

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

June 24, 2019

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present: Joseph Charpentier, Chair
Christian Escobar
Amanda Amory
Devin Canton
Azal Khaled

Staff Present: Stefanie Covino, Division of Planning & Regulatory Services

Call to Order

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

Requests for Continuances, Postponements, and Withdrawals

Item #1 **Notice of Intent:** 0 Meadowbrook Road (MBL 25-042-0003A)
Item #2 **Notice of Intent:** 20 Pine Hill Road (MBL 38-035-00004)
Item #9a **Project Change Request:** 128 Alvarado Ave (CC-2008-045 / CC-2017-017)
Item #10a **Requests for Extension of Time:** 128 Alvarado Ave (CC-2008-045 / CC-2017-017)

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to continue Items 1, 2, 9a, and 10a until July 15, 2019.

Approval of Minutes:

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to approve the minutes from April 22, 2019, May 13, 2019, and June 3, 2019.

Public Hearings

Old Business – Notices of Intent

Item #1 **0 Meadowbrook Road (MBL 25-042-0003A)**
File #: CC-2019-013; DEP # 349-1242
Applicant: Joe Goodman
Project: To construct a single family house, construct a cul-de-sac, and conduct associated site work
Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance
Item Continued

Item #2 **20 Pine Hill Road (MBL 38-035-00004)**
File #: CC-2019-014; DEP # 349-1238
Applicant: Berthiaume Contracting, LLC.
Project: To construct a single family house and conduct associated site work
Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance
Item Continued

Item # **19 Heard Street (AKA Hadwen Park) (MBL 15-029-00004)**
File#: CC-2019-030; DEP# 349-1248
Applicant: City of Worcester Department of Public Works & Parks
Project: Construct an elevated pedestrian boardwalk along part of Curtis Pond and related site work and to request a waiver of performance standard 4.2.4
Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Upon a motion by Commissioner Amory and seconded by Commissioner Khaled, the Commission voted 5-0 to close the public hearing. Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to issue an Order of Conditions. Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission later voted 5-0 to modify those conditions later in the meeting.

New Business – Notices of Intent

Item #4 **249, 261, & 265 Lake Avenue (MBL 17-029-00010, 17-030-0002A, -00002)**
File#: CC-2019-026; DEP# 349-1245
Applicant: Cherele Gentile
Project: To demolish five existing buildings and construct four single family dwellings with associated grading, utilities, and site work.
Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

The public hearing was opened and the project was discussed. The Commission requested that only the lot that would be constructed by the applicant be part of the OOC; the construction of other three lots intending to be sold before construction should not be included in this work. Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to continue the item until July 15, 2019.

Item #5 **347A Greenwood Trail and the abutting portion of the Southwest Cutoff (AKA Route 20) Rights-of-Way (MBL 29-047-0007A)**
File#: CC-2019-028; DEP# 349-1247
Applicant: Town of Auburn
Project: To install a sewage force main from Pinrock Road pump station to the Upper Blackstone treatment facility, with associated site work, and to request a waiver of performance standard 4.2.4.
Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to close the public hearing and issue an Order of Conditions.

New Business – Requests for Determination of Applicability

Item #6 **Right-of-Way Associated with Grove Street near 141 Grove Street (MBL 01-01X-00005)**
File#: CC-2019-031
Applicant: Massachusetts Electric Company
Project: Installation of approximately 150 linear feet of conduit within right-of-way and associated site work.
Jurisdiction: City of Worcester Wetlands Protection Ordinance

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to issue a negative Determination of Applicability.

Item #7 **20 Gates Street (MBL 07-007-00006)**
File#: CC-2019-032
Applicant: Juana Urena
Project: Grading, construction of a patio, and related site work.
Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to issue a negative Determination of Applicability.

