

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

September 10, 2012

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

Joseph Wanat, Chair
Stefanie Wood – Vice-Chair
Jeremy Theerman
Jack Donahue
Paul Franco
Mia McDonald

Staff Present:

Jonathan P. Gervais, Department of Public Works & Parks
Nancy Tran, Division of Planning & Regulatory Services
Marlyn Feliciano, Division of Planning & Regulatory Services

CALL TO ORDER: The Chair called the meeting to order at 5:37 pm.

NEW BUSINESS

Public Meeting

1. **20 Jasmine Drive (MBL 33-23C-00069)(CC-2012-040) – Request for Determination of Applicability:** Commissioner Franco was not present for this item.

Adam Roche, owner of and applicant for 20 Jasmine Drive stated that he sought retroactive approval for the filling and grading of land to the east of the building within the 100' wetland buffer zone. He said approximately 20-30' of area was filled within the 100' buffer but outside the 15' no disturb and 30' no build buffer.

Chair Wanat said the project was essentially grading of the property and that he believed the work meets city standards.

Mr. Gervais stated the project met DPW&P standards.

Upon a motion by Commissioner McDonald and seconded by Commissioner Theerman, the Commission voted 5-0 to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability application for 20 Jasmine Drive; submitted by Adam Roche; received August 8, 2012.

Exhibit B: Excerpt of Site Plan marked up by the applicant; prepared by Thompson – Liston Associates, Inc.; dated November 2, 1998.

Exhibit C: Memorandum from Department of Public Works to Conservation Commission; re: 20 Jasmine Drive - RDA; dated September 10, 2012.

2. **83 (aka 85) Lake Avenue, Wastewater Pump Station Improvements (MBL 17-016-00019) (CC-2012-041) – Request for Determination of Applicability:** David Cowell, ecologist with BSC Group and representative for Massachusetts Electric Company d/b/a National Grid, the applicant, stated that the applicant sought to replace an emergency standby generator and approximately 200’ of underground electric conduit at the City of Worcester Municipal Wastewater Pump Station within the 100’ buffer zone to Inland Bank associated with Lake Quinsigamond and 100’ Stormwater Protection Zone. Mr. Cowell stated that proposed project will be performed in conjunction with permitted City improvements in the area and will be conducted under previously approved Order of Conditions which addresses erosion control and the installation of a deep sump catchbasin. The conduit installation will have sediment controls in place for trenching, backfilling and repaving work. Mr. Cowell said he has had no communication with the Lake Quinsigamond Commission.

Mr. Gervais stated that the conduit installation is for a new standby generator. He said he was unsure if there will be a break in service but explained that a new generator is typically installed and running prior to removing the old generator. Mr. Gervais also stated the project met DPW&P standards.

Commissioner Wood suggested coordinating work schedules with Middlesex Corporation with respect to traffic on Lake Avenue and sending a letter to the Lake Quinsigamond Commission providing schedule notification of the authorized trenching work. Mr. Cowell said he would inform the applicant of the schedule suggestion.

Upon a motion by Commissioner Theerman and seconded by Commissioner McDonald, the Commission voted 5-0 to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability application for 83 (aka 85) Lake Avenue; submitted by Massachusetts Electric Company d/b/a National Grid; received August 15, 2012.

Exhibit B: Site Locus Map and Project Detail Map; prepared BSC Group; dated August 7, 2012.

3. **Interstate-290, Stormwater Improvement Project (CC-2012-042) – Request for Determination of Applicability:** Chair Wanat recused himself from the Commission for this item and Commissioner Wood assumed the position as Chair. Commissioner Franco arrived at the meeting before the item was opened.

Allary Braitsch, environmental scientist with Vanasse Hangen Brustlin, Inc. represented Massachusetts Department of Transportation, the applicant. Ms. Braitsch stated that the applicant sought to perform stormwater upgrades/retrofits to mitigate the effects of highway runoff that discharges directly to Leesville Pond, an impaired water body. The work will be conducted in the Leesville Pond Subwatershed along a segment of I-290 bordered by the Worcester/Auburn town line to the south. Ms. Braitsch said drainage and infiltration swales are proposed along the highway median as well as gravel check dams, infiltration basins and swales on the highway’s east side. Erosion controls will be installed prior to work commencement and monitoring will be performed during the work. She stated she was unsure of the anticipated construction duration as the work is part of a larger project which extends to Auburn.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 5-0 to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability application for Interstate-290, Stormwater Improvement Project; submitted by Massachusetts Department of Transportation; received August 24, 2012.

Exhibit B: Plan of Drainage Repairs and Improvements at Various Locations (Kettle Brook & Leesville Pond); prepared Vanasse Hangen Brustlin, Inc.; dated August 24, 2012.

Exhibit C: Memorandum from Department of Public Works to Conservation Commission; re: Interstate-290 Project - RDA; dated September 10, 2012.

OTHER BUSINESS

Commissioner Wanat returned and resumed chair of the Commission.

