henry Fields

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

Call to Order: 5:30 p.m.

Approval of Minutes: 3/14/2016

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McKone the Commission voted 3-0 to approve the minutes of March 14, 2016.

Requests for Continuances, Postponements, Withdrawals:

1. 457 Granite Street (MBL 45-003-00032) (CC-2016-016)

Application: Request for Determination of Applicability
Applicant: Haimnotha Mandaen Community Organization
Project: To seek determination as to whether or not the proposed work to remove vegetation, woody debris, and trash and to move rocks to the north & south of the existing stream and to install a perimeter fence on property located at 457 Granite Street 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 25’ riverfront area; along the bank of the stream; the 100’ buffer zone associated with the bank of an unnamed perennial stream and/or any associated bordering vegetated wetlands; and within the stormwater protection zone

Constructive Grant Deadline: WPA –9/13/2016; WPO – n/a

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to continue the item until the September 12, 2016 Conservation Commission meeting and to extend the constructive grant deadline until September 27, 2016.

3. 0 (aka 42), 0 (aka 30), & 20 Quinsigamond Avenue (MBL 05-022-01+02, 05-022-0102A, & 05-022-0102B) (CC-2016-029)

Application: Amendment to an Order of Conditions
Applicant: NSTAR Gas Company d/b/a Eversource Energy
Project: An Amendment to an Order of Conditions with the Worcester Conservation Commission for the clean-up/remediation (e.g. excavation, processing, and disposal) of hazardous materials (e.g. contaminated soil, water, and debris), in compliance with the requirements of the Massachusetts Contingency Plan, along with site work associated therewith, on property located at 0 (aka 42), 0 (aka 30), & 20 Quinsigamond Avenue. The applicant seeks to amend the current Order to include an additional property - located at 0 (aka 42) Quinsigamond Avenue – to the scope of work along with ancillary changes to the proposed work.
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 the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 8/15/2016; WWPO - 8/15/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to postpone the item until the September 12, 2016 Conservation Commission meeting and to extend the constructive grant deadline until September 27, 2016.

9a. 501-505 Mill Street (CC-2001-027)

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to postpone the item until the September 26, 2016 Conservation Commission meeting and to extend the constructive grant deadline until October 25, 2016.

10. Request for Performance Bond Release for 501-505 Mill Street “Center Hill” Project (CC-2001-027)

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to postpone the item until the September 26, 2016 Conservation Commission meeting and to extend the constructive grant deadline until October 25, 2016.

Public Hearings:

Unfinished Business – Requests for Determination of Applicability:

New Business – Requests for Determination of Applicability:

4. 347A Greenwood Trail (MBL 29-047-0007A) (CC-2016-041)

Application: Request for Determination of Applicability
Applicant: Massachusetts Electric Company

Project: To seek determination as to whether or not the proposed work associated with the installation of a utility pole and associated infrastructure, along with related site work, on property located at 347A Greenwood Trail is subject to the Commission's jurisdiction

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – proposal shall occur within the 100' buffer zone to a bordering vegetated wetland

Public Hearing Opening Deadline: WPA – n/a; WPO – 9/12/2016

Elizabeth Decelles from TRC Environmental appeared on behalf of the application. She stated that they plan to install fifteen poles in order to connect the City of Worcester's Solar field to the main grid and one of the poles is within 100' buffer of a bordering vegetating wetlands. She stated that will be minimal amount of disturbance and erosion controls will be in place.

Chair Charpentier asked when the work would begin. Ms. Decelles stated in the fall and one structure will be removed but is not within the 100' buffer zone and there will be no stockpiling on site.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Berg Powers the Commission voted 3-0 to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability Application filed August 2, 2016 and dated July 28, 2016.

New Business – Notices of Intent:

5. 31 Glendale Street (MBL 48-022-00009) (CC-2016-040)

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works & Parks

Project: To conduct investigative borings (e.g. install monitoring wells, sample sediment and soil, etc.) and conduct related vegetation clearing, re-grading, and site work, associated with the development of an improvement plan for the Patch Pond Dam, on the southern portion of the Patch Pond & Tatnuck Brook located at 31 Glendale Street.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within bank, the 100' buffer thereto, land under water, and bordering land subject to flooding each associated with the Tatnuck Brook or Patch Pond.

Public Hearing Opening Deadline: WPA – 8/17/2016; WWPO – 9/10/2016

Magdalena Lofted & Carol Reager of CDM Smith appeared on behalf of the application. Ms. Lofted stated that they had filed a Notice of Intent to do technical investigation into Patch Pond and the information will be used in the design. She stated that her company has done a feasibility study of the dam and the Office of Dam Safety has issued a non compliance with dam safety order which requires that the dam be brought in compliance with regulations.

Ms. Lofted reviewed the type of testing that would be done on the site.

Chair Charpentier stated that he had been on the site walk and asked that Ms. Lofted to explain the methodology for doing the salt samples and Ms. Lofted reviewed the procedure.

Commissioner Berg Powers asked if there would be refueling on site for machinery and if any stockpiling would be on site. Ms. Lofted stated no.

