

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

December 7, 2015

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present: Stephanie Wood
Peter McKone
Joe Charpentier
Amanda Amory
Jordan Berg Powers - Arrived late
Henry Fields

Members Absent:

Staff Present: Michelle Smith, Planning & Regulatory Services Division
Ed Kochling, Department of Public Works & Parks

Call to Order – 5:30 pm

Requests for Continuances, Postponements, Withdrawal

1. Properties located to the east of the Leicester/Worcester town-line, south of Stafford Street, west of Nixon Avenue, and north of Clover Street associated with a utility maintenance project (CC-2015-074)

Application: Notice of Intent

Applicant: New England Power Company

Project: To confirm resource area delineation and for work associated with the replacement of utility related infrastructure (e.g. poles, wires, anchors, etc.) along with associated grading and site-work, on property located to the east of the Leicester/Worcester town-line, south of Stafford Street, west of Nixon Avenue and north of Clover Street.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer zone to the bank of various bordering vegetated wetlands, perennial and intermittent streams and associated riverfront area, bordering land subject to flooding, and within the stormwater protection zone.

Public Hearing Opening Deadline: WWPO – 1/3/2016

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 6-0 to postpone the item until the January 25, 2016 Conservation Commission meeting and extend the constructive grant deadline until February 23, 2016.

2. Requests for Certificate of Compliance:

a. Whippoorwill Drive (CC-2004-059)

b. Whippoorwill Drive (CC-2014-020)

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 6-0 to continue the items until the January 4, 2016 Conservation Commission meeting and extend the constructive grant deadline until January 26, 2016.

Unfinished Business – Notices of Intent:

Public Hearings

3. 1099, 1117 & 1121 Grafton Street (MBL 38-034-0000A; 38-034-00016; & 38-034-00015) (CC- 2015-047)

Application: Notice of Intent

Applicant: Anthony Bianco

Project: To fill in and level out the rear-yard of the property and construct a retaining wall to hold the fill, along with related grading, utilities, and site work

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed intermittent stream and within the Stormwater Protection Zone

Public Hearing Opened: 8/31/2015

Chair Wood recused herself from the item and left the meeting room. Commissioner Berg Powers assumed the position as chair.

Raymond Lopolito appeared on behalf of the applicant. He stated that work was previously done on the property and they hired an engineer and a wetland scientist to make recommendations for the site. He stated that they submitted a revised plan to remove material and re-stabilize and clean up hill and that they would re-locate concrete barriers outside of the 30' buffer.

Commissioner Berg Powers asked where the fill would be moved to.

Mr. Lopolito stated that the fill, particularly the concrete material, would be moved off site and that they plan to work with Worcester Sand and Gravel to coordinate this.

Commissioner Berg Powers stated that on the plan it states area will be loamed and seeded and he asked if this was their intent and what was the stabilization plan if work is done in the winter.

Mr. Lopolito stated that they would need to move earth to do the work and that if the ground is frozen they would need to hold off until the ground thaws.

Commissioner Charpentier stated it looks like the grading goes onto two different properties and asked the applicant if they had permission to do that.

Mr. Lopolito stated that they had an agreement between the various properties owners and that they submitted a copy of the plan to the owners as part thereof.

Upon a motion by Commissioner McKone and seconded by Commissioner Charpentier, the Commission voted 4-0-1 (Commissioner Fields not present at all hearings and therefore not eligible to vote per the "Mullin rule"; Commissioner Wood rescued herself from the item).

List of Exhibits:

Exhibit A: 1117 Grafton Street Notice of Intent Application; submitted by Anthony Bianco; received August 10, 2015; dated August 10, 2015.

- Exhibit B: 1117 Grafton Street Plan; prepared by ASA Engineering; dated August 30, 2015
- Exhibit C: Memorandum from the Department of Public Works & Parks to the Conservation Commission re: 1117 Grafton Street; dated September 17, 2015.
- Exhibit D: Request to continue; dated and received September 21, 2015 & November 16, 2015.

Chair Wood returned to the meeting room and resumed duties as the chairperson.

