

**MINUTES OF THE PROCEEDINGS OF THE
CONSERVATION COMMISSION OF THE CITY OF WORCESTER
April 9, 2018
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

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

Members Absent: Christian Escobar, Vice Chair

Staff Present: Stephen Rolle, 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 5:38 p.m.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

- Item #1:** **47R Fourth Street**
Notice of Intent (CC-2017-052)
Request to Continue Public Hearing to **June 11, 2018**
- Item #2:** **Whippoorwill Dr., Castine St. & Danielle’s Way (Malden Woods Subdivision)**
Notice of Intent (CC-2017-095)
Request to Continue Public Hearing to **June 11, 2018**
- Item #3:** **21 Paradox Drive**
Notice of Intent (CC-2018-002)
Request to Continue Public Hearing to **June 11, 2018**
- Item #6:** **11 Nathaniel Court**
Notice of Intent (CC-2018-025)
Request to Postpone Public Hearing to **June 11, 2018**
- Item #15:** **150 Blackstone River Road,**
Request for Certificate of Compliance (CC-2016-028 & CC-2017-035)
Request to Postpone Public Meeting to **June 11, 2018**

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 4-0 to continue/postpone the above items as requested and noted.

Approval of Minutes

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory the Commission voted 4-0 to accept the minutes as written for the February 26, 2018 Conservation Commission meeting.

Public Hearings – continuances and postponements as noted above.

Unfinished Business

Agenda Items 4 and 6 taken together:

Lamartine Street Right-of-Way from Quinsigamond Ave to Langdon Street, 103, 104 (aka 100) & 133 (aka 131) Lamartine Street, 104 Gold Street, 3 (aka 7 & 13) Quinisigamond Avenue (MBL 05-013-00412, -012-0005, -013-00001, -011-00005, & -012-0013A):

Agenda Item #4: Request for Determination of Applicability (CC-2018-040) by the Worcester Department of Public Works & Parks

Agenda Item #6: Notice of Intent (CC-2018-030, DEP #349-1198) by the Worcester Department of Public Works & Parks

Project: To construct a portion of the Blackstone River Bikeway, including modifications to the curb lines, sidewalks, driveways and signals, paving, grading and related site work.
Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance (Bordering Land Subject to Flooding)

Lara Laich, Environmental Scientist with VHB presented the applications, differentiating that the work on private property was included in the Request for Determination of Applicability and the work within the right of way was included in the Notice of Intent application. Fred Moseley of Stantec was also present for the project.

Commissioner Berg Powers stated he was in support of the project and pleased to see the City's desire to increase accessibility for bicycles and reduce the number of cars on the road.

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

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, 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, the Commission voted 4-0 to issue an order of conditions, with all standard, or general, conditions and the special conditions outlined in the Order.

List of Exhibits:

- Exhibit A:** Blackstone River Bikeway Segment 7 along Lamartine Street Notice of Intent application materials; submitted by VHB dated and received April 11, 2018.
- Exhibit B:** E-mail from Mia McDonald to Lars Carlson of VHB re: Lamartine Street/Blackstone Bikeway Notice of Intent; dated April 17, 2018.
- Exhibit C:** Revised Blackstone River Bikeway Segment 7 along Lamartine Street Notice of Intent application materials; submitted by VHB dated and received April 23, 2018.
- Exhibit D:** E-mail from Mia McDonald to Fred Moseley from Stantec re: 605820 Blackstone Segment 7 - NOI; dated April 23, 2018.
- Exhibit E:** Memorandum from the Department of Public Works and Parks to the Conservation Commission re: Blackstone River Bikeway Segment 7; dated April 27, 2018.

