

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

**January 27, 2014**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Conservation Commission Members Present:** Stefanie Wood, Chair  
Jack Donahue  
Joseph Charpentier  
Jordan Berg Powers

**Members Absent:** Jeremy Theerman

**Staff Present:** Jonathan Gervais, Department of Public Works & Parks (DPW&P)  
Stephen S. Rolle, Division of Planning & Regulatory Services  
Nancy Tran, Division of Planning & Regulatory Services

**CALL TO ORDER**

The Chair called the meeting to order at 5:30 pm.

**APPROVAL OF THE MINUTES**

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 4-0 to approve the minutes of January 6, 2014.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,  
WITHDDRAWALS**

Ms. Tran stated that the applicant for 72 Goldthwaite Road – Burncoat Gardens Phase I & V (CC-2013-057) submitted a request to continue the item to February 10. Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 4-0 to continue the item to February 10.

**OTHER BUSINESS**

**1. Enforcement Order Update – Arboretum Village Estates (CC-EO-2013-003)**

Communication items #1, 6, as well as 7 a and b were taken contemporaneously.

Cynthia Ramos was the American Sign Language interpreter for this item.

Mr. Gervais stated he had no updates regarding the site.

Mr. Rolle said a supplemental packet was provided to the Commission explaining that MassDEP was in the process of finalizing a Consent Order with penalty. He added that on January 22, 2014, the Planning Board found that the subdivision was not built to plan and required revised subdivision plans showing correction of the issues as well as installation of erosion controls in the interim. Staff was working with other departments and will provide the Commission with updates regarding progress, compliance and MassDEP's decision.

Chair Wood said the Commission received communication from James Bisceglia and Tim Viele regarding Arboretum Village Estates.

Atty. Nicole Reeves-Lavallee representing James Bisceglia of 54 Honeysuckle Road appeared before the Commission. She stated that the developer has not resolved the slope issue between Honeysuckle Road and Bittersweet Boulevard. She said the area and drainage easement has caused falling boulders, flooding, retaining wall damage to Mr. Bisceglia's property.

Chair Wood clarified that the easement was for drainage to the sewer which was approved by the City of Worcester and installed by the developer – Mr. Gallo.

Mr. Bisceglia stated that Mr. Gallo did not inform him of the storm drain easement and that the hill was not at the edge of his property during the time of purchase but now is on his property. He stated that a significant amount of soil was brought in and he is concerned that it would not be able to hold the rocks. Mr. Bisceglia said neighbors are having the same problems and states that the slope needs to be changed. He stated he hired an engineer to inspect the slope and can provide a copy of the report to the Commission.

Chair Wood said an Enforcement Order was issued because there are problems with the construction of the subdivision. She stated that MassDEP is also involved and working to resolve the issue and said the Commission will know of its decision by the next meeting. The Commission's action will depend on the State's action. Chair Wood inquired about the current erosion controls in place.

Mr. Gervais said he could not comment on the controls above Honeysuckle Road but did see that controls were installed and the area was hydroseeded. No erosion controls were placed in the rear yards of Honeysuckle Road property owners because Mr. Gallo would need permission to enter private property to install them.

Atty. Reeves-Lavallee said the development on Bittersweet Boulevard has been put on hold. She said Mr. Gallo refuses to change the slope because part of Bittersweet Boulevard has already been built.

Commissioner Berg Powers suggested issuing Enforcement Orders to the property owners to prevent further erosion and sedimentation.

Mr. Bisceglia said it has been a problem for the last three years and wants a grassed 3:1 slope constructed behind his property.

Timothy Viele, 46 Honeysuckle Road, said he is also affected by the developer's hill and that other neighbors are concerned with the grading. He stated boulders are falling and heavy rain causes siltation. He added that there are no erosion controls except for a dirt ridge on Bittersweet Boulevard to keep the water back but there are no plans for a swale.

Chair Wood suggested setting up a site walk.

Mr. Viele asked when MassDEP's decision will be issued, to which Mr. Rolle said he was uncertain of the date but hoped to have it by the next meeting.

Mr. Bisceglia said he spoke to city staff Russ Adams from DPW&P who said that developer did not built to plan.

Environmental scientist Scott Morrison of EcoTec, Inc. and Steve Gallo appeared before the Commission. Mr. Morrison said he has provided the Commission with turbidity reports and that the stone-armored vegetated area Mr. Bisceglia and Mr. Viele were concerned about is also being addressed by the Planning Board with respect to construction and structural stability. Mr. Morrison stated that he saw no erosion and that there is no immediate stability threat because water is directed to catchbasins. He said images provided to the Commission are of an earth cut

area with no proposed development. The excavated area has erosion controls at the top and was hydroseeded along the slope face which has been affected with the freezing and thawing weather cycle. Mr. Morrison stated that Mr. Gallo installed more barriers to stabilized erosion earlier in the day.