4. 0 (aka Lot 6 or 675) Salisbury Street (MBL 50-023-00006) (CC-2015-069)

- Application: Notice of Intent
- Applicant: Salisbury Holdings, LLC
- Project: For the construction of a single-family detached dwelling along with associated grading, paving, drainage, and site-work
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed stream

Public Hearing Opened: WPA – 11/16/2015

List of Exhibits:

- Exhibit A: 0 (aka Lot 6) Salisbury Street Notice of Intent Application; submitted by Salisbury Holdings, LLC; received October 28, 2015; dated November 11, 2015.
- Exhibit B: 0 (aka Lot 6) Salisbury Street Plan prepared by H.S.&T. Group, Inc.; dated October 28, 2015; last revised 11/25/2015.
- Exhibit C: Memorandum from the Department of Public Works & Parks re: Lot 6 Salisbury Street; dated November 12, 2015.
- Exhibit D: Request to continue; dated and received November 16, 2015.

5. 0 (aka Lot 7 or 697) Salisbury Street (MBL 50-023-00007) (CC-2015-070)

- Application: Notice of Intent
- Applicant: Salisbury Holdings, LLC
- Project: For the construction of a single-family detached dwelling along with associated grading, paving, drainage, and site-work
- Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100 ft. buffer to a Bordering Vegetated Wetland associated with an unnamed stream

Public Hearing Opened: WPA – 11/16/2015

List of Exhibits:

- Exhibit A: 0 (aka Lot 7) Salisbury Street Notice of Intent Application; submitted by Salisbury Holdings, LLC; received October 28, 2015; dated November 11, 2015.

- Exhibit B: 0 (aka Lot 7) Salisbury Street Plan prepared by H.S.&T. Group, Inc.; dated October 15, 2015; last revised 11/25/2015.
- Exhibit C: Memorandum from the Department of Public Works & Parks re: Lot 7 Salisbury Street; dated November 12, 2015.
- Exhibit D: Request to continue; dated and received November 16, 2015.

6. 0 (aka Lot 4 or 671) Salisbury Street (MBL 50-023-00004) (CC-2015-071)

- Application: Notice of Intent
- Applicant: Salisbury Holdings, LLC
- Project: For the construction of a single-family detached dwelling along with associated grading, paving, drainage, and site-work
- Jurisdiction: City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the stormwater protection zone

Public Hearing Opened: WPA – 11/16/2015

List of Exhibits:

- Exhibit A: 0 (aka Lot 4) Salisbury Street Notice of Intent Application; submitted by Salisbury Holdings, LLC; received October 28, 2015; dated November 11, 2015.
- Exhibit B: 0 (aka Lot 4) Salisbury Street Plan prepared by H.S. & T. Group, Inc.; dated October 28, 2015; last revised 11/25/2015.
- Exhibit C: Memorandum from the Department of Public Works & Parks re: Lot 4 Salisbury Street; dated November 12, 2015.
- Exhibit D: Request to continue; dated and received November 16, 2015.

Items #4, #5, #6 were taken up contemporaneously.

Zac Couture, from H. S. & T. Group, appeared on behalf of Salisbury Holdings, LLC. Mr. Couture stated that they continued the projects from the last meeting to allow for a site walk with the Commissioners to be conducted; this took place on Sunday. He explained that they revised the plans for both Lot 6 and Lot 7 to reduce the size of the buildings' footprints in order to decrease impacts to the buffer zone and to increase the distance from the house, and subsequently the proposed limit of work, to the resource areas. Mr. Couture noted that no major design changes were made to Lot #4 given the work falls outside the 100' buffer to the off-site wetlands and stream.

Chair Wood stated that during Sunday's site walk the Commissioners were provided with sheet plans for reference. She asked if the various lots were to be developed first and then sold or sold first and then developed or if there was the possibility that all three lots be developed at once. Mr. Couture stated that such a decision regarding sequencing had not been finalized but that it was possible that the lots could all be developed at once.

Commissioner Berg Powers asked for clarification about the red markings on the plan provided to the Commission at the meeting. Mr. Couture stated that the red indicated the location of proposed hay bales and silt fence. He stated that they plan to install permanent markers off-site along the 30 foot buffer so that there is no encroachment on the resources area.

