

**MINUTES OF THE PROCEEDINGS OF THE
CONSERVATION COMMISSION OF THE CITY OF WORCESTER
August 2, 2021**

Worcester City Hall - Levi Lincoln Chamber, with remote participation options available via Webex online at <https://cow.webex.com/meet/planningboardwebex> and call-in number 415-655-0001 (Access Code: 1609734358).

Conservation Commission Members Present: Joseph Charpentier, Chairman
Devin Canton, Vice Chairman (participating remotely)
Amanda Armory
Sarah French
Holly Jones

Conservation Commission Members Absent: Azal Khaled

Staff Present: Stefanie Covino, Planning & Regulatory Services
Steve Cary, Planning & Regulatory Services

CALL TO ORDER: 5:30PM

REQUESTS FOR CONTINUANCES, POSTPONEMENTS, WITHDRAWALS

Item 9 – 74 Bay Edge Drive – Notice of Intent
Request Leave to Withdraw without Prejudice

Item 13b – 305 Belmont Street – Project Change Request
Request to postpone to 8/23/2021

Item 15a – Burncoat Heights – Request for Certificate of Compliance
Request to postpone to 8/23/2021

Item 15c – 4 Gaylord Street – Request for Certificate of Compliance
Request to postpone to 8/23/2021

Item 15f – 74 Bay Edge Drive - Request for Certificate of Compliance
Request Leave to Withdraw without Prejudice

Item 15g – 668 Burncoat Street – Request for Certificate of Compliance
Request to postpone to 8/23/2021

Upon a motion made and duly seconded the Commission voted 4-0 to grant the postponements and withdrawals. Commissioner Canton was not present for the vote.

APPROVAL OF MINUTES – NONE

PUBLIC HEARINGS

REQUESTS FOR DETERMINATION OF APPLICABILITY

1. 10 Egan Ave (MBL 34-038-145-1)

File #: CC-2021-038
Applicant: Román Peña Fornaris
Project: To determine whether the work to install a deck around an existing pool and related site activities is subject to the Commission's jurisdiction.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Ms. Covino showed on a power point slide where the work to install a deck around the pool would be located.

Román Peña Fornaris appeared in person for the meeting and asked for permission to build a small deck around the pool.

Upon a motion made and duly seconded the Commission voted 4-0 to issue a Negative Determination of Applicability. Commissioner Canton was not present for the vote.

2. 9 Rockwell Street (MBL 27-005-000A1)

File #: CC-2021-041
Applicant: Kevin Javier
Project: To determine whether the work to remove two hazard trees, including a waiver of performance standard 4.2.4, is subject to the Commission's jurisdiction.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Item #2 was taken in conjunction with Item #14.

Ms. Covino stated that the work has already been performed as two hazardous trees needed to be removed.

Kevin Javier, participating remotely, reiterated what Ms. Covino had stated.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Negative Determination of Applicability.

3. 6 Paper Birch Path (MBL CO-NDO-02271)

File #: CC-2021-046
Applicant: Meghan McCarthy
Project: To determine whether the work to construct an addition to an existing single family home, including the installation of a sonotube, is subject to the Commission's jurisdiction.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Applicant could not be heard on video call so staff presented the item.

Ms. Covino stated that the porch is out of the buffer zone and meets all the requirements.

Upon a motion made and duly seconded the Commission 5-0 to issue a Negative Determination of Applicability.

New Business – Notices of Intent

4. **13 (A&B) Pocasset Street (MBL 38-033-22-25) & the Pocasset Street Right-of-Way (from end of improved way southeast +/- 110 feet) *This item was taken ahead of Items 2 and 3 due to technical difficulties at beginning of meeting.***

File #: CC-2021-023; DEP#349-1297
Applicant: B & M Property Group, LLC
Project: To construct a +/- 110 feet extension of Pocasset Street (including installation of utilities) and a two-family dwelling, and to conduct related grading and site work.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Ms. Covino reviewed on a power point slide the work proposed for the site.

