

**MINUTES OF THE PROCEEDINGS OF THE
CONSERVATION COMMISSION OF THE CITY OF WORCESTER
March 2, 2015
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

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

Members Absent: Jack Donahue, Vice-Chair

Staff Present: Christopher Gagne, Department of Public Works & Parks (DPW&P)
Stephen Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services

Call to Order

The Chair called the meeting to order at 5:31 pm.

Approval of the Minutes – 4/28/14, 5/19/14, 6/2/14, 7/14/14, 8/25/14, 10/27/14, 11/10/14 & 12/15/14

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to approve all minutes.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

- 1. Requests for Certificate of Compliance – 11 Good Harbor Drive (CC-2003-018)**
Ms. Smith stated the applicant did not provide required paperwork and requested continuance to March 23, 2015.
Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier the Commission voted 4-0 to continue the item until the March 23, 2015 Conservation Commission meeting.

Unfinished Business – Notice of Intent

Public Hearings

- 2. 421 & 427 Grove Street (MBL 20-031-00018 & 20-031-00011) (CC-2014-062)**

Application: Notice of Intent

Applicant: Constitution Drive, LLC

Project: Demolish the existing structure at 421 Grove Street and construct a ~2,400 SF commercial building for retail and bank uses with 12 accessory off-street parking

spaces at 421 & 427 Grove Street. Other proposed work includes grading, drainage, stormwater management system, utilities, retaining wall, and landscaping and associated site work.

Jurisdiction: City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100-ft buffer zone to a Stormwater Protection Zone

Robert Murphy with Murphy Associates, environmental consultant for the project, appeared on behalf of the applicant. Mr. Murphy stated the project is located within 100 feet of a catch basin and questions had been raised at last meeting regarding storm-water management and he has discussed those questions with Chris Gagne from DPW. Mr. Gagne stated that he had spoken with Mr. Murphy but hard copies of the plans need to be submitted to the Planning Division for the record. Mr. Murphy stated that he has since submitted the plans to the Planning Division.

Mr. Gagne stated that the first condition has been satisfied regarding the parking lot drainage and other condition was to identify any total solids removal device which is not labeled on the plan and that still needs to be done. Mr. Murphy reviewed the plans with the Conservation members.

Upon a motion by Commissioner McKone and seconded by Commissioner Jordan Berg Powers the Commission voted 4-0 to close the public hearing.

List of Exhibits:

- Exhibit A: Notice of Intent Application for 421 Grove Street submitted by Lake 20, LLC; received November 19, 2014.
- Exhibit B: Site Plan for 421 Grove Street; prepared by Robert G. Murphy & Assoc., Inc.; dated October 14, 2014; revised January 21, 2015; last received March 6, 2015.
- Exhibit C: Stormwater Management Analysis for 421 Grove Street; prepared by Robert G. Murphy & Assoc., Inc.; dated October 7, 2014; received November 19, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 421 Grove Street - NOI (CC-2014-062); dated December 4, 2014.

New Business – Request for Determination

Public Meetings

3. CSX Railroad Right-of-Way (between Worcester/Auburn town line & Liscomb St) (CC-2014-065)

Application: Request for Determination of Applicability

Applicant: CSX Transportation, Inc.

Project: Confirm resource area boundaries along its railroad right-of-way (~4 miles, between Worcester/Auburn town line and Liscomb St) in order to conduct vegetation management for pesticide spraying

Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100-ft buffer zones to

Bordering Vegetated Wetland and three perennial streams (Kettle Brook, Curtis Ponds and Beaver Brook)

Sara Benoit from Amex appeared on behalf of the applicant. She stated that they have identified wetland areas along the railroad tracks. The applicant intends to designate these areas as no pesticide spraying areas in the forthcoming vegetation management plan.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to issue a positive Determination of Applicability confirming resource area boundaries.

List of Exhibits

Exhibit A: Request for Determination of Applicability for CSX Railroad Right-of-Way Way (between Worcester/Auburn town line & Liscomb St) submitted by CSX Transportation, Inc.; received December 3, 2014.

Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: CSX Railroad Right-of-Way – RDA (CC-2014-065); dated January 5, 2015.

4. 444 Mower Street (MBL 47-19E-00012) (CC-2015-003)

Application: Request for Determination of Applicability

Applicant: Gerard Aubin

Project: Seek determination as to whether the area and/or work related to the clearing of vegetation (retroactive) and for proposed connection of a pipe in the northwestern portion of the property to a culvert on the southwestern corner of the property on property located at 444 Mower Street is subject to the jurisdiction of the Massachusetts Wetlands Protection Act and/or City of Worcester Wetlands Protection Ordinance

Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100-ft buffer zones to an intermittent stream or Stormwater Protection Zone

Gerard Aubin, the applicant, stated that there is a pipe that drains onto his property and that his well water, the only source of water to his home, is contaminated. He proposed to attach a new pipe to the existing pipe in order to bypass his well that would run into the concrete culvert in hope of clearing up his well water.

Chair Wood asked if the well was in a driveway. Mr. Aubin stated that it is off to the side in the storm drain area.

Chair Wood asked Mr. Aubin if the storm water from the culvert contaminated the well. Mr. Aubin stated that he believes the storm drain carries the overflow water from Tarry Town Lane and that his well is contaminated because it sits at a lower elevation.

Chair Wood asked what the contaminants in the well are. Mr. Aubin stated that he didn't have a report as he just recently purchased the property but that the previous owners warned him not to

drink the water and that there was sand, salt and oil in the well. Chair Wood asked Mr. Aubin if he had well tested. Mr. Aubin stated that he had and was awaiting the results.

Chair Wood asked what was the purpose of the clearing on site. Mr. Aubin stated that there are several trees near the house and home was originally a farm and there was 300 acres on the hill.