Commissioner Amory asked about the construction phasing. Mr. Couture stated that if the lots were to be phased, they would start with Lot 4, and then Lot 6 would be started so if there was need for a temporary stockpile location they could use Lot 7 for storage and that temporary silt fence and hay bales would be installed.

James Vander Salm, part-owner of 655 Salisbury Street, an abutter to the property stated that he had concerns with the work within the 100' buffer on the slopes - particularly on Lot #7. He stated that work within the 100' buffer would be damaging to the water resources. He expressed concerns regarding the adequacy of proposed erosion control measures and suggested that two rows of hay bales should be installed. He expressed concerns about the project's impacts on groundwater recharge and noted that the property owners downstream are concerned that the abutting stream does not have as much regular perennial flow as it used to noting that the development of these projects – particularly the development of lots #6, #7 - could further reduce the perennial flow and benefits for wildlife habitat related thereto.

Mr. Vander Salm asked why one infiltration chamber was provided when a previous version of the project called for two infiltration chambers per dwelling and recommended that the Commission require two chambers. He expressed concerns about the development of other lots along Salisbury Street in compliance with the approved plans - #11 through #17 on the original plan noting he never observed the installation of infiltration units being installed, despite his passing by the site daily. He requested that the Commission consider the possibility of the units not being installed to ensure adequate compensation to recharge with the addition of impervious surfaces. He expressed concerns about compaction of the soil where the infiltration system would be installed and that compacted soils could impair the long term efficacy of the chambers.

Mr. Vander Salm expressed concerns about the size of the lots and the challenges associated with avoiding compaction thereon during construction. He stated that the current development of Lot #8, observable on their site view, entails a large stockpile of soil and associated earth moving equipment and finding a location to store materials has made the development of the lot quite challenging. He expressed concerns that during the development of Lot #7 similar issues would be encountered and requested that, while he did not feel development of the sites feasible without negative impacts to resource areas, the Commission should impose conditions about the stockpile locations if they entertain approval. He expressed concerns about the steep slopes on Lot #7, noting these are greater than those on Lot #8, and expressed concerns about possible soil storage in proximity to the wetlands and the increase likelihood of sedimentation downstream.

Mr. Vander Salm urged the Commission not to approve the proposals for Lots #6 and #7, noting that the Commission has authority to not approve work within 100' of the wetlands if they think it will inadequately to protect the resource areas.

Chair Wood stated that Mr. Vander Salm did make an interesting point relative to soil compaction and asked the applicant if they would be willing to do density testing in the area where the infiltration unit is proposed prior to the installation and the site work beginning and then again after the work has been completed to verify that there have been no changes to the soil density/compaction. Mr. Couture stated that they would be amenable to density testing. He explained that while only one infiltration unit is proposed, the units were designed to accommodate all the roof runoff from the houses.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone the Commission voted 3-1-0 (Commissioner Berg Powers voting against) to close the hearing on

Lots #6, #7 and #4 (Commissioners Woods & Fields were not present at all hearings and therefore not eligible to vote due to the “Mullin rule”).

New Business – Requests for Determination of Applicability:

7. 712 Plantation Street (MBL 46-49A-00008) (CC-2015-061)

Application: Request for Determination of Applicability

Applicant: Pullman Street, LLC

Project: To seek determination as to whether or not the work/area associated with the re-construction of the existing parking area and associated drainage infrastructure, along with minor repairs/demolition to the existing structure, along with associated site-work is subject to the Commission’s jurisdiction

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - the proposal shall occur partially within the 100 ft. buffer zone to the Bordering Vegetated Wetlands associated with the Bank of Poor Farm Brook and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WWPO - 12/7/2015

Constructive Grant Deadline: WPA – 1/5/2016

Mike Andrade from Graves Engineering appeared on behalf of the item. Mr. Andrade stated that over the summer the building was renovated after a change in ownership and the parking lots were in need of repair and were restructured in late September. He explained that while construction was going on DPW&P noted the lack of erosion controls (subsequently corrected) and discovered that a portion of the site, about 570 SF, is within the 100’ buffer zone. He explained that they received a violation notice and were told to file with the Commission.

