

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

June 23, 2014

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present: Stefanie Wood, Chair
Jack Donahue, Vice-Chair
Jordan Berg Powers
Joseph Charpentier
Peter McKone

Members Absent: None

Staff Present: Christopher Gagne, Department of Public Works & Parks (DPW&P)
Nancy Tran, Division of Planning & Regulatory Services

CALL TO ORDER

The Chair called the meeting to order at 5:32 pm.

APPROVAL OF THE MINUTES

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 5-0 to approve the minutes from the March 24, 2014 meeting.

NEW BUSINESS

Public Hearing

1. Park Avenue right-of-way (near 230 Park Ave) (CC-2014-032) – Request for Determination of Applicability

Project manager Michael Toohill of BSC Group appeared before the Commission on behalf of the applicant, Massachusetts Electric Company dba National Grid, for a Request for Determination of Applicability to install ~385' of electric conduit and replace an electrical manhole along Park Ave right-of-way near 230 Park Avenue. Also present were environmental scientist Dawn Travalini and design engineer James Wise, both of National Grid.

Mr. Toohill stated all work will occur in paved surfaces with appropriate erosion and sedimentation measures for inlet control. He added that the project will take five days to cut, install material, backfill, plate and pave the area.

Commissioner Donahue inquired about the total area of disturbance and whether the entire roadway will be paved. Mr. Toohill replied stating the pavement will be cut to trench width which is approximately 2' wide and 385' in length.

Commissioner Berg Powers asked what had happened to the electrical in place at the proposed bank where the conduit will connect, to which Mr. Toohill said he was uncertain but that the project work is to provide upgraded service to the property.

Mr. Gagne of DPW&P had no comments.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 4-1 (Commissioner Berg Powers voted no) to issue a Negative Determination of Applicability.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability Application for Park Avenue near Elm Street; received June 4, 2014.
- Exhibit B: Site Photographs, Maps and Details; dated various; received June 4, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 230 Park Avenue/Elm Street, RDA (CC-2014-032); dated June 18, 2014.

2. 0 Salisbury Street (Lots 5 & 8-10) (MBL 50-023-00003) (CC-2014-033) – Request for Determination of Applicability

Project manager Julian Votruba of New England Environmental Design LLC appeared before the Commission on behalf of the applicant, Jim Soucy, for a Request for Determination of Applicability to seek determination as to whether the area and/or work related to the construction of four single-family dwellings on four separate lots with associated grading and site work is subject to the jurisdiction of the Massachusetts Wetlands Protection Act and/or City of Worcester Wetlands Protection Ordinance. The proposed project is located at 0 Salisbury Street (Lots 5, 8-10; between Salisbury Hill Blvd and Whisper Drive). The applicant, Mr. Soucy, was also present. Mr. Votruba stated that the applicant proposes to build a single-family dwelling on each lot located outside the 100' buffer and added that he confirmed accuracy of the previously flagged wetlands.

Chair Wood clarified there is no change to the wetlands delineation and that only the lot configuration had been modified. She then inquired about stormwater treatment and utilities.

Mr. Votruba said no infiltration of runoff is proposed because the buildings will be located outside the 100' buffer and that utilities will be connected to those available on Salisbury Street.

Commissioner McKone stated subdivisions over four lots are subject to stormwater management standards under the Wetlands Protection Act. He added that he believed the proposed project requires submission of a Notice of Intent to the Commission.

Commissioner Berg Powers inquired whether there will be any grading or clearing within the 100' buffer. Mr. Votruba replied stating there will be tree clearing but no grading within the buffer.

Commissioner Donahue indicated that while the project is different than what was proposed the previous year by a different applicant, he recommended a site walk be conducted. He also asked whether the flagging had been refreshed, to which Mr. Votruba stated no but that they are visible. Commissioner Donahue stated that it is possible for the Commission to vote a negative determination with conditions after a site walk.

Jamie Vander Salm of 655 Salisbury Street stated the lots are a segment of a larger project and that the applicant should provide a stormwater management plan.

