

**MINUTES OF THE PROCEEDINGS OF THE  
CONSERVATION COMMISSION OF THE CITY OF WORCESTER  
February 26, 2018  
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

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

**Members Absent:** None

**Staff Present:** Michelle Smith, Planning & Regulatory Services Division  
Mia McDonald, Planning & Regulatory Services Division  
Stephane Cherduville, Department of Public Works & Parks

**Call to Order**

The Chair called the meeting to order at 5:39 p.m.

**Requests for Continuances, Extensions of Time, Postponements, Withdrawals**

**Agenda Item #14 - Agenda Item #1 - 47R Fourth Street - Notice of Intent Application (CC-2017-052)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 3-0 to continue the item until the May 21, 2018 Conservation Commission meeting.

**Agenda Item #2 - 21 Paradox Drive - Notice of Intent Application (CC-2018-002)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 3-0 to continue the item until the April 9, 2018 Conservation Commission meeting.

**Agenda Item #3 - 384 Southwest Cutoff (MBL 45-033-00002) (CC-2017-090)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 4-0 to continue the item until the March 19, 2018 Conservation Commission meeting.

**Agenda Item #5 - Whipoorwill Drive & 0 Danielle's Way (aka Malden Woods Subdivision) the Whipoorwill Drive Right-of-Way; and the westerly portion of the Castine Street Right-of-Way - Notice of Intent Application (CC-2017-095)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the March 19, 2018 Conservation Commission meeting.

**Agenda Item #7 - 26 Narragansett Street, 5 & 13 Keach Avenue (MBL 29-003-54-58, -00047, -45+46), and the Evelyn Street & Narragansett Avenue Right of Ways (CC-2018-009)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the March 19, 2018 Conservation Commission meeting.

**Agenda Item #9 - 100 Fremont Street (MBL 27-022-00002) (CC-2018-011)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the March 19, 2018 Conservation Commission meeting.

**Agenda Item #11 - 240 Mill Street (aka Coes Reservoir) (MBL 51-016-00002) (CC-2018-014)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the March 19, 2018 Conservation Commission meeting.

**Agenda Item #13.a. - 0 Eustis Street (CC-2015-012)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the May 21, 2018 Conservation Commission meeting.

**Agenda Item #13.b. - 150 Blackstone River Road (CC-2016-028; CC-2017-035; 349-1137)**

Upon a motion by Commissioner Mckone and seconded by Commissioner Berg Powers the Commission voted 4-0 to postpone the item until the March 19, 2018 Conservation Commission meeting.

**Approval of Minutes**

None

**Public Hearings – continuances and postponements as noted above.**

**New Business – Request for Determination of Applicability:**

**Agenda Item #15 - Agenda Item #4: 30, 34, 36, 38 & 49 Sigel Street, 19 Quinsigamond Avenue, and 19, 23, & 25 Endicott Street (MBL 05-040-00034, -00038, -00079, -00042; -00064; -00059, -00056; -00055; -22+44) and within the Sigel Street Right of Way (CC-2018-012)**

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 proposed work to replace eight (8) utility poles and a transformer and install new conduit, with associated 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 bordering land subject to flooding (BLSF) and the stormwater protection zone (SPZ).

Amanda Houle of Tighe & Bond appeared on behalf of the applicant, Massachusetts Electric d/b/a National Grid. Ms. Houle summarized the project, adding that the underground conduit would be installed within a 14-inch wide by 40-inch deep trench, as shown on the plans. She explained that typically 100 linear feet is completed per day, with 960 square feet of work within BLSF and 130 square feet in the SPZ; the work is anticipated take over approximately one week. She stated that all grades will be fully restored and no fill or displacement will take place in the resource area. The utility lines are not being proposed to be replaced underground as it is only a partial replacement of the line in that area.

Ms. Houle requested a waiver of the application requirement to submit a plan showing property line distances.

Chair Charpentier asked when the road would be repaired and paved after the work. Ms. Houle indicated that steel plates would be placed over the trenched areas and protection would be placed on stormdrain inlets within 100 feet. She stated that work was proposed for the spring construction season.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 4-0 to issue a negative determination as per the submitted application.

