

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

**AUGUST 4, 2016**

**WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS**

**Conservation Commission Members Present:** Joseph Charpentier  
Peter Mckone  
Henry Fields  
Amanda Armory

**Member Absent:** Jordan Berg-Powers

**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, Withdrawals:**

**Public Hearings:**

**New Business – Notices of Intent:**

**1. 210 (aka 206 & 208) West Street (MBL 20-039-0000A) (CC-2016-037)**

Application: Notice of Intent

Applicant: Worcester Polytechnic Institute

Project: The removal/demolition and re-configuration of the existing parking and loading area, including related pedestrian amenities, along with associated changes to grading, paving, landscaping, utilities, and drainage, and related site work, on the northeastern portion of property located at 210 (aka 206 & 208) West Street (near Higgins House).

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the Stormwater Protection Zone.

Public Hearing Opening Deadline: WPA – n/a; WWPO – 8/20/2016

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Jared Gentilucci from Niche Engineering appeared on behalf of the application. He stated that this project is for the Higgins House and involves the demolition and re-configuration of the existing parking and loading area.

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

**List of Exhibits**

Exhibit A: Notice of Intent Application prepared by Nitsch Engineering; received July 6, 2016.

Exhibit B: Plans for 210 (aka 206 & 208 West Street); prepared by Nitsche Engineering, received July 6, 2016.

Exhibit C: Postponement form dated July 25, 2016.

Exhibit D: DPW memo dated July 21, 2016.

Exhibit E: Memo from Nitsch Engineering; received August 4, 2016.

**2. 120 (aka 200) Institute Road & 210 West Street (MBL 20-038-00001 & 20-039-0000A) (CC-2016-038)**

Application: Notice of Intent

Applicant: Worcester Polytechnic Institute

Project: Demolition of the existing building (Alumni Gym) and related site infrastructure and the construction of a new structure (Foisie Hall) along with associated modifications to pedestrian and vehicular amenities, grading, drainage, utilities, landscaping, and related site work on the northeastern portion of the property located at 120 Institute Road & the southerly portion of 210 West Street.

Jurisdiction: The City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the Stormwater Protection Zone.

Public Hearing Opening Deadline: WPA – n/a; WWPO – 8/20/2016

Jared Gentilucci from Nitsche Engineering appeared on behalf of the application. He stated that this project is for the Foisie Hall and involves the demolition of the existing Alumni Gym and construction of a new building for Foisie Hall.

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

**List of Exhibits**

Exhibit A: Notice of Intent Application prepared by Nitsch Engineering; received July 6, 2016.

Exhibit B: Plans for 210 (aka 206 & 208 West Street); prepared by Nitsche Engineering, received July 6, 2016.

Exhibit C: Postponement form dated July 25, 2016.

Exhibit D: DPW memo dated July 21, 2016.

Exhibit E: Memo from Nitsch Engineering; received August 4, 2016.

**Other Business:**

**3. Request for Extension of Time - 125 Olean Street (CC-2004-34 & DEP #349-800)**

**4. Request for Certificate of Compliance -125 Olean Street (CC-2004-34 & DEP #349-800)**

Items #3 and # were taken contemporaneously.

Ms. Smith expressed concerns regarding a discrepancy with the approved plans showing an encroachment into the 30 foot no build.

The Commission due to the concerns requested a site walk be conducted.

Mr. Kochling updated the Commission regarding the status to changes to the right of way.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to allow a one year Extension of Time.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to continue the Certificate of Compliance to the August 15, 2016 Conservation Commission meeting.

**Discussion of Special Conditions and Issuance of Orders of Conditions**

Upon a motion the Commission voted to issue an Order of Conditions for 120 (aka 200) Institute Road and 210 West Street (CC-2016-037) with the following conditions

**21. Changes to the Plan or Errors & Omissions\*:**

- (a) If any plan, calculation, or other data presented to the Commission is in error or have omissions, and are deemed significant by the Commissioners or their agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
- (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:
  - M.G.L. Chapter 131, Section 40,
  - 310 CMR 10.00, *Wetlands Protection*,
  - the City of Worcester's *Wetlands Protection Ordinance*, and
  - the Commission's *Wetlands Protection Regulations*

If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.