New Business

Agenda Item #7: Lake Quinsigamond (MBL MA-DEP-QUINS): Notice of Intent by the Lake Quinsigamond Commission (CC-2018-034, DEP #349-1200)

Project: To conduct a comprehensive aquatic nuisance vegetation, algae, and cyanobacteria management program using a variety of methods including herbicides, algaecides, mechanical methods, drawdown and associated site work 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

Matthew Ludewig of ESS Group, Inc. presented the project as proposed in the application documents. MassDEP comments were discussed. Mr. Ludewig stated 164 acres of impact located within Worcester as land under water; that the drawdown follows the suggested criteria; and stated that MEPA submittal is not required because there is no current action by the state.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, 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, the Commission voted 4-0 to issue an order of conditions, with all standard, or general, conditions and the special conditions outlined in the Order.

List of Exhibits:

Exhibit A: Lake Quinsigamond Long Term Vegetation Management Plan Notice of Intent application materials; submitted by ESS Group dated April 2018 and received April 23, 2018.

Exhibit B: E-mail from Mia McDonald to Alex Patterson of ESS Group re: Lake Quinsig Notice of Intent; dated May 7, 2018.

Exhibit C: Memorandum from the Department of Public Works and Parks to the Conservation Commission re: Lake Quinsigamond NOI; dated May 18, 2018.

Agenda Item #8: University Park Pond, Elm Park Pond, Wawecus Road Pond, Green Hill Memorial Pond (MBL 07-007-01+02, 02-INX-00001, 22-INX-00001, 57-003-00003): Notice of Intent by the City of Worcester Department of Public Works and Parks (CC-2018-035, DEP #349-1201)

Project: To conduct a comprehensive aquatic nuisance vegetation, algae, and cyanobacteria management program using a variety of methods including herbicides, algaecides, biological augmentation and associated site work and to request a waiver of the requirements of performance standard 4.2.4.of the City of Worcester Wetlands Protection Regulations (CC-2018-035).

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Matthew Salem, Permits Coordinator for Solitude Lake Management presented the project.

Public Comments:

Abutter to the Elm Park Pond, Paul Andrews of 142 Elm Street, expressed concern about adverse health effects from the application of the chemicals and exposure of nearby residences. Mr. Salem responded that the chemicals are

applied underwater with a hand applicator and only the minimum amount needed are applied, on days with low winds and in larger droplets.

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, the Commission voted 4-0 to issue an order of conditions, with all standard, or general, conditions and the special conditions outlined in the Order.

List of Exhibits:

Exhibit A: Worcester City Ponds Notice of Intent application materials; submitted by Solitude Lake Management dated and received May 2, 2018.

Exhibit B: Memorandum from the Department of Public Works and Parks to the Conservation Commission re: University Park Pond, Elm Park Pond NOI; dated May 18, 2018.

Agenda Item #9: 259 Lake Avenue North (MBL 46-013-36-38): Notice of Intent by Silver Tree Realty, LLC, (CC-2018-036, DEP #349-1199)

Project: To demolish the existing single family dwelling and appurtenances and construct a three-unit, two-story building along with related grading, paving, drainage and site work.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Andrew Baum of Summit Engineering presented the project. Commissioner McKone requested conditions to prevent snow stockpiling overflow into Lake Ave North.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, 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 McKone, seconded by Commissioner Amory, the Commission voted 4-0 to issue an order of conditions, with all standard, or general, conditions and the special conditions outlined in the Order.

List of Exhibits:

Exhibit A: Wetlands Notice of Intent application materials for 259 Lake Avenue North; submitted by Summit Engineering dated May 2, 2018 and received May 3, 2018.

Exhibit B: E-mail from Mia McDonald to Andrew Baum of Summit Engineering re: 259 Lake Avenue North Notice of Intent; dated May 7, 2018.

Exhibit C: Memorandum from the Department of Public Works and Parks to the Conservation Commission re: 259 Lake Avenue North NOI; dated May 18, 2018.

