

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

May 13, 2013

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Stefanie Wood, Chair
Jeremy Theerman, Vice-Chair
Jack Donahue
Paul Franco
Joseph Charpentier
Jordan Berg Powers

Members Absent: Mia McDonald

Staff Present: Jonathan Gervais, Department of Public Works & Parks
Abby McCabe, Division of Planning & Regulatory Services
Nancy Tran, Division of Planning & Regulatory Services

CALL TO ORDER:

The Chair called the meeting to order at 5:34 pm.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS:**

Ms. McCabe asked if the Commission were available for a special meeting on May 20, 2013 to review and vote on time-sensitive items. Chair Wood said if there is a quorum then the Commission will hold the special meeting.

Commissioner Berg Powers arrived at 5:50pm.

UNFINISHED BUSINESS

Public Hearing

1. Lake Avenue North (Linear Park) (CC-2013-012) – Notice of Intent:

Engineer William McGrath of BETA Group, Inc. appeared on behalf of the applicant, City of Worcester Department of Public Works and Parks. Mr. McGrath said the project consists of the construction of a multi-use asphalt pathway and roadway improvements within the resource area associated with Lake Quinsigamond and Coal Mine Brook. Work will involve an open space parcel for pathways, three small pervious pavement parking lots, stormwater system improvements, bank stabilization, retaining walls and a non-motorized boat launch ramp. He added that the wall's face will be of rough finish with an anti-graffiti coating and that the plans provide for Asian Longhorned Beetle-resistant and non-invasive landscaping.

Chair Wood said she and other Commissioners attended the site walk and said the plans appear to provide additional bank stability, reduction in detrimental traffic and a general area improvement.

Commissioner Donahue stated that the applicant addressed concerns brought up at the previous meeting. He said the applicant sufficiently explained how proposed paving would not negatively impact the nearby Coal Mine Brook fishery.

Glenn Krevosky of Greater Worcester Land Trust requested that there be no increase in runoff to the brook from roadwork. He also asked the Commission to include in its special conditions that the project does not introduce invasive species to the area and that existing exotic species are identified and removed along the trail.

Mr. Reed, abutter, expressed support of the project and requested that the Commission require a number of special conditions for the project such as: pre-bid meetings, orders posted on site and a telephone tree off-site.

Upon a motion by Commission Franco and seconded by Commissioner Theerman, the Commission voted 5-0-1 (Berg Powers abstained because he was not present for the entire hearing) to close the public hearing. Discussion regarding issuance of Order of Conditions was held to the end of the meeting.

List of Exhibits:

Exhibit A: Notice of Intent Application for Lake Avenue North submitted by City of Worcester Department of Public Works & Parks; received March 29, 2013.

Exhibit B: Stormwater Report for Lake Avenue North; prepared by Beta Group, Inc.; dated March 2013.

Exhibit C: Existing & Proposed Watershed Plans; prepared by Beta Group, Inc.; dated March 29, 2013.

Exhibit D: Linear Park Along Lake Avenue North Plan; prepared by Beta Group, Inc.; dated March 26, 2013.

Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Lake Avenue North - NOI; dated April 19, 2013.

NEW BUSINESS

2. 25 Ellis Drive (CC-2013-017) – Notice of Intent:

Items #2 and 9 were taken contemporaneously.

Hossein Haghanizadeh of HS&T Group appeared on behalf of the applicant, Sotirios Georgiadis. Mr. Haghanizadeh said plans were submitted showing two alternatives addressing compensatory flood storage: (Option A) Install an 8” PVC drain line connecting an existing catch basin (northeast of existing pool) to the 30” storm drain on Ellis Drive; (Option B) Adjust contours northeast and southeast of the existing pool to compensate flood storage capacity lost due to placement of the pool. He stated he received a memorandum from DPRS and was amenable to staff’s recommendation to provide revised plans showing overlays of pre-development, existing and proposed conditions. He added that an updated as-built can also be provided upon work completion.

Chair Wood read DPW&P's memorandum regarding the alternatives and DPRS' memorandum regarding lateral flood damage. She said she agreed with staff's analysis and requested that the 562' and 563' contour lines be moved further away from the property line toward the pool.