Bob Murphy from Murphy Associates appeared in person on behalf of the applicant, B&M Property Group, LLC. Mr. Murphy stated that they are looking to develop a percent of Pocasset Street and they have been working with Department of Public Works and the Planning Board for several months on the development.

He stated that they are looking to do work in the right away and a certain percent is within the buffer zone of the wetland but there is no work within the wetlands.

Chair Charpentier asked if there were any catch basins. Mr. Murphy stated no and stated that the existing driveway the runoff just go into the wetlands.

Ms. Covino stated that DPW had reviewed the street drainage plan for the property.

The Commission and Mr. Murphy discussed whether the roadway could be lengthened and the vegetation removal proposed for the site.

Public Comment

Donna Dickey (participating remotely) stated that there has been a lot of flooding due to the development in the area.

Upon a motion made and duly seconded the Commission voted 4-1 (Commissioner Jones voted against) to close the Public Hearing.

Upon a motion made and duly seconded the Commissioner voted 5-0 to Issue an Order of Conditions.

5. **1 Drury Lane (AKA Worcester Polytechnic Institute) (MBL 20-016-01-04) *This item was taken ahead of Items 3 due to the representative for Item 3 having difficulty connecting.***

File #: CC-2021-035
Applicant: Worcester Polytechnic Institute
Project: To remove an existing tennis court and expand other athletic facilities, including installing accessibility improvements and stormwater management onsite.
Jurisdiction: City of Worcester Wetlands Protection Ordinance

John DeMato, appeared in person, representing Worcester Polytechnic Institute.

Mr. DeMato stated that the tennis court area has been out of service for a while and WPI wants to remove it and use it for other uses.

Mr. DeMato reviewed the plans for the site including the hydrology for the site, catch basins and erosion controls.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to issue an Order of Conditions.

6. 25 Apthorp Street (MBL 40-032-00266)

File #: CC-2021-036; DEP#349-1303

Applicant: Ryan Hacker

Project: To demolish existing sheds and construct a single family house and associated driveway, stormwater system, grading, and related activities.

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Mitch Masalanka representing Ryan Hacker appeared in person on behalf of the application. He stated that it is existing single family lot that will be split and he reviewed the resources area and where the buffer zones would be located. He stated that ten trees will be removed and some will be replaced.

Ryan Hacker, participating remotely, reviewed the drainage for the site.

The Commission members and the applicant reviewed the easement for the site.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to issue an Order of Conditions.

7. 72 Bay Edge Drive (MBL 41-011-00019)

File #: CC-2021-039; DEP#349-1304

Applicant: Joseph Fontecchio

Project: To install a seasonal aluminum roll-in dock on Lake Quinsigamond.

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Joseph Fontecchio appeared in person for the application. He stated that he was looking to install a seasonal aluminum roll-in dock.

Ms. Covino stated that the process for the dock is that applicant needs to obtain Order of Conditions from the Conservation Commission and then they apply to the state and then they come back before the Commission. Separately the applicant will need to go through the Lake Quisigamond Commission.

Public Comment

Ed Demarski, abutter to the property, appeared in person and stated that he has problem with the existing dock the applicant has, not the one proposed tonight.

Mr. Demarski stated that he does plan to keep the existing dock as well as this new proposed dock.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to issue an Order of Conditions.

8. 111 Higgins Street (MBL 23-005-00003)

File #: CC-2021-040; DEP#349-1305
Applicant: Higgins Property Owner LLC
Project: To demolish a portion of an existing building and reconstruct an existing parking area to expand the loading dock area and install stormwater management features.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Robert Clark, participating remotely, and representative from Higgins Property Owner LLC called in for the application.

Mr. Clark stated that they are looking to demolish the porch of the existing building. He reviewed how many parking spaces the site will have, the areas of impervious surface and stated that this project had received Planning Board approval.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to issue and Order of Conditions.

9. 74 Bay Edge Drive (MBL 41-011-00009)

File #: CC-2021-042; DEP#349-1306
Applicant: Jon Flanagan
Project: To install a seasonal aluminum dock on Lake Quinsigamond.
Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Upon a motion made and duly seconded the Commission voted 5-0 to allow for Leave to Withdraw for the application.

