

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

March 19, 2012

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

Stefanie Wood – Chair
Jeremy Theerman – Vice Chair
Paul Franco
Jack Donahue
Mia McDonald

Staff Present:

Jonathan P. Gervais, Department of Public Works & Parks
Luba Zhaurova, Division of Planning & Regulatory Services

CALL TO ORDER: The Chair called the meeting to order at 5:40 pm.

APPROVAL OF THE MINUTES: The approval of 2/27/2012 minutes was held because they were not ready for review.

REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS, WITHDRAWALS. None

NEW BUSINESS.

Public Hearing

1. **373-375 Bridle Path (CC-2012-005) - Notice of Intent:** Kevin Parvin, the applicant, stated he sought to expand the existing single family home footprint with associated site work and repair/refinish existing retaining walls. He also sought to connect the house and the garage and to enclose the deck in the rear of the house. Mr. Parvin stated that no new foundations are proposed, and that the retaining walls will be shored-up and reinforced. Some trees will be removed as a result of this project.

Chair Wood stated that she was not comfortable voting on this consideration prior to conducting a site visit because the work would take place in the 15-ft buffer to the Lake Quinsigamond. She stated her concern with controlling debris during construction and asked that revised plans are submitted showing 15-ft, 30-ft and 50-ft buffers. Mr. Parvin stated that he can provide a silt fence. Chair Wood asked that work sequencing be employed to minimize damage and maintain slope stability due to tree removal. She asked the project planned start date. Mr. Parvin stated he hoped to start in the summer.

Commissioner Franco expressed concern with the structural integrity of the retaining wall. Mr. Parvin stated that his engineer felt that the wall was sufficiently stable. Mr. Franco asked if it were

necessary to remove all the trees. Mr. Parvin stated that he proposed to planting trees along the side of the property. He was amenable to continuation of the hearing.

Upon a motion by Mr. Franco and seconded by Mr. Theerman, the Commission voted 5-0 to continue the hearing to April 9, 2012 to allow time for the Commission to conduct a site visit.

List of Exhibits:

Exhibit A: Notice of Intent Application for 373-375 Bridle Path submitted by Kevin Parvin; received March 6, 2012.

Exhibit B: Site Plan for 373-375 Bridle Path; prepared by ASA Engineering; dated January 11, 2012.

Exhibit C: Photographs of the site submitted by Kevin Parvin to the Conservation Commission on March 19, 2012.

Exhibit D: Site Plan for 373-375 Bridle Path; prepared by ASA Engineering; dated January 11, 2012.

Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 373 Bridle Path - NOI; dated March 16, 2012.

OTHER BUSINESS

2. **God’s Acre Parcel – Worcester Greater Land Trust’s Proposal:** Ms. Zhaurova stated that staff requested the Law Department review of the draft Conservation Restriction for Tetasset Hill Habitat & Access Project (0 Esper Drive, MBL 48-030-00003).

3. **Enforcement Order Update - 1121 Grafton Street – (CC-2006-088):** Mr. Bianco, the owner, stated that he asked Kevin Quinn to stop testing quality and turbidity of stormwater discharge from the storm system on site because Hobbs Endeavour Corporation was presently contracted to conduct tests on the unit with respect to the total suspended solid removal. Chair Wood stated that turbidity tests sent to the Commission show higher turbidity than what she would like to see and asked that those tests continue. Mr. Bianco stated that the drainage on site was designed for a 100-year storm and that “the water would not go into the wetland” for that reason. He stated that there are two parking lots upstream from him that are grandfathered in and emit pollutants into the stream. Chair Wood stated that it was not appropriate to talk about other projects. Mr. Bianco stated that while he “got caught,” others “don’t get caught.” He stated that he would sue L&L Concrete Products if he were sued by the City.

Louis Esposito of L&L Concrete Products, Inc., was present. He confirmed that the unit he sold to Mr. Bianco did not have data demonstrating that it complied with the Massachusetts Stormwater Standards.

Mr. Franco asked how costly it would be to remove and replace the existing unit with a compliant one. Mr. Bianco stated that this work would affect operation of the existing businesses and that he was not willing to “shut down the business”.

Chair Wood stated that Mr. Bianco promised to install catch-basin inserts but it appeared he had not done so.