Commissioner Charpentier inquired whether the existing catchbasin was connected to city sewer, to which Mr. Haghanizadeh said it was not and presently acted as a leeching basin.

Chair Wood stated the Commission was in receipt of an email from abutter John O'Connor stating his concerns.

Mr. O'Connor, 129 Newton Avenue North, said the plans do not provide the necessary 9,000 SF of flood storage area required by the Commission at its March 11, 2013 meeting.

Mr. Haghanizadeh said the incremental flood storage is required for Bordering Land Subject to Flooding and not Isolated Land Subject to Flooding (the latter exists on the property).

Ms. McCabe said at its March 11 meeting, the Commission issued an Enforcement Order (EO-CC-2013-002) requiring the applicant to show an additional 9,000 SF (272 CY) of compensatory flood storage. She stated that the recommendation was based on misapplied information. After reexamination of State Wetlands Regulations, the incremental flood storage requirement is required for Bordering Land Subject to Flooding, not Isolated Land Subject to Flooding. Ms. McCabe said it appears that the applicant's proposal, Option B meets/exceeds pre-development flood storage on site. However, she recommended that revised plans be provided showing overlays of pre-development, existing and proposed conditions.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 6-0 to continue the item to June 3, 2013 to allow the applicant to provide revised plans showing the requested overlays and modification to the northeasterly 562' and 563' contour lines away from the property line.

List of Exhibits:

- Exhibit A: Request for Certificate of Compliance – 25 Ellis Drive; submitted by Sotirios Georgiadis; received December 3, 2012.
- Exhibit B: As Built Topo Plan of 25 Ellis Drive; prepared by Allen F. Paige Consulting Engineering; dated November 14, 2012 and received December 3, 2012.
- Exhibit C: Email from Atty. Bachrach to Joel Fontane, Division of Planning & Regulatory Services; dated December 10, 2012.
- Exhibit D: Email from Glenn Krevosky to Worcester Conservation Commission re: Sotirios – 25 Ellis Drive; dated February 25, 2013.
- Exhibit E: Floodplain Calculation Plan for 25 Ellis Drive; prepared by CFS Engineering; dated February 28, 2013; received March 4, 2013.
- Exhibit F: Memorandum from Nancy Tran, Planning Analyst and Joel Fontane, Director of Planning & Regulatory Services to the Conservation Commission re: 25 Ellis Drive – Enforcement Order (WCC File 2001-064, DEP File # 349-459 & 349-360); dated July 2, 2012, Updated February 2, 2013, March 11, 2013 and May 13, 2013.
- Exhibit G: Notice of Intent Application for 25 Ellis Drive submitted by Sotirios Georgiadis; received April 24, 2013.
- Exhibit H: Existing Conditions Plan for 25 Ellis Drive; prepared by HS&T Group, Inc. dated April 3, 2013.

Exhibit I: Email from John O'Connor to Joel Fontane, Director of Planning & Regulatory Services; dated May 13, 2013.

3. 501 & 509 Salisbury Street (CC-2013-018) – Notice of Intent:

Scott Morrison, environmental scientist at EcoTec appeared on behalf of the applicant, St. Mary's Albanian Orthodox Church. Also present were engineer Chris Keenan of Quinn Engineering and Atty. Donald O'Neil. Mr. Morrison stated that the applicant proposes to construct six single-family dwellings with associated water, sewer, gas and utilities, of which half the work will occur within the buffer zone. He added that haybales, silt fence, a stormwater management system and TSS removal are also proposed.

Mr. Morrison said staff brought up three issues concerning a 1987 Order of Conditions for the property; the issues pertain to (1) an access road, (2) parking lot and (3) potential wetland filling. He explained that his team was in the process of analyzing the issues and so far believes that there may have been a surveying error in 1987 for the parking lot. He said the access road was originally proposed as a 12' wide gravel emergency access road and was likely paved to 24' in width the same time work to the parking lot was done – which was before stormwater requirements. He stated that while the road differs from the approved plan, it is paved away from and does not encroach upon the wetland. Mr. Morrison added that he was still analyzing whether wetland filling occurred on site.