Agenda Items 10, 11 and 12 were taken together:

Agenda Item #10: Lot 2: 30 & 32 Chiltern Hill Drive (MBL 30-030-00009 and -30A-008A): Notice of Intent by Silver Tree Realty, LLC, (CC-2018-037)

Project: To demolish the existing single family dwelling and appurtenances and construct a single family dwelling along with related grading, paving, drainage and site work.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance

Agenda Item #11: Lot 3: 30 & 32 Chiltern Hill Drive (MBL 30-030-00009 and -30A-008A): Notice of Intent by Silver Tree Realty, LLC, (CC-2018-038)

Project: To demolish the existing single family dwelling and appurtenances and construct a single family dwelling along with related grading, paving, drainage and site work.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance

Agenda Item #12: Lot 4: 30 & 32 Chiltern Hill Drive (MBL 30-030-00009 and -30A-008A): Notice of Intent by Silver Tree Realty, LLC, (CC-2018-039)

Project: To demolish the existing single family dwelling and appurtenances and construct a single family dwelling along with related grading, paving, drainage and site work.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance

Andrew Baum of Summit Engineering presented the projects. Mr. Baum stated that Lot 5 ownership was still undetermined but contains drainage structures. Chairman Charpentier asked for calculations for the stormwater treatment measures and drainage for the site and details on the utility connections and it was determined these were not yet provided. Commissioner McKone asked for additional erosion controls and a phasing plan to prevent runoff during construction.

Public Comments:

Cynthia Bradbury of 26 Chiltern Hill Drive wrote in with concern about runoff from the site.

Larry Abramoff of 24 Chiltern Hill Drive expressed concern about distance from his house, condition and details of retaining walls, habitat for bears and foxes. Mr. Baum responded that most of the walls are under 4 feet, but walls over 4 feet will have fencing.

David Diminstein of 29 Aylesbury Road expressed concern over the stability of the hill during and after construction, as well as flooding on his property, which is downhill.

Eugene McDermott of 25 Chiltern Hill Drive expressed concern that his property has flooding issues, as well as other properties in the neighborhood.

Michael Pagano of 31 Aylesbury Road expressed concern over an easement and asked for additional information.

Rachel Ovitsky, daughter of abutters, expressed concern over drainage problems during and after construction.

Mr. Cherduville asked about the force main connection. Mr. Baum stated that the force mains will be separated and discharged to a sewer manhole. This has not yet been addressed in plan revisions.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory, the Commission voted 4-0 to continue the hearing for all three items to July 18, 2018.

Other Business

Agenda Item #13: Land Acquisition/Management: Review and Vote on the Acceptance of a Conservation Restriction (pursuant to M.G.L. Chapter 184, Section 32 and Chapter 40 Section 8C) for Moreland Woods Connector – 0 Orrison Street (MBL 25-046-0000A)

Upon a motion by Commissioner Berg Powers and seconded by Commission McKone, and having reviewed the substantially final draft Conservation Restriction, the Commission voted to accept, sign, and hold a Conservation Restriction on property located at 0 Orrison Street, known as the Moreland Woods Connector, on behalf of the City of Worcester subject to minor changes and any mandatory changes made by the Massachusetts Executive Office of Energy and Environmental Affairs.

Agenda Item #14: Violation at 40 Sutton Lane (MBL 27-024-0004A)

Unpermitted fill within bordering land subject to flooding. The landowner was not present for discussion. The Commission requested a violation letter be sent to the owner requesting attendance at the June 11 meeting.

Agenda Item #15: Requests for Certificate of Compliance

15.b. 0 (aka 47) Eustis Street (CC-2015-012)

No information received. Mr. Cherduville stated the site remains unstable. No request for Continuance received. Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to deny the request for Certificate of Compliance.

15.c. 126 Southwest Cutoff (CC-2005-042; DEP #349-845) AND

15.d. 126 Southwest Cutoff (CC-2015-057; DEP #349-1118)

Mr. Cherduville stated the site was stable and constructed as approved. Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commission voted 4-0 to issue both of the Certificates of Compliance.