Other Business

Item #8 **Informational Presentation**
a. Coes Pond boardwalk project by Weston & Sampson, representing Worcester Department of Public Works and Parks

Item #9 Project Change Request

- a. 128 Alvarado Ave (CC-2008-045 / CC-2017-017)

Item Continued

Item #10 Requests for Extension of Time for Orders of Conditions

- a. 128 Alvarado Ave (CC-2008-045 / CC-2017-017)

Item Continued

- b. 47 Quinsigamond Avenue (AKA Crompton Park) (CC-2015-021)

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to issue an extension of time for one year .

Item #11 Emergency Certifications

- a. 19 Heard Street (AKA Hadwen Park)
b. 37 Whitla Drive (AKA Whitla Drive Pump Station)

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to ratify the Emergency Certification.

Item #12 Requests for Certificates of Compliance

- a. 134 Mower Street (AKA 137 Mower Street) (CC-2010-042)

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to issue a Certificate of Compliance.

- b. 38 Toronita Avenue lots 1-3 (AKA 38, 40, 42 Toronita Avenue) (CC-2014-015)

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to continue the item until July 15, 2019.

- c. 135 Goddard Memorial Drive (CC-2018-018)

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to issue a Certificate of Compliance.

- d. 15-17 Wheeler Avenue (CC-2017-031)

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to issue a Certificate of Compliance.

- e. 35 Nelson Place (AKA Nelson Place School) (CC-2015-028; DEP# 349-1110)

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to issue a Certificate of Compliance.

- f. 1-3 Bittersweet Boulevard (AKA Arboretum Subdivision) (CC-2014-047)

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to issue a Certificate of Compliance.

Item #13 Enforcement Order and Violation Updates

- a. 100 Goldthwaite Road (AKA White Birch Commons (FKA Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)

Representative Matthew Marro presented before the Commission and provided update on replication and wetland impacts. More information is required to regain compliance with the enforcement order.

- b. Country Club Acres (AKA Garrison Avenue & 190 Mountain Street East; Cobblestone Lane (FKA Paradise Point)) (CC-2007-025; DEP #349-931; CC-EO-2017-009; UAO-CE-18-6W001)

No update

- c. 20 Quinsigamond Avenue (CC-EO-2018-004)

The applicant/violator presented to the Commission and requested additional time to have the site re-surveyed. Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to postpone issuing fines until 7/16/19, with all required items, including updated calculations showing compensatory storage due to be provided to the office of the Commission by 7/15/19 in order to gain compliance with the enforcement order.

- d. 72 Upland Street (CC-EO-2018-005)

No update

- e. 128 Alvarado Ave (CC-2008-045 / CC-2017-017)

No work has progressed on site; still out of compliance.

- f. 170 South Flagg Street (CC-EO-2018-003)

No update; staff needs to visit

g. 37 Pleasant Valley Drive (AKA Lincoln Village)
No update; will be discussed at the next meeting 7/15/19

Item #14 Communication – no comments

- a. Notification of Work on Prouty Lane in buffer zone of bank, from Eversource, received 5/22/19
- b. Notification of Work on Lamartine Street within floodplain, from Eversource, received 5/22/19

Item #15 Discussion of Commission Regulations, Processes & Procedures

- a. Vote to adopt public outreach document requiring three copies of materials

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 5-0 to approve the modified application checklist outlining requirements for submission, including 3 copies of materials, from 11.

- b. Vote to adopt regulation change regarding projects requiring hydraulic/hydrologic calculations

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to modify the Worcester Wetlands Protection Regulations, effective 6/24/19, adding one sentence to the end of 5.3(p) as follows: “Massachusetts Stormwater Standards, or standards otherwise required by the ordinance or regulations, shall be met using design storms based on NOAA Atlas 14, Cornell’s Northeast Regional Climate Center data, or if newer data is available, most conservative data based on highest precipitation amounts.”

Item #16 Discussion of Special Conditions and Issuance of Orders of Conditions

Item #17 Signing of Decisions

Adjournment

Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 5-0 to adjourn at 9:15pm.