Commissioner Charpentier stated that he had visited the site before the snow had begun in December and the area in question is in a low area and most of the property drains into property as well as the surrounding areas. He observed a stream with a well-defined channel and few other low areas where water collects and the well in question is directly adjacent to a defined stream channel. There is a concrete pile on the top and Mr. Aubin had told Commissioner Charpentier at the site view that he believed it was a stone well. Commissioner Charpentier stated that based on what he saw he believes it is a viable wetland but he does not know what the situation with the well is but running a pipe from one end of the property to the other would eliminate the majority of the water feeding the wetland.

Chair Wood stated for clarification that Mr. Aubin purchased the property knowing the well was contaminated and was told not to drink the water. Mr. Aubin stated that was correct. Chair Wood stated that Mr. Aubin is basing this on verbal testimony but has no written proof.

Chair Woods stated based on the site walk there appears to be a wetland on the site but this has not been verified by a wetland scientist and it is a fair question whether the area should be flagged and asked Mr. Aubin why a new well could not be drilled on the property. Mr. Aubin stated that he did not want to incur the cost of a new well.

Chair Wood stated that a new well would probably solve the problem and not disturb the wetland.

Commissioner Berg Powers stated he conducted a site walk and he feels that there is not enough proof that proposed piping is the best solution.

Commissioner McKone stated that he would be more comfortable with a wetland scientist looking at the property.

Commissioner Charpentier asked the applicant why the water from the well is needed instead of hooking up to the City of Worcester's water line. Mr. Aubin stated at this time he couldn't incur the cost as he doesn't know if he plans to keep the house or knock it down.

Commissioner Charpentier asked Mr. Aubin if the previous owner had made him aware of the contaminants in the well. Mr. Aubin stated yes but everything but water works in house.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers, the Commission voted 4-0 to issue a positive Determination of Applicability.

Chair Wood informed Mr. Aubin that he would need to contact Planning staff regarding next steps in the process and that he would need to hire a wetland scientist to delineate the wetland and file a Notice of Intent application in order to proceed with this project.

List of Exhibits

Exhibit A: Request for Determination of Applicability 444 Mower Street submitted by Gerard Aubin; received January 13, 2015.

5. East & West Side of Lake Avenue North Right-of-Way, between Nana Trail and Sonoma Drive (CC-2015-004)

Application: Request for Determination of Applicability

Applicant: Massachusetts Electric Company d/b/a National Grid

Project: Seek determination as to whether the area and/or work related to the removal, replacement, and installation of temporary electrical distribution poles and associated guy wires, along with associated site work, on property located along the eastern and western sides of Lake Avenue North Right-of-Way is subject to the jurisdiction of the City of Worcester Wetlands Protection Ordinance

Jurisdiction: City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100-ft buffer zones to an Inland Bank associated with Lake Quinsigamond and Stormwater Protection Zone

Marleigh Sullivan and Mellissa Kaplan from BSC Group appeared on behalf of the applicant. Ms. Sullivan stated this is a Request for Determination of Applicability for the realignment of some light poles. Six poles will be removed, one will be replaced and three new temporary poles will be installed and the work activity is located within the 100 foot buffer zone to the inland bank of Lake Quinsigamond and there will be minimal disturbance to the buffer zone and work should only take a few hours a day. Some trimming of trees may take place but no other vegetation disturbance will occur. Best management practices including sediment and erosion control will be used in order to protect adjacent resource areas.

Commissioner Berg Powers asked what type of equipment and sediment control will be used. Ms. Sullivan stated that sediment erosion controls will be on hand and will include straw bales and maybe hay bales. Commissioner Berg Powers stated that he was not sure why this was not a Notice of Intent filing. Ms. Sullivan stated that it is only within 100 feet to a resource area and all the work will be within 30 feet of Lake Quinsigamond. Commissioner Berg Powers asked if they would appear back before Commission when they rebuild the embankment. Ms. Sullivan stated that this work is not part of their project. Commissioner Berg Powers asked what the poles currently service. Ms. Sullivan stated electricity and some other services. Commissioner Berg Powers stated that he would be more comfortable if erosion control were in place. Ms. Sullivan stated there will be additional erosion controls on hand in case of a storm. Commissioner Berg Powers stated that he would prefer that erosion controls were part of the condition of approval.

Commissioner McKone asked if they will be using an auger. Ms. Sullivan stated that they should be using an auger and if there are any excess materials it will be removed from the site. Commissioner McKone asked the time frame for work. Ms. Sullivan stated that it usually takes a few hours per day. Commissioner McKone asked if that included the wires. Ms. Sullivan stated yes. Commissioner McKone stated he was comfortable with the project as proposed.

Ms. Sullivan stated that the Request for Determination of Applicability submitted does outline the appropriate erosion controls and is already protocol for this type of activity.

Commissioner McKone asked if there will be any posts cut or will they be left in place or will they be removed completely. Ms. Kaplan stated that she believes they would probably be removed.

Ms. Sullivan stated that if there was any exposed soil they would add mulching and stabilize.

Upon a motion by Commissioner McKone and seconded by Commissioner Charpentier, the Commission voted 3-1 (Commissioner Berg Powers voting against) to issue a Negative Determination of Applicability.

List of Exhibits

- Exhibit A: Request for Determination of Applicability for Lake Avenue North Distribution Pole Realignment prepared by BSC Group; received February 10, 2015.
- Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Lake Avenue North – NOI (CC-2015-004); dated February 20, 2015.