**List of Exhibits:**

- Exhibit A: Sigel Street Electrical Maintenance Project Request for Determination of Applicability application materials; submitted by Tighe & Bond; received February 7, 2018.
- Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: Siegel Street; dated February 23, 2018.
- Exhibit C: E-mail from Mia McDonald to Amanda Houle re: Sigel Street Request for Determination of Applicability; dated February 23, 2018.

**New Business – Notices of Intent:**

**Agenda Item #16 - Agenda Item #6 - 19 Proctor Street (MBL 13-015-01+16) (CC-2018-008)**

- Application: Notice of Intent
- Applicant: Steven Rothschild
- Project: To construct an addition to the existing single family home, along with related site work.
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer of the bank associated with Indian Lake and within the Stormwater Protection Zone.

Bryan LaRochelle of Graves Engineering and the owner, Steven Rothschild, appeared and reviewed the proposed project. Mr. LaRochelle stated that the proposed addition is more than 30 feet from the edge of the bank while the existing 4-foot chain link fence would be removed and replaced with a 6-foot stockade fence within the 30-foot and 15-foot buffers to the bank; he requested a discretionary allowance from the Worcester Ordinance for such work. Mr. LaRochelle stated that stockpiling on-site would take place as shown on the plans, if needed.

Commissioner McKone asked if any repairs were proposed to the retaining wall. Mr. LaRochelle stated that no work will be done on the retaining wall.

Commissioner Escobar asked if any fill would be brought to the site. Mr. LaRochelle stated that the site would be graded for the addition and patio using cut/fill from the site; no fill to be brought to the site.

Chair Charpentier requested silt sacks be installed in the catch basins in Proctor Street and that the street be kept clean. Mr. LaRochelle stated that such requests would be noted on the plan.

Colin Novick asked if erosion controls would be installed along the border of the site along Hastings Street. Mr. LaRochelle affirmed and stated that silt fence and straw wattles are proposed along the limit of work.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, 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 Escobar, seconded by Commissioner Amory, the Commission voted 4-0 to issue an order of conditions, permitting a discretionary allowance relative to performance standard 4.2.4 to replace

the existing fence located in the 15-foot and 30-foot buffers, with all standard, or general, conditions and the following special conditions:

**STAFF TO INSERT CONDITIONS FROM ORDER**

**List of Exhibits:**

- Exhibit A: 19 Proctor Street Notice of Intent application materials; submitted by Graves Engineering; dated January 17, 2018.
- Exhibit B: Definitive Site Plan 19 Proctor Street; prepared by Graves Engineering; dated January 15, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 19 Proctor Street; dated February 23, 2018.
- Exhibit D: E-mail from Mia McDonald to Bryan Larochelle re: 19 Proctor Street; dated February 23, 2018.
- Exhibit E: Letter from MassDEP issuing file number and comments; dated January 29, 2018.

**Agenda Item #8 - 457 Granite Street (MBL 45-003-00032) (CC-2018-010)**

- Application: Notice of Intent
- Applicant: Mattero Construction
- Project: To construct a single family dwelling along with related site work and restoration of the 15-foot buffer and to request a waiver of the requirements of performance standard 4.2.4.of the City of Worcester Wetlands Protection Regulations.
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within a bordering vegetated wetland and the 100’ buffer thereto and within the Stormwater Protection Zone.

The Chair called item #15.f. on the agenda contemporaneously.

Kevin Quinn, of Quinn Engineering, and Andrea Kendall, of LEC Environmental Consultants, appeared on behalf of the item and reviewed the proposed project. Mr. Quinn reviewed the project history and reviewed how the proposed work would address the current enforcement order affecting the site. Ms. Kendall responded to the staff comment letters, explaining that the previous owners of the property had cleared part of the bordering vegetated wetlands. She noted that this area is now fully vegetated and stable and no work is proposed within the wetlands. Ms. Kendall detailed the proposed restoration of the 15-foot buffer to the wetland with plantings, but explained that the actual location of the plantings would shift to between wetland flags WF-W3 and WF-W5 and that this would be reflected on the final revised plans.

Chair Charpentier asked if there would be any additional clearing on the site. Mr. Quinn stated that there would be no further clearing. Commissioner McKone requested a dewatering plan and inquired about stockpiling. Mr. Quinn stated he would provide a dewatering detail and that there would be no stockpiling on the site, noting that there would be soil movement for the installation of the septic system and foundation.

Ms. Smith recommended that the restoration work be completed prior to the start of the construction of the septic system or house and completed no later than October 14, 2018.

