



Mr. Scott said there were no wetlands located on site and that the project proposed construction of a single family house on property located at 17 Fairfield Street. He indicated that the subject property was located slightly within the floodplain. He added that compensatory flood storage will be provided at incremental elevations equal to or greater than what is required to re-establish the floodplain area altered by the construction. The house will be split-level and a foot above ground to prevent flooding.

Commissioner Franco asked if the proposed new house is similar in property characteristics and size in comparison to abutting properties or other properties in the neighborhood, to which Mr. Scott said yes.

Walter Crockett, abutter at 32 Maple Tree Lane, expressed his concern with the project's adherence to current zoning laws. Chair Theerman said the zoning was not under the Commission's jurisdiction, only the flood storage issue. Mr. Crockett asked that an independent survey be conducted because he believed that the property is much smaller than depicted.

Josefina Velez, abutter at 10 Fairfield Street, expressed concerns with traffic as the result of construction equipment taking up parking spaces on the street. Mr. Scott stated that all equipment and construction materials will be stored at the construction site and not on the street.

Chair Theerman asked about recent surveying, to which Mr. Scott replied that the property was surveyed by a professional surveyor and that the current proposed lot measurements are accurate.

Miriam Moquette, abutter at 26 Maple Tree Lane, expressed her concern regarding erosion on her property as the proposed construction calls for site leveling which could potentially erode her back yard as her home is at a higher elevation. Chair Theerman confirmed that no work will be done on the abutter's property, there will be no increase in the amount of water/drainage on the abutter's lot and no negative impact on Ms. Moquette's home.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Paul Franco the Commission voted 6-0 to close the public hearing.

Discussion regarding issuance of Order of Conditions for both was held to the end of the meeting.

**List of Exhibits:**

- Exhibit A: Notice of Intent Application for 17 Fairfield Street submitted by Kathy Luu of KLA Holdings; received August 28, 2013.
- Exhibit B: Flood Storage Calculations for 17 Fairfield Street; prepared by CFS Engineering; dated August 28, 2013; received August 28, 2013.
- Exhibit C: Site Plan – Assessor's Map 14, Block 0006, Parcel 00011; prepared by CFS Engineering; dated August 28, 2013; received August 28, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 17 Fairfield Street - RDA; dated September 13, 2013.

### **3. 74 Bay Edge Drive (CC-2013-044) – Notice of Intent**

Chair Theerman recused himself from the meeting at 6:25 pm. Commissioner McDonald assumed Chair of the Commission for the remainder of the meeting.

John Flanagan, owner of the property, stated he constructed a dock which is attached to a wall along Lake Quinsigamond. Mr. Flanagan said he contacted the Shrewsbury Police Department and Lake Quinsigamond Commission about the approval process for constructing the dock as the Shrewsbury Police Department oversees dock building on Lake Quinsigamond. He emphasized that, despite his multiple inquiries, he was always told that he did not need other permits from anyone else. Mr. Flanagan said he was told to build the structure and then call the Lake Quinsigamond Commission upon completion to ensure that the structure was safe. Upon completion of the dock Mr. Flanagan was informed that he needed to contact the Conservation Commission for its review and approval.

Mr. Gervais stated that at the previous Conservation Commission meeting, Chair Wood questioned whether the structure was a deck or dock. If considered a dock, then its approval would fall under the Commission purview.

Mr. Flanagan said he built the structure by bolting it into the existing wall along the bank of the lake with two cement footings sitting on the lake floor.

Chair McDonald suggested consulting with the Lake Quinsigamond Commission and the Massachusetts Commission for Lakes and Parks to get a legal definition of a deck and dock. If it is determined that the built structure is a dock, or a permanent structure, then the removal or modification of the structure will be necessary as permanent structures are not allowed within a body of the water. Commissioner Berg Powers asked for permission to see the site. Commissioner McDonald agreed and asked staff to schedule a site walk.

Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier, the Commission voted 5-0 to continue the public hearing to October 7.

#### **List of Exhibits:**

Exhibit A: Request for Determination of Applicability Application for 74 Bay Edge Drive submitted by Jon Flanagan; received September 3, 2013.

