

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

**April 28, 2014**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

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

**Members Absent:** Joseph Charpentier

**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 5:43 pm.

**APPROVAL OF THE MINUTES**

The approval of minutes from the March 24, 2014 meeting was held because they were not ready for review.

**UNFINISHED BUSINESS**

**Public Meeting**

**1. Lincoln St (Rt. 70) - Maintenance Easement between Trinity Ave & 525 Lincoln St  
(CC-2014-019) – Request for Determination of Applicability**

Planner Hillary King and Vice-President Frederick Moseley of Fay, Spofford, & Thorndike, LLC, representative for MassDOT, stated that this was Phase II of the project for Lincoln Street. Phase I was completed in 2011. Phase II goes 5500' from Marsh Avenue to Plantation Street. The work includes reconstruction of pavement, roadway widening, traffic signal and access improvements, ADA accessibility upgrades, bicycle accommodations improvements and storm drain system improvements. The work within the 100' buffer zone includes 455 SF of mill and overlay of the existing pavement and reconstruction of the raised island, no work will be done within the 50' buffer zone. Compost tubes will be placed next to the wetlands resource areas and sediment collection sacks will be installed at all the catch basins within the project limits.

The project is within the Downtown Commercial Area Revitalization District (CARD) and is therefore requesting a negative determination for this work.

Chair Wood asked how long the project would take to complete. Mr. Moseley stated that it would take two construction seasons because of the long corridor and they need to work within traffic constraints.

Commissioner Donahue stated the area's stormwater drains to Coal Mine Brook and that he wanted to ensure that there would be no impacts to its cold water fishery. Ms. King stated that they are retrofitting the catch basins and the improvements will be beneficial to the drainage system. There will be no negative impact and the existing drainage patterns will remain, even during construction.

Chair Wood stated that the Department of Public Works and Parks (DPW&P) issued a memo that the project meets all the standards.

Upon a motion by Commissioner Donahue and seconded by Commissioner Berg Powers, the Commission voted 3-1 to issue a Negative Determination of Applicability with the condition that they build the plans submitted.

### **List of Exhibits:**

- Exhibit A: Request for Determination of Applicability Application for Lincoln Street (Route 70); received April 8, 2014.
- Exhibit B: Reconstruction of Lincoln Street (Route 70) RDA Plans, From Marsh Avenue to Amesbury Street (Phase II); dated April 7, 2014; received April 8, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Lincoln Street- RDA (CC-2014-019); dated April 18, 2014.

### **Public Meeting**

#### **2. 93 Beaver Street (CC-2014-021) – Request for Determination of Applicability**

Megan Buczynski, from activitas, introduced Liam O'Neil from Clark University. She stated that the existing conditions are as follows: there is a natural grass field to the north, a synthetic turf field to the south and six tennis courts beyond that. All of this is adjacent to Beaver Brook. There is pavement in front of the athletic center and stone dust compacted gravel paths running down to the baseball dugout areas and to the tennis courts. Ms. Buczynski stated that the proposed work will be in two phases; the first phase is the renovation of the natural grass athletic field to synthetic turf with renovated bituminous concrete paths. The second phase will be replacement of the synthetic turf carpet on the baseball field.

The drainage on the site will remain the same; they will maintain the current underdrains. Ms. Buczynski stated that they will excavate about 12" of the top soil, add 6-8" of washed gravel, a finishing stone to be able to grade and then the synthetic carpet.

She stated that they are requesting a negative determination because they are in proximity to Beaver Brook but they will not disturb beyond the existing 6' fence line; they may replace some fencing but all work will remain within the site. They are proposing hay bales and siltation fence running along property line for erosion control but the site is flat and there are no grade changes proposed.

Commissioner Berg-Powers asked if they will be doing work within the 30' buffer. Ms. Bezinski stated that they are replacing some of the existing fencing. She stated that it should be a negative determination because the area has been pre-disturbed, it is not habitat, there is no TSS loading and there is no change to surface water treatment. They will pour a concrete curb along

the perimeter of the field that they will use to hold the gravel and stone to attach the synthetic turf to. Erosion controls will be installed at the work line.

Upon a motion by Commissioner Donahue and seconded by Commissioner Berg Powers, the Commission voted 3-0 to issue a Negative Determination of Applicability with the condition that appropriate erosion controls are used to protect Beaver Brook.

**List of Exhibits:**

- Exhibit A: Request for Determination of Applicability Application for 93 Beaver Street; received April 9, 2014.
- Exhibit B: Granger Athletic Field Renovations; prepared by activitas; dated and received April 9, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 449 Lake Avenue- RDA (CC-2014-004); dated February 27, 2014.