Agenda Item #16: Extension Permit Requests:

16.a. Order of Conditions for Salisbury Hill (fka 727 Salisbury Street) (CC-2001-071; DEP #349-721)

Michael Dryden of Bohler Engineering and Mark Arnold of Goddard Wetland Consulting presented for Daniel Luis, owner, who also present. Mr. Dryden stated

- The site was not in compliance with three of the ten stormwater standards, (#1, #3 and #9.)
- There are 196 units still remaining to be built.
- New erosion controls have been installed.
- Newly discovered resource areas have been delineated in the north and south of the property.
- No further site work shall take place until revised plans and calculations are submitted to the Commission for review.

Commissioner Amory questioned a new wetland resource area, a possible new pond in the center of the site. Mr. Dryden stated that it may be a case of over excavation. Chairman Charpentier stated that he observed a stream in the southwest corner of the site with erosion controls and fill within the stream.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commissioner voted 4-0 to extend the Order of Conditions to July 18 with no additional site work allowed except for the installation of additional erosion controls and test pits.

16.b. Order of Conditions for 100 (fka) Goldthwaite Road (aka White Birch Commons (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)

AND Agenda Item 18.c. Enforcement Order for 100 (fka) Goldthwaite Road (aka White Birch Commons (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commission voted 4-0 to amend the enforcement order to include restoration of the 139 square feet of area impacted (as shown in the wetland impact report dated May 1, 2018) and addition of note on the crossing plan from a professional engineer stating that the crossing is adequate as required by the EO.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to extend the order of conditions for one year.

16.c. Order of Conditions for 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)

AND 18.f. Enforcement Order for 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)

Mr. Cherduville stated that the site is in compliance and is currently being maintained to prevent erosion and sedimentation of the resource areas. He also stated the temporary stormwater basin at the highest part of the site does not have engineered plans.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to amend the enforcement order to once again allow for construction in the phasing allowed in previous enforcement orders and to require an engineered plan with supporting calculations for operation and maintenance of the uppermost stormwater basin.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to extend the order of conditions for one year.

16.d. Order of Conditions for 128 Alvarado Avenue (CC-2008-045; CC-2017-017 (Amended); DEP #349-963; CC-EO-2016-004)

AND 18.a. Enforcement Order for 128 Alvarado Avenue (CC-2008-045 & CC-2017-017; DEP #349-963; CC-EO-2016-004)

Commissioner McKone chaired this discussion as Chairman Charpentier recused himself for personal reasons (he is a direct abutter.)

Representative Mike Legor attended the meeting to request additional time to maintain the site to meet the requirements of the enforcement order due to health concerns of the owner, Howard Stone. Mr. Cherduville submitted photographs taken on 5/21/18 showing the erosion controls in some areas required maintenance. Mr. Cherduville agreed to meet Mr. Legor onsite to review the areas in need of maintenance.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory, the Commission voted 3-0 to extend the order of conditions to July 20 to allow for time to perform maintenance on the erosion controls.

Agenda Item #17: Project Change Request (Determination of Significance and Subsequent Action)

17.a. Order of Conditions for 37 Sigel Street (CC-2015-059; DEP #349-1119)

Kevin Quinn of Quinn Engineering presented the most recent revisions to install flood vents, drywells and a compensatory storage system. Community Rating System Coordinator/Senior Planner Michelle Smith of DPRS submitted comments supporting the revisions with requirements to apply for a building permit to install flood vents and subsurface compensatory storage within 30 days and a note is added to the plan requiring staff inspection of the subsurface unit.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to find the project change insignificant.

The Commission also stated that if the applicant does not apply for a building permit for the installation of flood vents within 30 days, enforcement action shall be issued.

17.b. Order of Conditions for Southerly part of 45 Crawford St. (aka 0 or 8, 10, & 12 Hazel St.) (CC-2017-081)

Mr. Cherduville stated that the site is stable and improved. Chairman Charpentier also visited the site and confirmed he observed an improvement.