New Business – Notices of Intent

Public Hearings

6. 0 Granite Street (MBL 31-009-00008) (CC-2014-058)

Application: Notice of Intent

Applicant: Constitution Drive, LLC

Project: Construct two single-family dwellings with a common driveway, septic system, associated grading, site work, wetlands filling and replication at 0 Granite Street (westerly side, just north of Aurora Street)

Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100-ft buffer zones to Bordering Vegetated Wetland and Inland Bank associated with an intermittent stream

Scott Morrisson on behalf of EcoTec Inc. appeared on behalf of the applicant. He stated that he is seeking to construct two single-family dwellings with a common driveway, septic system, associated grading, site work, wetlands filling and replication at 0 Granite Street (westerly side, just north of Aurora Street). He stated that a 15 foot not disturb zone will be maintained and tried to keep location of the driveway as far away from the wetland as possible. Following additional items requested by the Commission after a site walk, he had the following responses:

- Electric Service – The underground electric service has been added to the revised site plan;
- Replication Area – The replication area has been adjusted to meet the 1.5 to 1 ratio, while maintaining several trees to the south of the proposed replication area to provide shading during its establishment;
- Permanent Markers – The plans have been revised to include permanent markers placed along the 15 foot no disturb zone;
- Culvert Calculations – Mike Burke, from Burke Engineering, provided a letter to DPW describing how the culvert was sized.

Mr. Morrison stated that erosion control barriers will be hay bales and silt fence and showed on plans the areas of erosion control.

Commissioner McKone asked if the alteration area had been increased. Mr. Morrison stated no that it stays within the same footprint.

Commissioner Charpentier asked if the utilities would run out of the culvert. Mr. Morrison stated yes. Commissioner Charpentier asked if the Commission has any control of the water flow during the construction.

Mr. Morrison stated the contribution area is mainly the catch basin so, unless you are getting direct runoff or rainfall, there generally no flow so Commission can condition that it be done during a no flow day and work should only take a day.

Commissioner Charpentier pointed out that utilities would still need to be installed and inspected. Mr. Morrison stated that was a good point so as long as they have a good week of weather they can do the work on time.

Mr. Morrison estimated the work to start around June.

Commissioner Charpentier asked if replicating of the crossing would begin before anything else took place. Mr. Morrison stated that was correct.

Mr. Gagne stated that he had not received a copy of the culvert calculations. Mr. Morrison provided a copy to Mr. Gagne.

Commissioner McKone stated that the cross section the Commission received shows A19-14 not in the replication area. Mr. Morrison stated Mike Burke put in on the revised plans submitted with a cover letter from 12/31/2014. The Commission members stated they did not have a copy of revised plans. Ms. Zhaurova stated that she assumed the plan had been distributed to the Commission in one of the previous Board packets. Mr. Morrison stated this was done about two months ago.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to close the hearing.

List of Exhibits

- Exhibit A: Notice of Intent for Granite Street submitted by Constitution Drive, LLC; received November 18, 2014.
- Exhibit B: Site Plans for Granite Street prepared by Burke Engineering; dated October 28, 2014; received November 18, 2014.
- Exhibit C: Wetland Resource Evaluation, Granite Street; prepared by EcoTec, Inc.; dated April 21, 2010; revised October 30, 2014; received November 8, 2014.
- Exhibit D: Wetland Replication Area Descriptions & Construction Protocol for Granite Street; prepared by EcoTec, Inc.; dated November 15, 2014; received November 18, 2014.
- Exhibit E: Revised Wetland Replication Area Descriptions & Construction Protocol for Granite Street; prepared by EcoTec, Inc.; dated December 12, 2014; revised December 31, 2014; received December 31, 2014.
- Exhibit F: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Granite Street – NOI (CC-2014-058); dated December 5, 2014.

7. 23 & 25 Kenberma Rd (aka 160 Houghton St) & Kenberma Rd Right-of-Way (MBL 35-014-00058) (CC-2014-064)

Application: Notice of Intent

Applicant: Boguslaw Bialek

Project: Construct a single-family semi-detached structure (total of two dwelling units) with associated grading, utilities and site work at 23 & 25 Kenberma Road. Roadway work is also proposed to extend the Kenberma Road Right-of-Way ~46' easterly toward Houghton Street

Jurisdiction: City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100-ft buffer zone to a Stormwater Protection Zone

Carol Redden from H.S.T. Group, Inc. appeared on behalf of the applicant.

Ms. Redden stated that currently the road is a mix of paved and unpaved surfaces and their client would like to construct a duplex and extend Kenberma Road for about 35' beyond the lot line. There are a couple of catch basins beyond the road and a couple new catch basins at end of the roadway are proposed. Ms. Redden stated the applicant obtained an approval from the Planning Board for 81G application and they will put a guardrail at the end of the roadway and there will be a snow storage area beyond the guardrail and they will have erosion controls such as hay bales and they will be going back before the Planning Board with an Approval Not Required Plan.

Ms. Redden stated that at the Planning Board meeting there were concerns about Kenberma Road connecting thought to Houghton Road and clarified that the proposed extension will not connect though.

Ms. Redden described the proposal. She said the roof water runoff will go into the infiltration chamber and overflow will be going into the storm water system. Ms. Redden stated that with regards to the landscaping there will be some street trees along front and side of the property and at conclusion of the project the disturbed land will be loomed and seeded.

Commissioner Berg Powers asked if they would be re-doing Kenberma Road. Ms. Redden stated yes and she reviewed on the plan the scope of work and showed the new catch basins proposed to be added.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to close the public hearing.

List of Exhibits

Exhibit A: Notice of Intent for 23 & 25 Kenberma Road & Kenberma Rd Right-of-Way submitted by Boguslaw Bialek; received November 21, 2014.

Exhibit B: Site Plans for 23 & 25 Kenberma Road prepared by H.S. & T. Group, Inc.; dated October 14, 2014; revised October 17, 2014; received November 24, 2014.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 23 & 25 Kenberma Road – NOI (CC-2014-064); dated January 5, 2015.

8. 0 El Caney Road (MBL 28-037-4+10C) (CC-2014-066)

Application: Notice of Intent

Applicant: Tallage Adams, LLC

Project: Construct a single-family dwelling with associated grading and site work at 0 El Caney Road

Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100-ft buffer zones to Bordering Vegetated Wetland and Inland Bank associated with a culverted intermittent stream

Scott Jordan from EcoTec and Carl Hultgren from Quinn Engineering appeared on behalf of the applicant.

Mr. Jordan described the wetlands that he identified and delineated on the property.