**3. 500 Salisbury Street (south of Maintenance Building, near 69 Nelson Pl) (CC-2014-022)  
– Request for Determination of Applicability**

Megan Buczynski stated she was representing Assumption College regarding proposed tennis court renovations. The college has four tennis courts and the College wants to create six. The wetland area is down gradient. A detention basin, which has been flagged as wetland area, was put in when the existing tennis courts were built. It is used to collect runoff from the tennis courts, which is collected from manhole to the detention basin through headwall.

Ms. Buczynski stated that they plan to maintain the two courts and add two additional ones. Water will be collected through an asphalt swale and brought in through a catch basin. She stated that they want to extend the detention basin to take on the additional water from the courts. There will also be work done for spectator seating and will follow the same path and be collected and discharged to the detention basin.

Chair Wood asked the total increase in impervious area and how it fit into the Master Plan for Assumption College. Ms. Buczynski stated that it would be 12,000 SF and that it has been included as part of the Master Plan.

Chair Wood stated that she would like to so a site visit before voting on the matter. Commissioners Donahue and Berg Powers concurred.

Commissioner Donahue stated that he attended the site walk when the Master Plan was originally presented and expressed his concerns over the proposed detention basin extension potential impacts on living species living in the area. Ms. Buczynski stated that they only plan to extend the bottom of basin and will disturb only small area to get to the existing elevation. Excavation will be done with a small excavator and there will be minimal disturbance. They do plan to match existing soil and wetland plants.

Commissioner Berg Powers stated that he wants to see details regarding plants.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 3-0 to continue the item to allow time for a site walk.

## **List of Exhibits:**

- Exhibit A: Request for Determination of Applicability Application for 500 Salisbury Street (south of Maintenance Building, near 69 Nelson Pl); received April 9, 2014.
- Exhibit B: Site Plan and Details for Assumption College, Tennis Facility Renovation; prepared by Activitas; dated and received April 9, 2014; undated revision and received May 19, 2014.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 500 Salisbury- RDA (CC-2014-022); dated April 18, 2014.

## **NEW BUSINESS**

### **4. 38 Toronita Avenue (Lots 1, 2 and 3) (CC-2014-015)– Notice of Intent**

Kevin Quinn of Quinn Engineering, on behalf of AET Realty Trust, submitted the notice of mailings. Mr. Quinn stated the Notice of Intent was submitted to build three single-family homes east of the resource area. No work is proposed within the resource area or the no disturb zone but that there is some grading and perimeter drainage proposed in the no structure zone. Wetlands were delineated by EcoTec and the plans call for hay bales, silt fencing and crushed stone during construction on all the driveways.

Mr. Quinn stated that the utilities shown (water & sewer) are proposed by the City so they are showing it on their plans but it is not part of their proposal. The project will be before the Planning Board on April 30, 2014.

Chair Wood asked if they have addressed roof runoff and the depth of the basements. Mr. Quinn stated that they do not have drywells on the site but will install perimeter drains. The site is very steep and it will be a walk out basement with exposed foundation; they will not be deep.

Chair Wood stated that because of the proximity of the last house to the 30' buffer zone she would like to do a site visit.

Commissioner Berg Powers stated that he would also like to see the site to better understand the work being done in the no structure zone. He also stated he might want to see permanent markers delineating the wetlands.

Commissioner Donahue asked if the applicant has evaluated the flood plain. Mr. Quinn stated that they have and they are no within the mapped flood plain.

Chair Wood asked when they plan to build the homes. Mr. Quinn stated that DPW&P's timeline is not definitive but the current plans are to put in the sewer and the drains in the present construction season and road paving in the next construction season. The dwellings will be built contingent on that.

Mr. Gagne stated that the applicant wouldn't be able to get a building permit without a viable sewer.

Susan Burns, abutter at 9 Luther Avenue, stated that her sister and she own abutting property. She stated that they had concerns because they do not feel there is sufficient space for three properties. She showed pictures to the commission and stated that the third house (closest to the wetland) will be built where presently there is water; it is very deep. She also stated that someone from the City stated that they would be moving the water towards Assumption.

Chair Wood stated that Ms. Burns will be informed of the site walk so that she can express her concerns on site.

Mary Landry stated that she was there on behalf of her brother, who lives across the street at 2 Knapp Avenue. Ms. Landry stated that her brother disagrees with the wetlands delineation because the body of water currently extends to the area that the third house would be built on.

