

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

August 21, 2017

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present: Joseph Charpentier, *Chair*
Peter McKone, *Vice Chair*
Christian Escobar (arrived late)
Jordan Berg Powers
Amanda Amory

Member Absent: Tunde Baker

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

Call to Order: 5:30 pm

Approval of Minutes: None

Requests for Continuances, Postponements, Withdrawals:

1. 47R Fourth Street (MBL 42-035-00100) (CC-2017-052)

Application: Notice of Intent

Applicant: Lee Homes, Inc.

Project: To construct nine dwelling units and an associated access drive, along with related grading, drainage, paving, and site work and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer to a bordering vegetated wetland and/or bank associated with an unnamed stream, and within the stormwater protection zone, and may occur within riverfront area.

Public Hearing Opened: 7/31/2017

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory the Commission voted 4-0 to continue the item to the October 2, 2017 Conservation Commission meeting.

2. 0 Eustis Street Request for Certificate of Compliance (CC-2015-012)

Upon a motion by Commissioner McKone and seconded by Commissioner Powers the Commission voted 4-0 to postpone the item to the September 11, 2017 Conservation Commission meeting.

Public Hearings

Unfinished Business – Notices of Intent:

3. Knapp Avenue, Luther Avenue, Myrick Avenue, Pelican Avenue, Phoebe Way, & Toronita Avenue Right of Ways and abutting sewer & drain easements including, but not limited to, portions of 21 Myrick Avenue (MBL 33-019-00164), 0 & 10 Luther Avenue (MBL 33-019-00214), and 31 & 35 Phoebe Way (MBL 33-019-00428 & 33-019-00422) (CC-2017-038)

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works & Parks

Project: Public conversion of various existing private streets along with related grading, paving, drainage & utility installation, and site work.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within a bordering vegetated wetland and/or bank, within the 100' buffer to a bordering vegetated wetland and/or bank, and within the Stormwater Protection Zone

Public Hearing Opened: 5/22/2017; Additional Discussion: 7/10/2017

Mark Elbag, Director of Engineering for the City of Worcester Department of Public Works & Parks Bruce Haskell, of Langdon Environmental, appeared on behalf of the item. Mr. Haskell summarized the scope of work associated with the limited project. He explained that they would use the Quinn Engineering/EcoTec, Inc. wetland line which was previously approved with a different project and the 2014 DPW&P filing wetland line associated with the same sewer infrastructure project given that no work was proposed in this area.

Mr. Haskell reviewed the revised plans submitted to the Commission based on resident and city comments, including re-location of the Myrick Ave plunge pool and the outlet near the Toronita Avenue pond area to prevent any scouring associated with overtopping the pond.

Commissioner McKone requested information regarding the status of the work associated with the previous filing (from 2014) and how that interplays with the current filing. Mr. Elbag stated that the work supplements the activities previously approved. Mr. Elbag explained that they were not done with all the activities approved in the current (2014) and that they may need to extend that Order to finish the wetland replication after the streets were paved. He noted that at least some of the wetland replication activities remained to be conducted. Commissioner McKone expressed frustration and stated that the replication work should have been done before.

Paul Landry, Worcester Resident, expressed concerns regarding flooding and re-location of infrastructure closer to his property. He expressed concerns about wetland filling and about a taking of land.

Chair Charpentier indicated that no wetlands were to be filled. Mr. Landry indicated that seasonal flooding occurred in the area across from his home on Toronita Avenue.

Chair Charpentier indicated that work on the abutting property at #38 Toronita Avenue was not part of the City's project.

Mr. Elbag indicated that the pipe would be within the existing sewer easement on the Burns property and that location was designed to mimic existing conditions. He indicated that additional drainage would be installed to help manage any flooding associated with the pond. He highlighted that the flooding situation would be improved, as documented through an extensive stormwater report which demonstrates that run-off volumes to this area will be decreased.

Mr. Kochling indicated that a lot of the run-off from the up gradient street network drains down the low-point in question noting his observations during a recent rain event. He highlighted how new drainage infrastructure would improve these conditions by directing water into the drainage system helping minimize the issue.

Don Wilbur of Phoebe Way, Worcester, expressed concerns relative to the Knapp Avenue and Phoebe Way intersection and requested information relative to the existing and proposed stormwater infrastructure here. Mr. Kochling reviewed the design of the drainage in the area indicating that there were no proposed changes on Mr. Wilbur's property and noted a labeling error on the plan.

Steve Nordstrom, 21 Myrick Ave, Worcester, expressed that he was happy with the revisions that had been made nearest his property.

Carl Pearson from 18 Myrick Ave, Worcester, expressed support for the project and thanked staff. He expressed that he felt the project would have an overall improvement to water quality by eliminating washout of dirt roads and providing treatment for pollutants.

Ms. Smith stated that Commissioners Escobar and Baker were unable to vote on the request, due to the Mullin Rule.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 4-0 to close the public hearing.

Orders of Conditions were discussed at the end of the meeting. Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Amory, and finding the project to qualify as a limited project, the Commission voted 4-0 (Commissioner Escobar not voting due to the Mullin Rule) to issue an order of conditions with all standard, or general, conditions and the following special conditions:

Conditions to Meet Prior to and During Construction

21. Person Responsible for Compliance with the Order of Conditions* – A person shall be designated to be responsible to monitor compliance with the Order of Conditions. Their name and contact information (24/7) shall be provided to the Office of the Commission prior to start of any activity. This person shall conduct:

- a) periodic inspections to assure the adequacy and continued effectiveness of erosion and sediment controls;
 - b) inspections of said controls following 0.5-inch or greater rain events, or after a heavy snow melt.
22. Contract* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.
23. Notification* - The applicant shall notify the Office of the Commission a minimum of 48 hours prior to the start of any activity.
24. Wetland Flagging – Prior to construction, flags shall be installed along the wetland vboundary, and shall remain in place during and after construction until approved for removal through the issuance of Certificate of Compliance for the entire project.

Conditions to Meet Before the Start of Any Activity

25. Stormwater Pollution Prevention Plan (SWPPP)* – That one (1) copy of the SWPPP submitted to the EPA in compliance with the NPDES permit requirements, if applicable, shall be provided to the Office of the Commission prior to commencement of work.
26. Tree Cutting – Tree cutting is allowed following installation of erosion and sediment controls; otherwise, it may be allowed, prior to such installation, with the explicit permission of the Commission or its Agents.
27. Trees To be Removed – All trees to be removed shall be marked on site as shown on the approved plan so that the Commission or its representative can verify them before any clearing takes place.
28. Pre-Construction Conference* -
- a) The Conservation Commission or its Agents shall conduct a pre-construction conference prior to commencement of activities in each phase of the project. Phasing, if any, shall conform to the approved plans.
 - b) The property owner / applicant and any person performing work that is subject to this Order are responsible for understanding and complying with the requirements of this Order, the Wetlands Protection Act, 310 CMR 10.00 and City of Worcester Wetlands Protection Ordinance and Regulations. Said persons shall acknowledge such in writing prior to commencement of activities.
29. Inspections Prior to Site Preparation and Site Work* - Erosion and sediment controls shall be installed and verified, in compliance with final approved plans, by the Commission or its Agents prior to the commencement of any excavation, grubbing and/or stumping of vegetation, grading, construction, or other site preparation.
30. Demarcation of Limit of Work – For areas of work within the 100 foot buffer to a bordering vegetated wetland/bank, prior to construction, the contractor shall stake out the limit of work using an orange snow/construction fence to demarcate the no-disturbance zone during construction in order to prevent encroachments beyond the approved limit of work and prevent resource area impacts.

Stormwater Management System

31. Catch Basins* –

- a) The paved roadways and parking lots shall be bermed and shall be installed with standard City of Worcester catch basins.
 - b) Prior to start of activity on site that causes soil erosion and sedimentation, catch basin filter traps shall be installed in the existing and new catch basins.
 - c) Catch basins shall be cleaned as warranted during construction to keep them clear of sediment, and minimum twice a year thereafter.
32. Stormwater Management System Maintenance – The stormwater management system shall be maintained in accordance with the approved design plans and Operation and Maintenance Plan on file with the Office of the Commission. This condition shall extend in perpetuity beyond the issuance of the Certificate of Compliance.

Conditions to Meet During Construction

33. Limit of Work* – No removal, filling, dredging or altering of jurisdictional areas shall take place outside the approved work under this Order of Condition.
34. Work Sequencing – Activities shall take place in accordance with all phasing and sequencing shown on the plan and/or provided in the application materials on file with the Office of the Commission and shall follow any lot opening restrictions otherwise provided herein.
35. Headstones/Permanent Markers – Prior to completion of construction all basins located within 100’ of a wetland shall have headstones engraved with “No Dumping, drains to a Waterway”.
36. Erosion Stabilization -
- a) Erosion and Sediment Controls* - All erosion and sediment controls shall be monitored, maintained, and adjusted for the duration of the project to prevent adverse impacts to jurisdictional areas. Additional erosion and sediment controls may be utilized on site as needed.
 - b) Off Site Impacts* - There shall be no off-site erosion, flooding, ponding, or flood-related damage from runoff caused by the project activities.
 - c) Unanticipated Drainage or Erosion* - The applicant shall control any unanticipated drainage and/or erosion conditions that may cause damage to jurisdictional areas and/or abutting or downstream properties. Said control measures shall be implemented immediately upon need. The Office of the Conservation Commission shall be notified if such conditions arise and of the measures utilized.
 - d) Soil Stabilization due to Delay in Work* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures, as recently amended, to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly.
 - e) Grading of Slopes*-
 - i. >40% Slope – Slopes shall not exceed those specified in the plans approved by the Conservation Commission. Any slope equal to or greater than 40% (1 vertical to 2 1/2 horizontal) shall be stabilized with erosion control matting.