Robert DePietri of Salisbury Holdings, current owner of the lots, stated that the recently subdivided land did not require approval under the Subdivision Control Law. He added that Mr. Soucy is planning to purchase only four of the seven lots.

Chair Wood said the proposal is still considered a multi-house development that needs to be considered whether the lots are abutting or slightly separated from each other.

Mr. Vander Salm inquired what will happen to the other three remaining lots. He said Lot 5 is close to the buffer and suggested that erosion and sedimentation controls such as haybales should be required. He added that Lot 8 is also risky due to its contours and should also have controls in place.

Mr. Votruba stated that he was amenable to installing straw wattles and silt fencing as a precautionary measure.

Chair Wood indicated that there were a number of possibilities: (1) negative determination, (2) negative determination with conditions, (3) continuance pending a site walk that determined a negative determination with conditions, or (4) positive determination which will require filing a Notice of Intent.

Mr. Vander Salm requested that new flagging should be performed to delineate the wetlands boundary.

Mr. Votruba stated that he is a wetlands scientist and confirmed the accuracy of the flagging. He added that he was amenable to conducting a site walk to reconfirm them.

Commissioner Berg Powers indicated he would vote for a positive determination if a site walk is not conducted.

Commissioner McKone stated that the stormwater requirements trigger a positive determination because of the number of subdivided lots. He said that the wetlands delineation can be addressed afterward.

Chair Wood concurred and stated that the applicant can prepare additional materials for the following meeting and contact staff to schedule a site walk.

Mr. Gagne of DPW&P had no comments.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 5-0 to continue the item to the July 14 meeting pending a site walk and submission of additional materials.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability Application for Lots 5, 8, 9 & 10 Salisbury Street; received June 4, 2014.
- Exhibit B: Site Plan for Lots 5, 8, 9 & 10 Salisbury Street; dated and received June 4, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 0 Salisbury Street (Lots 5 & 8-10), RDA (CC-2014-033); dated June 18, 2014.

3. 4 Bird Street (CC-2014-026) – Local Notice of Intent

Owner Normand Champigny and engineer Brian MacEwan of Graz Engineering, LLC appeared before the Commission for a Local Notice of Intent to construct a two-story, 1,620 SF footprint (3,200 SF GFA) single-family attached structure with three dwelling units, 12 accessory off-street parking spaces (six garage and six driveway), associated grading and site work. Mr. MacEwan said existing trees will be removed and silt fencing will be installed around the perimeter except at the access point, which will have a riprap construction entrance for vehicles. He said the proposed building will tie to the existing single drainage manhole in Boston Avenue, roof runoff will be directed to a dry unit and catchbasin in the property's rear and parking lot runoff will flow to the city line.

Chair Wood inquired about the type of stormwater treatment from the driveway, to which Mr. MacEwan replied that the owner will maintain the deep sump catch basin.

Commissioner Berg Powers asked what the trigger for filing a Notice of Intent was.

Mr. MacEwan said a catchbasin is the trigger. He added that a catchbasin is proposed off of Bird Street where there currently is none. This will require excavation, trenching, pipe installing, backfilling and grading.

Commissioner Berg Powers inquired about the storage of excavated material and proposed tree plantings. Mr. MacEwan stated that materials will be hauled away, new clean will be trucked in if necessary and that there will be no stockpiling on site. He stated that proposed trees will be Asian Longhorn Beetle-resistant.

Commissioner Charpentier asked where the proposed catchbasin will tie into the existing storm sewer, to which Mr. MacEwan said that revised plans submitted to staff shows the change.

Joseph Raultis of 7 & 8 Bird Street said he wanted the catchbasins to tie into the drain because of the amount of runoff present in the spring. Mr. MacEwan stated that the catchbasins will be tied into existing drain lines.

Mr. Gagne of DPW&P had no comments.