Chair Wood stated that they will be able to look at that during the site visit.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 3-0 to continue the item until a site visit is made by the Commission.

**List of Exhibits:**

Exhibit A: Notice of Intent Application for 38 Toronita Avenue, submitted by Quinn Engineering, Inc.; received March 12, 2014.

Exhibit B: 38 Toronita Avenue Definitive Site Plan; prepared by Quinn Engineering, Inc.; dated March 11, 2014; received March 12, 2014.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Quinn Engineering, Inc.- NOI (CC-2014-015); dated April 18, 2014.

**5. 0 Pullman Street (aka 71A Pullman Street) (CC-2014-016) – Notice of Intent**

Mike Andrade of Graves Engineering, stated that Seven Hill Ventures submitted a local Notice of Intent for proposed work within 100' of a catch basin. The site is ½ acre and is a narrow, long parcel between Pullman and Brooks Streets. The site was cleared years prior and most of it is relatively flat but then it slopes up 15-20' towards Brooks Street. The proposed project is to construct a 3,000 SF (100 seat) restaurant along with associated 28 space parking lot. The curb cut will remain the same but the paving and utilities on site will be new. There will be storm drainage and stormwater management for the site through two catch basins to an infiltration system that overflows to city sewers.

Mr. Andrade stated that since the site was cleared years ago there is only brush on site and there will be new landscaping installed.

Commissioner Donahue asked about snow storage. Mr. Andrade stated that there is designated snow storage in the rear parking area and the excess will be hauled off site.

Commissioner Berg Powers asked how they have addressed roof runoff. Mr. Andrade stated that the roof will be pitched with gutters and downspouts that will be tied into the drainage system onsite.

Chair Wood stated that the DPW memo states that the submittal meets all standards.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 3-0 to close the hearing and orders of conditions will be discussed at the end of the meeting.

**List of Exhibits:**

- Exhibit A: Notice of Intent Application for 0 Pullman Street (aka 71A Pullman Street) submitted by Graves Engineering, Inc.; received March 26, 2014.
- Exhibit B: Stormwater Report for Proposed Restaurant; prepared by Graves Engineering, Inc.; dated March 24, 2014; received March 26, 2014.
- Exhibit C: Definitive Site Plan, Proposed Restaurant - 7 Hills Bar & Grill; dated March 24, 2014, received March 26, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 0 Pullman Street (aka 71A Pullman Street)-NOI (CC-2014-016); dated April 18, 2014.

## **6. 90 & 0 Park Avenue and 190 Salisbury Street (CC-2014-017) – Notice of Intent**

Mike Andrade of Graves Engineering, stated that this was a local Notice of Intent for work within 100' of a catch basin. The project proposes to demolish the existing dwelling to create a 51 space parking lot to supplement the existing American Antiquarian Society (AAS) properties in the area. The parking lot will be connected to the 190 Park Avenue property for maintenance access and pedestrian walkways to abutting AAS sites.

Mr. Andrade stated that stormwater will be managed through four catch basins and discharged to a detention basin with an overflow to the drainage system on Park Avenue. There will be extensive landscaping onsite that is historically appropriate along with lighting. A new curb cut will be installed and the old one will be closed.

Chair Wood asked if the existing house is historically listed and if a pre-demo survey has been performed. Mr. Andrade stated that it was not, most of the structures are right outside of the historic district. Historical Commission approval was obtained for the project two weeks ago. Mr. Andrade stated that a survey will occur.

Chair Wood informed the applicant that Mr. & Mrs. Kishibay submitted a letter to the Commission stating their concerns with the project.

Commissioner Berg Powers asked Mr. Andrade to walk through the demolition process. Mr. Andrade stated that first they will determine if any hazardous materials are present (i.e. asbestos, lead paint, etc.), which will have to be properly abated prior to demolishing the building. The existing utilities will be terminated properly before site clearing can occur. There are a number of trees that will be lost but they will be retaining most of the ones on the southern portion of the site. Extensive new landscaping will be added through the site.

Commissioner Berg Powers asked if any materials will be stored onsite. Mr. Andrade stated that there will be a temporary storage area onsite. The entire area will be enclosed in hay bales and silt fences. He did state that some building materials will be stored onsite as they plan to reuse some of the materials from the existing house. Plantings will be Asian Longhorned Beetle resistant and they will comply with all drainage and water requirements.

Andy Cariglia, Director of Buildings & Grounds for the AAS, stated a chemical hygienist came to take several samples from the house and that all hazardous materials have been abated with documentation proof.

Chair Wood stated that the DPW memo states that the submittal meets all standards.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 3-0 to close the hearing and orders of conditions will be discussed at the end of the meeting.