Chair Wood recommended a site walk.

Commissioner Berg Powers recommended additional erosion controls at the top of the slope.

Commissioner Charpentier said based on Mr. Bisceglia's submitted images, he agrees with Commissioner Berg Powers also recommending additional controls as a preventative measure against siltation.

Chair Wood asked about the size of stone used for the riprap on the slope, to which Mr. Gallo said that 18-24" stone was installed over a year ago. She concurred with Commissioners Berg Powers and Charpentier's recommendation for additional erosion controls and asked if Mr. Bisceglia and Mr. Viele were amenable to having them installed on their properties. Mr. Bisceglia said no and Mr. Viele said he was amenable to it. Mr. Gallo said he will install them prior to the Commission's site visit.

Mayra Machiote, 40 Honeysuckle Road, told the Commission she was also experiencing issues with the slope and erosion. She stated she was amenable to having erosion controls installed on her property.

Chair Wood said the Commission's jurisdiction is limited to the regulations it can enforce on issues with respect to drainage, wetland resource areas, sedimentation, etc. She stated that the Commission understands the property owners' concerns over stability issues but can only take action within the framework allowed by law if the stability is related to erosion or sedimentation issues.

The item was continued to February 10 for further updates and discussion following a site walk of the area.

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

- Exhibit A: Memorandum from Stephen Rolle, Director of Planning & Regulatory Services to the Stefanie Wood, Conservation Commission Chair re: Arboretum Village Estates – Enforcement Order (EO-CC-2013-003); dated January 27, 2014.
- Exhibit B: Letter and December turbidity sampling results from EcoTec, Inc. RE: Arboretum Village Estates, Worcester, Massachusetts to the Conservation Commission dated January 7, 2013.
- Exhibit C: Compiled turbidity sampling results (August to November 2013) from EcoTec, Inc. RE: Arboretum Village Estates, Worcester, Massachusetts to the Conservation Commission.

### **NEW BUSINESS**

#### **2. Toronita Area Storm Drain & Sewer Improvements (CC-2013-056) – Notice of Intent**

Engineer Charles Tripp and environmental scientist Dan Rukakoski represented the City of Worcester for its Notice of Intent application for street and sewer improvements in the Toronita Avenue area. Mr. Tripp said the applicant proposes to install sanitary sewer, storm measures and subsurface systems. There will be temporary impacts due to ~428 SF grading for the sanitary sewer and wetland mitigation due to the installation of a bioretention basin. Mr. Tripp asked if

the Commission was amenable to volume mitigation through depression of the wetland or if it would prefer to see a 2:1 mitigation created elsewhere.

Mr. Gervais clarified to the Commission that it was ideal to depress the wetland because there is limited area for mitigation elsewhere.

Mr. Tripp said the 2:1 mitigation will require easement or takings of land from property owners.

Commissioner Berg Powers said he preferred 2:1 mitigation of the wetland.

Mr. Gervais stated there is not enough room in the right of way but 1:1 mitigation may be possible.

Chair Wood said the applicant should consider providing 1:1 mitigation.

Commissioner Charpentier asked if some work is within the 15' buffer, to which Mr. Gervais said the City is exempt from the local by-law requirement of no disturbance within the 15' buffer.

Mr. Rukakoski said it is possible to provide in situ mitigation.

Mr. Gervais said no development is proposed north of the underground storage system where there are wetlands. He added that the City is not planning to pave over the system for this project filing.

Chair Wood stated that she preferred to see 1:1 mitigation within the right-of-way without any private property takings.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 4-0 to continue the item to February 10 to allow the applicant time to submit plans showing 1:1 wetland mitigation.

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

- Exhibit A: Notice of Intent for Toronita Avenue Sewer and Drainage Improvement Project; submitted by City of Worcester Department of Public Works & Parks; dated November 2013, received November 20, 2013; last revised January 2014, received January 9, 2014.
- Exhibit B: Site Plan for Toronita Avenue Area Storm Drain and Sewer Improvements Project; prepared by Tighe & Bond; dated November 2013, received November 26, 2014; last revised January 7, 2014, received January 9, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Toronita Avenue, NOI - CC-2013-056; dated December 6, 2013.
- Exhibit C: Comments from MassDEP re: Notification of Wetlands Protection Act File Number for Toronita Ave Area; dated December 9, 2014.