- ii. <40% Slope – Final grades of vegetated areas shall not exceed a slope of 1 vertical to 2 1/2 horizontal (40%) and shall be stabilized to prevent erosion, particularly during the construction period.
 - f) Stockpile Maintenance* - Any stockpiling of loose materials shall be properly stabilized to prevent erosion into and sedimentation of jurisdictional areas. Preventative controls such as haybales or erosion control matting shall be implemented to prevent such an occurrence.
 - g) Stockpile Location – In no case shall any soil or excavated material be stockpiled within 50 feet of any wetland or storm drain inlet.
 - h) Site Stabilization Prior to Winter* - Prior to winter, exposed soils shall be stabilized (e.g. with demonstrated vegetative growth, impermeable barriers, erosion control blankets, etc.).
37. Invasive Insects* -
- a) Plantings – No trees to be planted shall be species susceptible to the Asian Longhorned Beetle or Emerald Ash Borer.
 - b) Wood Removal – All tree, brush & wood removal shall adhere to the most recently amended requirements set forth by the Massachusetts Department of Conservation & Recreation for any project located in the Asian Longhorned Beetle Quarantine Zone.
38. Dust Control* - Provisions for dust control shall be provided during all construction and demolition activities. Such provisions shall be conducted in compliance with all City of Worcester Water Use Restrictions, if in effect, during such activities.
39. Dewatering* – If dewatering is required,
- a) Notice of such activities shall be given to the Office of the Commission within 24 hours of commencement;
 - b) There shall be no discharge of untreated dewatered groundwater to jurisdictional areas either by direct or indirect discharge to existing drainage systems;
 - c) Any discharge to surface waters or drainage structures must be visibly free of sediment;
 - d) To the maximum extent practicable, proposed dewatering activities should be located outside of the 100’ buffer. If such activities must be located within the 100’ buffer, they shall be monitored at all times when the pumps are running;
 - e) Dewatering activities shall be confined within an area of secondary containment at all times.
40. Equipment/Material Placement - No equipment or materials are to enter or be placed in the wetland or bank at any time. No direct resource area impacts are permitted as part of this project.
41. Construction Reports –
- a) *If the project is governed by a SWPPP*, written construction reports, as mandated per the SWPPP, prepared by a competent individual specializing in erosion and sediment controls independent of the project contractor (e.g. professional engineer, professional wetland scientist, etc.), shall be submitted to the Commission during all earthwork and

drainage construction. *Reports* shall be submitted monthly or after each rain event of 0.5 inches or greater, whichever is more frequent, and shall include:

- i. An evaluation of all existing erosion and sedimentation controls, as well as stormwater management system/s; and
- ii. Solutions employed and/or recommendations to fix areas found to be deficient, if any.

42. *If there is no SWPPP required to govern the project*, the Commission shall be notified immediately upon any issues arising during construction activities.

43. Spill Prevention* -

- a) No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order;
- b) No refueling shall take place within resource areas [or 100-ft to a resource area];
- c) The applicant shall take all necessary precautions to prevent discharge or spillage of fuel, oil or other pollutants onto any part of the site;
- d) A spill kit shall be present on site at all times.

Conditions to Meet at Completion of Project

44. Site Stabilization* - All disturbed areas shall be properly stabilized with well-established perennial vegetation or other approved methods before the project is considered complete.

45. Erosion and Sediment Controls* - Erosion and sediment controls shall not be removed from the site until all disturbed areas have been stabilized with final vegetative cover and approval has been received from the Commission or its Agents to do so. The controls must then be removed within two weeks of receipt of that certification.

46. Certificate of Compliance* - Upon completion of the project, the applicant shall request in writing a Certificate of Compliance from the Commission. If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, certification must include a written statement by such professional certifying the same.

- a) If the project required compliance with the Massachusetts Stormwater Standards and/or work was conducted within Riverfront Area or Bordering Land Subject to Flooding, a certified as-built plan-of-land shall be provided showing final grades, resource areas, and all constructed improvements;
- b) If permanent markers were required, the certified as-built plan-of-land shall depict their location.

47. Deed Condition – Conditions numbered **32** shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.

General Conditions

48. Change in Ownership* - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.

49. Conservation Agent's Power to Act* - With respect to all conditions, except _____, the Conservation Commission designates the Conservation Agent, as its Agent with full powers to act on its behalf in administering and enforcing this Order, unless the Agent determines approval from the Commission is appropriate.
50. Right to Inspect* - A member of the Conservation Commission or its Agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the purpose of evaluating compliance with this Order (and other applicable laws and regulations).
51. Changes to the Plan or Errors & Omissions* -
- (a) If any plan, calculation, or other data presented to the Office of the Commission is in error or have omissions, and are deemed significant by the Commissioners or their Agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
 - (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:
 - M.G.L. Chapter 131, Section 40,
 - 310 CMR 10.00, *Wetlands Protection*,
 - the City of Worcester's *Wetlands Protection Ordinance*, and
 - the Commission's *Wetlands Protection Regulations*

If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.

52. Liability* - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its Agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its Agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions or this Order whether by itself or its employees or subcontractors.

List of Exhibits:

- Exhibit A: Toronita Avenue Area Notice of Intent Application Materials; submitted by the City of Worcester Department of Public Works & Parks; received May 18, 2017.
- Exhibit B: Proposed Private Street Conversion – Knapp Ave, Myrick Ave., & Toronita Ave.; prepared by the City of Worcester Department of Public Works & Parks; received May 18, 2017; July 3, 2017; & August 14, 2017.
- Exhibit C: Toronita Avenue Area Storm Drain and Sewer Improvements Project Stormwater Report; prepared by Tight & Bond; dated January 2014.

- Exhibit D: Supplement to the NOI application for the Toronita Avenue Area Private Street Conversion Project; prepared by the City of Worcester Department of Public Works & Parks & Langdon Environmental, LLC; dated June 30, 2017.
- Exhibit E: Response to Comments for the Notice of Intent: Roadway and Drainage Improvements - Toronita Avenue Area; prepared by Langdon Environmental, LLC; dated August 14, 2017.
- Exhibit F: E-mail correspondence from Pat McGrath; various dates.
- Exhibit G: E-mail correspondence from Donald Wilbur; various dates.
- Exhibit H: E-mail correspondence from Linda West; various dates.
- Exhibit I: E-mail correspondence from Steve Nordstrom; July 6, 2017.

New Business – Requests for Determination of Applicability:

4. 18 Sophia Drive (MBL 29-11A-0028L) (CC-2017-060)

Application: Request for Determination of Applicability

Applicant: Richard Starsiak

Project: To seek determination as to whether or not the, partially retroactive, work to construct a patio, along with related site work, is subject to the Commission's jurisdiction and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.

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

Richard Starsiak, of 18 Sophia Drive, appeared on behalf of the application.

Mr. Starsiak stated that he applied to install a patio that he had mostly constructed in the bufferzone where he unknowingly terraced the area adjacent to his home. He noted that he removed trees/poison ivy and installed a deer fence in the 15' buffer as well as a 3' concrete block retaining wall and paver patio in the 30' buffer.

Chair Charpentier clarified no poured concrete was use and clarified that none of the patio/paver work was in the 15'. Mr. Starsiak affirmed.

Commissioner Berg Powers requested the fence in the 15' be removed.

Commissioner McKone referenced a recent requirement from the Commission to relocate a shed that was placed inadvertently in the 30' buffer at a nearby property for which the Commission required removal of. He stated that he felt the work in the 30' buffer should be removed.

Commissioner Amory concurred given the patio would render the area of imperviousness near the wetland.

Commissioner McKone, expressed concerns regarding the additional work needed to remove the improvements, but he still felt it should be removed. Commissioner Escobar concurred with Commissioner Amory and McKone.

Ms. Smith suggested the applicant clarify and revise the proposed scope of work to include only the removal of the patio and the dog-fence. Mr. Starsiak indicated that he had applied in such a way to allow this and would be amenable to revising the scope to reflect only removal.

Commissioner McKone indicated the proposal included restoration of the 15' buffer with native plantings and that he felt this would be needed.

No public comment.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 5-0 to issue a negative determination for only the proposed activities to remove the improvements illicitly constructed within the 15' and 30' buffers and for re-vegetation and stabilization thereof including re-planting of native species in the 15' buffer as per the submitted application.

List of Exhibits:

- Exhibit A: 18 Sophia Request for Determination of Applicability application materials; submitted by Richard Starsiak; received July 31, 2017.
- Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 18 Sophia Drive; dated August 17, 2017.

5. 635 Grove Street & Kiver Pond (MBL 21-031-00002) (CC-2017-061)

- Application: Request for Determination of Applicability
- Applicant: The Armenian Apostolic Church
- Project: To seek determination as to whether or not the work conducted to install a water level control device and associated infrastructure, along with related site work, is subject to the Commission's jurisdiction and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100' buffer to a bordering vegetated wetland and/or bank, within land under water, within bank, each associated with Kiver Pond, and within the Stormwater Protection Zone.

The Chair called item 14 on the agenda contemporaneously.

6. Request to Discuss the Worcester Wetlands Protection Ordinance with regard to Emergency Certifications for Beaver Activities, from Michael Callahan of Beaver Solutions, LLC.

