

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

November 10, 2014

WORCESTER CITY HALL – LEVI LINCOLN ROOM

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

Member Absent: Peter McKone

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 5:30 pm.

NEW BUSINESS – Requests for Determination of Applicability

1. 61 Lafayette Street (CC-2014-055)

Engineer Patrick Burke of HS&T Group appeared before the Commission on behalf of the applicant, Tom Hoang, for a Request for Determination of Applicability. The applicant sought determination as to whether the area and/or work related to the proposed construction of an ~ 1,350 SF two-family dwelling with four off-street parking spaces at 61 Lafayette Street is subject to the jurisdiction of the Massachusetts Wetlands Protection Act and/or City of Worcester Wetlands Protection Ordinance.

Mr. Burke stated the lot was located in Bordering Land Subject to Flooding, within proximity to catchbasins and not nearby any wetlands. He added that a dwelling previously stood on site but was demolished some years prior. The proposed construction does not propose over 10,000 SF of ground disturbance nor will impact flood storage capacity.

Chair Wood inquired about paved parking, amount of increased impervious area and grading. Mr. Burke responded no parking exists and that there will be an increase of ~1,400 SF of impervious area. He added that there will be no grade changes as there will only be vertical impact. He said he was not sure whether there will be a basement or whether the house will be constructed as slab on grade.

Mr. Gagne of DPW&P had no comments.

Chair Wood requested confirmation regarding the house will be slab on grade.

Commissioner Charpentier asked how many years prior the house was demolished. He expressed concern for lost flood storage but did consider that the proposed building will be of a smaller footprint. Mr. Burke responded that it was condemned and demolished two years prior.

Mr. Gagne said there is no regulation with respect to looking back on the old footprint to compare. He stated that DPW&P only compares gallonage fee five years prior.

Chair Wood stated that the lot could not have altered greatly in two years.

Mr. Burke said the flood elevation level was 449 with a 1- 1 ½' difference on site. He indicated that there is not much room on site to provide compensatory flood storage as it was a small lot.

Mr. Berg Powers requested that staff find out the time limitation to compare footprints.

Upon a motion by Commissioner Donahue and seconded by Commissioner Berg Powers, the Commission voted 4-0 to issue a Negative Determination with the condition that the applicant report to staff if the house will be constructed on slab.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability for 61 Lafayette Street by Tom Hoang; received October 22, 2014.
- Exhibit B: Site Plan; prepared by HS&T Group, Inc.; dated October 8, 2014; received October 22, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 61 Lafayette Street – RDA (CC-2014-055); dated November 5, 2014.

2. Southwest Cutoff, Pole #77 Replacement (CC-2014-056)

Ms. Tran stated the applicant, Massachusetts Electric Company d/b/a National Grid, no longer sought to replace one wooden electric distribution pole within the shoulder of the road on the west side of Southwest Cutoff (near 330 Southwest Cutoff). She stated the applicant requested a filing fee refund.

Commissioner Charpentier stated that the fee charged is for staff and Commission review and was not amenable to providing a full refund.

Chair Wood concurred and asked the amount paid.

Ms. Tran stated \$50 for the application and \$25 for legal advertisement.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted to approve a Leave to Withdraw of the Request for Determination for Southwest Cutoff, Pole #77 Replacement.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 2-2 (Commissioners Donahue and Berg Powers voted against) to issue a refund. The motion failed and the refund request was denied.

List of Exhibits:

- Exhibit A: Request for Determination of Applicability for Southwest Cutoff, Pole #77 Replacement; submitted by Massachusetts Electric Company d/b/a National Grid; received October 22, 2014.
- Exhibit B: Figures, Site Photographs, and Sediment Control Details; prepared by BSC Group, Inc.; various dates; received October 22, 2014.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Southwest Cutoff– RDA (CC-2014-036); dated November 5, 2014.