Mr. Hultgren stated that there is an interim stream on site and that the applicant is proposing a single family house and there is an existing curb cut off El Caney Road. The house is proposed to be located outside the 30 ft. buffer; sewer/water connections are proposed; the work will be done during a period of no flow; and hay bales and silt fences are proposed and showed on the plan. He stated that on El Caney Road there is a crushed stone construction road to be used during construction and will be paved once work finishes.

Chair Wood stated that in order to put in the utilities you have to remove the culvert and then put it back together. Mr. Hultgren stated they think they can go under and that is why they want to do it during dry weather.

Chair Wood asked if water was just runoff. Mr. Jordan stated that he had looked at the area which consists of mostly single family homes but could not see source of water and does not know what feeds it. Mr. Hultgren stated that he was at site in November and there was about an inch of water in the channel at that time.

Mr. Morrison stated that the stream has a small drainage area and that it seems to flow intermittently, therefore he does not anticipate an issue with installation under the culvert during a dry period.

Chair Wood asked what was the plan for roof water runoff. Mr. Hultgren stated at this time none was proposed.

Commissioner McKeon asked about driveway runoff. Mr. Morrison showed on the plans where the water would run from the driveway and the crossing.

Commissioner Berg Powers asked if the culvert had been inspected. Mr. Morrison stated that he had looked at it and it looked okay but when excavated, it would be looked at in depth.

Commissioner Charpentier asked if the applicant knew when the culvert was installed. Mr. Morrison stated he believed it was done in the 1970's.

Colin Novick, city resident, stated that it appears there was a basin to the southwest of the site and expressed concerns that were the culvert - which allows the basin to drain - to become obstructed, the western portion of the house would end up in the flood plain. Mr. Morrison stated there are no mapped FEMA floodplains for the property, but noted that if a localized event were to occur, the elevation for the foundation will be 3 feet above ground, with the driveway and road lower than the top of the foundation, so were the property to flood, water would likely flood over the Road and not the proposed house.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 4-0 to close the public hearing.

List of Exhibits

- Exhibit A: Notice of Intent for: 0 El Caney Road submitted by Tallage Adams, LLC; received December 17, 2014.
- Exhibit B: Wetland Resource Evaluation, MAP 28, Block 37, Lot 4+10C, El Carney Road; prepared by EcoTec, Inc.; dated October 15, 2014; received December 16, 2014.
- Exhibit C: Site Plans for 0 El Caney Road by Quinn Engineering, Inc.; dated December 11, 2014; received December 16, 2014.
- Exhibit D: Photographs for El Caney Road prepared by Tallage Adams, LLC; dated May 10, 2006; received March 2, 2015.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 0 El Caney Road – NOI (CC-2014-066); dated January 5, 2015.

9. East Side of Lake Avenue North Right-of-Way, between Nana Trail and Sonoma Drive (CC-2015-001)

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works

Project: Construct two 500 ft. long retaining walls (temporary & permanent) with a chain-link fence, create a viewing perch, relocate utility poles, and cut vegetation, along with associated grading, site work, and paving, on property located along the East side of Lake Avenue North Right-of-Way.

Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 100 ft. buffer zones to a Bank and Land Under Water and Waterways, associated with Lake Quinsigamond

Doug Vigneau from VHB appeared on behalf of the applicant and described the North Lake Avenue stabilization project. He stated that the road is 500 ft. long and that only one of two lanes are currently being used because of the road's failing condition.

Mr. Vigneau stated that the sediment erosion barriers will be put in place. A berm will be placed in the lake so if sedimentation should get through hay bales or silt fence there will be a vinyl sheet installed that will prevent any sediment into going into Lake Quinsigamond and if any water turbidity is found they will notify the Commission. He further stated that if sedimentation is built up, then it would be removed by hand.

Mr. Vigneau stated that the project will start with removal of a utilities pole on the east side of Lake Avenue.

Mr. Vigneau stated that the slope's heavy vegetation, including stumps, will have to be removed to allow for installation of a 500' long retaining MSC wall. Mr. Vigneau stated that a temporary sheeting will be put in place so no problem will occur when clearing. Mr. Vigneau stated that the overall construction will take place between April and August, 2015 and that the wall will start ~15-16 feet

above the lake. Mr. Vigneau stated they had a meeting with the Lake Quinsigamond Watershed Association regarding the project. Mr. Vigneau stated that it is a step by step process taking about 30 feet a time and backfilling as they are going along so once the MSC wall is constructed it will be only filled to 15 feet of the final elevation. After work is done the wall will be off set from the road. Mr. Vigneau stated there are residents that access the area. He stated that every attempt will be made to get people who installed the structures (e.g. docks) to remove them, but if they are not removed in time, the contractor will remove it.

Chair Wood asked Mr. Vigneau to provide the project timeline. Mr. Vigneau stated that he had provided it to DPW and can provide to the whole Commission. Chair Wood asked also to provide to the Lake Quinsigamond Commission the property addresses to the docks that need to be removed so people do not have to pay for annual dock permits. Mr. Vigneau stated that they are not sure who owns what. Chair Wood stated that they should be able to identify that from the dock plates.

Chair Wood asked which side of the proposed temporary wall the sheet pilings would be installed from. She expressed concerns about vibrations from the hammering at the installation of the pilings and the possible ramifications from such vibrations further deteriorating the slope. Mr. Vigneau stated that they did not feel the work would exacerbate the existing failures, but that they would alert the contractor about the vibration concerns and the subsequent impacts on the slope.

Chair Wood asked if the sheet piling would be removed. Mr. Vigneau stated at the top of the road it will be removed and the sheet piling is expensive material and it is left up to the contractor whether to remove or cut 3 feet below surface.

Chair Wood asked if erosion controls will remain place. Mr. Vigneau stated it will remain until the slope is stabilized.

Commissioner Charpentier asked if existing road would be expanded. Mr. Vigneau stated no.