Chair Wood said she was amenable to a site walk of the property and recommended that copies of the 1987 plan be provided to the Commission prior to the visit.

Mr. Morrison said he can provide copies with overlays showing 1987, present and proposed conditions.

Chair Wood inquired when wetland delineations expired, to which Mr. Morrison said they are typically valid for three years.

Mr. Gervais said that during review, staff only examines the plan based on Notice of Intent filing. He stated that using the wetland delineation line as a reference, it appears that there may be potential wetland filling since the 1987 filing. Mr. Morrison said he spoke to surveyor Robert O'Neil and will provide revised plans.

Commissioner Berg Powers said he was sympathetic to abutters' concerns regarding long-term care of the driveway.

Commissioner Franco stated he was not less incline to let the raised issues go unaddressed.

Atty. O'Neil stated he did not believe the paving violated the previous Order of Conditions, adding that aerial photographs of the site indicate that there were surveying errors. He said the setbacks were different and stormwater requirements were not existent and that while the road was intended as emergency access, the minimum is 18'.

Commissioner Franco disagreed and stated there was a significant difference between 12' gravel and 24' paved road.

Hank Rose, abutter at 12 Meadowbrook Road, said the primary issue he is concerned with is how the project's impervious surfaces and runoff will affect abutters. Mr. Keenan said he can provide CAD drawings to abutters.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 6-0 to continue the item to June 3, 2013 pending a site walk.

List of Exhibits:

- Exhibit A: Notice of Intent Application for 501 & 509 Salisbury Street submitted by St. Mary's Albanian Orthodox Church; received April 24, 2013.
- Exhibit B: Hydrology & Stormwater Report for 501 & 509 Salisbury Street; prepared by Quinn Engineering; dated January 25, 2013.
- Exhibit C: Site Development Plan; prepared by Quinn Engineering; dated January 25, 2013 and revised March 12, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 501 & 509 Salisbury Street - NOI; dated May 10, 2013.
- Exhibit E: Email from Stephanie Brennan to Conservation Commission re: 501 Salisbury Street 6 single family houses on single lot; dated May 1, 2013.
- Exhibit F: Email from Donna Rose to Luba Zhaurova re: 501-509 Salisbury Street (ConComm filing) – staff review memo for Monday meeting; dated May 12, 2013.
- Exhibit G: Email from Stephanie Brennan to Luba Zhaurova re: 501-509 Salisbury Street (ConComm filing) – staff review memo for Monday meeting; dated May 13, 2013.
- Exhibit H: Email from Geoffrey Vaughan to Luba Zhaurova re: 501-509 Salisbury Street (ConComm filing) – staff review memo for Monday meeting; dated May 13, 2013.

Commissioner Franco left at 6:45pm.

4. 317 Bridle Path (CC-2013-019) – Request for Determination of Applicability:

Brian Lawler appeared before the Commission for a Request for Determination of Applicability for 317 Bridle Path. He said the project proposes to remove and reconstruct the second floor. Appropriate measures will put in place to protect Lake Quinsigamond, demolition materials will be removed immediately and only minimal lumber will be stored in the driveway.

Chair Wood said the roof will be demolished by hand and removed immediately for replacement. She stated that the work is similar to 395 Bridle Path and recommended that the same conditions of approval be used for 317 Bridle Path.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Theerman, the Commission voted 6-0 to issue a negative determination of applicability.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability for 317 Bridle Path submitted by Brian Lawler; received March 29, 2013.
- Exhibit B: Architectural Plans & Elevations for 317 Bridle Path; prepared by Sansoucy + Chen Associates, Inc.; dated April 11, 2013.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 317 Bridle Path; dated May 10, 2013.
- Exhibit D: Assessor's Map annotated by the applicant; received May 13, 2013.

5. Ararat Street, Pole #4-502 Replacement (CC-2013-020) – Abbreviated Notice of Intent:

Wetland scientist Lee Curtis of BSC Group appeared on behalf of the applicant, NGrid. She said that an old pole was replaced with new one in the same hole. Haybales and silt fences were used for the work, all vegetation in the shoulder is still intact and there was no other disturbance in the roadway. The filing is an after-the-fact filing, all work was completed before it was discovered that the work was within the buffer to a resource area.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 5-0 to close the public hearing. Discussion regarding issuance of Order of Conditions was held to the end of the meeting.