Mr. Andrade explained that they have met with DPW&P about the drainage calculations, given that the drainage outfall abuts the Shrewsbury town line and discharges onto an abutting site. He stated that DPW&P requested that the abutter acknowledge that they are aware that the drainage discharges to their property, as it has for the past 40 years, and that they received a letter of acknowledgment, signed by the abutter, which was provided to the Commission in response.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 6-0 to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: 712 Planation Street Request for Determination of Applicability; received October 27, 2015; dated October 27, 2015.

Exhibit B: Memorandum from the Department of Public Works & Parks re: 712 Plantation Street; dated November 17, 2015.

Exhibit C: Request to continue; dated October 16, 2015; received November 16, 2015.

Exhibit D: 712 Plantation Street Plan; prepared by Graves Engineering; dated July 14, 2015.

Exhibit E: 712 Plantation Street Stormwater Report & Supplemental Data; prepared by Graves Engineering; dated November 11, 2015; last revised November 19, 2015

8. 7 (aka 9) Island Road (MBL 27-018-00001) (CC-2015-072)

Application: Request for Determination of Applicability

Applicant: All Faiths Cemetery and Crematory

Project: To seek determination as to whether or not the work/area associated with the construction of a ~1,536 SF addition to the southeast of the existing crematory building along with associated grading and site-work is subject to the Commission's jurisdiction.

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - occur partially within the 100 ft. buffer zone to the Bank of Leesville Pond and associated bordering land subject to flooding

Public Hearing Opening Deadline: WPA – n/a; WWPO - 12/21/2015

Constructive Grant Deadline: WPA – 11/27/2015

Kevin Quinn from Quinn Engineering appeared on behalf of the item. Mr. Quinn stated that the proposal is for the expansion of their crematory and the building will be about 100' from the Leesville Pond. He stated that hay bales and silt fence will be installed between the resource area and the limit of work which is along the fringe of the buffer zone, and not in any resource areas.

Commissioner Berg Powers asked if the expansion would be within the 100' buffer. Mr. Quinn stated that the building is 24' by 68' and will connect to the south of the existing building and just touches the 100' buffer to Leesville Pond.

Upon a motion by Commissioner McKone and seconded by Commissioner Charpentier the Commission voted 5-1-0 (Commissioner Berg Powers voting against) to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: 7 (aka 9) Island Road Request for Determination of Applicability; received November 6, 2015; dated November 6, 2015.

Exhibit B: 7 (aka 9) Island Road Plan; prepared by Quinn Engineering; undated; received December 4, 2015.

Exhibit C: Memorandum from the Department of Public Works & Parks re: 9 Island Road; and dated November 25, 2015.

9. 258 Mill Street (MBL 51-006-00022) (CC-2015-075)

Application: Request for Determination of Applicability

Applicant: Nicholas Andreson

Project: To seek retroactive determination as to whether or not the work/area associated with vegetation removal is subject to the Commission's jurisdiction

Jurisdiction: Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance - the work has occurred within the 100 ft. buffer zone to the Bank of Coes Reservoir (Pond) and an unnamed stream and/or associated bordering vegetated wetlands and within any associated riverfront area and Bordering Land Subject to Flooding and within the stormwater protection zone

Public Hearing Opening Deadline: WPA – n/a; WWPO - 1/8/2016

Constructive Grant Deadline: WPA – 12/15/2015

Nicholas Andreson appeared on behalf of the item. He stated that he owns Colonial Bowling Alley and the subject piece of land, located between the bowling alley and the liquor store. He explained the history of the site and the location of the resource areas. He stated that the abutter, who owns the liquor store, asked if they could clear the trees in this area as they were afraid they might fall down. He noted that one of Mr. Anderson's employees told him they could cut down the trees, but that he was not informed of this. He expressed concerns about why he received a violation letter and stated that he did not understand what the problem was as the clearing didn't hurt the soil at all.

Chair Wood explained the Commission's jurisdiction and why there was a violation.

Commissioner McKone reiterated the Commission's jurisdiction.

Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 6-0 to issue a Negative Determination of Applicability.