Commissioner Berg Powers asked what the MSC wall would look like. Mr. Vigneau stated in the packet given to Commission they have provided some photos of what the wall would like and that it is more of block structure wall.

Commissioner Berg Powers asked how drainage would flow. Mr. Vigneau stated it currently sheet flows off the road and will continue to do that. Mr. Vigneau stated the MSC wall does have weep holes in it that will slowly release the water.

Commissioner Berg Powers asked if there any changes to the area itself. Mr. Vigneau stated that if there was a substantial rainfall that went over the wall they would expect it go over the wall but given amount of vegetation they aren't expecting a deluge of water.

Commissioner Berg Powers asked if there were any attempts to make wall less ugly. Mr. Vigneau stated the view is from the lake side and not from the road. A boater on the lake will see it but if on the road you will only see small portion of the wall and fence.

Commissioner Berg Powers expressed his opinion that the black link fence is ugly.

Chair Wood stated that the view of this wall from the Shrewsbury Side of the Lake would be more aesthetically than the views of the walls along the Shrewsbury side of the Lake.

Mr. Vigneau stated that the view from North Lake Avenue is going to be improved so they will be able to see the lake instead of just the vegetation; and that the black chain link fence is needed for safety reasons.

Commissioner McKone stated that in his experience the black vinyl coating of the fencing tends to disappear into the background and is less obtrusive than fencing alternate types.

Chair Wood stated that the fence will coordinate with new black guardrails from the bridge.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier the Commission voted 4-0 to close the public hearing.

List of Exhibits

- Exhibit A: Notice of Intent for Lake Avenue North Right-of-Way, between Nana Trail and Sonoma Drive prepared by Vanasse Hangen Brustlin, Inc.; received January 6, 2015.
- Exhibit B: Slope Repair Project for Lake Avenue North prepared by Vanasse Hangen Brustlin, Inc; dated December 22, 2014; received January 6, 2015.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: Lake Avenue North – NOI (CC-2015-001); dated January 22, 2015.

10. 2 Coppage Drive (MBL 56-INX-00M-2) (CC-2015-002)

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works

Project: Construct a ~12,000 SF single-story municipal building with a ~49 space parking area, along with associated grading, site work, and landscaping on property located at 2 Coppage Drive

Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – the proposal shall occur within the 50-ft wetland buffer zone to Bordering Vegetated Wetland

Clark Burritt, Director of Architectural Services for the City of Worcester, appeared on behalf of the applicant.

Mr. Burritt stated that they are developing a regional emergency communication center at Coppage Drive and they are replacing a 12,000 SF existing building with a newer building with the similar-sized footprint. He stated that they are increasing the parking area by 40 or so more spaces and there is a new 2,800 SF storage building proposed. Mr. Burritt stated that the building currently slopes to the north with the runoff sheet flowing off to the north side of the roof. He stated that the new building's roof will have a ridge that will divide the runoff so that 60% of the flow is to the rear and 40% is to front which will now drain to a sub-surface infiltration system.

Mr. Gagne stated that the construction is for a 911 call center (located at WPD now). Mr. Gagne stated that the proposed parking area will have five separate catch basins. Mr. Gagne stated that additional water lines will be added for fire protection also.

Commissioner Charpentier asked if there would be any net increase in runoff as a result of this project. Mr. Gagne stated that the infiltration system acts as a retention system and drainage calculations mitigate peak flow for the requisite storm events.

Commissioner Charpentier stated that there is only one exit from the drainage channel. Mr. Gagne stated it flows through one manhole.

Commissioner Berg Powers asked where the work will occur within the 50 foot buffer. Mr. Gagne stated that four catch basins and a portion of the parking were located within 100 ft. Commissioner Charpentier stated that the agenda mentioned the 50 foot buffer, but should have stated the 100 foot buffer.

Commissioner Charpentier asked if there are any flagged wetlands to the north of the side. Mr. Gagne stated no.

Upon a motion by Commissioner McKone and seconded by Commissioner Charpentier, the Commission voted 4-0 to close the public hearing.

List of Exhibits

Exhibit A: Notice of Intent for 2 Coppage Drive prepared by Worcester Department of Public Works and Parks; received January 18, 2015.

Exhibit B: Plans for Coppage Drive and Goddard Memorial Drive prepared by Department of Public Works and Parks Engineering Division; dated January 7, 2015; received January 8, 2015.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 2 Coppage Drive – NOI (CC-2015-002); dated January 22, 2015.

11. 79 Joppa Road (MBL 47-004-00060) & Rockrimmon Road Right-Of-Way (CC-2015-006)

Application: Notice of Intent

Applicant: James Spahiu

Project: Construct two single-family detached dwellings along with associated grading, paving, site work, and landscaping on property located at 79 Joppa Road. Roadway work is also proposed to extend the Rockrimmon Road right-of-way ~90 ft. southerly beyond the existing edge-of-pavement

Jurisdiction: Massachusetts Wetlands Protection Act and City of Worcester Wetlands Protection Ordinance – the proposal shall occur within 30-ft wetland buffer zone to Bordering Vegetated Wetland and within the Stormwater Protection Zone

James Spahiu, the applicant, stated that he proposes to construct two single family houses on Rockrimmon Road. He said that the work will take place outside 30 feet from the wetland and that he proposes to extend the sewer line. He stated that water runoff from the roofs will need to drain into the sewer.

Chair Wood stated that the Commissioners could not view the site due to the amount of snow on the ground. She stated that a few items are missing from the application making it incomplete. She stated that the full wetland delineation report was missing from the submittal and that there were outstanding questions as to whether or not there were vernal pools on site.

Mr. Spahiu stated that he was not able to find information about presence of vernal pools on his property. Commissioner McKone stated that once they have the full report from EcoTech and there is a

lot less snow on the ground, that a site visit property should be scheduled. Mr. Spahiu stated he will contact EcoTec.