NEW BUSINESS – Notice of Intent

3. South side of Pleasant Street Right-of-Way (aka Rt. 122), between Robertson Rd and Maple Leaf Rd (CC-2014-054)

Brian Cordero of MassDOT Environmental appeared before the Commission on behalf of the applicant, Massachusetts Department of Transportation, for a Notice of Intent to construct stormwater Best Management Practices (BMPs) at three locations (two of which are within jurisdictional areas) along the south side of Pleasant Street right-of-way, between Robertson Rd and Maple Leaf Rd. Proposed work consists of maintenance/improvement of existing roadways and drainage, test pits, grading and associated site work aimed at improving water quality discharges to Tatnuck Brook as part of MassDOT's Impaired Waters Program. Also present were: project manager Peter Reed, civil engineer Jeanine White and wetlands scientist Michael Toohill all of BSC Group.

Mr. Cordero stated that BMP 1 will be an infiltration basin and BMPs 2 & 3 will be leeching basin. Traffic development plans were developed and will require one lane closure with police detail.

Commissioner Berg Powers inquired whether the work will affect flow to the brook. Mr. Reed stated that the project was located in a large watershed area and that there was minimal flow to the brook. He assured the Commission that the new BMPs should improve the health of the brook.

Commissioner Berg Powers asked if there brook monitoring currently exists or is proposed following work completion. Ms. White responded that the stormwater report provides existing and proposed flow rates. Mr. Reed added that the work will create a slower flow rate but that the base flooding will be maintained.

Commissioner Donahue inquired about work phasing, to which Ms. White stated that BMPs will be constructed one at a time by the contractor.

Commissioner Donahue asked if existing systems will be decommissioned or bypass until the systems were online. Ms. White stated that the systems will be retained until construction was complete and connected.

Commissioner Donahue asked about timing of construction, to which Ms. White replied between May and November. She added that work will not take the entire season.

Mr. Gagne of DPW&P had no comments.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 4-0 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: Notice of Intent Application for Worcester – Pleasant Street Stormwater Retrofit MassDOT Project #607002 submitted by Botany Bay Construction Co. Inc.; received October 22, 2014.

- Exhibit B: Plan for Impaired Waters Remediation, Pleasant Street (Route 122); prepared by BSC Group; dated October 20, 2014; received October 22, 2014.
- Exhibit C: Stormwater Management Report, Route 122 (Pleasant Street) at Tatnuck Brook Drainage Improvements; prepared by BSC Group; dated October 20, 2014; received October 22, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Pleasant Street (Rt 122) - NOI (CC-2014-057); dated November 5, 2014.

OTHER BUSINESS

4. Informal Discussion – Worcester Airport Vegetation Management Plan – Yearly Operational Plan Change

Environmental Project Manager Jim Stolecki of MassPort and biologist Randy Christensen of Stantec appeared before the Commission regarding a change in the Yearly Operational Plan (YOP) for Worcester Airport which had a current Orders of Conditions. Mr. Stolecki stated that 2012 Federal Aviation Administration regulations with respect to reducing obstructions required changes to the proposed Best Management Practices (BMPs) developed in 2011. He stated that herbicide application would be utilized substantially in place of mechanical clearing. Mr. Stolecki added that vegetation was growing quickly even after the 2013 YOP clearing. He explained that the new process will require vegetation cutting and targeted herbicide dabbing to prevent growth as well as encourage low growing shrubs. He said DPW&P was aware of and amenable to the new method.

Mr. Christensen stated that a five-year Vegetation Management Plan was developed where the first year was primarily clearing and the remaining four years would be area maintenance with prescribed techniques. He said the plan was modeled from railroad right-of-way management plans by utility companies. He added that the vegetation growth was significant – up to 6’ per year in problem areas. Mr. Christensen stated that herbicide use will be limited in public watershed areas, that work would be within buffer zones but did not propose changes to wetlands. He indicated that MassPort will also go before the Leicester Conservation Commission for the same plan changes.