List of Exhibits:

Exhibit A: 258 Mill Street Request for Determination of Applicability; received November 24, 2015; dated November 24, 2015.

Exhibit B: Memorandum from the Department of Public Works & Parks re: 258 Mill Street; dated December 1, 2015.

Exhibit C: Letter from the Conservation Commission re: Wetlands Protection Act Ordinance Violation – 258 Mill Street; dated November 23, 2015.

Other Business:

10. Enforcement Order Updates:

a. 1117 Grafton Street (CC-EO-2015-004)

Chair Wood asked if any provision of the Enforcement Order that has not been adhered too.

Edmund Kochling, Department of Public Works & Parks, said that nothing had changed and that all aspects of the enforcement order had been complied with to his knowledge.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers the Commission voted 6-0 to lift the Enforcement Order.

b. Arboretum Village Estates (CC-EO-2015-005)

Scott Morrisson from EcoTec appeared on behalf of the item. He stated he was present for a site walk on Sunday with the Commission and felt that all the conditions had been met and requested that the Enforcement Order be lifted.

Commissioner Berg Powers stated that he would be okay with lifting the Enforcement Order on Slope A but not Slope B. The other Commissioners agreed.

Ms. Smith outlined the Commissions procedural options and suggested that the Commission specify tangible items the Commission is looking to accomplish with Slope B in order to make progress in resolving the issue.

Mr. Morrison stated that they understand that there are still some stabilization efforts that need to take place for Slope B still has some stabilization effort but that there is an existing Order of Conditions for the property which would govern work.

Ms. Smith provide additional options for the Commission to oversee work on Slope B though an Amended Order.

Chair Wood stated that the problem is that we don't know what will happen with the permanent stabilization of the slope and/or how they will figure out what the final grades will be.

Mr. Morrison stated that the grading might have to go through the Planning Board. Ms. Smith affirmed that a filing with the Planning Board would be required.

Commissioner Charpentier asked if Slope B is on property with houses that have already been constructed. Mr. Morrison clarified that Slope B comprises house lots on Snowberry Circle & Honey Suckle some of which have been constructed, but the majority of which have not. Commissioner Charpentier expressed concerns about an Order of Conditions governing the work as the work may simply never be done.

Commissioner McKone stated that his preference would be to lift the Enforcement Order on Slope A and maintain the Enforcement Order on Slope B.

Mr. Morrison stated that they could provide status updates, if desired.

Chair Wood stated that the majority of the provisions of the Enforcement Order was specific to Slope A and have been addressed; she recommended the Commission remove items #1-3 from the Enforcement Order which would not affect the Order's provisions relevant to Slope B.

Ms. Smith recommended that the Commission consider removal of item #6 and whether or not item #5 with regard to the turbidity samplings should be modified, and if so, to what intervals.

Chair Wood agreed regarding removal of item # 6 since that had taken place and asked Mr. Morrison if a plan would be developed over the winter months to present to the Planning Board with regard to development above Slope B. Mr. Morrison stated that he anticipated they would have plans for those in the spring.

Chair Wood stated that they could make a condition that the site needs to be monitored and maintained over the winter months and that a proposed plan is submitted to the Commission by a date certain.

Commissioner Charpentier expressed concerns about lift the Enforcement Order in full.

Chair Wood recommended that they amend the existing Enforcement Order and asked if the Commission wanted to adjust the interval for required sampling after rain events.

Mr. Morrison stated he would recommend increasing the interval to 2.5" or 2.6" storm events.

Commissioner Charpentier stated that he was amenable to modifying the monitoring intervals.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers, the Commission voted 6-0 to lift Sections #1, #2, #3 and #6 of the Enforcement Order and to Section #5 with regard to turbidity sampling, to only require sampling after a rain event of 2.5" or greater.

c. 181 Lake Avenue (CC-EO-2015-006)

No update was provided.

d. Goldthwaite Road (Burncoat Gardens Phase I & V) (CC-EO-2015-007)

Chuck Scott, from CFS Engineering, appeared on behalf of the item. Mr. Scott stated that a copy of the bond has been provided to the City for execution and that a letter of credit was provided but required amendments per the City's Law Department. He stated that the amendments necessitated modifications from the bank and that he anticipated the Commission would receive the revised Letter of Credit by Wednesday.