Mike Callahan, of Beaver Solutions, LLC, appeared on behalf of the owner/applicant. Mr. Callahan reviewed the beaver activity that caused flooding of the subject property and the Grove Street Right-of-Way. He noted that the fence and pond leveler was installed near the culvert to help prevent blockages to the culvert and to return the water level to normal. The work was completed under an emergency certification.

No public comment.

Upon a motion by Commissioner McKone and seconded by Commissioner, the Commission voted 5-0 to issue a negative determination of applicability for the work and to issue a waiver of the late fee due to the emergency permit issuance.

Mr. Callahan expressed concerns regarding a retroactive permit being required for emergency certifications explaining that this process created a disincentive to co-exist with beavers as no permit is required from the Commission for trapping.

Commissioner Berg-Powers expressed that he felt the current system provided citizen oversight in the process.

Commissioner McKone wondered what MACC's guidance indicated. Ms. Smith indicated that her research and DEP guidance indicated that most Commissions just issue Emergency Certifications.

List of Exhibits:

- Exhibit A: 635 Grove Street Request for Determination of Applicability application materials; submitted by Beaver Solutions, Inc.; dated July 27, 2017.
- Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 635 Grove Street; dated August 17, 2017.
- Exhibit C: Emergency Certification for 635 Grove Street; issued 5/25/2017.
- Exhibit D: Emergency Certification for 635 Grove Street & the Grove Street Right-of Way; issued 12/9/2016.
- Exhibit E: Letter from Beaver Solutions, LLC. to the Conservation Commission; dated 7/23/2017.

7. Guilford Street Right-of-Way & 27 Guilford Street (MBL 32-026-275-3) (CC-2017-062)

Application: Request for Determination of Applicability

Applicant: Massachusetts Electric Company d/b/a National Grid

Project: To seek determination as to whether or not the work to remove and relocate an existing utility pole, along with related site work, is subject to the Commission's jurisdiction.

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

Kate Remel appeared on behalf of National Grid and reviewed the proposed activities in the bufferzone and indicated the improvements would be more than 30' away from the edge of the wetland. MassDEP Oliver data was used, and generally confirmed in the field. She noted that the work could be conducted from the driveway with erosion controls in place between the limit of work and resource area.

Akeem Koshero indicated that he was in support of the work and noted the pole created a safety hazard for him as the owner.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 5-0 to issue a negative determination of applicability for the work.

List of Exhibits:

Exhibit A: 27 Guilford Street Request for Determination of Applicability application materials; submitted by National Grid; received August 1, 2017.

Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 27 Guilford Street; dated August 17, 2017.

8. 770 & 780 Grove Street (MBL 33-042-0001B & 33-042-0001A) (CC-2017-063)

Application: Request for Determination of Applicability

Applicant: Patrick Brassard

Project: To seek determination as to whether or not the work to conduct trail maintenance and to construct a pedestrian bridge, along with related site work, is subject to the Commission's jurisdiction and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal may occur within a bordering vegetated wetland, bank, the associated 100' buffer thereto, and/or within riverfront area, each associated with Sargent Brook

Patrick Brassard, Worcester Boy Scout, appeared on behalf of the Greater Worcester Land Trust. Mr. Brassard summarized the proposed project, which was discussed informally with the Commission at a previous meeting, and for which the Commission conducted a site visit of the proposed work area. He reviewed the final design of a 22' span of trail bridge based on the USDA standard specifications. He requested a waiver of the Commission's performance standard 4.2.4. in order to conduct activities and install improvements in the 15' and 30' buffers to the wetlands and result in ~115 SF of impacts. He indicated that discontinuation of the

existing trail will allow for re-vegetation of ~300 SF of wetlands historically disturbed due to the use of the area as a trail.

Commissioner Berg Powers concurred that the proposed location and re-vegetation would be an overall benefit and noted that this would be an improvement to the resource area. Commissioner McKone and Escobar concurred.

Ms. Smith clarified that if the Commission felt the project qualifies for limited project status then the Commission would not need to vote on a waiver request from 4.2.4. but should determine as much.

No public comment.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory, the Commission voted 5-0 to issue a negative determination of applicability for the work, given that it would not remove fill, dredge or alter a resource area(s), due to that the proposed offset or mitigation/restoration of existing impacted wetlands, and find the proposed work to qualify as a limited project.

List of Exhibits:

Exhibit A: 770 & 780 Grove Street Request for Determination of Applicability application materials; submitted by Patrick Brassard; received August 1, 2017.

Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 770 & 780 Grove Street; dated August 17, 2017.

9. 55 Glendale Street (MBL 48-017-00003) (CC-2017-064)

Application: Request for Determination of Applicability

Applicant: Francisco Torres

Project: To seek determination as to whether or not the work to construct a deck, along with related site work, 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' buffer to a bordering vegetated wetland and/or bank and may occur within bordering land subject to flooding, each associated with Patch Pond.

Francisco Torres appeared on behalf of the item with the property owner, Matthew Warren. Mr. Torres reviewed the proposed project to construct a deck in the bufferzone ~59' from the resource area, with disturbance for the footings located ~63' away. He noted sono-tubes were proposed for the footings and that the work would be done by hand.

Chair Charpentier inquired about erosion controls, site grades, material stockpiling. Mr. Torres indicated that excavated materials would be re-located off-site and that they could install erosion and sediment controls if desired.

Mr. Kochling noted that he visited the site and felt the site was so flat and did not warrant erosion controls given the work is proposed by hand and the retaining walls near the water are a natural barrier.

No public comment.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory, the Commission voted 5-0 to issue a negative determination of applicability for the work.

List of Exhibits:

- Exhibit A: 55 Glendale Street Request for Determination of Applicability application materials; submitted by Francisco Torres; received August 2, 2017.
- Exhibit B: Memorandum from the Department of Public Works and Park Department to the Conservation Commission re: 55 Glendale Street; dated August 17, 2017.

10. 770 Salisbury Street (MBL CO-NDO-00400) (CC-2017-069)

- Application: Request for Determination of Applicability
- Applicant: Salisbury West Condominium Trust
- Project: To seek determination as to whether or not the work associated with re-paving the existing parking areas, is subject to the Commission’s jurisdiction and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer to bank and/or bordering vegetated wetlands, each associated with an intermittent stream, and within the Stormwater Protection Zone.

Alexander Trakimas of Sitec Environmental appeared on behalf of the owner. Mr. Trakimas reviewed the proposed project to re-pave the entire extent to driveways and parking areas at the site and requested a discretionary allowance of performance standard 4.2.4 given the existing infrastructure in many areas is located in the 15’ and 30’ buffers. He reviewed the proposed measures for erosion and sediment control and clarified that no new vegetation would be disturbed, as work would be within the existing impervious footprint. Mr. Trakimas reviewed that there will be an erosion control specifications in the contractor’s plans and erosion controls will be installed before any work begins.

Commissioner Berg Powers requested the contract specifications prior to construction and requested inspection of erosion controls before work commences.

Mr. Kochling inquired about stockpiling. Mr. Trakimas indicated any excess materials would be taken off site and not stored.

Commissioner Escobar asked about equipment storage. Mr. Trakimas indicated that the equipment would be stored on existing impervious portions of the site.

No public comment.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory, the Commission voted 5-0 to issue a negative determination of applicability for the work, with the condition that prior to work commencement of work: (1) Three copies of the contract documents be submitted to the Office of the Commission; & (2) Erosion controls installation be verified, and including a discretionary allowance of performance standard 4.2.4, given the work was within the existing disturbance footprint.

List of Exhibits:

- Exhibit A: 770 Salisbury Street Request for Determination of Applicability application materials; submitted by Scitec Environmental; received August 3, 2017.
- Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 770 Salisbury Street; dated August 17, 2017.
- Exhibit C: E-mail from Michelle Smith to Alexander Trakimas re: 770 Salisbury Street; dated August 18, 2017.

11. Blackstone River Bike Path – aka Portions of 0, 574, 1130, 1152, & 1200 Millbury Street, 0 & 150 Blackstone River Road, 0 McKeon Road, 1, 1A, 7, 11, 25, & 35R Tobias Boland Way, and abutting right-of-ways (CC-2017-070)

- Application: Request for Determination of Applicability
- Applicant: The Massachusetts Department of Transportation
- Project: To seek determination as to whether or not the work associated with conducting an invasive (non-native) vegetation management program, including herbicide treatments, is subject to the Commission’s jurisdiction and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within bordering land subject to flooding, bank, bordering vegetated wetlands, the 100’ buffer thereto, and riverfront area, each associated with the Blackstone River.

Bill Clougherty, MassDOT District 3, appeared on behalf of the item and reviewed the project intended to manage nuisance vegetation, along approximately 2 miles of bike path during late August/early September and will be treated as needed in future years. Only herbicide application is proposed, not vegetation cutting. He reviewed that the herbicides will be applied by a licensed applicator and are approved by MDAR.

Colin Novick, Greater Worcester Land Trust, expressed support for the project.

Ms. Smith clarified that the applicant had requested a waiver of the filing fee and performance standard 4.2.4 given the likely alterations to vegetation within the 15’ buffer in certain locations.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 5-0 to issue a negative determination of applicability for the work providing a discretionary allowance of performance standard 4.2.4 and waiving the local filing fee each due to the substantial public benefit of the project.

List of Exhibits:

- Exhibit A: Blackstone River Bike Path Request for Determination of Applicability application materials; submitted by MassDOT; dated August 4, 2017.
- Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: Blackstone River Bike Path; dated August 17, 2017.