**List of Exhibits:**

- Exhibit A: Notice of Intent Application for 90 & 0 Park Avenue and 190 Salisbury Street submitted by American Antiquarian Society; received March 26, 2014.
- Exhibit B: Stormwater Report for Parking Lot; prepared by Graves Engineering, Inc.; dated February 27 2014; received March 26, 2014.
- Exhibit C: Definitive Site Plan, Parking Lot 90 Park Avenue; prepared by Graves Engineering, Inc.; dated February 27, 2014, last revised March 14, 2014; received March 26, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 90 & 0 Park Avenue and 190 Salisbury Street - NOI (CC-2014-017); dated April 23, 2014.

**7. 0 Whippoorwill Drive (Lots 17B, C & D) (CC-2014-020) – Notice of Intent**

John Grenier, JM Grenier Associates, stated that Sunward Manor, LLC proposes to build three single family houses on Whippoorwill Drive. The southern portion of Lots 17C & 17D has bordering vegetative wetlands. Mr. Grenier stated that they are proposing off- grading within the 30’ buffer for the rear yards. The erosion controls will include gravel areas where the driveways would be. Also a silt fence and hay bales will be placed along the 15’ no disturb buffer. They are proposing to install 8 monuments along the 30’ no build buffer line. All the homes will be service by the municipal sewer and water.

Chair Wood asked if they were installing additional drainage or how they were treating the roof runoff. Mr. Grenier stated that they are not proposing roof runoff but they will be installing perimeter drains. Chair Wood stated that due to the proximity to the resource area she would like to see roof runoff drainage addressed only on the lot abutting the 30’ buffer line. Mr. Grenier stated that due to the size of the home they can include 1-2 recharge chambers for both eaves. He was amenable to that being a condition.

Commissioner Donahue asked how this project would be phased. Mr. Grenier stated that everything would be cleared at once but the building of the lots will be market driven. He expects that all three would be built between this building season and the next one.

Commissioner Donahue asked if they have a dewatering plan for the foundations. Mr. Grenier stated that there is no street drainage on Whippoorwill Drive but these are small foundations and they can have temporary sump pumps to dewater away from the wetlands while the foundations are being dug and poured.

Chair Wood stated that DPW’s memo had two comments:

1. The foundation drain is within the 30 foot no permanent structures setback.  
The drain pipe is considered a permanent structure.
2. Provide a detail for the sanitary connection.



Mr. Gagne stated that the Commission views any piping, drainage structure (headwall, rip rap, overflow, etc.) as a permanent structure.

Mr. Grenier asked how he was able to do the drainage without going within the 30'.

Chair Wood stated that she was not comfortable making a recommendation without a site walk. Commissioner Donahue concurred.

Mr. Grenier stated that the wetland buffer is well defined since there is a 2-3 foot drop in elevation.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Donahue, the Commission voted 3-0 to continue the item until a site visit is made by the Commission.

**List of Exhibits:**

Exhibit A: Notice of Intent Application for 0 Whippoorwill Drive (Lots 17B, 17C, 17D); received April 9, 2014.

Exhibit B: Notice of Intent Plan for Lot 17B, 17C & 17D Whippoorwill Drive; prepared by J.M. Grenier Associates, Inc.; dated April 8, 2014; received April 9, 2014; last revised and received May 15, 2014.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Lot 17B, 17C & 17D Whippoorwill Drive (CC-2014-020); dated April 18, 2014.

**8. Greenwood Yard near 1110 Millbury Street (CC-2014-023) – Abbreviated Notice of Intent**

Chad Boutet, engineer for the Providence & Worcester Railroad, introduced Eric Wilhelmsen and Amanda Lucier from CDW Consultants. Mr. Boutet stated that the project proposal is to replace an existing railway bridge at the Greenwood Yard Rail Facility. The bridge is an existing timber structure built circa 1922 and is located next to Blackstone River Road. The structure consists of a railway bridge and a road bridge. It is deteriorated and is inhibiting operations. Mr. Boutet stated that the sheetpile back walls will not be disturbed. They are proposing to drive steel piles in the river to support the bridge, replacing the existing support bents in the water. The bents will be removed, demolished and the change to steel piles will reduce the debris trapped by the bridge. No excavating or dredging is proposed, only driving of the pile.

Commissioner Donahue asked how the applicant proposes to prevent silt when cutting the wooden bents at the mudline and plans to handle debris accumulated at the bents. Mr. Boutet stated that they will remove the debris with a grapple truck prior to the removal of the bents. Cutting the bents at the mudline minimizes the turbidity.