Commissioner Berg Powers asked if there was a cleaning process before the barge got lowered in to ensure that invasive species get in dam. Ms. Lofted stated that they will make sure a procedure will be done to ensure that no invasive species get in the dam.

David Petricca, 8 June Street asked what the intent of the boring and the soil sampling was.

Ms. Reager stated that the intent is to determine structural properties in, below, and immediately upstream and to check the soil for any containment.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg-Powers the Commission voted 3-0 to close the public hearing.

6. 85 (aka 115 or City of Worcester Shore Park) & 75 Shore Drive (MBL 37-025-00002 & 37-032-03+4A) (CC-2016-042)

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works & Parks

Project: For the construction of a one-way driveway connecting the two properties, re-configuration of a portion of the existing parking area at 85 Shore Drive, and associated grading, drainage, utilities, and site work on properties located at 85 (aka 115 or City of Worcester Shore Park) & 75 Shore Drive.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100' buffer zone, associated with the bank of Indian Lake and/or associated bordering vegetated wetlands, bordering land subject to flooding, and the Stormwater Protection Zone.

Public Hearing Opening Deadline: WPA – 8/19/2016; WWPO – 9/12/2016

Reagan Harold from Beales & Thompson appeared on behalf of the application. She stated that what they are doing is a one way drive way connector from the YMCA parking lot to the Shore Park driveway and there is a minor reorientation of three spaces and there will be a connector driveway that will be installed. She stated that there will be some regrading and a retaining wall installed and the reason for the request is for the seasons when the YMCA parking lot is full they could use the Shore Park parking lot.

Chair Charpentier asked what would be the height of the retaining wall. Ms. Harold stated that maximum height would be seven feet. He also asked how the rain garden runoff would be directed. Ms. Harold reviewed where runoff would be directed.

Commissioner McKone asked if any water flowed back to the Y. Ms. Harold stated no.

Commissioner Berg Powers asked what would be the sequencing of the project and Ms. Harold reviewed it. He also asked how much impervious surface was being added. Ms. Harold stated that she wasn't sure but there wouldn't be increase flow into the wetland. He

went on to ask what the plan would be for storage on site. Ms. Harold stated that it would have to be outside of the 100' but they haven't planned a location yet.

Commissioner Berg Powers expressed a concern about snow removal and that no salt be used and he feels they should just put in a walking path.

Colin Novick, 135 Olean Street expressed concerns about the project.

Beth Proko from Indian Lake Watershed Association stated that there was a master plan for the park and they worked with the YMCA and they are partner with the City as well as the Lake Association and she believes an agreement is in place and tonight's presentation is just a part of a larger plan for the park and the area they are talking about modifying tonight is just at the tip of the wetland area.

Christine Poirier stated that she was from the YMCA and they have a partnership with the park and this is just to ensure the safety of the people who use the Y and the park.

Ms. Smith stated that MASS DEP had provided some comments which were as follows:

- A planting schedule was not provided for the rain garden.
- What is the separation between the bottom of the rain garden and the seasonal high groundwater level and bedrock?
- It appears that the rain garden has been designed as both a detention and infiltration basin.
- Will the rain garden recharge the required volume to satisfy Standard 3, given the presence of an underdrain?
- Volume 2, Chapter 2 of the Massachusetts Stormwater Handbook states that rain gardens should not be used near bathing beaches.

Jo Hart, city resident, stated that if they are looking to add more parking why don't they use the Bancroft School and doesn't think more vehicles should be added.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg-Powers the Commission voted 2-1 (Commissioner Berg Powers voting against) to close the public hearing.

List of Exhibits:

Exhibit A: Notice of Intent Application filed July 28, 2016 and dated July 21, 2016

Exhibit B: Revised plan prepared by Beals and Thomas, Inc. dated August 15, 2016.

Exhibit C: Stormwater report dated July 21, 2016.

Exhibit D: MassDEP File Number email communication dated August 15, 2016

Exhibit E: Communication from Beals & Thomas re: 75-85 Shore Drive dated August 15, 2016 and dated August 15, 2016.

Other Business:

7. Extension of Time Request for Order of Conditions for Treatment of Indian Lake & Little Indian Lake (349-678)

Chair Charpentier stated that they had received a request to waive the fee for this application.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to waive the fee.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission vote 3-0 to Extended the Order of Conditions for one year.

8. Request for Determination of Significance and Subsequent Action due to a Project Change for 125 Olean Street (CC-2004-034 & DEP #349-800)

Arshadi Soheyli appeared on behalf of the application.

The Commission reviewed the proposed changes with applicant but stated they would like to view site and obtain an updated plan.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 3-0 to continue the application until the September 12, 2016 and to extend the constructive grant deadline until September 27, 2016.

9. Requests for Certificate of Compliance:

a. 125 Olean Street (CC-2004-034 & DEP #349-800)

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 3-0 to continue the application until the September 12, 2016 and to extend the constructive grant deadline until September 27, 2016.

Enforcement Order Updates:

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

Scott Morrison from EcoTec appeared on behalf of the item and review conditions at the site.