List of Exhibits:

Exhibit A: Abbreviated Notice of Intent Application for Ararat Street, Pole #4-502 Replacement submitted by Massachusetts Electric Company dba National Grid; received April 29, 2013.

Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Ararat Street- RDA; dated May 10, 2013.

6. McKeon Road (CC-2013-021) – Order of Conditions Amendment:

Matt Verrell of Vanasse Hangen and Brustlin said the Amendment to Order of Conditions was submitted to request the removal of the special condition requiring compensatory flood storage. He said that based on calculations the loss in incremental flood storage was minimal and that requiring compensatory flood storage would require the applicant to cut extra vegetation.

Mr. Gervais said the change was minimal with little impact to the overall flood area.

Chair Wood states that while there is not anticipated flooding, she is concerned that there the 'minimal impact' may change in ten years despite the total net increase in flood storage.

Commissioner agreed with Chair Wood's concerns.

Mr. Verrell said if the Commission is leaning toward denying the amendment, he requested a continuance to further discuss the project with the applicant.

Mr. Gervais discussed the matter with MassDEP and said that while it generally adheres to incremental flood storage, the project at-hand will have no negative impacts to the flood area and would make an exception to its requirement.

Upon a motion by Commissioner Theerman and seconded by Commissioner Charpentier, the Commission voted 5-0 to continue the item to June 3, 2013.

List of Exhibits:

Exhibit A: Amendment to Notice of Intent Application for McKeon Road submitted by City of Worcester Department of Public Works & Parks; received April 30, 2013.

Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: McKeon Road Sidewalk Improvements - Amendment; dated May 10, 2013.

OTHER BUSINESS

7. Ararat Brook Update :

Environmental scientist Glenn Krevosky appeared before the Commission to provide a brief update on work performed on Ararat Brook. He said the Commission reviewed a Request for Determination for the project and allowed for the movement of keystones in the brook for trout movement. The work was completed and inspected by MassWildlife. He added that the brook will still be impacted by nearby streets and he was working to reduce sand runoff from the road. He will submit photos to MassDOT of the area so that they continue to keep nearby catchbasins clean and maintained to reduce runoff.

Chair Wood said that sediment was a concern and was looking forward to Mr. Krevosky's additional informational updates.

List of Exhibits:

Exhibit A: Electronic Communication from Glenn Krevosky re: [Ararat Brook] Request to be on 5/13/13 Conservation agenda; received April 19, 2013.

Exhibit B: Photos of Ararat Brook – Grove Street, Worcester; taken by EBT, Inc.; dated April 5, 2013.

8. Enforcement Order Update – 14 Ada Street (CC-EO-2011):

Ms. Tran said there was no update for the item.

Commissioner Theerman said he visited the area and saw that 6-8 curb stones were stacked against the endangered trees. He recommended that staff further contact Mr. Aubin to fill the Commission on completed and proposed work to the area.

Upon a motion by Commissioner Theerman and seconded by Commissioner Berg Powers, the Commission voted 5-0 to continue the item.

9. Enforcement Order Update – 25 Ellis Drive (CC-EO-2012-004) & (CC-EO-2013-002)

Items #2 and 9 were taken contemporaneously.

Upon a motion by Commissioner Theerman and seconded by Commissioner Berg Powers, the Commission voted 5-0 to continue the item to June 3, 2013.

10. Enforcement Order Update – 128 Sears Island Drive (CC-EO-2012-002):

Mr. Gervais said the issue was taken over by MassDEP and said there was no reason to keep the Enforcement Order in place since it has been resolved and the owner fined for unauthorized work.

Upon a motion by Commissioner Theerman and seconded by Commissioner Berg Powers, the Commission voted 5-0 to lift the Enforcement Order.