Agenda Item #18: Enforcement Order Updates:

18.b. 21 (aka 29) Quaboag Street (CC-2017-009; DEP #349-1157; CC-EO-2016-005) No update.

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

18.e. 21 Paradox Drive (CC-2018-002; CC-EO-2017-004) Amy Scott of 230 Beaconsfield Road attended to request the Commission require a restoration plan for her property as required by the existing enforcement order. Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commission voted 4-0 to write a violation letter stating that the restoration plan is due by June 11 or shall enforce fines.

18.g. 93 Chicopee Street (CC-EO-2018-001) The Commission discussed the lack of response and requested staff call to discuss movement of the fence out of the stream as required by the enforcement order.

Agenda Item #19: Communication:

- a. Letter re: 5 Picwick's Circle; from Paul M. Novak, Attorney for Steven S. and Margaret B. Coffin of 44 Holden Street; received 4/27/2018.
- b. Site visit conducted by Mr. Cherduville and Mrs. McDonald. Emergency Certification was issued to stabilize the illicit retaining wall that was threatening to fail due to over 18 inches of silt piled against siltation fence at the top of the wall. Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commission voted 4-0 to ratify the emergency certification.
- c. Notification of Yearly Operational Plan from CSX Transportation, Inc.; received 5/8/2018.
- d. Notification of Treatment for Little Indian Lake (5/14/2018) from Solitude Lake Management; received 5/9/2018.
- e. Notification of License to Apply Chemicals for Little Indian Lake from MassDEP; received 5/9/2018
- f. Notification of Treatment for Indian Lake (5/24/2018) from Solitude Lake Management; received 5/15/2018.
- g. Notification of License to Apply Chemicals for Indian Lake from MassDEP; received 5/15/2018

Agenda Item #20: Land Management/Acquisition Updates

- a. Orrison Street Conservation Restriction - as noted above.

Agenda Item #21: Discussion of Commission Processes & Procedures

- a. Review of Proposed 2019 Board Meeting Calendar

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory, the Commission voted 4-0 to approve the proposed calendar.

Agenda Item #22: Discussion of Special Conditions and Issuance of Orders of Conditions

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

Agenda Item #23: Signing of Decisions

Decisions were signed for the following projects:

- Negative Determination of Applicability for Lamartine Street Right-of-Way from Quinsigamond Ave to Langdon Street, 103, 104 (aka 100) & 133 (aka 131) Lamartine Street, 104 Gold Street and 3 (aka 7 & 13) Quinsigamond Avenue (CC-2018-040)
- Order of Conditions for Lamartine Street Right-of-Way from Quinsigamond Ave to Langdon Street, 103, 104 (aka 100) & 133 (aka 131) Lamartine Street, 104 Gold Street and 3 (aka 7 & 13) Quinsigamond Avenue (CC-2018-030)
- Order of Conditions for Lake Quinsigamond (CC-2018-034)
- Order of Conditions for the City Park Ponds (CC-2018-035)
- Order of Conditions for 269 Lake Avenue North (CC-2018-036)
- Certificate of Compliance for 126 Southwest Cutoff (CC-2005-042)

- Certificate of Compliance for 126 Southwest Cutoff (CC-2015-057)
- Extension of Time for Order of Conditions for Salisbury Hill (fka 757 Salisbury Street) (CC-2001-071)
- Extension of Time for Order of Conditions for 100 Goldthwaite Road (aka White Birch Commons (fka Burncoat Gardens)) (CC-2013-057)
- Extension of Time for Order of Conditions for 128 Alvarado Avenue (CC-2008-045 & CC-2017-017)
- Extension of Time for Order of Conditions for Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane (fka Paradise Point)) (CC-2007-025)
- Conservation Restriction for Moreland Woods Connector, 0 Orrison Street (MBL 25-046-0000A)

Adjournment

Upon a motion by Commissioner Amory and seconded by Commissioner McKone, the Commission voted 4-0 to adjourn at 9:54 P.M.