Chair Wood inquired what type of herbicide would be used, to which Mr. Christensen said target-specific glyphosate would be used. He said the herbicide had a low half-life in aerobic environment – approximately 48 hours. He explained that two people would perform the work – create a flat diameter of the vegetation by manually cutting and another to sponge dab the vegetation. He said MassPort wanted to perform the work immediately.

Chair Wood asked whether the work will be done one time or annually, to which Mr. Christensen responded it will be done three additional times, but not within existing 5-Year VMP.

Commissioner Donahue inquired whether MassPort will also address invasive species. Mr. Christensen said invasive species like Buckthorn located upland would be targeted but no other species like Black Locust. He said the USDA reviews proposed BMPs to ensure that it would not affect existing wildlife.

Commissioner Charpentier asked for clarification regarding color coding on the submitted plan. Mr. Christen said purple indicated mechanical work, opaque indicated cut/dab and brown indicated mowing.

Commissioner Berg Powers asked if the change in herbicide would affect the YOP, to which Mr. Christensen said it would immediately modify the plan. He stated he would provide an update and progress report to the Commission.

List of Exhibits:

Exhibit A: Yearly Operational Plan Change Notification; prepared by Stantec Consulting Services, Inc.; dated October 24, 2014; received October 27, 2014.

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

Ms. Tran stated there were no updates regarding the item.

6. Request for Certificate of Compliance – 1212 (aka 1220 & 1222) Main Street (CC-2012-004)

Mr. Gagne said the work had been completed and there were no issues.

Upon a motion by Commissioner Donahue and seconded by Commissioner Charpentier, the Commission voted 4-0 to issue a Certificate of Compliance for 1212 (aka 1220 & 1222) Main Street.

List of Exhibits:

Exhibit A: Request for Certificate of Compliance for 1212 (aka 1220 & 1222) Main Street; prepared by Botany Bay Construction Company; dated October 31, 2014.

7. Request for Certificate of Compliance – 222 June Street (CC-2011-039)

Mr. Gagne said the work had been completed and there were no issues.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers, the Commission voted 4-0 to issue a Certificate of Compliance for 222 June Street.

List of Exhibits:

Exhibit A: Request for Certificate of Compliance for 222 June Street; prepared by Carl Foley; dated October 31, 2014.

8. Communication:

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

- a. From MassDCR re: Assessment of Hazard Potential, Old Cider Mill Pond Dam; dated October 16, 2014; received October 21, 2014.
- b. From MassDEP re: Water Quality Certification Amendment #3, Bridge Replacement Burns Memorial Bridge (401 Water Quality Certification Major Dredging Amendment); dated October 21, 2014.

- c. From ACOE to MassDOT re: Bridge Replacement (Kenneth F. Burns Memorial Bridge, Rte 9, Belmont St, NAE-2010-01866 Permit); dated September 17, 2014; received September 22, 2014.

7. Emergency Certification – Mill Street/Airport Drive

Mr. Gagne stated that the owner of 2 Airport Drive sought Emergency Certification approval to replace a drain line pipe. He stated erosion and sedimentation controls were installed to prevent runoff from reaching the brook. He added that a Notice of Intent is required following completion of the emergency work.

Chair Wood asked how long the work would take to complete, to which Mr. Gagne stated that it should take no longer than a week.

List of Exhibits:

Exhibit A: Emergency Certification for 2 Airport Drive; prepared by Christopher Gagne of DPW&P; dated December 22, 2014; received December 23, 2014.

8. Signing of Decisions

- **61 Lafayette Street** – Determination of Applicability
- **South side of Pleasant Street Right-of-Way** – Orders of Condition
- **1212 (aka 1220 &1222) Main Street** – Certificates of Compliance
- **222 June Street** – Certificate of Compliance

Adjournment

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 4-0 to adjourn the meeting at 6:39 pm.