New Business – Notices of Intent:

12. Southerly Part of 32 Brooks Street (aka Lot 1 or 2 Mount Avenue) (MBL 12-029-00004) (CC-2017-065)

- Application: Notice of Intent
- Applicant: Silver Tree Realty, LLC
- Project: To construct a single-family dwelling, along with related site work.
- Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone

Jim Smith, of Summit Engineering, appeared on behalf of the item and reviewed the proposed project and submitted Exhibit B – revised plans were submitted in response to staff comments. He indicated no infiltration was proposed due to the proximity of the neighboring dwellings and retaining walls.

Chair Charpentier and Commissioner McKone requested erosion controls along the west side of the site, along Mount Avenue. Mr. Smith agreed to bring the erosion control line along Mount Avenue up to the construction entrance.

No public comments.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to close the public hearing.

Orders of Conditions were discussed at the end of the meeting. Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 5-0 to issue an order of conditions with all standard, or general, conditions and the following special conditions:

Conditions to Meet Prior to and During Construction

21. Person Responsible for Compliance with the Order of Conditions* – A person shall be designated to be responsible to monitor compliance with the Order of Conditions. Their name and contact information (24/7) shall be provided to the Office of the Commission prior to start of any activity. This person shall conduct periodic inspections to assure the adequacy and continued effectiveness of erosion and sediment controls, including inspections of said controls following 0.5-inch or greater rain events, or after a heavy snow melt.
22. Contract* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.
23. Notification* - The applicant shall notify the Office of the Commission a minimum of 48 hours prior to the start of any activity.

Conditions to Meet Before the Start of Any Activity

24. Revised Plans – That three (3) to-scale copies of revised plans shall be provided to the Office of the Commission, prior to commencement of work, showing the below changes. These plans shall be considered the final revised plans approved for the project -
 - a) Clean and maintain inlet protection located in Mount Avenue;
 - b) Show the existing utilities in the road and provide a surface drain stub to the property;
 - c) Show City of Worcester Standard water service connection detail on the plan;
 - d) Show proposed stockpile locations on the plan;
 - e) Provide additional erosion and sediment controls on the western side of the lot (from Mount Avenue and Brooks Street intersection up to the construction entrance);
 - f) Provide an infiltration unit between the proposed building and Brooks Street which shall take the roof-runoff (from the gutters) with an overflow from the unit connecting to the City system.
25. Trees To Remain – All trees to remain post construction shall be marked on site as shown on the approved plan so that the Commission or its representative can verify them before any clearing takes place.
26. Stormwater Pollution Prevention Plan (SWPPP)* – That one (1) copy of the SWPPP submitted to the EPA in compliance with the NPDES permit requirements, if applicable, shall be provided to the Office of the Commission prior to commencement of work.
27. Tree Cutting* – Tree cutting is allowed following installation of erosion and sediment controls; otherwise, it may be allowed, prior to such installation, with the explicit permission of the Commission or its Agents.
28. Pre-Construction Conference* -
 - a) The Conservation Commission or its Agents shall conduct a pre-construction conference prior to commencement of activities in each phase of the project. Phasing, if any, shall conform to the approved plans.
 - b) The property owner/applicant and any person performing work that is subject to this Order are responsible for understanding and complying with the requirements of this Order, the Wetlands Protection Act, 310 CMR 10.00 and City of Worcester Wetlands

Protection Ordinance and Regulations. Said persons shall acknowledge such in writing prior to commencement of activities.

29. Inspections Prior to Site Preparation and Site Work* - Erosion and sediment controls shall be installed and verified, in compliance with final approved plans, by the Commission or its Agents prior to the commencement of any excavation, grubbing and/or stumping of vegetation, grading, construction, or other site preparation.

Conditions to Meet During Construction

30. Limit of Work* – No removal, filling, dredging or altering of jurisdictional areas shall take place outside the approved work under this Order of Condition.
31. Work Sequencing* – Activities shall take place in accordance with all phasing and sequencing shown on the plan and/or provided in the application materials on file with the Office of the Commission and shall follow any lot opening restrictions otherwise provided herein.
32. Infiltration Unit Inspection - Prior to back-filling, the applicant shall request and have conducted an inspection by the Commission or its Agents in order to verify the installation of the infiltration unit was conducted in a manner consistent with that provided on the approved plans.
33. Erosion Stabilization -
- a) Erosion and Sediment Controls* - All erosion and sediment controls shall be monitored, maintained, and adjusted for the duration of the project to prevent adverse impacts to jurisdictional areas. Additional erosion and sediment controls may be utilized on site as needed.
 - b) Off Site Impacts* - There shall be no off-site erosion, flooding, ponding, or flood-related damage from runoff caused by the project activities.
 - c) Unanticipated Drainage or Erosion* - The applicant shall control any unanticipated drainage and/or erosion conditions that may cause damage to jurisdictional areas and/or abutting or downstream properties. Said control measures shall be implemented immediately upon need. The Office of the Conservation Commission shall be notified if such conditions arise and of the measures utilized.
 - d) Soil Stabilization due to Delay in Work* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures, as recently amended, to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly.
 - e) Grading of Slopes*-
 - i. >40% Slope – Slopes shall not exceed those specified in the plans approved by the Conservation Commission. Any slope equal to or greater than 40% (1 vertical to 2 1/2 horizontal) shall be stabilized with erosion control matting.

- ii. <40% Slope – Final grades of vegetated areas shall not exceed a slope of 1 vertical to 2 1/2 horizontal (40%) and shall be stabilized to prevent erosion, particularly during the construction period.
 - f) Stockpile Maintenance* - Any stockpiling of loose materials shall be properly stabilized to prevent erosion into and sedimentation of jurisdictional areas. Preventative controls such as haybales or erosion control matting shall be implemented to prevent such an occurrence.
 - g) Stockpile Location – Material stockpiles shall be provided in a location consistent with that shown on the approved plan.
 - h) Site Stabilization Prior to Winter* - Prior to winter, exposed soils shall be stabilized (e.g. with demonstrated vegetative growth, impermeable barriers, erosion control blankets, etc.).
34. Invasive Insects* -
- a) Plantings – No trees to be planted shall be species susceptible to the Asian Longhorned Beetle or Emerald Ash Borer.
 - b) Wood Removal – All tree, brush & wood removal shall adhere to the most recently amended requirements set forth by the Massachusetts Department of Conservation & Recreation for any project located in the Asian Longhorned Beetle Quarantine Zone.
35. Dust Control* - Provisions for dust control shall be provided during all construction and demolition activities. Such provisions shall be conducted in compliance with all City of Worcester Water Use Restrictions, if in effect, during such activities.
36. Dewatering* – If dewatering is required,
- f) Notice of such activities shall be given to the Office of the Commission within 24 hours of commencement;
 - g) There shall be no discharge of untreated dewatered groundwater to jurisdictional areas either by direct or indirect discharge to existing drainage systems and any discharge to surface waters or drainage structures must be visibly free of sediment;
 - h) To the maximum extent practicable, proposed dewatering activities should be located outside of the 100’ buffer. If such activities must be located within the 100’ buffer, they shall be monitored at all times when the pumps are running;
 - i) Dewatering activities shall be confined within an area of secondary containment at all times.
37. Spill Prevention* -
- e) The applicant shall take all necessary precautions to prevent discharge or spillage of fuel, oil or other pollutants onto any part of the site;
 - f) A spill kit shall be present on site at all times.

Conditions to Meet at Completion of Project

38. Site Stabilization* - All disturbed areas shall be properly stabilized with well-established perennial vegetation or other approved methods before the project is considered complete.

39. Erosion and Sediment Controls* - Erosion and sediment controls shall not be removed from the site until all disturbed areas have been stabilized with final vegetative cover and approval has been received from the Commission or its Agents to do so. The controls must then be removed within two weeks of receipt of that certification.
40. Certificate of Compliance* - Upon completion of the project, the applicant shall request in writing a Certificate of Compliance from the Commission. If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, certification must include a written statement by such professional certifying the same.
- a) If the project required compliance with the Massachusetts Stormwater Standards and/or work was conducted within Riverfront Area or Bordering Land Subject to Flooding, a certified as-built plan-of-land shall be provided showing final grades, resource areas, and all constructed improvements.

General Conditions

41. Change in Ownership* - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.
42. Conservation Agent's Power to Act* - With respect to all conditions, except _____, the Conservation Commission designates the Conservation Agent, as its Agent with full powers to act on its behalf in administering and enforcing this Order, unless the Agent determines approval from the Commission is appropriate.
43. Right to Inspect* - A member of the Conservation Commission or its Agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the purpose of evaluating compliance with this Order (and other applicable laws and regulations).
44. Changes to the Plan or Errors & Omissions* -
- (a) If any plan, calculation, or other data presented to the Office of the Commission is in error or have omissions, and are deemed significant by the Commissioners or their Agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
- (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:
- M.G.L. Chapter 131, Section 40,
 - 310 CMR 10.00, *Wetlands Protection*,
 - the City of Worcester's *Wetlands Protection Ordinance*, and
 - the Commission's *Wetlands Protection Regulations*

If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.

45. Liability* - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its Agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its Agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions of this Order whether by itself or its employees or subcontractors.

List of Exhibits:

- Exhibit A: Brooks Street Notice of Intent application materials; submitted by Summit Engineering; dated August 2, 2017.
- Exhibit B: Brooks Street Plan; prepared by Summit Engineering; dated August 2, 2017.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 32 Brooks Street; dated August 17, 2017.
- Exhibit D: E-mail from Michelle Smith to Jim Smith re: Brooks Street & Mount Avenue; dated August 18, 2017.