Public Comment received by staff via phone call and mail from Jane Derosier of 23 Cliff Street expressing concern over disruption/filling of the stream and flooding onto her property as a result of the proposed project.

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 4-0 to lift the enforcement order contingent upon the issuance of an order of conditions for the project.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, 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 Escobar, seconded by Commissioner Amory, the Commission voted 4-0 to issue an order of conditions, with a waiver of performance standard 4.2.4 to allow restoration activities within the 15-foot buffer, with all standard, or general, conditions and the following special conditions:

**STAFF TO INSERT CONDITIONS FROM ORDER**

**List of Exhibits:**

- Exhibit A: 457 Granite Street Notice of Intent application materials; submitted by LEC Environmental Consultants; dated February 5, 2018.
- Exhibit B: 457 Granite Street Plan; prepared by Quinn Engineering; dated February 2, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 457 Granite Street; dated February 23, 2018.
- Exhibit D: E-mail from Mia McDonald to Andrea Kendall re: 457 Granite Street Notice of Intent; dated February 23, 2018.
- Exhibit E: Letter from Resident Abutter, Jean Desrosier; dated February 24, 2018
- Exhibit F: DEP File #349-11947, with comments; dated April 17, 2018

**Agenda Item #10 - 41 Rustic Drive Extension (MBL 25-34B-00008) (CC-2018-013)**

- Application: Notice of Intent
- Applicant: Elio Romeo
- Project: To construct a single family dwelling with associated driveway, grading, utilities landscaping, retaining walls, along with related site work.
- Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone.

Zac Couture, of HS&T Group, appeared on behalf of the item and reviewed the proposed project, submitting revised plans (Exhibit B) showing the addition of an infiltration unit.

Chair Charpentier asked if the downspouts from the entire roof would be directed to the infiltration unit. Mr. Couture affirmed. Chair Charpentier requested clarification about the proximity of the retaining wall to the property line. Mr. Couture responded that the retaining wall would be located 1.5-feet off the property line and the proposed wall height.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, 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 Escobar, seconded by Commissioner Amory, the Commission voted 4-0 to issue an order of conditions with all standard, or general, conditions and the following special conditions:

**STAFF TO INSERT CONDITIONS FROM ORDER**

**List of Exhibits:**

- Exhibit A: 41 Rustic Drive Extension Notice of Intent application materials; submitted by HS&T Group; dated February 7, 2018.

- Exhibit B: 41 Rustic Drive Extension Site Plan; prepared by HS&T Group; dated February 6, 2018, last revised February 23, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 41 Rustic Drive Extension; dated February 23, 2018.
- Exhibit D: E-mail from Mia McDonald to Zac Couture re: 41 Rustic Drive Extension Notice of Intent; dated February 23, 2018.

### **Other Business:**

#### **Agenda Item #17 - Agenda Item #12 - Informal Presentation regarding the South High Community School Project, on behalf of DPW&P.**

Eric Moore, of Lamoreaux Pagano Architects, David Fontaine, Jr, of Fontaine Bros., Russ Adams, of the DPW&P, Matt Brassard, of Nitsch Engineering, and Mark Lydon, of Heery Architects, presented the proposed construction of the new South High Community School on Apricot Street.

Chairman Charpentier asked for improved conditions at each of the existing outfalls and for a plan to address runoff from the construction site and access road during site clearing and construction; especially to address peak flow mitigation throughout the changing site phases.

Colin Novick of the Greater Worcester Land Trust praised consideration given to the conservation land and resource areas adjacent to the proposed work. He suggested fencing along the retaining walls to prevent trash and litter from entering adjacent conservation land. He also requested that dumpsters are located away from adjacent conservation land.

#### **Agenda Item #18 - Project Change Request (Determination of Significance and Subsequent Action) for:**

- a. 6-12 Sever Street (CC-2017-089)

Ms. Smith reviewed the revised site plan submitted noting the changes include replacement of stairs with ramps for accessibility purposes. She indicated that the change results in an increase in impervious surface of 700 square feet for a total increase from existing conditions to 1,900sf.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the commission voted 3-1 (Chair Charpentier voting against) that the changes were inconsequential, requiring no further action and finding that the submitted plans shall become plan of record.

- b. 350 Greenwood Street (CC-2017-048) – No change proposed; request withdrawn.