4. **Request for Certificate of Compliance – 1119-1121 Grafton Street (CC-2006-088):** Items #4 & 5 were taken contemporaneously.

Ms. Tran stated that she had requested from the applicant a verification letter from the installer certifying installation, an invoice for the unit and additional descriptive photos showing installation but had not received a response.

Mr. Gervais said the items were necessary to verify that correct units had been ordered and installed. He said previous documentation had been submitted stating that the units had been ordered but confirmation of the order was not provided. Ms. Tran added that the August 20, 2012 letter from D.F.L. Enterprises indicates that installation was completed but does not specify whether D.F.L. Enterprises was the installer. She said photo documentation was not included as part of the letter's enclosures.

Upon a motion by Commissioner Franco and seconded by Commissioner Wood, the Commission voted 5-0-1 (Commissioner Donahue abstained) to continue the Request for Certificate of Compliance meeting to October 1, 2012.

List of Exhibits:

Exhibit A: Request for Certificate of Compliance – 1119-1121 Grafton Street (DEP 349-922; CC-2006-088); submitted by D.F.L Enterprises; received August 30, 2012.

Exhibit B: Letter to the City of Worcester Conservation Commission; from Daniel F. Leahy, D.F.L. Enterprises; dated August 20, 2012.

5. **Enforcement Order Update – 1119-1121 Grafton Street (CC-2006-088):** Items #4 & 5 were taken contemporaneously. See above.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0-1 (Commissioner Donahue abstained) to continue the Enforcement Order meeting to October 1, 2012.

6. **Lake Quinsigamond Commission – Request for an extension of the in-force permit for the water drawdown:** Commissioner Wood said she had sent a formal correspondence to the Commission requesting an Extension of Time for an Order of Conditions set to expire on November 6, 2012. She stated that the Governor recently signed the State Permit Extension Act to extend permits for projects within the eligible time period four years beyond their expiration date.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 5-0-1 (Commissioner Wood abstained) to extend the in-force permit for water drawdown at Lake Quinsigamond by four years to September 24, 2016.

List of Exhibits:

Exhibit A: Request for Extension of Orders of Condition, MassDEP File #349-912, WCC File #06-75; from Stefanie Wood, Lake Quinsigamond Commission; dated September 10, 2012.

7. **Enforcement Order – 187 Greenwood Street (CC-2012-001):** Mr. Gervais stated that the applicant encountered problems with obtaining DPW signatures for its Notice of Intent application because no purchase or lease agreement existed between the two parties. The applicant has decided to separate the proposed development and restoration components, with the latter to be performed without delay under the existing Enforcement Order.

Chair Wanat agreed that it made logical sense to separate the development and restoration work.

Mr. Gervais stated that the majority of restoration work will have no relationship to the development. He added that the applicant will provide to the Commission a separate proposal for development at a later date.

Commissioner Theerman stated he wanted to conduct a site walk of the property for the proposed restoration plan.

Mr. Gervais said he will tell the engineer that the Commission is amenable to restoration work under the Enforcement Order and to contact the Planning office to schedule a site walk.

Upon a motion by Commissioner Franco and seconded by Commissioner Wood, the Commission voted 5-0-1 (Commissioner Donahue abstained) to continue the Enforcement Order meeting to October 1, 2012.

8. **Enforcement Order Update –20 Jasmine Drive (MBL 33-23C-00069)(CC-EO-2012-005):**

Upon a motion by Commissioner Wood and seconded by Commissioner Theerman, the Commission voted 6-0 to lift the Enforcement Order for 20 Jasmine Drive because a negative Determination of Applicability was granted retroactively for this work.

9. Received Communication

- a. Updated State Permit Extension Act – August 8, 2012
- b. Letter from VHB; re: Project Notification – I-90, I-290, and Route 146 Stormwater Improvements at Unnamed Tributary (Mill Brook); dated August 2, 2012.
- c. Letter from VHB; re: Project Notification – Route 122A Stormwater Improvements at Indian Lake; dated August 20, 2012.
- d. Brochure from MassDOT; re: Stormwater Program – a Proactive Approach to Stormwater Management
- e. Memorandum from Frederick A. Mosely, P.E., FST, re; Order of Conditions Amendment Request (DEP File 349-1007 / WCC File 11-02) for Kenneth F. Burns Memorial Bridge – Route 9 (Belmont Street) Over Lake Quinsigamond; dated August 27, 2012.

The Commission did not take action on the received communication.

10. Enforcement Order Update – 14 Ada Street (CC-2011): Mr. Gervais told the Commission he was in contact with Mr. Aubin and expected his attendance at the present meeting to discuss further erosion caused by recent heavy rain. Mr. Aubin was absent from the meeting.

Upon a motion by Commissioner Franco and seconded by Commissioner Wood, the Commission voted 6-0 to continue the Enforcement Order meeting to October 1, 2012 and requested staff to contact him..

ADJOURNMENT

Upon a motion by Commissioner Wood and seconded by Commissioner Franco, the Commission voted 6-0 to adjourn the meeting at 6:15 PM.