### **OTHER BUSINESS**

#### **4. Enforcement Order Update – Plan Modification Discussion – 1 Sophia Drive, Arboretum Village Estates (CC-EO 2013-003) (DEP #349-1033 & 098-0693)**

Scott Morrison of Ecotec, Inc. reported that a portion of the house that was constructed encroached on an abutter's property due to survey error. Efforts to purchase that portion of land where the house was built were unsuccessful so removal and reconstruction within the lot's boundaries were required. The part where foundation was located on the abutter's parcel will be in-filled with soil and vegetated. Mr. Morrison stated that the applicant sought for approval of a minor amendment as the driveway has to be expanded on either side due to the house relocation.

The Commission requested that Mr. Morrison submit copies of the new plans reflecting the modification for the project file.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Franco, the Commission voted 5-0 to approve minor change and accept the plan with the curbing as a modification to 1 Sophia Drive.

**5. Enforcement Order Update – 11 Brookshire Road (CC-EO-2013-004)**

Ms. Tran informed the Commission that Ms. Oates requested postponing the item to the October 7 meeting.

**6. Compliance Request – 74 Bay Edge Drive - Constructing a Deck without Permits – (Letter sent 8/22/2013)**

Items #3 and #6 were taken contemporaneously. See above.

**7. Emergency Certification – Fitzgerald Brook culvert under Lake Ave – Issued 8/22/2013**

Mr. Gervais reported that the culvert where Fitzgerald Brook crosses under Lake Ave had collapsed. Repair work had been completed and there were no significant sedimentation into the brook.

The Commission took no action and a Request for Determination of Applicability was not required since applicant (DPW&P) is exempt from the local ordinance.

**8. Update on Encroachment Issue – 42 Amanola Avenue**

Ms. Tran reported that staff met with the owners of 42 Amanola Street to discuss remediation efforts following their cutting down of three trees on Conservation Commission property. The Commission discussed issues with removal of the cut trees blocking a trail and replanting. The Commission requested that DPW&P look into it and present options to the Commission at its next meeting.

**9. Elm Park Review & Discussion – Phase I final revised plans**

Commissioner Berg Powers inquired about the progress of work. Mr. Gervais stated that Phase I had recently completed and that DPW&P was to begin Phase II work.

**10. Request for Certificate of Compliance – 31 Drexel Street (CC-2013-021)**

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

Upon a motion by Commissioner Franco and seconded by Commissioner Berg Powers, the Commission voted 5-0 to issue a Certificate of Compliance for 31 Drexel Street.

**List of Exhibits:**

Exhibit A: Application for Certificate of Compliance for 31 Drexel Street submitted by Waterman Design Associates, Inc. on behalf of NU Yankee, LLC; received September 5, 2013.

Exhibit B: As-Built Plan for #27-31 Drexel Street; prepared by Waterman Design Associates, Inc.; dated May 21, 2013; received September 5, 2013.

**11. Request for Certificate of Compliance & Review of Minor Changes – 755-759- West Boylston Street (CC-2012-038)**

Mr. Gervais stated that the existing building was demolished to a greater extent and additional parking spaces were added to its former footprint. The proposed drainage system was adequate for the project changes. He said the work had been completed and there were no issues.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg Powers, the Commission voted 5-0 to issue a Certificate of Compliance for 755-759 West Boylston Street.

**List of Exhibits:**

Exhibit A: Application for Certificate of Compliance for 755-759 West Boylston Street by Galaxy Development, LLC; received September 11, 2013.

Exhibit B: As-Built Plan for 747 West Boylston Street; prepared by MidPoint Engineering + Consulting; dated August 9, 2013; received September 11, 2013.

**12. Duplicate Order of Conditions – McKeon Road (CC-2013-021)**

Upon a motion by Commissioner Franco and seconded by Commissioner Berg Powers, the Commission voted 5-0 to issue a duplicate Order of Conditions for McKeon Road.

**13. Discussion & Issuance of Orders of Conditions as relevant to a hearing closed 9/16/2013**

The Commission reviewed the closed items and issued an Order of Conditions for 17 Fairfield Street.

**14. Signing of Decisions –**

- 17 Fairfield Street (CC-2013-042) – OOC with special conditions
- 31 Drexel Street (CC-2010-001) – COC
- 755-759 West Boylston Street (CC-2012-038) – COC
- McKeon Road (CC-2013-021) – Duplicate OOC

**Adjournment**

Upon a motion by Commissioner Franco and seconded by Commissioner Charpentier, the Commission voted 5-0 to adjourn the meeting at 7:17 p.m.