### **3. 486 Chandler Street (CC-2014-001) – Request for Determination of Applicability**

Engineer Jared Gentilucci of Nitsch Engineering, Inc., architect Gary Stein of Architectural Services, Inc., Associate Director of Facilities Robert Daniels, construction manager Evan Moore of W.T. Rich and project manager Mark Bontempo of Division of Capital Asset Management and Maintenance (DCAMM) appeared before the Commission for a Request for Determination. The applicant sought determination as to whether the area, boundaries and/or work related to partial reconstruction of parking lot and perimeter roadway with associated site

improvements on the northwestern edge of 486 Chandler Street are subject to the jurisdiction of the Wetland Protection Act.

Mr. Gentilucci explained to the Commission DCAMM's proposed partial reconstruction of parking lot and perimeter roadway with associated site improvements on the northwestern edge of Worcester State University at 486 Chandler Street. He stated that the existing 64,000 SF gym will be demolished to construct a new ~100,000 SF wellness center and quad which will displace some parking around the building.

Mr. Stein said the project will seek LEED certification and provide rainwater harvesting.

Mr. Gentilucci said a part of the project will be within the bordering vegetated wetland adjacent to a stream. Some work for parking, landscaping and a walkway will be within the 30' buffer but there will be disturbance within the 15' buffer. He stated that stormwater will drain into the Lake Ellie detention pond and a new system will be installed to decrease peak and runoff rates on site.

Chair Wood asked if the walkway and remaining parking area will be the only structures within the 30' buffer, to which Mr. Gentilucci replied in the affirmative, adding that most work will be within the 50' buffer.

Mr. Gervais stated that DPW&P's requested that stormwater calculations be provided prior to permitting.

Upon a motion by Commissioner Donahue and seconded by Commissioner Charpentier, the Commission voted 4-0 to issue a Negative Determination of Applicability with the condition that stormwater calculations be provided to DPW&P prior to obtaining permits.

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

Exhibit A: Request for Determination of Applicability Application for 486 Chandler Street submitted by Division of Capital Asset Management and Maintenance (DCAMM); received January 8, 2014.

Exhibit B: Plans for Worcester State University Wellness Center, 486 Chandler Street; prepared by Nitsch Engineering, Inc. dated and received January 8, 2014.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 486 Chandler Street- RDA (CC-2014-001); dated January 27, 2014.

#### **OTHER BUSINESS**

##### **4. Enforcement Order Update – 187 Greenwood Street (CC-EO-2013-001)**

The Commission reviewed the wetland mitigation report for 187 Greenwood Street but took no action on it.

Exhibit A: Letter from Scott Goddard of Goddard Consulting, LLC to the Worcester Conservation Commission re: Wetland Mitigation Area Monitoring Report, 187 Greenwood Street; dated January 2, 2014.

##### **5. Enforcement Order Update – 235 Hamilton Street (CC-2013-005)**

Commissioner Wood recused herself from discussing the item and Commissioner Donahue assumed Chair of the Commission.

Mr. Gervais reported that Mr. Gagne visited the site and did not observe compliance following requests to stabilize the site. Piles of soil have been moved toward the rear of the property but still pose erosion issues and impacts on neighboring properties.

Chair Donahue said that Commissioners previously discussed whether the issue is within the Commission's jurisdiction. He requested that staff issue a letter to the owner requiring compliance stating that otherwise the next step would be involvement of the Law Department.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 3-0 to send a letter to the owner to install the appropriate erosion controls and to provide an update by the February 10 meeting.

#### **6. Enforcement Order Update – Arboretum Village Estates (CC-EO2013-003)**

Communication items #1, 6, as well as 7 a and b were taken contemporaneously.

#### **7. Communication Received:**

Commissioner Wood resumed Chair of the Commission.

Communication items #1, 6, as well as 7 a and b were taken contemporaneously.

- a. From James Bisceglia re: Damage to property at 54 Honeysuckle Road; dated January 7, 2014; received January 8, 2014.
- b. From Tim Viele re: 46 Honeysuckle Road; dated and received January 7, 2014.

The Commission reviewed the following communication received but took no action on it.

- c. From Massachusetts DCR re: Downstream Newsletter, Fall 2013; received December 23, 2013.
- d. From MACC re: MACC Annual Environmental Conference 2014; dated January 14, 2014; received January 15, 2014.
- e. From Massachusetts Port Authority re: Worcester Regional Airport CAT-III Instrument Landing System and Taxiway Project Environmental Notification Form; dated January 15, 2014; received January 16, 2014.

#### **8. Signing of Decisions**

- 486 Chandler Street (CC-2014-001) – Determination of Applicability

#### **Adjournment**

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers, the Commission voted 4-0 to adjourn the meeting at 7:15 pm.