Mr. Scott explained that revised plans had not been provided, but that digital files would be sent to staff. He stated that the Commission previously voted to release Lots 1, 3, and 5 from the Enforcement Order, upon resolution of the issue with regard to security. He explained that upon further conversation with his client, they would request the release of Lots 1-13 on the Hillsboro Drive cul-de-sac. He gave an overview of the lots locations and proximity to resource areas.

Mr. Scott stated that they do need to replace the existing erosion control barriers along the toe of the slope near the wetlands and near the intersection of the intermittent stream. Mr. Scott stated that he's more concerned about silt going on the abutting property because the only inlet is the drop inlet at the end of Pompano and that any slopes that would be opened up they would need to tarp or place plastic over them in order to keep silt out of the erosion control barriers. He explained that the idea is to construct every other lot and then, as they are getting frame and do all the even lots, and then the odd lots. They are amenable to continued review of the project and could provide bi-weekly reports to the Commission that all slopes are stabilized for those thirteen lots.

Commissioner Berg Powers requested a summary of what was outstanding. Ms. Smith stated that in addition to what Mr. Scott previously mentioned, poly sheeting, located near the intermittent stream and proposed road crossing, was being used to stabilize the area nearest the and that this was not a permanent stabilization measure.

Commissioner Charpentier stated that his concern is that the plastic is not an appropriate erosion control method near the intermittent stream. He expressed concerns about the thirteen lots being open at once they stagger the lots and build it could mean that every lot would be open at the same time.

Chair Wood asked if they are looking to put concrete down in winter. Mr. Scott stated that they are prepared to pour concrete down in the winter if necessary.

Commissioner Amory expressed concerns about having all the lots open at once noting the increased risk of downstream impacts and stated that she would prefer to see construction phased.

Mr. Scott stated that they will re-do the erosion control barriers and they will reinforce the area nearest the wetlands as their goal is to prevent sediment from entering the brook.

Commissioner Berg Powers stated that he was comfortable with the existing Order of Conditions for these lots.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 6-0 to lift the Enforcement Order on Lots #1-13, upon receipt of revised plans and adequate security, leaving the Enforcement Order in place for the remainder of the property.

e. Pierce Avenue (Burncoat Gardens Phase IV) (CC-EO-2015-008)

Chuck Scott, of CFS Engineering, appeared on behalf of the item. He stated that the project had not been completed yet, but it had progressed and they have stabilized and removed the fill from the 15' no-disturbance zone. Mr. Kochling affirmed, noting he did not feel it was appropriate to lift the Enforcement Order.

Ms. Smith stated that a revised plan should be submitted to staff showing any changes for the Commission's determination regarding subsequent changes.

f. 27 New Street Extension (CC-EO-2015-009)

Mr. Kochling stated that he had been to the property and fence had been installed which protects people from going onto the site to site is stabilizing.

Ms. Smith stated that staff is awaiting a copy of a recorded decision from the Zoning Board of Appeals that needed to be recorded at the Registry of Deeds and that further action with the Commission may be required, but staff would investigate and report back.

g. 149-151 Lake Avenue (CC-EO-2015-010)

Mr. Kochling stated that nothing has changed and site has been stabilized.

Ms. Smith stated that staff is still waiting for revised plans showing the dock and retaining wall.

h. 604 Burncoat Street (aka Burncoat Heights) (CC-EO-2015-011)

Mr. Scott stated that the stabilization efforts are progressing quite nicely. He explained that curbing and pavement has been installed in the right-of-way and that they are working on grading the front portion of the property and that this area has been sodded for ~100'. Mr. Scott stated that along shoulder roadway they have been working on stabilizing ~10' from the road to control the stormwater. He noted that the grading in the rear is progressing.

Commissioner Charpentier stated that in photos it doesn't look like all erosion control barriers in place. Mr. Kochling stated that he had gone to site and that they were in place.

Commissioner Charpentier asked where the plastic and tarp, depicted in site visit photos, was located. Mr. Kochling stated that it was nowhere near the resource area.