Don Wentworth, co-chairman of the West Tatnuck Neighborhood Association, stated that he had concerns with the project as few years back an inexperienced developer did some work in the neighborhood and caused significant problems and he is concerned that Mr. Spahiu does not have the experience to do the development correctly as Mr. Spahiu did not present any plans or bring an engineer to the meeting. Mr. Wentworth stated in December DPW had to address a storm drain issue at 18 and 28 Joppa Road and they were there for several days due to the sediment that comes off the upper portion of Joppa Road as upper portion is unpaved and is in deplorable condition. Mr. Wentworth stated that Mr. Spahiu has not addressed the issues on the road and the system in the area is already taxed. Mr. Wentworth stated he would urge the Commission to do a site walk. He stated that he did not think Mr. Spahiu's intention is to only build two duplexes.

Chair Wood stated they the Commission has the plans of the development but will not go into discussing them until the wetland report is received showing the resource areas, perhaps at the next meeting. Commissioner Berg Powers stated that plans are available from staff.

Mr. Wentworth stated that some of the neighbors have tried to meet with Mr. Spahiu but there is poor communication and some misinformation has been provided to Councilor Rosen and if Mr. Spahiu is looking to develop in the neighborhood he has not communicated well with the abutters.

Mr. Spahiu stated that he had met everyone when he bought the lot and Mr. Wentworth never gave him respect and tried to fight him as he didn't want him to build there. Also, portion of Joppa Road is paved. Mr. Spahiu stated he had project checked and Mr. Wentworth has his number and can contact him anytime.

Chair Wood suggested that Mr. Spahiu and the neighbors discuss the issues amicably in the hallway after the meeting and exchange information.

Mr. Rolle stated that the project will also require additional approval from the Planning Board for an 81G road extension and a site plan approval.

Joseph Cosgrove, an abutter, asked if this was an extension of Joppa or Rockrimmon Road. Mr. Spahiu stated Rockrimmon Road.

Mr. Cosgrove stated that he bought his property two years ago and had a wetland flagged and the flags are still there and the wetland is partially on his property so he is interested on what is going to happen with this project and there is also an intermittent stream that seems to flow into the Country Club and wanted to know if the country club had been notified of this project.

Chair Wood stated she did not know if Tatnuck Country Club was notified. Mr. Rolle stated that staff would check into it.

Dana Lewis, an abutter, stated that it is more appropriate to address 79 Joppa Road as Rockrimmon Road. Chair Wood stated that he would need to bring this up with Assessing Office.

Mr. Lewis asked if neighbors could be notified of the site walk. Chair Wood stated that would be up to the applicant.

Mr. Lewis stated that he has pictures of the giant back hoe Mr. Spahiu has on the property that is leaking oil that is going into the wetland and there is trash from the last spring. He also stated that the backhoe would not be able to handle the size of the boulders needed to be pulled out for the construction. Chair Wood asked Mr. Lewis to provide the photos to staff.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 4-0 to continue the item until the March 23, 2015 Conservation Commission meeting.

Ms. Zhaurova requested that prior to the next meeting the applicant provides answers to three questions in the DPW&P memo.

List of Exhibits

Exhibit A: Notice of Intent Application for 79 Joppa Road with plans submitted by James Spahui; received February 11, 2015.

Exhibit B: Proposed Road Extension Plan for 79 Joppa Road; prepared by Finlay Engineering Services; dated January 29, 2015; last revised March 9, 2015; last received March 16, 2015.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Conservation Commission; re: 79 Joppa Road -NOI- (CC-2015-006); dated February 25, 2015.

Other Business

12. Requests for Certificate of Compliance – 27 & 29 Buckley Road (CC-2003-072)

Mr. Gagne stated that the certificate could be issued.

Upon a motion by Commissioner McKone and seconded by Commissioner Charpentier, the Commission voted 4-0 to issue the Certificate of Compliance.

13. Requests for Certificate of Compliance – 5 Eastview Drive (CC-2001-076 & CC-2001-077)

Mr. Gagne stated that the certificate could be issued.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers, the Commission voted 4-0 to issue the Certificate of Compliance.

7:43 p.m.- Ms. Zhaurova asked if the Commission could take a break as staff had just been alerted that the building door in the City Hall garage was locked so people could not get into the building for the meeting from the garage entrance.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 4-0 to take a few minute break in order that problem could be resolved

8:00 p.m. the Commission returned to the regular session.

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

Mr. Rolle stated that staff is still working with Mr. Gallo to get item before a Planning Board meeting and he is hoping that it will be heard at the March 25, 2015 Planning Board meeting. Chair Wood stated that she had read an article in T&G regarding some type of agreement

reached between Arboretum Village and Mass DEP and asked if staff had update on that. Mr. Rolle stated that he would contact DEP and get an update for the next meeting.

- 14. Cook's Brook Project** (41R Moreland Green Drive, MBL 25-055-0000G) – Communication from Greater Worcester Land Trust (GWLT) regarding Partnership Grant closeout for Cook's Connector and Cook's Brook - property purchase, and filing of the Conservation Restriction held by Conservation Commission; dated January 8, 2015; received January 13, 2015.

Chair Wood stated they had received the item.

15. Crow Hill North (145 Harrington Way)

- a. Recorded Conservation Restriction (GWLT as a Holder) (Book 52476, Page 346) – The Commission acknowledge the receipt of the item.
- b. GWLT Communication re: ATV trespassing and land degradation; dated January 8, 2015

Colin Novik from the Greater Worcester Land Trust appeared on behalf of the item. Mr. Novik informed the Commission that he has spoken with the State Environmental Police as well as the City Manager and have been trying to develop a plan to reduce ATVs trespassing in the Crow Hill area. He stated that the GWLT has also reached out to the City Forestry Division to see if some tree trunks could be strategically placed to impede ATV access and they are looking at site improvements to prevent further degradation of the site such as looking at the prospect of replacing the natural bollards with something that would be more difficult to remove, e.g. concrete blocks. He also stated that the work done by the North High School summer program has been dismantled by the ATV users and there needs to be some type of action to prevent further disturbance of the site and destruction of property.