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

List of Exhibits:

- Exhibit A: Local Notice of Intent Application for 4 Bird Street submitted by Normand Champigny; received May 14, 2014.
- Exhibit B: Definitive Site Plan for Boston Avenue & Bird Street; prepared by Graz Engineering, LLC.; dated and received May 14, 2014; revised June 18, 2014 and received June 19, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 4 Bird Street - NOI (CC-2014-026); dated June 18, 2014.

4. 1 Carver Street (CC-2014-031) – Local Notice of Intent

Engineer Maureen Finlay of Summit Engineering & Survey, Inc. appeared before the Commission for a Local Notice of Intent to construct a three-story, ~13,000 SF footprint, multi-family low-rise residential dwelling with nine dwelling units, 18 accessory off-street parking spaces, associated grading and site work. She stated that a roof drain will be tied to an underground system which will be connected to two catchbasins at the parking lot entrance and directed to a manhole in Carver Street. Ms. Finlay stated that erosion and sedimentation controls will be provided along the streets and the catchbasin in the right-of-way.

Chair Wood inquired about the logs for the test pit mentioned in DPW&P's review memo.

Mr. Gagne said the information was provided in the plans.

Commissioner Charpentier asked whether replacement trees will be provided for the substantial street trees to be removed. Ms. Finlay replied stating that multiple tree types are proposed along the street.

Commissioner Berg Powers asked what the trigger for filing a Notice of Intent was. Ms. Finlay stated that proximity to catchbasins was the trigger. She said appropriate barriers such as silt fencing and haybales will be installed along the street and that storage of materials can be located outside the 100' buffer to protect the catchbasins. She added that 80% of the site will be impervious and not all runoff will be treated because runoff from the roof will be clean.

Commissioner Donahue inquired about maintenance of the treatment stormwater system, to which Ms. Finlay stated that the owner will maintain and ensure proper drainage according to the operations and maintenance plan previously submitted to the Commission.

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

List of Exhibits:

- Exhibit A: Local Notice of Intent Application for 1 Carver Street submitted by William Dowell; received June 4, 2014.
- Exhibit B: Proposed Site Plan & Parking Plan for 1 Carver Street; prepared by Summit Engineering & Survey, Inc.; dated May 14, 2014; received June 4, 2014.
- Exhibit C: Drainage Analysis for #1 Carver Street; prepared by Summit Engineering & Survey, Inc.; dated May 22, 2014; received June 4, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 1 Carver Street - NOI (CC-2014-031); dated June 18, 2014.

OTHER BUSINESS

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

Chair Wood stated that the Commission received communication from EcoTec, Inc. regarding erosion and sedimentation controls for Slopes A and B which the Commission discussed at the site walk in the winter.

Mr. Gagne stated he visited the site at 12pm earlier in the day and saw that no action had occurred with respect to Slope B.

Chair Wood asked that DPW&P and staff to keep an eye on the area and to update the Commission regarding any changes.

Commissioner McKone asked what the recommended approach to address the matter was.

Mr. Gagne said in order to achieve stabilization, excavation to a flatter slope is needed. He added that a 3:1 slope is optimal.

Chair Wood asked staff to relay any updates from the Planning Board to the Commission.

The item was continued to the July 14 meeting.

List of Exhibits:

Exhibit A: Letter from Scott Morrison of EcoTec, Inc. re: Arboretum Village Estates, Worcester, Massachusetts (Slopes A & B); dated June 19, 2014.

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

Mr. Gagne stated that the Enforcement Order can be lifted as the area has shown regrowth of native plants and stabilization around the brook.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers, the Commission voted to lift the Enforcement Order for 11 Brookshire Road (CC-EO-2013-004).

7. Emergency Certification – 210 Ludlow Street & 70-72 James Street

Mr. Gagne stated that the work was completed within the 100' wetland buffer and in close to proximity to the existing building. The work performed involved excavation, ~80-100' wide and 80-100' long to investigate potential illegal dumping of hazardous waste filling in the resource area with backfilling following investigation. He added that temporary stockpiling occurred on site in order to conduct materials testing.

The Commission took no action on the item.