Commission took a ten minute recess.

10. 7 Svea Street and a portion of 194 Vernon Street (MBL 10-005-00026, 10-005-00009)

File #: CC-2021-043
Applicant: Worcester County Management Corp
Project: To construct a seven-unit multi-family dwelling, parking area, and associated utilities, grading, and stormwater improvements, including installation of a new catch basin, and associated site work.
Jurisdiction: City of Worcester Wetlands Protection Ordinance

Ms. Covino stated that the applicant has just informed her that they would like to continue the application to the August 23, 2021 Conservation Commission meeting.

Upon a motion made and duly seconded the Commission voted 5-0 to continue the application to the August 23, 2021 Conservation Commission meeting.

11. 500 Salisbury Street (AKA Assumption University) (MBL 55-004-00001)

File #: CC-2021-044
Applicant: Assumption University
Project: To construct a parking area adjacent to Authier Hall, along with associated drainage and relevant site improvements.
Jurisdiction: City of Worcester Wetlands Protection Ordinance

Kevin Quinn from Quinn Engineering, appeared in person on behalf of Assumption University. Mr. Quinn stated that they are looking to expand the parking lot by 27 spaces.

Mr. Quinn reviewed the stormwater management and erosion controls for the site.

The Commission and Mr. Quinn reviewed the snow storage for the site.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to issue an Order of Conditions.

12. 37 Blackstone River Road (MBL 10-016-17+19)

File #: CC-2021-045
Applicant: Wolf Blackstone LLC
Project: To construct a 20-unit, three story residential building with associated parking, utilities, and grading, landscaping, and related site activities.
Jurisdiction: City of Worcester Wetlands Protection Ordinance

Steve Erickson, from Norse Engineering, participating remotely, called in for the applicant, Wolf Blackstone, LLC.

Ms. Covino reviewed the project and showed on a power point slide the proposed construction of the building.

Mr. Erickson stated that they will not impact any of the area and he reviewed with the Commission the sequencing of the construction and where the stockpiling would be located on the area.

Upon a motion made and duly seconded the Commission voted 5-0 to close the Public Hearing.

Upon a motion made and duly seconded the Commission voted 5-0 to issue an Order of Conditions.

Other Business

13. Project Change Request

- a. 33 Dominion Street – to modify location of structures

Andy Baum from Summit Engineering appeared in person to request a project change request for the property.

Mr. Baum stated that the request is to accommodate parking and reviewed the stormwater management for the site.

Chair Charpentier asked if the retaining wall will be smaller. Mr. Baum stated that with this plan they have eliminated the need for the retaining wall.

Upon a motion made and made duly seconded the Commission voted 5-0 to approve that the change was insignificant and the property owner can proceed with the Order of Conditions.

- b. 305 Belmont Street AKA WuXi – to expand building footprint

Upon a motion made and duly seconded the Commission voted 4-0 to continue the application to the August 23,2021 Conservation Commission meeting. Commissioner Canton was not present for the vote.

14. Emergency Certifications

- a. 9 Rockwell Street – to remove two dead hazard trees approximately 8’ from the bank of Leesville Pond. Issued 6/23/2021.

Upon a motion made and duly seconded the Commission voted 5-0 to ratify the Emergency Certification.

15. Requests for Certificates of Compliance

- a. Burncoat Heights (CC-2016-070; CC-EO-2019-001)

Upon a motion made and duly seconded the Commission voted 4-0 to continue the application to the August 23, 2021 Conservation Commission meeting. Commissioner Canton was not present for the vote.

- b. 1023-1025 Southbridge Street (CC-2019-042)

Ms. Covino stated that the applicant had provided all the require documentation and would recommend issuing a Certificate of Compliance.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- c. 4 Gaylord Street (CC-2019-037)

Upon a motion made and duly seconded the Commission voted 4-0 to continue the application to the August 23, 2021 Conservation Commission meeting. Commissioner Canton was not present for the vote.