Commissioner Berg Powers asked what materials the wood will be replaced with and Mr. Boutet stated that the bents will be replaced with steel piles and beams and the railroad ties and track structures.

Commissioner Donahue asked if the applicant will be using creosote-treated wooden ties. Mr. Boutet stated that they will because concrete ones are not an option on open deck bridges.

Mr. Gagne stated that they should device a way to catch any debris from the timber. Mr. Boutet stated that they planned to remove the bridge piece by piece with a crane but they can do a boom

or a turbidity curtain. Mr. Gagne stated that if they plan to remove the bridge in large pieces then the turbidity blanket is not needed.

Commissioner Berg powers asked what is being housed in the tubing. Mr. Boutet stated that the gas line is housed in the tubing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Donahue, the Board voted 3-0 to close the hearing. Orders of conditions will be discussed at the end of the meeting.

**List of Exhibits:**

- Exhibit A: Abbreviated Notice of Intent Application for Greenwood Yard submitted by Providence Worcester Railroad Company; received April 15, 2014.
- Exhibit B: Timber Bridge Deck Replacement, Greenwood Yard – Blackstone River Worcester, MA; prepared by CDW Consultants, Inc.; dated March 20, 2009; received March 15, 2014.
- Exhibit C: Cargill Bridge Erosion Control Plan; prepared by CDW Consultants, Inc.; dated April 4, 2013; received March 15, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Greenwood Way - Bridge- NOI (CC-2014-023); dated April 18, 2014.

**RECESS**

The Commission called a short break at 7:14 p.m.

The meeting was resumed at 7:18 p.m.

**OTHER BUSINESS**

**9. 3 Curran Place – Informal Discussion regarding erosion control along Blackstone River**

Howie Simon, 3 Curran Place, stated that he lives next to the river. There is a steep slope there and the soil is eroding away his property line. He asked the Commission if they had ideas to reduce the erosion. Chair Wood suggested he speak to an engineer to analyze his specific case. Mr. Gagne stated that the only way to prevent that or alleviate the erosion is to redirect the body of water or armor the slope. Mr. Simon stated that he will look into what he could do within his budget.

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

Ms. Tran stated that staff was told that revisions to the slope will be submitted to staff but they have not been submitted yet. The Planning Board voted to schedule a public hearing to consider rescinding the approval of the subdivision (Phase 4). Since then, staff found out that they are not able to rescind the approval because of a statute needing consent from the mortgagee and Spencer Savings Bank, the mortgagee, did not consent to the rescission. Staff is investigating what the next steps will be.

Mr. Gagne stated that he met at the site with the engineer hired to look at the slope. The slope is currently unstable and he provided methods to provide adequate stability to Slope B, which is

untreated at the moment. The response was accepted by the engineer as reasonable and the slope will be designed appropriately.

Chair Wood stated that she would like the engineer to present the plans to the Commission at the next meeting.

### **11. Communication Received:**

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

- a. From Keith L. Morris re: 2014 Post-Emergent, Vegetation Management, Pan Am Railways, Inc.; dated March 25, 2014; received April 14, 2014.
- b. From TEC Associates Consulting Engineers re: Providence & Worcester Railroad Company, 2014 Vegetation Control Program; dated March 26, 2014; received April 3, 2014.
- c. From AMEC re: 2014 Yearly Operational Plan, For Right-of-Way Management, CSX Transportation, Inc.; dated March 27, 2014; received April 3, 2014.
- d. From MassDOT re: Yearly Operational Plan; dated March 28, 2014; received April 3, 2014.
- e. From Robert C. Antonelli, Jr, City of Worcester Department of Public Works & Parks re: Notification of Sidewalk /Woodland Trail Construction at Dodge Park; dated April 1, 2014; received April 3, 2014.
- f. From Scott Morrison of EcoTec, Inc. re: Arboretum Village Estates Turbidity Report; dated April 7, 2014; received April 10, 2014.

### **12. Election of Officers**

This was tabled until all the members were present.

### **13. Signing of Decisions**

- Lincoln St (Rt. 70) - (CC-2014-019) – Negative Determination of Applicability
- 93 Beaver Street (CC-2014-021) 9) – Negative Determination of Applicability
- 0 Pullman Street (CC-2014-016) – Order of Conditions
- 90 & 0 Park Avenue and 190 Salisbury Street (CC-2014-017) – Order of Condition
- Greenwood Yard (CC-2014-023) – Order of Conditions

### **Adjournment**

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 3-0 to adjourn the meeting at 8:45 pm.