13.0 Derby Street (MBL 35-019-00189) (CC-2017-066)

- Application: Notice of Intent
- Applicant: Alex Abdow
- Project: To construct a single-family semi-detached dwelling (a duplex) along with related site work.
- Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone.

James Arenkelee, appeared on behalf of the item and reviewed the proposed project and submitted Exhibit B – revised plans were submitted in response to staff comments and reviewed changes made in response thereto. He reviewed that they attempted to minimize excavation by electing a slab-on-grade foundation.

Sara Kreisel, of 30 Crowningshield Road, Worcester, appeared and expressed concerns outlined in Exhibit D including encroachments, erosion and sediment controls, stockpiling, zoning, and the retaining walls.

Commissioner McKone clarified the Commission’s purview.

Mr. Kochling suggested tying the proposed roof-leaders into the drainage system and suggested a drywell or infiltration unit. Mr. Arenkelee stated that they could install an infiltration system and connect the roof-leaders into the city’s drainage system.

Paul Francis Derby, 136 Derby Street, Worcester, expressed concerns regarding zoning, flooding in his basement, and flash flooding in heavy rain events all being exacerbated.

Dan Distephano, 131 Derby Street, Worcester, expressed concerns regarding drainage and, flooding in his basement due to new stormwater and affirmed flash flooding concerns in heavy rain events.

Mr. Kochling stated that there's a 12" surface drain line in the road and stated that he would check with Sewer Operations with regard to the flooding concern. He reviewed that the grading adjacent to #131 would be relatively minimal and minimize changes to existing flow patterns.

Commissioner Berg Powers and Mr. Kochling reiterated that the drainage connection into the surface system would theoretically improve conditions.

Gina Robinson, 9 Dearborn Street, expressed concerns with regard to vegetation removal and impacts on trees.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commission voted 5-0 to close the public hearing.

Orders of Conditions were discussed at the end of the meeting. Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Amory, the Commission voted 5-0 to issue an order of conditions with all standard, or general, conditions and the following special conditions:

Conditions to Meet Prior to and During Construction

21. Person Responsible for Compliance with the Order of Conditions* – A person shall be designated to be responsible to monitor compliance with the Order of Conditions. Their name and contact information (24/7) shall be provided to the Office of the Commission prior to start of any activity. This person shall conduct:
 - a) periodic inspections to assure the adequacy and continued effectiveness of erosion and sediment controls;
 - b) inspections of said controls following 0.5-inch or greater rain events, or after a heavy snow melt.
22. Contract* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.
23. Notification* - The applicant shall notify the Office of the Commission a minimum of 48 hours prior to the start of any activity.

Conditions to Meet Before the Start of Any Activity

24. Revised Plans – That three (3) to-scale copies of revised plans shall be provided to the Office of the Commission, prior to commencement of work, showing the below changes. These plans shall be considered the final revised plans approved for the project -

- g) Revise plan/s and details to reflect water connections that comply with the most recent version of the City of Worcester Department of Public Works & Parks “Standard Specifications and Details”;
 - h) Revise the plans to provide one infiltration unit per each dwelling unit, each unit shall have an overflow to the City drainage system;
 - i) Plans shall be stamped by a P.E.;
 - j) Show proposed location of construction stockpiles; &
 - k) Provide additional erosion and sediment controls along the front of the property adjacent to Derby Street.
25. Stormwater Pollution Prevention Plan (SWPPP)* – That one (1) copy of the SWPPP submitted to the EPA in compliance with the NPDES permit requirements, if applicable, shall be provided to the Office of the Commission prior to commencement of work.
26. Tree Cutting – Tree cutting is allowed following installation of erosion and sediment controls; otherwise, it may be allowed, prior to such installation, with the explicit permission of the Commission or its Agents.
27. Trees To Remain – All trees to be removed shall be marked on site as shown on the approved plan so that the Commission or its representative can verify them before any clearing takes place.
28. Pre-Construction Conference* -
- a) The Conservation Commission or its Agents shall conduct a pre-construction conference prior to commencement of activities in each phase of the project. Phasing, if any, shall conform to the approved plans.
 - b) The property owner / applicant and any person performing work that is subject to this Order are responsible for understanding and complying with the requirements of this Order, the Wetlands Protection Act, 310 CMR 10.00 and City of Worcester Wetlands Protection Ordinance and Regulations. Said persons shall acknowledge such in writing prior to commencement of activities.
29. Inspections Prior to Site Preparation and Site Work* - Erosion and sediment controls shall be installed and verified, in compliance with final approved plans, by the Commission or its Agents prior to the commencement of any excavation, grubbing and/or stumping of vegetation, grading, construction, or other site preparation.
30. Demarcation of Property Lines - Prior to construction, stake out the property boundaries, every 50’ on center. Stakes used for the property lines shall be distinctly different from those used to delineate the wetland boundaries and its buffers. Said stakes shall remain throughout construction.

Stormwater Management System

31. Catch Basins* –
- a) The paved roadways and parking lots shall be bermed and shall be installed with standard City of Worcester catch basins.
 - b) Prior to start of activity on site that causes soil erosion and sedimentation, catch basin filter traps shall be installed in the existing and new catch basins.

- c) Catch basins shall be cleaned as warranted during construction to keep them clear of sediment, and minimum twice a year thereafter.

32. Stormwater Management System Maintenance* – The stormwater management system shall be maintained in accordance with the approved design plans and Operation and Maintenance Plan on file with the Office of the Commission. This condition shall extend in perpetuity beyond the issuance of the Certificate of Compliance.

Conditions to Meet During Construction

33. Limit of Work* – No removal, filling, dredging or altering of jurisdictional areas shall take place outside the approved work under this Order of Condition.

34. Work Sequencing – Activities shall take place in accordance with all phasing and sequencing shown on the plan and/or provided in the application materials on file with the Office of the Commission and shall follow any lot opening restrictions otherwise provided herein.

35. Infiltration Unit Inspection - Prior to back-filling, the applicant shall request and have conducted an inspection by the Commission or its Agents in order to verify the installation of the infiltration unit was conducted in a manner consistent with that provided on the approved plans.

36. Erosion Stabilization -

- a) Erosion and Sediment Controls* - All erosion and sediment controls shall be monitored, maintained, and adjusted for the duration of the project to prevent adverse impacts to jurisdictional areas. Additional erosion and sediment controls may be utilized on site as needed.
- b) Off Site Impacts* - There shall be no off-site erosion, flooding, ponding, or flood-related damage from runoff caused by the project activities.
- c) Unanticipated Drainage or Erosion* - The applicant shall control any unanticipated drainage and/or erosion conditions that may cause damage to jurisdictional areas and/or abutting or downstream properties. Said control measures shall be implemented immediately upon need. The Office of the Conservation Commission shall be notified if such conditions arise and of the measures utilized.
- d) Soil Stabilization due to Delay in Work* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures, as recently amended, to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly.
- e) Grading of Slopes*-
 - i. >40% Slope – Slopes shall not exceed those specified in the plans approved by the Conservation Commission. Any slope equal to or greater than 40% (1 vertical to 2 1/2 horizontal) shall be stabilized with erosion control matting.
 - ii. <40% Slope – Final grades of vegetated areas shall not exceed a slope of 1 vertical to 2 1/2 horizontal (40%) and shall be stabilized to prevent erosion, particularly during the construction period.

- f) Stockpile Maintenance* - Any stockpiling of loose materials shall be properly stabilized to prevent erosion into and sedimentation of jurisdictional areas. Preventative controls such as haybales or erosion control matting shall be implemented to prevent such an occurrence. Any material stockpiles to/remain on site for more than 30 days shall be tarped (i.e. covered using impermeable barriers) or vegetated.
- g) Stockpile Location – Shall be consistent with the approved plans. If material is unable to be stored in the designated locations then said material shall be removed from the site.
- h) Site Stabilization Prior to Winter* - Prior to winter, exposed soils shall be stabilized (e.g. with demonstrated vegetative growth, impermeable barriers, erosion control blankets, etc.).

37. Invasive Insects* -

- a) Plantings – No trees to be planted shall be species susceptible to the Asian Longhorned Beetle or Emerald Ash Borer.
- b) Wood Removal – All tree, brush & wood removal shall adhere to the most recently amended requirements set forth by the Massachusetts Department of Conservation & Recreation for any project located in the Asian Longhorned Beetle Quarantine Zone.

38. Dust Control* - Provisions for dust control shall be provided during all construction and demolition activities. Such provisions shall be conducted in compliance with all City of Worcester Water Use Restrictions, if in effect, during such activities.

39. Dewatering* – If dewatering is required,

- j) Notice of such activities shall be given to the Office of the Commission within 24 hours of commencement;
- k) There shall be no discharge of untreated dewatered groundwater to jurisdictional areas either by direct or indirect discharge to existing drainage systems;
- l) Any discharge to surface waters or drainage structures must be visibly free of sediment;
- m) To the maximum extent practicable, proposed dewatering activities should be located outside of the 100’ buffer. If such activities must be located within the 100’ buffer, they shall be monitored at all times when the pumps are running;
- n) Dewatering activities shall be confined within an area of secondary containment at all times.

40. Spill Prevention* -

- g) No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order;
- h) No refueling shall take place within resource areas or 100-ft to a resource area;
- i) The applicant shall take all necessary precautions to prevent discharge or spillage of fuel, oil or other pollutants onto any part of the site;
- j) A spill kit shall be present on site at all times.

Conditions to Meet at Completion of Project

41. Site Stabilization* - All disturbed areas shall be properly stabilized with well-established perennial vegetation or other approved methods before the project is considered complete.