Mr. Theerman stated that it appeared the developer was not willing to comply with the Enforcement Order, and stated that he was ready to send the issue to the Law Department to be resolved in the court. Ms. McDonald stated that she was willing to wait for the testing results to come back and asked that specifications on the inserts be submitted by the next meeting and that the testing be ongoing. Chair Wood stated that she would like to see turbidity monitoring results. She asked that Mr. Bianco provide information about the inserts within a week. Mr. Bianco replied affirmatively.

Mr. Donahue recused himself.

Upon a motion by Mr. Franco and seconded by Ms. McDonald, the Commission voted 3-1 (with Commissioners Wood, McDonald and Franco voting yes, Commissioner Theerman voting no, and Commissioner Donahue recusing himself) to continue the meeting with a condition that information about the inserts be submitted to the Conservation Commission office within a week.

- 4. Enforcement Order - 187 Greenwood Street (CC-EO-2012-001):** Scott Goddard of Goddard Consulting, LLC, representative for InTransit Containers, the owner, said the first round of soil samples showed elevated levels of arsenic and lead, but the resampling did not. Chair Wood stated she was comfortable with the result. Ms. McDonald concurred.

Mr. Goddard presented a concept plan proposing to recreate natural features with the goal of continuing to use the property for parking and storage. Chair Wood stated that the proposed bank restoration appears to be outside the property boundaries and stated that the owner of that property has to be amenable to the proposed changes as well.

Mr. Theerman expressed concern with increasing impervious area. Ms. McDonald stated that she would like to see numbers regarding infiltration and replication. Chair Wood requested that a summary memo of the issues be submitted for the Commission's review for the next filing deadline.

Ms. McDonald stepped out.

Mr. Donahue recused himself.

Upon a motion by Mr. Theerman and seconded by Mr. Franco, the Commission voted 3-0 to continue the discussion to April 30, 2012 with a condition that a summary memo of the issues be submitted for the Commission's review by the next filing deadline.

- 5. 25 Ellis Drive – Informal discussion / potential for an Enforcement Order:** John O'Connor, an abutter, stated that he submitted pictures of flooding to the Commission during the years between 2003 and 2012. He stated the main issues affecting his property included flooding, insect infestation, and rotting trees. He stated he "has been told that the owner would not have been given permission to build on site if applied now." He asked why the owner has not complied with the Enforcement Order.

Chair Wood requested that staff make copies of file contents for all the Commissioners to familiarize them with the project's history. She asked if Mr. O'Connor was amenable to Commissioners accessing his property to better view 25 and 31 Ellis Drive parcels. Mr. O'Connor was amenable to the request.

- 6. 21 Anderson Avenue - potential for an Enforcement Order:** Stephan Wallenberg stated he purchased the property in late November and wanted to put in a garden in the back yard. He stated he was a new home owner who did not realize he needed Conservation Commission's approval to do the work. Mr. Wallenberg stated that he installed a silt fence and haybales in the rear of the lot after being informed that infilling of the backyard was not allowed without Conservation Commission's approval. Mr. Gervais stated that the site is fairly flat, that the disturbance was within 15-ft of the wetland, and that he did not issue the Enforcement Order because he did not feel the grade was altered significantly.

Mr. Theerman said that Mr. Wallenberg should apply for a Request for Determination of Applicability. Chair Wood concurred.

Mr. Wallenberg confirmed he can do no more work on site, including planting, until and if he receives Conservation Commission approval.

Mr. Gervais stated the site should be loamed and seeded until and if approved.

7. Received Communication

- a. Massachusetts Congress of Lake & Pond Associations, Winter 2012 Newsletter
- b. Notification of Pipeline Maintenance Activities – Tennessee Gas Pipeline Company; dated 2/28/2012.

No action was taken.

- 8. Proposed Meeting Schedule:** The Commission asked staff to reconsider holding a meeting on December 31st. Ms. Zhaurova stated that she will provide a revised meeting schedule for the next meeting.

- 9. Discussion & Issuance of Orders of Conditions as relevant to a hearing closed 3/19/2012:** No action was taken.

ADJOURNMENT

Upon a motion by Mr. Franco and seconded by Mr. Theerman, the Commission voted 5-0 to adjourn the meeting at 7:55 pm.