11. Informal Discussion – New WRTA maintenance & operations facility at 40 Quinsigamond Ave

Worcester Regional Transportation Authority administrator, Stephen O'Neil appeared to discuss the new WRTA maintenance and operations facility proposed at 40 Quinsigamond Avenue. Also present were representatives of STV Inc. – engineers Neil de Pasquale and Tim Perrio. Mr. O'Neil said the WRTA received a \$39 million grant to build a new maintenance and operations facility to replace the one located at 287 Grove Street. The parcel located at

40 Quinsagamond provides the needed area for a 100,000 SF facility and parking near the new transportation hub. Mr. O’Neil said that WRTA has had informal discussions with MassDEP regarding the floodplain and have a preliminary design for the Commission’s comments. Mr. de Pasquale said the area to be purchased (10-11 acres) from the current owner, NStar, is located in a floodplain. The area will be used for storage of 52 buses must first be remediated prior to building as there is some contamination on site.

Mr. Perrio said it appeared that vehicles were stored on site. He stated that WRTA planned to stock 10,000 gallons of diesel, 5,000 gallons of gas for the buses, have oil change/maintenance would be performed within the building and a build one self-contained wash bay that used reclaimed water.

Mr. O’Neil said he was before the Commission for input planned to return for more insight/recommendations in the future.

Jo Hart, Worcester resident, expressed her concern with the proposed WRTA facility being located in a floodplain.

Chair Wood said the facility had not been designed yet and that WRTA would return in the future.

The Commission took no action on the item.

12. Request for Certificate of Compliance – New England Power Right-of-Way (DEP 349-830, CC-2005-015)

Mr. Gervais stated that the work had been completed and there were no issues.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Theerman, the Commission voted 5-0 to issue a Certificate of Compliance for New England Power Right-of-Way).

13. Request for Certificate of Compliance – 72 Flagg Street (DEP 349-1071, CC-2012-039)

Mr. Gervais stated that the work had been completed and there were no issues.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Theerman, the Commission voted 5-0 to issue a Certificate of Compliance for 72 Flagg Street.

14. Request for Certificate of Compliance – 25 Ellis Drive (CC-2011-064)

Upon a motion by Commissioner Theerman and seconded by Commissioner Berg Powers, the Commission voted 5-0 to continue the item until after the Notice of Intent for the property has been approved.

15. Conservation restriction – Plantation Parkway

Ms. McCabe said no further information or updates have been provided by the Law Department regarding the matter.

16. Cascades East (201 Cataract Street) – Land Maintenance/ Trash Removal

Ms. McCabe said Colin Novick of the Greater Worcester Land Trust (GWLT) requested the Commission’s determination as to whether or not it would be permissible to use an All-Terrain Vehicle (ATV) for three consecutive days by a Greater Worcester Land Trust volunteer to remove large trash items (such as a refrigerator, a sink, etc.) from Cascades East (City’s property) on which GWLT holds a Conservation Restriction.

Commissioner Charpentier asked for clarification whether the three requested days were consecutive, to which Ms. McCabe replied in the affirmative. He said he was familiar with the area and stated that there was a significant amount of metal trash on site.

Commissioner Theerman said he had no issue with allowing the temporary use of ATVs to remove trash.

17. 0 Salisbury Street (Lots 4-10) (CC-2011-044) – Court case update and request for relief by Capital Group Properties

Chair Wood provided a background of the Salisbury project and stated that it was reconsidered by MassDEP. She said it appears that the project failed to meet stormwater codes and that the engineer, Thompson-Liston Associates, Inc. filed revisions. She said that the Commission must decide whether it agrees with the changes accepted by MassDEP or require the applicant to file a new NOI for the changes.

Commissioner Theerman said he believed that MassDEP's superseding orders are more stringent than the Commission's and did not think it needed to appear before the Commission again. He said MassDEP's requirements improve the project

Commissioner Donahue concurred with Commissioner Theerman's comments.

Upon a motion by Commissioner Theerman and seconded by Commissioner Donahue, the Commission voted 3-1-1 (Berg Powers voting against, Charpentier abstaining) to issue a letter to MassDEP to assent to the relief requested so that no new Notice of Intent filing is submitted and the revised plans are incorporated into amended Superseding Order of Conditions as part of a Settlement Agreement.

18. Communication Items

The Commission took no action on the communication items.

ADJOURNMENT

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Theerman, the Commission voted 5-0 to adjourn the meeting at 8:30 p.m.