42. Erosion and Sediment Controls* - Erosion and sediment controls shall not be removed from the site until all disturbed areas have been stabilized with final vegetative cover and approval has been received from the Commission or its Agents to do so. The controls must then be removed within two weeks of receipt of that certification.
43. Certificate of Compliance* - Upon completion of the project, the applicant shall request in writing a Certificate of Compliance from the Commission. If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, certification must include a written statement by such professional certifying the same.
 - a) If the project required compliance with the Massachusetts Stormwater Standards and/or work was conducted within Riverfront Area or Bordering Land Subject to Flooding, a certified as-built plan-of-land shall be provided showing final grades, resource areas, and all constructed improvements;
 - b) If permanent markers were required, the certified as-built plan-of-land shall depict their location.

General Conditions

44. Change in Ownership* - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.
45. Conservation Agent's Power to Act* - With respect to all conditions, except _____, the Conservation Commission designates the Conservation Agent, as its Agent with full powers to act on its behalf in administering and enforcing this Order, unless the Agent determines approval from the Commission is appropriate.
46. Right to Inspect* - A member of the Conservation Commission or its Agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the purpose of evaluating compliance with this Order (and other applicable laws and regulations).
47. Changes to the Plan or Errors & Omissions* -
 - (a) If any plan, calculation, or other data presented to the Office of the Commission is in error or have omissions, and are deemed significant by the Commissioners or their Agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
 - (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:
 - M.G.L. Chapter 131, Section 40,
 - 310 CMR 10.00, *Wetlands Protection*,
 - the City of Worcester's *Wetlands Protection Ordinance*, and

- the Commission's *Wetlands Protection Regulations*

If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.

48. Liability* - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its Agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its Agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions or this Order whether by itself or its employees or subcontractors.

List of Exhibits:

- Exhibit A: 0 Derby Street Notice of Intent application; submitted by Alex Abdow; received August 2, 2017.
- Exhibit B: Derby Street Plan; prepared by Summit Engineering; dated August 2, 2017.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 0 Derby Street; dated August 17, 2017.
- Exhibit D: E-mail from Michelle Smith to Alexander Trakimas re: NOI for 0 Derby Street; dated August 18, 2017.
- Exhibit C: Letter from Sara Kreisel to the Conservation Commission re: 0 Derby Street; dated August 21, 2017.

14. 10 (aka 14) New Bond Street (MBL 37-002-00001 & 37-002-10-02) (CC-2017-067)

- Application: Notice of Intent
- Applicant: Liberty New Bond, LLC
- Project: For partially retroactive approval associated with the demolition of existing site features and construction of various additions, to accommodate a new tenant, along with related utility, grading, paving, and site work, and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within bordering land subject to flooding, within the 100’ buffer to the bank associated with Weasel Brook, and within the stormwater protection zone

David Mackwell, of Kelly Engineering, appeared on behalf of the owner/applicant. He reviewed the project location, resource areas, and scope of work. He reviewed the project history and that work had been completed under an emergency certification.

Commissioner Berg Powers inquired regarding the replacement of the existing fencing. Mr. Mackwell clarified that the repair would be conducted from the disturbed side of the existing fence and was amenable to a condition requiring re-visiting the plan if additional work was needed where vegetation would be removed.

No public comments.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to close the public hearing.

Orders of Conditions were discussed at the end of the meeting. Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 5-0 to issue an order of conditions with all standard, or general, conditions and the following special conditions:

Conditions to Meet Prior to and During Construction

21. Person Responsible for Compliance with the Order of Conditions* – A person shall be designated to be responsible to monitor compliance with the Order of Conditions. Their name and contact information (24/7) shall be provided to the Office of the Commission prior to start of any activity. This person shall conduct:
 - a) periodic inspections to assure the adequacy and continued effectiveness of erosion and sediment controls;
 - b) inspections of said controls following 0.5-inch or greater rain events, or after a heavy snow melt.
22. Contract* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.
23. Notification* - The applicant shall notify the Office of the Commission a minimum of 48 hours prior to the start of any activity.

Conditions to Meet Before the Start of Any Activity

24. Revised Plans – That three (3) to-scale copies of revised plans shall be provided to the Office of the Commission, prior to commencement of work, showing the below changes. These plans shall be considered the final revised plans approved for the project:
 - 1) Demarcate proposed snow storage location on the plans.
25. Stormwater Pollution Prevention Plan (SWPPP)* – That one (1) copy of the SWPPP submitted to the EPA in compliance with the NPDES permit requirements, if applicable, shall be provided to the Office of the Commission prior to commencement of work.
26. Tree Cutting – Tree cutting is allowed following installation of erosion and sediment controls; otherwise, it may be allowed, prior to such installation, with the explicit permission of the Commission or its Agents.
27. Pre-Construction Conference* -

- a) The Conservation Commission or its Agents shall conduct a pre-construction conference prior to commencement of activities in each phase of the project. Phasing, if any, shall conform to the approved plans.
 - b) The property owner / applicant and any person performing work that is subject to this Order are responsible for understanding and complying with the requirements of this Order, the Wetlands Protection Act, 310 CMR 10.00 and City of Worcester Wetlands Protection Ordinance and Regulations. Said persons shall acknowledge such in writing prior to commencement of activities.
28. Inspections Prior to Site Preparation and Site Work* - Erosion and sediment controls shall be installed and verified, in compliance with final approved plans, by the Commission or its Agents prior to the commencement of any excavation, grubbing and/or stumping of vegetation, grading, construction, or other site preparation.
29. Fencing – Repairs and replacement in-kind of the existing fencing is permitted as part of this order provided that the Office of the Commission is notified 48 hours prior to commencement of said activities and that no excavation shall be permitted in association with the proposed fencing/repairs. If excavation is deemed to be required, the applicant shall file a project change request with the Commission to depict additional measures proposed to prevent resource area impacts and manage spoils, prior to commencing any such work.

Stormwater Management System

30. Catch Basins* –

- a) The paved roadways and parking lots shall be bermed and shall be installed with standard City of Worcester catch basins.
- b) Prior to start of activity on site that causes soil erosion and sedimentation, catch basin filter traps shall be installed in the existing and new catch basins.
- c) Catch basins shall be cleaned as warranted during construction to keep them clear of sediment, and minimum twice a year thereafter.

Conditions to Meet During Construction

31. Limit of Work* – No removal, filling, dredging or altering of jurisdictional areas shall take place outside the approved work under this Order of Condition.
32. Work Sequencing – Activities shall take place in accordance with all phasing and sequencing shown on the plan and/or provided in the application materials on file with the Office of the Commission and shall follow any lot opening restrictions otherwise provided herein.
33. Erosion Stabilization -
- a) Erosion and Sediment Controls* - All erosion and sediment controls shall be monitored, maintained, and adjusted for the duration of the project to prevent adverse impacts to jurisdictional areas. Additional erosion and sediment controls may be utilized on site as needed.
 - b) Off Site Impacts* - There shall be no off-site erosion, flooding, ponding, or flood-related damage from runoff caused by the project activities.
 - c) Unanticipated Drainage or Erosion* - The applicant shall control any unanticipated drainage and/or erosion conditions that may cause damage to jurisdictional areas and/or abutting or downstream properties. Said control measures shall be implemented

immediately upon need. The Office of the Conservation Commission shall be notified if such conditions arise and of the measures utilized.

- d) Soil Stabilization due to Delay in Work* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures, as recently amended, to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly.
- e) Grading of Slopes*-
 - i. >40% Slope – Slopes shall not exceed those specified in the plans approved by the Conservation Commission. Any slope equal to or greater than 40% (1 vertical to 2 1/2 horizontal) shall be stabilized with erosion control matting.
 - ii. <40% Slope – Final grades of vegetated areas shall not exceed a slope of 1 vertical to 2 1/2 horizontal (40%) and shall be stabilized to prevent erosion, particularly during the construction period.
- f) Stockpile Maintenance* - Any stockpiling of loose materials shall be properly stabilized to prevent erosion into and sedimentation of jurisdictional areas. Preventative controls such as haybales or erosion control matting shall be implemented to prevent such an occurrence.
- g) Stockpile Location – In no case shall any soil or excavated material be stockpiled within 50 feet of any bank or storm drain inlet.
- h) Site Stabilization Prior to Winter* - Prior to winter, exposed soils shall be stabilized (e.g. with demonstrated vegetative growth, impermeable barriers, erosion control blankets, etc.).

34. Invasive Insects* -

- a) Plantings – No trees to be planted shall be species susceptible to the Asian Longhorned Beetle or Emerald Ash Borer.
- b) Wood Removal – All tree, brush & wood removal shall adhere to the most recently amended requirements set forth by the Massachusetts Department of Conservation & Recreation for any project located in the Asian Longhorned Beetle Quarantine Zone.

35. Dust Control* - Provisions for dust control shall be provided during all construction and demolition activities. Such provisions shall be conducted in compliance with all City of Worcester Water Use Restrictions, if in effect, during such activities.

36. Dewatering* – If dewatering is required,

- o) Notice of such activities shall be given to the Office of the Commission within 24 hours of commencement;
- p) There shall be no discharge of untreated dewatered groundwater to jurisdictional areas either by direct or indirect discharge to existing drainage systems;
- q) Any discharge to surface waters or drainage structures must be visibly free of sediment;

- r) To the maximum extent practicable, proposed dewatering activities should be located outside of the 100' buffer. If such activities must be located within the 100' buffer, they shall be monitored at all times when the pumps are running;
- s) Dewatering activities shall be confined within an area of secondary containment at all times.