8. Communication Received:

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

- a. From STV Incorporated; re: Worcester Regional Transit Authority, New Bus Maintenance and Operations Facility, 42 Quinsigamond Avenue, Worcester, MA; dated May 30, 2014; received June 2, 2014.
- b. From EcoTec, Inc. re: Arboretum Village Estates (Turbidity Sampling for May); dated June 3, 2014; received June 9, 2014.
- c. From Massachusetts Environmental Policy Act (MEPA) Office re: Notice of MEPA Consultation Session – EEA#15214 – Elm Park Improvements – Worcester; dated and received June 12, 2014.

- d. From City of Worcester DPW&P re: Environmental Notification Form for Elm Park Improvements; dated June 2, 2014; received June 16, 2014.

9. Request for Certificate of Compliance – Salisbury Hill (Lots 4-10) (CC-2011-044)

Mr. Gagne said no work had been completed as the Order of Conditions and Superseding Order of Conditions were vacated by MassDEP.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 5-0 to issue a Resolution in lieu of a Certificate of Compliance to clarify a title issue with respect to the Order of Conditions for Salisbury Hill (Lots 4-10).

10. Request for Certificate of Compliance – 69 Blithewood Avenue (CC-2000-076)

Ms. Tran stated that the Commission previously issued a Certificate of Compliance on May 22, 2007 for the project but the applicant did not have it recorded at the Registry of Deeds and has since misplaced the original decision.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 5-0 to issue a duplicate Certificate of Compliance for 69 Blithewood Avenue.

11. Request for Certificate of Compliance – Marissa Circle (CC-2001-074)

Ms. Tran stated that the Commission previously issued a Certificate of Compliance on May 22, 2007 for the project but the applicant did not have it recorded at the Registry of Deeds and has since misplaced the original decision.

Upon a motion by Commissioner McKone and seconded by Commissioner Donahue, the Commission voted 5-0 to issue a duplicate Certificate of Compliance for Marissa Circle.

12. Approval of the Proposed Draft Meeting Schedule for 2015

The Commission reviewed the proposed draft meeting schedule for 2015.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 4-0-1 (Berg Powers abstained for not having reviewed it) to approve the Conservation Commission meeting schedule for 2015.

13. Discussion and Issuance of Orders of Conditions as relevant to a hearing closed 6/23/14.

The Commission reviewed the closed item and upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 5-0 to issue conditions as discussed for 4 Bird Street (CC-2014-028).

The Commission reviewed the closed item and upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 5-0 to issue conditions as discussed for 1 Carver Street (CC-2014-031).

14. Signing of Decisions

- Park Avenue right-of-way (near 230 Park Ave) (CC-2014-032) – Determination of Applicability
- 4 Bird Street (CC-2014-028) – Order of Conditions
- 1 Carver Street (CC-2014-031) – Order of Conditions
- Salisbury Hill (Lots 4-10) – Resolution in lieu of a Certificate of Compliance
- 69 Blithewood Avenue (CC-2000-076) – Duplicate Certificate of Compliance

- Marissa Circle (CC-2001-074) – Duplicate Certificate of Compliance

15. Enforcement Order – 30 Breeze Drive (CC-EO-2014-001)

Ms. Tran stated the applicant intended to appear before the Commission regarding the Order but had not yet arrived.

Chair Wood recommended reviewing the issue without the owner present and asked DPW&P's report regarding the Enforcement Order.

Mr. Gagne stated that an Enforcement Order was issued to the owner of 30 Breeze Drive for work within 100' of Patch Pond. Work on the property involved trench digging and pipe installation for a replacement retaining wall. He required the owner to install erosion and sedimentation controls and halt all work until the project filing had been submitted and reviewed by the Commission.

No action was taken and the item was continued to the following meeting pending submission of a Notice of Intent by the owner.

Adjournment

Upon a motion by Commissioner Donahue and seconded by Commissioner Berg Powers, the Commission voted 3-0 to adjourn the meeting at 7:10 pm.