22. Liability\* - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions or this Order whether by itself or its employees or subcontractors.
23. Change in Ownership\* - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.

### **Section A – Conditions to Meet Before the Start of Any Activity**

24. Inspections prior to site preparation and site work\* - No clearing of vegetation, excavation, grading, construction or other site preparation or site work may begin within one hundred feet of the resource area/s until the erosion and sedimentation controls have been installed and verified by the Commission or its Agents.
25. Notification\* - The applicant shall notify the Office of the Commission (Division of Planning and Regulatory Services) 48 hours prior to the start of any activity.
26. Contact Person\* – Applicant shall notify the Commission of the name(s) and telephone number(s) of person or persons who will be responsible for onsite compliance with the conditions of this Order. The Commission shall be notified as to the means of contact of said individual(s) on a 24-hour basis on all working and non-working days of the project. The responsible person(s) shall inspect and supervise controls for the project and shall make periodic inspections (particularly during rain or snow melt) to assure continued effectiveness of said controls.
27. Contract\* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.

### **Section B - Conditions to Meet During Construction**

28. Stockpile Maintenance - Any stockpiling of loose materials shall be properly stabilized to prevent wind and water erosion and sedimentation of resource areas. Preventative controls such as haybales or erosion control matting shall be implemented to prevent such an occurrence.
29. Erosion Controls\* - All erosion and sediment controls shall be monitored, maintained, and adjusted throughout the duration of the project as required to prevent adverse impact to wetlands or stormwater protection zones. Any entrapped sediment or other material shall be removed to an area outside of the 100-foot buffer zone as required by the Commission or its representative. Protective measures shall include, as appropriate, but not be limited to: sediment traps, supplemental topsoil, seed or plants, and 100% bio-degradable erosion control matting.
30. Run-off\* - There shall be no flooding, ponding, or flood-related damage caused by the project or by surface run off emanating from the project onto lands of an abutter, or onto nearby downstream properties. The applicant shall make sufficient provision to control any

unexpected drainage and erosion conditions that may arise during construction that may create damage to jurisdictional areas (e.g. wetlands, streams, brooks, etc.) and abutting or downstream properties. Said control measures are to be implemented immediately upon need and the Conservation Commission so notified in writing.

31. Delay in Work\* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly. Vegetative cover, either temporary or permanent shall be established prior to winter. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized with jute matting, staked mulches or erosion controls as may be necessary to ensure that any eroded materials will not enter wetlands and water bodies.
32. Wood Removal\* – All tree, brush & wood removal shall adhere to the requirements set forth by the Massachusetts Department of Conservation & Recreation for any project located in the Asian Longhorned Beetle Quarantine Zone as it exists at time of approval and as it may expand in the future.
33. Plantings\* – All trees planted on site must comply with the City of Worcester's Recommended Tree Planting List for Landscape Buffers as it relates to the Asian Longhorned Beetle.
34. Oil Spills\* - During and after work on this project, there shall be no discharge or spillage of fuel, oil or other pollutants onto any part of the site. The applicant shall take all necessary precautions to prevent the release of pollutants by ignorance, accident or vandalism.
35. Catch Basins\* – The paved roadways and parking lots shall be bermed and shall be installed with standard City of Worcester catch basins. Said basins shall be cleaned at least twice a year and as warranted during and after construction to keep them clean of sediment. Prior to the site being stabilized, catch basin filter traps (e.g., haybales) shall be placed to prevent sediment from entering drainage structures.

### **Section C - Conditions to Meet at Completion of Project**

36. Vegetation\* - Proper landscaping of embankments and run off areas including but not limited to grass, vegetation, and shrubbery shall be established before the project is considered complete. Any replicated wetland must be satisfactorily established within two growing seasons before the project is considered complete.
37. Erosion Controls\* - Hay bales and other erosion controls shall not be removed from the site until all disturbed surfaces have been stabilized with final vegetative cover and written certification has been received from the Commission or one of its representatives stating that erosion controls may be removed. The controls must then be removed within two weeks of receipt of that certification.
38. Certificate of Compliance\* - Upon completion of the project, the applicant shall request in writing a Certificate of Compliance from the Commission in which he/she shall certify in writing that the work completed conforms to the plans as submitted. If the project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor, certification must include a written statement by such professional.