Mr. Kochling stated that he had a difference of opinion with Mr. Morrison and stated that last several times he went to inspect he has been turned away and he is in discussion with the city Law Department about obtaining a search warrant in order to inspect the site which he does not think he should have to do in order to inspect a site so another staff member from DPW and Ms. Smith have gone to inspect the site.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 3-0 that the applicant after the paving turbidity a sequencing plan be provided to Commission and monitoring on top and at the bottom information be provide to the Commission.

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

Chuck Scott appeared on behalf of the application and reviewed conditions at the site.

Mr. Kochling stated that he and Ms. Smith had gone to the site and the site does look good but there is concern about the stockpiling site near the wetlands and it has been asked to be removed and the bulk of it has been removed.

Ms. Smith stated that there is another conditions in the Enforcement Order that could be revised so staff would recommend that the Commission do a site visit and have a discussion at the next meeting and then decide whether to lift or modify the Enforcement Order.

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

Chuck Scott appeared on behalf of the item. He stated that the garden is done and the plateaus have been seeded and they have spread loamed in the area and Lot #4 has a reserved stock pile for loaming and seeding of the lot and no water has left the property and goes into the detention basin.

Mr. Kochling stated that he has been to the site and no water has been going into the brook.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 3-0 to lift the Enforcement Order.

c. 0 Granite Street – Broadmeadow Brook (CC-EO-2016-003)

Ms. Smith stated that she did not have an update on this item.

d. 128 Alvarado Avenue & 100 Nonquit Street (CC-EO-2016-004)

Chair Charpentier stated there was not a quorum for this item so item would be pushed to the next meeting.

e. 21 (aka 29) Quaboag Street (CC-EO-2016-005)

Ms. Smith stated that an Enforcement Order was sent and a copy was sent to the Commission.

10. Conservation Commission Land Management – Management of the Crow Hill Black Oak Savannah with the Assistance of Volunteers from the Greater Worcester Land Trust and College of the Holy Cross

Colin Novick appeared on behalf of the item. He stated that they have given the opportunity by Holy Cross who would provide students who will remove materials that will allow them to go up to the summit to cut the saplings and they are not near a wetland resources area and adults would do the cutting and then material would be removed and off site. He stated that the Greater Land Trust would be present to supervise the work. The cutting would be done over two days and they hope to be able once work is done to periodically mow the area and hopefully get into an annual mow at the summit.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 3-0 that the proposed activities described in narrative is allowed and that a tractor is allowed for the proposed work.

Other Business:

11. Requests for Certificate of Compliance:

- b. 29 Webster Street (aka Webster Street Substation) (CC-2015-020 & DEP #349-1160)

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 3-0 to issue a Certificate of Compliance.

- c. 95-101 Highland Street (CC-2000-094)

Mr. Kochling stated that he had done a site visit and looks good.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 3-0 to issue a Certificate of Compliance.

12. Communications:

- a. Comments relative to Shore Park Improvements at 85 Shore Drive; from the Massachusetts Historical Commission; received 7/21/2016. No comment.
- b. Notice of commencement of work for CC-2016-027 (Greenwood Street Landfill Solar Interconnection Project); from City of Worcester DPW&P; received 7/28/2016. No comment.
- c. Notice of Treatment for Crystal Pond Park; from Solitude Lake Management; received 7/28/2016. No comment.
- d. Construction Report & Turbidity Monitoring data for Lots 1-5 Quissett & Iroquois Streets (per Order of Conditions for CC-2015-039); from EcoTec, Inc.; received 8/1/2016. No comment.

13. Review and Discussion of the “Report on Local Land Use Standards in Relation to Low Impact Development” (a technical assistance project by CMRPC and Mass Audubon)

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 3-0 to postpone the item until the September 15, 2016 Conservation Commission meeting.

14. City owned land held in the Care, Custody, and Control of the Conservation Commission – List with acreage and Update on Information Gathering with regard to Open Space Protection.

Item held to September 15, 2016 Conservation Commission meeting.

15. Clarification relative to Consideration of Potential Property Acquisitions (via Tax Title Foreclosure) - 64 & 66 Rockrimmon Road (MBL 47-007-10-12 & 47-007-00013).

Ms. Smith stated that if the Commission wanted to do a site walk they could do that. Commissioner McKone and Commissioner Berg Powers stated that they are near the property so will just go look at it.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission requested that staff request formal opinions from the Law

Department and MASS DEP as to the authority of the local agent to inspect a property on behalf of the Commission.

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

31 Glendale Street (MBL 48-022-00009) (CC-2016-040) – Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, an Order of Conditions was issued by a unanimous vote.

85 (aka 115 or City of Worcester Shore Park) & 75 Shore Drive (MBL 37-025-00002 & 37-032-03+4A) (CC-2016-042) – Upon a motion by Commissioner McKone and seconded by Commissioner Charpentier, an Order of Conditions was issued with Special Conditions by a vote of 2-1, with Commissioner Berg-Powers dissenting.

17. Signing of Decisions

Adjournment

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted to 3-0 adjourn the meeting at 9:45 p.m.