37. Equipment/Material Placement - No equipment or materials are to enter or be used or placed on the bank or in land under water at any time.

38. Spill Prevention* -

- k) No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order;
- l) No refueling shall take place within resource areas [or 100-ft to a resource area];
- m) The applicant shall take all necessary precautions to prevent discharge or spillage of fuel, oil or other pollutants onto any part of the site;
- n) A spill kit shall be present on site at all times.

Conditions to Meet at Completion of Project

39. Site Stabilization* - All disturbed areas shall be properly stabilized with well-established perennial vegetation or other approved methods before the project is considered complete.

40. Erosion and Sediment Controls* - Erosion and sediment controls shall not be removed from the site until all disturbed areas have been stabilized with final vegetative cover and approval has been received from the Commission or its Agents to do so. The controls must then be removed within two weeks of receipt of that certification.

41. Compensatory Storage – The area of required compensatory storage shall be deeded as a perpetual restriction on the property to prevent any permanent or temporary structure, stockpiling of fill or other alterations to bordering land subject to flooding.

42. Certificate of Compliance* - Upon completion of the project, the applicant shall request in writing a Certificate of Compliance from the Commission. If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, certification must include a written statement by such professional certifying the same.

- a) If the project required compliance with the Massachusetts Stormwater Standards and/or work was conducted within Riverfront Area or Bordering Land Subject to Flooding, a certified as-built plan-of-land shall be provided showing final grades, resource areas, and all constructed improvements;

43. Snow Storage – At no time shall snow be stored or stockpiled within 30' of a bank, a stormwater basin, or any compensatory flood storage areas.

44. Deed Condition – Conditions numbered **41** shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.

General Conditions

45. Change in Ownership* - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.

46. Conservation Agent's Power to Act* - With respect to all conditions, except _____, the Conservation Commission designates the Conservation Agent, as its Agent with full powers to act on its behalf in administering and enforcing this Order, unless the Agent determines approval from the Commission is appropriate.
47. Right to Inspect* - A member of the Conservation Commission or its Agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the purpose of evaluating compliance with this Order (and other applicable laws and regulations).
48. Changes to the Plan or Errors & Omissions* -
- (a) If any plan, calculation, or other data presented to the Office of the Commission is in error or have omissions, and are deemed significant by the Commissioners or their Agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
 - (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:
 - M.G.L. Chapter 131, Section 40,
 - 310 CMR 10.00, *Wetlands Protection*,
 - the City of Worcester's *Wetlands Protection Ordinance*, and
 - the Commission's *Wetlands Protection Regulations*
- If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.
49. Liability* - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its Agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its Agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions or this Order whether by itself or its employees or subcontractors.

List of Exhibits:

- Exhibit A: 10-14 New Bond Street Notice of Intent application; submitted by Kelly Engineering, Inc.; received August 2, 2017.
- Exhibit B: 14 New Bond Street Site Plan to Accompany NOI; prepared by Kelly Engineering; dated July 31, 2017.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 10-14 New Bond Street; dated August 17, 2017.

Exhibit D: Emergency Certification for 10-14 New Bond Street, dated June 13, 2017.

15. 179 Mower Street (MBL 40-031-0006D) (CC-2017-068)

Application: Notice of Intent

Applicant: Biagio Romeo

Project: To construct a single-family dwelling and conduct related 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 – 9/16/2017

Yar Zar Moe Htet appeared on behalf of the owner/applicant and reviewed the proposed project and other approvals obtained. He discussed responses to staff comments indicating that they will address staff comments, but that they do not plan to tie into the existing surface drainage system.

Mr. Kochling indicated a surface stub would be required. Mr. Htet indicated that they would provide this and revise the plan to show the inlets within 100' with protection.

No public comments.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to close the public hearing.

Orders of Conditions were discussed at the end of the meeting. Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 5-0 to issue an order of conditions with all standard, or general, conditions and the following special conditions:

Conditions to Meet Prior to and During Construction

21. Person Responsible for Compliance with the Order of Conditions* – A person shall be designated to be responsible to monitor compliance with the Order of Conditions. Their name and contact information (24/7) shall be provided to the Office of the Commission prior to start of any activity. This person shall conduct:

- a) periodic inspections to assure the adequacy and continued effectiveness of erosion and sediment controls;
- b) inspections of said controls following 0.5-inch or greater rain events, or after a heavy snow melt.

22. Contract* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.

23. Notification* - The applicant shall notify the Office of the Commission a minimum of 48 hours prior to the start of any activity.

Conditions to Meet Before the Start of Any Activity

24. Revised Plans – That three (3) to-scale copies of revised plans shall be provided to the Office of the Commission, prior to commencement of work, showing the below changes. These plans shall be considered the final revised plans approved for the project:
- m) Label the downgradient catch-basin on Mower Street on the plans and show inlet protection in said basin;
 - n) Show existing utilities in the Road;
 - o) Provide a surface drain stub to the property and incorporate the connection as an overflow pipe from the proposed infiltration unit;
 - p) Provide the City of Worcester standard water and sewer service connection details on the plans;
 - q) Show existing box culvert in City drainage easement and provide a note on the plan that indicated that the easement shall not be obstructed; &
 - r) Incorporate geotextile fabric into the proposed rip-rap detail.
25. Tree Cutting – Tree cutting is allowed following installation of erosion and sediment controls; otherwise, it may be allowed, prior to such installation, with the explicit permission of the Commission or its Agents.
26. Trees To Remain – All trees to remain post construction shall be marked on site as shown on the approved plan so that the Commission or its representative can verify them before any clearing takes place.
27. Pre-Construction Conference* -
- a) The Conservation Commission or its Agents shall conduct a pre-construction conference prior to commencement of activities in each phase of the project. Phasing, if any, shall conform to the approved plans.
 - b) The property owner / applicant and any person performing work that is subject to this Order are responsible for understanding and complying with the requirements of this Order, the Wetlands Protection Act, 310 CMR 10.00 and City of Worcester Wetlands Protection Ordinance and Regulations. Said persons shall acknowledge such in writing prior to commencement of activities.
28. Inspections Prior to Site Preparation and Site Work* - Erosion and sediment controls shall be installed and verified, in compliance with final approved plans, by the Commission or its Agents prior to the commencement of any excavation, grubbing and/or stumping of vegetation, grading, construction, or other site preparation.
29. Demarcation of Limit of Work – Prior to construction, the contractor shall stake out limit of work, using an orange snow/construction fence to demarcate the no-disturbance zone along the northern limit of the on-site drainage easement and continuing the extent of the southern side of the property at the limit of work in order to prevent encroachments beyond the approved limit of work during construction and in order to prevent inadvertent impacts to the box culvert located to the south of the property.
30. Demarcation of Property Lines - Prior to construction, stake out the property boundaries, every 50' on center. Stakes used for the property lines shall be distinctly different from those used to delineate the limit of work. Said stakes shall remain throughout construction.

Stormwater Management System

31. Catch Basins* –

- a) The paved roadways and parking lots shall be bermed and shall be installed with standard City of Worcester catch basins.
- b) Prior to start of activity on site that causes soil erosion and sedimentation, catch basin filter traps shall be installed in the existing and new catch basins.
- c) Catch basins shall be cleaned as warranted during construction to keep them clear of sediment, and minimum twice a year thereafter.

32. Stormwater Management System Maintenance* – The stormwater management system shall be maintained in accordance with the approved design plans and Operation and Maintenance Plan on file with the Office of the Commission. This condition shall extend in perpetuity beyond the issuance of the Certificate of Compliance.

Conditions to Meet During Construction

33. Limit of Work* – No removal, filling, dredging or altering of jurisdictional areas shall take place outside the approved work under this Order of Condition.

34. Work Sequencing – Activities shall take place in accordance with all phasing and sequencing shown on the plan and/or provided in the application materials on file with the Office of the Commission and shall follow any lot opening restrictions otherwise provided herein.

35. Infiltration Unit Inspection - Prior to back-filling, the applicant shall request and have conducted an inspection by the Commission or its Agents in order to verify the installation of the infiltration unit was conducted in a manner consistent with that provided on the approved plans.

36. Erosion Stabilization -

- a) Erosion and Sediment Controls* - All erosion and sediment controls shall be monitored, maintained, and adjusted for the duration of the project to prevent adverse impacts to jurisdictional areas. Additional erosion and sediment controls may be utilized on site as needed.
- b) Off Site Impacts* - There shall be no off-site erosion, flooding, ponding, or flood-related damage from runoff caused by the project activities.
- c) Unanticipated Drainage or Erosion* - The applicant shall control any unanticipated drainage and/or erosion conditions that may cause damage to jurisdictional areas and/or abutting or downstream properties. Said control measures shall be implemented immediately upon need. The Office of the Conservation Commission shall be notified if such conditions arise and of the measures utilized.
- d) Soil Stabilization due to Delay in Work* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures, as recently amended, to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly.
- e) Grading of Slopes*-

- i. >40% Slope – Slopes shall not exceed those specified in the plans approved by the Conservation Commission. Any slope equal to or greater than 40% (1 vertical to 2 1/2 horizontal) shall be stabilized with erosion control matting.
 - ii. <40% Slope – Final grades of vegetated areas shall not exceed a slope of 1 vertical to 2 1/2 horizontal (40%) and shall be stabilized to prevent erosion, particularly during the construction period.
- f) Stockpile Maintenance* - Any stockpiling of loose materials shall be properly stabilized to prevent erosion into and sedimentation of jurisdictional areas. Preventative controls such as haybales or erosion control matting shall be implemented to prevent such an occurrence. Piles shall be covered if they're to re-main undisturbed for an extended period of time.
- g) Site Stabilization Prior to Winter* - Prior to winter, exposed soils shall be stabilized (e.g. with demonstrated vegetative growth, impermeable barriers, erosion control blankets, etc.).