- d. 1195 Grafton Street (issued 1981; DEP#349-097)

Ms. Covino stated that she would recommend issuing a Certificate of Compliance.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- e. 72 Bay Edge Drive (CC-2017-014; DEP#349-1168)

Ms. Covino stated that she would recommend issuing a Certificate of Compliance.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- f. 74 Bay Edge Drive (CC-2013-058; DEP#349-1072)

Upon a motion made and duly seconded the Commission voted 4-0 to allow for Leave to Withdraw for the application. Commissioner Canton was not present for the vote.

- g. 668 Burncoat Street (CC-2019-054; DEP#349-1255)

Upon a motion made and duly seconded the Commission voted 4-0 to continue the application to the August 23, 2021 Conservation Commission meeting. Commissioner Canton was not present for the vote.

- h. 149 Winifred Avenue FKA Ellis Estates (DEP#349-216)

Ms. Covino stated that that staff has been unable able to find original plans for the site so she would recommend that the Commission vote a resolution clearing the title issue.

Upon a motion made and duly seconded the Commission voted 5-0 to authorizing the Chair to sign a resolution to clear the title issue.

- i. 58 Carter Road (CC-2010-046; DEP#349-1006)

Ms. Covino stated that she would recommend issue a Certificate of Compliance but with condition that the order is invalid as none of the work has occurred.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance with condition that the order is invalid as none of the work has occurred.

- j. 1300 Grafton St AKA Beverly Cove (CC-2004-042)

Ms. Covino stated that she would recommend a complete Certificate of Compliance.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

- k. 24-26 Bullard Avenue (CC-2015-010)

Ms. Covino stated that she would recommend a complete Certificate of Compliance.

Upon a motion made and duly seconded the Commission voted 5-0 to issue a Certificate of Compliance.

16. Enforcement Order and Violation Updates

- a. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)-No update.
- b. 217 Lake Avenue (CC-EO-2020-004)-No update.
- c. 449 Massasoit Road (CC-EO-2020-006)-No update.
- d. Across from 133 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Dominion Road & Belcourt Road) and Lake Quinsigamond (CC-EO-2020-007)-Ms. Covino stated that they are still working on this item but cannot provide update tonight.
- e. Across from 175 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Belcourt Road & Sonoma Drive) and Lake Quinsigamond (CC-EO-2020-008)-Ms. Covino reiterated that this item is still being worked on but no update will be provided tonight.
- f. 99 Wildwood Avenue (CC-EO-2020-009)-No update.
- g. 166 Moreland Street (CC-EO-2020-011)-No update.
- h. 522 Grove Street (CC-EO-2020-014)-No update.
- i. 0 Myrick Avenue (CC-EO-2020-015)-No update.
- j. Modoc Street (CC-EO-2021-001)-Ms. Covino stated that she met with a wetland scientist at the site and a report has been provided and staff would be asking to modify the Enforcement Order.

Upon a motion made and duly seconded the Commission voted 5-0 to modify the Enforcement Order.

- k. 75 Harrington (CC-EO-2021-003)-No update.
- l. 40 June Street Terrace (CC-EO-2021-004)-No update.
- m. 12 AKA 0 Balis Avenue (CC-EO-2021-005)-Ms. Covino stated that this is a new Enforcement Order.

17. Communications

- a. Notification of Approved 2021-2025 Vegetation Management Plan from Providence and Worcester Railroad Company. Received 6/26/2021. No comment.
- b. Notification of gas main replacement work from Eversource. Received 7/14/2021-No comment.

Other Business

Chair Charpentier stated that Ms. Jones had brought up whether the Commission could meet twice a month instead of every three weeks. Ms. Covino stated that would have to be reviewed with staff.

Ms. Covino reviewed the quorum requirements for the Commission and stated that the next meeting will be her last.

Adjournment

Upon a motion made and duly seconded the Commission voted 5-0 to adjourn the meeting at 8:56 p.m.