Commissioner Amory asked if the concrete, depicted in site visit photos, would be a permanent feature. Mr. Scott stated that it would.

Ms. Smith stated that staff would request a set of plans showing where the grading and detention basin is proposed on 610 Burncoat Street in proximity to the abutting resource areas in order for the Commission to determine if an Amendment would be required for the existing Order of Conditions, to include the adjacent lot.

Mr. Scott stated that the nearest resource area is the brook system to the north of the site and explained that all the work is being done outside of the 100' buffer so it does not trigger the Conservation Commission's review. He noted that storage of the fill on the abutting lot at 610 Burncoat Street was worked out with the abutter. He stated that he will provide an update plan to staff.

Ms. Smith also stated that staff would send a letter to the abutter verifying their awareness of the changes to the proposal.

11. Requests for Certificate of Compliance:

c. 477 Lake Avenue (CC-2013-010)

Mr. Kochling stated that the site was stabilized.

Upon a motion by Commissioner Charpentier and seconded by Commissioner McKone the Commission voted 6-0 to issue a Certificate of Compliance.

List of Exhibits:

Exhibit A: Application for Certificate of Compliance for 477 Lake Avenue; submitted by Quinn Engineering; received November 10, 2015.

d. 231 & 249 Lake Avenue (CC-2012-049)

Evan McCormick, of Middlesex Corporation, LLC, appeared on behalf of the item. He stated that the cottages were demolished and that site has been stabilized. He explained that they planned to put down loam and seed but Mr. Kochling stated that they need to have the permanent stabilization in place before the Commission could issue a Certificate of Compliance. Because the property owner wants to sell the property they modified the stabilization methods so as to not impede the sale of the property. He stated that in lieu of the loam and seed they used geotextile fabric and crushed stone to stabilize the sloped portion of the site while they spread pavement millings over the flat portion of the site.

Mr. Kochling stated that the slope was now stabilized.

Ms. Smith stated that the original order showed the areas would be loomed and seeded and it up to Commission to determine if the changes were inconsequential.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Amory the Commission voted 6-0 to issue the Certificate of Compliance and find the changes to necessitate no further action, being inconsequential in nature.

List of Exhibits:

Exhibit A: Application for Certificate of Compliance for 231 & 249 Lake Avenue; submitted by Evan McCormick; received December 1, 2015.

12. Communication:

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

- i.** Notice of Halted Project – Lake Ave. North Slope Repair; from DPW&P; received 11/5/2015 (CC-2015-001; expires: 3/27/2018).
- j.** Estate Planning Outreach Grants for Open Space Committees; from Mount Grace Land Conservation Trust; received 11/17/2015.
- k.** Invitation to Green Hill Park WWI Memorial Grove; from DPW&P; received 11/23/2015.
- l.** 45 Day Yearly (2016) Operational Plan Public Notice Review & Comment Period; from National Grid; received 11/24/2015.

- m. Letter of Credit; from Rockland Trust; received 11/27/2015.
- n. Turbidity sampling Report for Arboretum Village; from EcoTec, Inc.; received 12/2/2015.

13. Donker Farm Webpage Update (Land Management & Baseline Plans uploaded)

Ms. Smith stated that the web-site is now on-line and available to the public.

14. Elections of Officers

Commissioner Charpentier nominated Stephanie Wood as Chair.

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers the Commission voted 5-0-1 (Chair Wood abstaining) to appoint Stephanie Wood as Chair.

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 4-0-2 (Chair Wood and Commissioner Charpentier abstaining) to appoint Commissioner Charpentier as Vice-Chair.

15. Discussion & Issuance of Orders of Conditions as relevant to hearings closed 12/7/2015: 0 (aka Lots 4, 6, & 7) Salisbury Street (CC-2015-069, -070, & -071) -

Commissioner Charpentier requested a condition with regard to permanent markers along the 30' buffer. Commissioner McKone noted that the 30' was located on abutting lots. Ms. Smith recommended that the Board consider markers at the lot lines, which delineate the property boundaries. Commissioner Berg Powers & McKone affirmed. Commissioner Berg Powers requested markers for all lots 4, 6, & 7. Commissioner Charpentier suggested 4 markers per lot, evenly spaced.