37. Invasive Insects* -

- a) Plantings – No trees to be planted shall be species susceptible to the Asian Longhorned Beetle or Emerald Ash Borer.
- b) Wood Removal – All tree, brush & wood removal shall adhere to the most recently amended requirements set forth by the Massachusetts Department of Conservation & Recreation for any project located in the Asian Longhorned Beetle Quarantine Zone.

38. Dust Control* - Provisions for dust control shall be provided during all construction and demolition activities. Such provisions shall be conducted in compliance with all City of Worcester Water Use Restrictions, if in effect, during such activities.

39. Dewatering* – If dewatering is required,

- t) Notice of such activities shall be given to the Office of the Commission within 24 hours of commencement;
- u) There shall be no discharge of untreated dewatered groundwater to jurisdictional areas either by direct or indirect discharge to existing drainage systems;
- v) Any discharge to surface waters or drainage structures must be visibly free of sediment;
- w) To the maximum extent practicable, proposed dewatering activities should be located outside of the 100' buffer. If such activities must be located within the 100' buffer, they shall be monitored at all times when the pumps are running;
- x) Dewatering activities shall be confined within an area of secondary containment at all times.

40. Spill Prevention* -

- o) No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order;
- p) No refueling shall take place within resource areas or 100-ft to a resource area;
- q) The applicant shall take all necessary precautions to prevent discharge or spillage of fuel, oil or other pollutants onto any part of the site;

- r) A spill kit shall be present on site at all times.

Conditions to Meet at Completion of Project

41. Site Stabilization* - All disturbed areas shall be properly stabilized with well-established perennial vegetation or other approved methods before the project is considered complete.
42. Erosion and Sediment Controls* - Erosion and sediment controls shall not be removed from the site until all disturbed areas have been stabilized with final vegetative cover and approval has been received from the Commission or its Agents to do so. The controls must then be removed within two weeks of receipt of that certification.
43. Certificate of Compliance* - Upon completion of the project, the applicant shall request in writing a Certificate of Compliance from the Commission. If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, certification must include a written statement by such professional certifying the same.
 - a) If the project required compliance with the Massachusetts Stormwater Standards and/or work was conducted within Riverfront Area or Bordering Land Subject to Flooding, a certified as-built plan-of-land shall be provided showing final grades, resource areas, and all constructed improvements;
 - b) If permanent markers were required, the certified as-built plan-of-land shall depict their location.
44. Deed Condition – Conditions numbered **32** shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.

General Conditions

45. Change in Ownership* - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.
46. Conservation Agent's Power to Act* - With respect to all conditions, the Conservation Commission designates the Conservation Agent, as its Agent with full powers to act on its behalf in administering and enforcing this Order, unless the Agent determines approval from the Commission is appropriate.
47. Right to Inspect* - A member of the Conservation Commission or its Agent may enter and inspect the property and the activity that are the subjects of this Order at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance is issued, for the purpose of evaluating compliance with this Order (and other applicable laws and regulations).
48. Changes to the Plan or Errors & Omissions* -
 - (a) If any plan, calculation, or other data presented to the Office of the Commission is in error or have omissions, and are deemed significant by the Commissioners or their Agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
 - (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of

the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:

- M.G.L. Chapter 131, Section 40,
- 310 CMR 10.00, *Wetlands Protection*,
- the City of Worcester's *Wetlands Protection Ordinance*, and
- the Commission's *Wetlands Protection Regulations*

If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.

49. **Liability*** - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its Agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its Agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions of this Order whether by itself or its employees or subcontractors.

List of Exhibits:

- Exhibit A: 179 Mower Street Notice of Intent application; submitted by Biagio Romeo; dated August 2, 2017.
- Exhibit B: 179 Mower Street Site Plan prepared by HS&T Group; revised August 21, 2017.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 179 Mower Street; dated August 17, 2017.
- Exhibit D: Email from Michelle Smith regarding 179 Mower Street, dated August 18, 2017.

Other Business:

16. Requests for Extension of Time:

a. 38 Toronita Avenue (CC-2014-015; DEP #349-1082)

Commissioner McKone summarized that the Commission had temporarily extended the permit at the last meeting in order to allow for a site walk and review of the wetland delineation to be conducted.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 5-0 to issue an extension permit for 1 year from September 11, 2017 (the date which the permit will otherwise expire).

17. Requests for Certificate of Compliance:

a. 42 Stoneleigh Road (CC-2014-044; DEP #349-1092)

Mr. Kochling indicated that he visited the site and the site was stable.

Ms. Smith summarized the project history and stated that the applicant did not install the deck that was proposed in the original permit.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to issue a Certificate of Compliance.

List of Exhibits:

Exhibit A: 42 Stoneleigh Road Application for Certificate of Compliance; submitted by Tara Dexter; dated August 1, 2017.

18. Enforcement Order Updates:

- a. 128 Alvarado Avenue (CC-2008-045 & CC-2017-017; DEP #349-963; CC-EO-2016-004)**

Mr. Kochling provided the update on this item and noted that they've begun the detention basin construction.

- b. 21 (aka 29) Quaboag Street (CC-2017-009; CC-EO-2016-005)**

Ms. Smith provided the update on this item. Ms. Smith stated that she spoke with Attorney Ann Refolo who indicated that the court order requires application for a building permit and that the property owner's attorney was instructed to record the order of conditions for the project.

- c. Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane) (fka Paradise Point) (CC-2007-025; DEP #349-931; CC-EO-2016-006).**

Mr. Kochling provided an update on this item. He performed a site visit that day and observed that they needed to complete erosion control maintenance and general housekeeping. He noted that one of the replication areas appeared to have many weeds.

Commissioner Charpentier asked for an update on this. Ms. Smith stated that the replication began about 6 months ago so the Commission should receive a monitoring report and that she would request such an update.

- d. 100 (fka) Goldthwaite Road (aka White Birch Commons; (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)**

Mr. Kochling provided the update on this item. He performed a site visit that day and reported that there were no resource area impacts observed. He explained that while the roadways were messy, but that no turbid water was leaving their detention basins or impacting the resource areas. He noted that polyurethane sheeting was still in place.

e. 9 Luther Avenue (and abutting portions of the Toronita Avenue and Luther Avenue ROWs) (CC-EO-2017-002)

Ms. Smith reviewed that this enforcement order had been issued since the previous meeting. She indicated that staff observed vegetation removal which had taken place in the Toronita and/or Luther Avenue right-of-ways and on the property known as 9 Luther Avenue.

Ms. Smith indicated that previous conversations with the proponent were had with staff alerting the proponent of the permitting requirements with the Commission for work within 100' of a wetland. She indicated that given the resistance from the proponent to discuss the matter staff felt that an enforcement order was appropriate to prevent any further impacts.

Ms. Smith explained the activity conducted removed a few mature trees which were felled directly into what appears to be a wetland on the property, potentially impairing wildlife habitat functions.

Ms. Smith noted that no one was present for the item and that the property owner's attorney was not able to attend the meeting, due to a previously scheduled vacation.

Ms. Smith suggested that the Commission vote to ratify the enforcement order, as issued by staff and reviewed some conditions of the enforcement order. She noted that she would work with the owner's attorney on the matter to ensure the enforcement order is complied with and to adjust the timelines accordingly based on when their attorney returns from vacation. She stated that staff hopes the proponent will have a professional wetlands scientist under contract soon and suggested the condition of the enforcement order requiring a wetlands scientist evaluate the area should not be modified.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 5-0 to ratify the enforcement order and authorize staff to adjust timelines as appropriate.

List of Exhibits:

Exhibit A: Enforcement Order for 9 Luther Avenue (and the abutting portions of the Toronita Avenue and Luther Avenue ROWs) (CC-EO-2017-002); issued August 11, 2017.

19. Communication:

- f.** Notice of 2017 updates to the effective Priority and Estimated Habitat Maps, as established by the Massachusetts Endangered Species Act; from the Massachusetts Division of Fish & Wildlife - Natural Heritage and Endangered Species Program; map updates effective as of 8/1/2017.
- g.** Notice of WPA Exempt Work for MBTA Positive Train Control Project; from the Massachusetts Bay Transit Authority; received on 8/4/2017.
- h.** Helical Pile Foundation System Brochure; from Solid Earth Technologies; received on 8/9/2017.

The commission had no comments.

20. Land Acquisition and Land Management

a. Potential Property Acquisition for 2 Passway Four (MBL 42-023-23-35)

Ms. Smith indicated that the property owner seeks to donate the property to the City and reviewed potential values the property could protect, noting that that a perennial stream runs through the land. She noted that there are no sidewalks and trees would fall down to the property given the topography.

Commissioner Charpentier inquired about the proximity to other open space. Ms. Smith stated the lot is near but not directly abutting Gods Acre.

Ms. Smith suggested a site visit on folks on time and noted that she would provide additional information on open space in the area.

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

Discussion took place on as noted above in line with the respective agenda items.

22. Signing of Decisions

Decisions were signed for all Orders, Determinations, and Certificates issued as noted above.

Adjournment

Upon a motion by Commissioner Amory and seconded by Commissioner Berg Powers, the Commission voted 5-0 to adjourn at 8:57 p.m.