Chair Wood stated that she lives in the area and the number of ATV's in that area is the highest she has ever seen in the area and they are even driving down the road. Mr. Novik stated that he has been present on the property several times and the ATVs are illegal with no plates and riders are underage wearing no helmets but it is difficult to catch them so this should be a two part solution: 1) identify the ATV's owners in the area and have police visit them and remind them of the law; 2) secure the entrance to prevent access.

Mr. Novik stated that there have been instances where the ATV drivers in the Crow Hill area have been aggressive to members of the public who have been on the site.

Chair Wood asked if there was a way to handle that type of situation. Mr. Novik stated they have called the Environmental Police originally so there are logged calls and plans are to do a sting operation in the spring and the City Manager and the Worcester Police Department will work on getting out there on a faster basis.

Commissioner Charpentier stated that he is a resident of the area and he has pictures and videos of people riding ATVs on site. Mr. Novik stated that the GWLT is also taking videos and pictures and plans are to have police go visit the owners' homes once they have been identified.

Communication:

- a. From EcoTec, Inc. re: Arboretum Village Estates (Turbidity Sampling for November); dated December 12, 2014; received December 15, 2014.
- b. From Department of the Army re: Elm Park dredging; dated December 2, 2014; received December 10, 2014.
- c. From National Grid re: 0 (aka 30) Tory Fort Lane project modification; dated December 8, 2014; received December 19, 2014.
- d. From MassDEP re: Wetlands and Waterways Program (WWP) revisions; dated December 2014; received December 19, 2014.
- e. From Joppa Road neighbors to City of Worcester re: 79 Joppa Road; various dates.
- f. From Department of Conservation & Recreation re: Downstream Newsletter Number 32, Fall 2014; received December 31, 2014.
- g. From MACC re: Annual Environmental Conference 2015; dated January 6, 2015 and received January 8, 2015.
- h. From Asian Longhorned Beetle Cooperation Eradication Program re: DEP Plan for Proposed Work at 301 Green Hill Parkway in Worcester; dated January 7, 2015; received January 13, 2015.
- i. From EcoTec, Inc. re: Arboretum Village Estates (Turbidity Sampling for November); dated December 12, 2014; received December 15, 2014.
- j. From Stantec Consulting Services, Inc. re: Worcester Regional Airport Vegetation Management Plan, 2014 Herbicide Application; dated January 14, 2015; received January 23, 2015.
- k. From MassPort re: Worcester Regional Airport CAT-III ILS and Taxiway Project; dated February 4, 2015; received February 6, 2015.
- l. From MassDCR re: Forest Cutting Plan at 301 Green Hill Parkway; received January 15, 2015.
- m. From MassDCR re: Forest Cutting Plan near intersection of I-290 EB ramp and Lincoln St.; received January 7, 2015.

Chair Wood reviewed communications A-M. No action was taken.

16. Proposed Donker Farm Conservation Restriction – review and signing

Ms. Zhaurova stated there is also included for signing a municipal certification page that Commission must sign stating the Commission believes that a public interest is being met by obtaining this Conservation Restriction.

17. Proposed Ecotarium West Conservation Restriction – review and signing

Ms. Zhaurova stated that this item would not be available until the next meeting.

18. 1088 A, B, C (formerly known as 1098) West Boylston Street - Status update to the Enforcement Order (EO-2015-001) and a request for Commission to determine what additional approvals are required, if any, as a result of project scope change (CC-2012-023).

Rick Sampson, owner of 1098 West Boylston Street, stated that he had received an enforcement order from the Conservation Commission stating that his “project is not constructed per issued Order of Conditions and final approved plans dated June 15, 2012”. Mr. Sampson stated that according to

his engineer he did everything he was supposed to. He stated that the Commission issued Order of Conditions in July 2012 for a construction of a 3-family dwelling with associated 6 off-street parking spaces. Zoning Board of Appeals approved an amendment to a special permit for his project in May 2013 that allowed to change the use from a three-family detached dwelling to a single-family attached dwelling (Residential Use # 12, Table 4.1) with three dwelling units. He stated that he believed there were almost no changes to the plan and that he is at the final stages of constructing the building. The building has been erected. He stated that he believed the Order of Conditions should not be affected. He pointed to the approved and amended plan comparisons provided to the Commissioners and stated that only the building's type and size have changes. He stated that the building is now 622 SF larger but is 39 feet further away from the wetland in the rear. The amount of impervious area has decreased 1,036 SF and the limit of clearing was reduced by 3,384 SF. There is now 14,000 "untouched land" on the site. The stormceptor is the same as originally proposed and will handle less water because of the increase in overall impervious area, and that the roof runoff will still go into infiltration areas in the back of the building as previously proposed. He requested that for these reasons, the Commission keep the same Orders of Condition.

Mr. Gagne stated that he inspected the site and confirmed that the building has been erected and the driveway has been put in, though it has not been paved yet. He stated that because of the snow he was not able to observe much more.

Chair Wood stated that based on the applicant's testimony, the change didn't appear to have a substantive and negative effect on the resource area and asked if Mr. Gagne would agree with that. Mr. Gagne confirmed that he agreed with the statement.

Commissioner McKone asked what triggered issuance of the Enforcement Order. Mr. Rolle stated that during its review of the ZBA amendment for the special permit, staff noted in the memo that an amendment to the Conservation Commission approval would be required, but added that he was not sure why it did not happen.

Susan Healey, an abutter to the property and owner of 1098 West Boylston Street parcel immediately to the north of Mr. Samson's parcel, stated that she was concerned with the fact that abutters were not notified of the meeting. She stated that the "underwater recovery system" has not been put in place and according to the plans, it was supposed to be installed prior to construction of the building. She stated that prior to construction she asked Mr. Sampson about when he would install the stormceptor and that he told her he was not planning to install it at all. She stated that the land slopes toward her property and that Mr. Sampson took several dump-trucks full of dirt from the site and that the water is now running towards her property. She brought photographs (Exhibit C). She stated that the water sits for months and is not absorbed. She stated that she was assured at the last meeting that no water would be flowing on her property and would be captured by the 'underwater capturing system'. She stated that the water projectiles through the wall made out of rocks along the property boundary and exits a few feet from her property's back door. She stated that the water is mosquito-infested because it is not absorbed quickly into the ground.