Commissioner Amory expressed concerns regarding installation of the infiltration unit.

Commissioner Charpentier requested a site visit prior to backfilling of the infiltration units in order to verify installation.

Commissioner Wood suggested density testing beforehand after. Commissioner Charpentier expressed concerns about such a condition. Mr. Kochling suggested that the detail on the unit may suffice for ensuring the efficacy of percolation. Commissioner Charpentier reviewed the detail and noted that the stone around the unit would ensure adequate performance of the unit. Commissioner McKone suggested that it was unlikely that the soil under the unit would be affected by construction equipment. Commissioner Berg Powers stated that consensus was that density was not required.

Commissioners McKone, Wood, and Berg Powers expressed concerns with regard to soil storage. Mr. Kochling suggested a 20 day limitation on duration of storage of materials on site from the date of pouring the foundation. Commissioner Charpentier suggested that stockpiling should be maintained to prevent wind and water erosion, and suggested covering the piles with tarps/sheeting. Commissioner Berg Powers expressed interest in setting a storage time-frame. Commissioner Charpentier requested that an impervious membrane shall be used to cover stockpiles and that heavy objects be used to secure said membranes. Commissioner Charpentier clarified that this condition would apply to each of the three lots.

Commissioner Charpentier suggested that stockpiling should be located outside the 100' buffer to the abutting wetlands/stream. Commissioner Berg Powers recommended that this applies to all lots.

Commissioner Charpentier suggested that vegetated slopes shall not exceed 2.5H:1V and should be stabilized to prevent erosion.

Staff mentioned a double line of hay bales. Commissioner McKone suggested it would not be applicable. Scott Goddard, of Goddard Consulting, LLC, suggested his client would gladly provide a double row of haybales on lot 7 along the south side. Commissioner Wood affirmed that the Commission should request the provision of additional erosion controls along the south side of the lot.

The Commission reviewed the closed item and upon a motion by Commissioner Charpentier and seconded by McKone, the Commission voted 3-1-0 (Commissioner Berg Powers voting against; Commissioners Woods and Fields were not present at all hearings and therefore not eligible to vote per the “Mullin rule”) to issue conditions as discussed for Lots 4, 6, & 7 Salisbury Street (CC-2015-069, -070, & -071).

1099, 1117 & 1121 Grafton Street (CC-2015-047)

Commissioner Charpentier suggested that wetland flagging remain in place.

Commissioner Amory suggested that the Commission specify no further work be permitted beyond what’s shown on the plan.

Commissioner Charpentier expressed concerns regarding the installation of the rip-rap. Ms. Smith suggested a condition regarding geo-textile fabric verification prior to completion of the construction of the slope. Commissioners Charpentier and McKone affirmed.

The Commission reviewed the closed item and upon a motion by Commissioner Berg Powers and seconded by Commissioner Amory, the Commission voted 4-0-1 (Commissioner Wood abstained; Commissioner Fields was not present at all hearings and therefore not eligible to vote per the “Mullin rule”) to issue conditions as discussed for 1099, 1117, 1121 Grafton Street (CC-2015-047).

16. Signing of Decisions

- **258 Mill Street (CC-2015-075)** – Determination of Applicability
- **7 (aka 9) Island Road (CC-2015-072)** – Determination of Applicability
- **712 Plantation Street (CC-2015-061)** – Determination of Applicability
- **1099, 1117 & 1121 Grafton Street (CC-2015-047)** – Order of Conditions
- **0 (aka Lot 6 or 675) Salisbury Street (CC-2015-069)** – Order of Conditions
- **0 (aka Lot 7 or 697) Salisbury Street (CC-2015-070)** – Order of Conditions
- **0 (aka Lot 4 or 671) Salisbury Street (CC-2015-071)** – Order of Conditions
- **477 Lake Avenue (CC-2013-010)** - Certificate of Compliance
- **231 & 249 Lake Avenue (CC-2012-049)** - Certificate of Compliance

Adjournment:

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers, the Commission voted 6-0 to adjourn the meeting at 8:10 p.m.