#### **Agenda Item #19 - Enforcement Order Updates:**

- a. 128 Alvarado Avenue (CC-2008-045 & CC-2017-017; DEP #349-963; CC-EO-2016-004) – No update.
- b. 21 (aka 29) Quaboag Street (CC-2017-009; DEP #349-1157; CC-EO-2016-005) – No update.
- c. 100 (fka) Goldthwaite Road (aka White Birch Commons; (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)

Ms. Smith reported that the owner's representative plans to attend the March 19, 2018 Commission meeting to address the enforcement order and the proposed restoration.

- d. 9 Luther Avenue (and abutting portions of the Toronita Avenue and Luther Avenue ROWs) (CC-EO-2017-002) – No update.

- e. 21 Paradox Drive (CC-2018-002; CC-EO-2017-004) – No update.
- f. 457 Granite Street (CC-2018-010; CC-EO-2017-008)

Taken with item #8.

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 4-0 to lift the enforcement order contingent upon the issuance of an order of conditions for the project and said order becoming in full force and effect.

- g. Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane) (fka Paradise Point) (CC-2007-025; DEP #349-931; CC-EO-2017-009; UAO-CE-18-6W001)

Ms. Smith indicated that staff plans to provide an amended enforcement order to the owner and the Commission prior to the next meeting reflecting the Commission's vote from their 1/29/2018 Meeting.

#### **Agenda Item #20 - Communication:**

- a. Brochure for the 2018 Massachusetts Land Conservation Conference (3/24/2018); from the Massachusetts Land Trust Coalition; received 1/29/2018.
- b. Flier for State of the Lakes: Water Quality and Initiatives in Our Blue Spaces (2/15/2018); from DPW&P Lakes & Ponds; received 1/31/2018.
- c. 2017 Stormwater System Monitoring Report for Salisbury Hills Condominiums; from Peoples Engineering; received 2/1/2018.
- d. Letter to Banner Worcester Storage, LLC regarding permit requirements for a project at 90 Barber Avenue; from US Army Corps of Engineers; received 2/5/2018. Note: Staff will send a letter to the owner regarding the order of conditions requirements for project change requests that are likely to be needed to address the letter from the ACOE.
- e. Massachusetts Executive Office of Energy and Environmental Affairs Grant Award Letter for the Orrison Connector Project; from Greater Worcester Land Trust; received 2/8/2018.
- f. Introduction and Consultant Services Letter; from Goddard Consulting; received 2/15/2018.

No comments.

#### **Agenda Item #21 - Land Management**

Ms. Smith updated the Commission on the award of state funds to the Greater Worcester Land Trust to be used in association with the purchase of the Orrison Street Connector project. She explained that the property to be acquired abuts Moreland Woods and that staff is awaiting a draft conservation restriction from the Greater Worcester Land Trust as the Conservation Commission voted to support the project with the intent to hold a conservation restriction on the same, provided City Council were to accept the same.

#### **Agenda Item #22 - Discussion of Commission Processes & Procedures –**

The Commission requested that a draft "Active Agenda" and the electronic files be made available as early as possible in Dropbox. Staff recommended that and the Commission is willing attempt discussion of orders and conditions directly after the close of the public hearing on each item on an upcoming short agenda.

The Commission requested an update on financial accounts and the status of Wetlands Protection Act monies.

Staff indicated that they would complete registrations for Commissioners Charpentier, McKone, and Escobar, and 2 Staff to attend the annual environmental conference of the Massachusetts Association of Conservation Commissioners.

**Agenda Item #23 - Discussion of Special Conditions and Issuance of Orders of Conditions**

Orders of Conditions were discussed and issued, as noted in-line above.

**Agenda Item #24 - Signing of Decisions**

Decisions were signed for the following projects:

- Negative Determination of Applicability for 30, 34, 36, 38 & 49 Sigel Street, 19 Quinsigamond Avenue, and 19, 23, & 25 Endicott Street and within the Sigel Street Right of Way (CC-2018-012)
- Order of Conditions for 19 Proctor Street (CC-2018-008)
- Order of Conditions for 457 Granite Street (CC-2018-010)
- Order of Conditions for 41 Rustic Drive Extension (CC-2018-013)

**Adjournment**

Upon a motion by Commissioner Amory and seconded by Commissioner Escobar, the Commission voted 4-0 to adjourn at 7:55 P.M.