Ms. Healey stated that there were drainage systems that Mr. Samson removed when he built on his property. She stated that Mr. Sampson does not have training or education in construction of buildings. She asked why no one was notified of the last change and why the Order of Conditions are not being enforced. Chair Wood responded that the abutters were not notified of the changes because there was no previous meeting on the matter – this was the first one.

Chair Wood asked if the infiltration chamber has been installed. Mr. Samson said no and said that he was planning to install it last because he had to wait until the water, sewer, electrical, and gas lines

were installed. He stated that the stormceptor is designed to catch run-off from the driveway and would not resolve the standing water issue in the backyard of Ms. Healey. He stated that her backyard has a silt fence and haybales that keep the water from running into a wetland because they are protecting the construction site and polluted run-off from entering the wetland. He stated that he does not engage in conversations with Ms. Healey and that she has a court-order requiring her not to talk to him. He stated that he is a 50% owner of the 2-unit condo property where Ms. Healey lives and that any work he has done there was intended to keep the water away from the building. He stated that the driveway runoff runs into a constructed swale that directs the water to the rear. Mr. Samson stated that what Ms. Healey's statements are untrue and that he has built 17 houses in the City and had a construction supervisor license since 2002.

Commissioner McKone asked if the roof drainage infiltrator in the rear of the building, as shown on the plan, has been installed. Mr. Samson stated not yet.

Chair Wood stated that it does not appear that the changes done to the plan are substantive to the Conservation Commission filing, but given that the neighbor is making an allegation that this construction is causing water enter her property, she would like to do a site visit when the snow melts and when it is easier to be able to see the topography of the land.

Mr. Sampson stated the project is about 85% complete and that Paul DiBenedetto from the Building Department praised him for managing water runoff via swale construction on the site.

Commissioner asked when Mr. Samson is planning to install the stormceptor and the infiltration recharge and Mr. Samson responded "when the weather clears".

Chair Wood read condition #36 from the Order of Conditions: "*Stormwater Management System Construction – The stormwater management system and all associated drainage piping, inverts, and outlets as proposed in the project plans shall be constructed and be operated as designed prior to any other construction related activity on the site.*" Mr. Samson stated that it is not possible to comply with this condition because the runoff from gravel and dirt will clog the stormceptor, and because it is a tight site, the sewer and water trenches have to be dug first. He stated that his tenant at 1098 West Boylston and Ms. Healy have not had water in their basements since he took care of the problem.

Chair Wood requested that a site walk is set up by the DPRS staff for 1088 A-C West Boylston Street (fka 1098 West Boylston Street) followed by a site walk of the abutting 1098 West Boylston Street property where Ms. Healey lives.

Commissioner Jordan disagreed that the change seemed insignificant. He stated that any change should have been brought up to the attention of the Commission for review, regardless of whether or not it was "better" for the resource area. Mr. Samson said that he was represented by an attorney and an engineer and was told that he was all set and that he was not aware he needed another permission from the Commission, and that he would have applied earlier if he knew. Chair Wood concurred that any change to an approved plan should be brought up to the Commission's attention for a decision as to whether or not a new filing is required.

Commissioner Charpentier stated that the new plan does not show topographical contours and asked if a revised plan exists showing the new swale. Mr. Samson stated that the swale is not located on the subject property, but at 1098 West Boylston Street (owned in part by Ms. Healey). Commissioner Charpentier asked if that change would require a filing with the Commission. Commissioner McKone stated that if it was located within 100-ft of a catch-basin, it would.

Ms. Healey stated that when she talked to Paul DiBenedetto, the Building Inspector, the stormceptor was not shown on the plans submitted to the Department of Inspection Services. She was doubtful there would be room for infiltration system in the rear of the building. Chair Wood clarified that the stormceptor would be installed in the front of the building and infiltration for the roof drains in the rear. Mr. Samson confirmed.

Ms. Healey asked why Mr. Samson did not comply with condition #36 with regards to installation of a stormceptor prior to building construction. Chair Wood said she does not have an answer yet and that Mr. Samson stated it was because of the timing of installation of utilities and that more will become clear following a site walk. Mr. Samson stated that the stormceptor is designed to collect water runoff from impervious surfaces and can't be installed when the site has dirt on it and that's why it is installed last, when impervious surface is put in place (i.e. the driveway and parking area). He stated that while the site is under construction, erosion and sedimentation controls are designed to keep dirt from washing off the site.

Mr. Rolle stated for the record that, procedurally, the Commission is tasked with determining whether or not the changes are inconsequential. If the decision is that the changes are inconsequential, then nothing needs to be done besides removing the enforcement order. If a determination is that the project's changes are consequential, but minor, a public hearing would need to be scheduling to hear a request for Amended Order of Condition. If the change is major, then a new filing for Notice of Intent would be needed.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Charpentier, the Commission voted 4-0 to continue the matter to March 23, 2015 pending site walk.

List of Exhibits

- Exhibit A: Notice of Intent for 1098 West Boylston Street submitted by Ricky Sampson; received April 2, 2015.
- Exhibit B: Plans for West Boylston Street prepared by Robert D. O'Neil Jr.; last dated May 21, 2013; revised June 15, 2012; received June 17, 2013.
- Exhibit C: Photographs for 1100 West Boylston Street submitted by Susan Healy at the March 2, 2015 meeting; not dated.

Issuance of Order of Conditions

19. The Commission discussed and issued Orders of Conditions for closed public hearings and then signed the decisions.

Adjournment:

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted to adjourn at 9:03 P.M.