Upon a motion the Commission voted to issue an Order of Conditions for 120 (aka 200) Institute Road and 210 West Street (CC-2016-038) with the following conditions

**39. Changes to the Plan or Errors & Omissions\*:**

- (a) If any plan, calculation, or other data presented to the Commission is in error or have omissions, and are deemed significant by the Commissioners or their agents, all work will stop at the discretion of the Commission, until the discrepancies have been rectified to the Commission's satisfaction.
- (b) The applicant must notify the Commission in writing of any changes in the plans or implementation of the proposed activity where mandated by any local, state, or federal agencies having jurisdiction over the proposed activity. If, in the opinion of the Commission, any changes in the plans or implementation of the proposed activity so require, then the Commission may modify, amend or rescind this Order in a way consistent with:
  - M.G.L. Chapter 131, Section 40,
  - 310 CMR 10.00, *Wetlands Protection*,
  - the City of Worcester's *Wetlands Protection Ordinance*, and
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If any provisions of any conditions, or application thereof is held to be invalid, such invalidity shall not affect any other provisions of this Order. If the Commission deems that a proposed change is major or substantial, a new hearing may be required.

40. Liability\* - The applicant shall indemnify and save harmless the Commonwealth, the City of Worcester, the Conservation Commission, and its agents against all sites, claims or liabilities of every name and nature arising at any time out of or in consequence of the acts of the Commission or its agents in the performance of the work covered by this Order and/or failure to comply with the terms and conditions or this Order whether by itself or its employees or subcontractors.

41. Change in Ownership\* - If a change in ownership takes place while this Order is still in effect, it is the responsibility of the new owner to notify the Commission of the change and to provide the name of the person responsible for compliance with the Order.

**Section A – Conditions to Meet Before the Start of Any Activity**

42. Revised Plans - That three (3) to-scale copies of revised plans shall be provided to the Office of the Commission (Division of Planning & Regulatory Services), prior to commencement of any work, showing the below changes. These plans shall be considered the final revised plans approved for the project.

- a. The proposed hydrant detail shall meet the most recent version of the City of Worcester Department of Public Works & Parks Standard Specifications and Details;  
&
- b. Provide a note on the plans addressing dust control during demolition.

43. Water Sequencing Conference – The owner/applicant shall schedule a meeting with the Worcester DPW&P – Engineering Department to review proposed water work sequencing before the Commencement of any demolition activities.

44. Inspections prior to site preparation and site work\* - No clearing of vegetation, excavation, grading, construction or other site preparation or site work may begin within one hundred feet of the resource area/s until the erosion and sedimentation controls have been installed and verified by the Commission or its Agents.
45. Notification\* - The applicant shall notify the Office of the Commission (Division of Planning and Regulatory Services) 48 hours prior to the start of any activity.
46. Contact Person\* – Applicant shall notify the Commission of the name(s) and telephone number(s) of person or persons who will be responsible for onsite compliance with the conditions of this Order. The Commission shall be notified as to the means of contact of said individual(s) on a 24 hour basis on all working and non-working days of the project. The responsible person(s) shall inspect and supervise controls for the project and shall make periodic inspections (particularly during rain or snow melt) to assure continued effectiveness of said controls.
47. Contract\* - This Order of Conditions and all approved plans shall be included as part of any contract and subcontract and shall be posted in a prominently displayed location in the supervisory office on site during all phases of construction.

## **Section B - Conditions to Meet During Construction**

48. Dust Control – Provisions for dust control shall be provided during demolition and construction activities; said dust control mechanisms shall comply with all City of Worcester Water Use Restrictions if in effect during demolition or construction activities.
49. Stockpile Maintenance - Any stockpiling of loose materials shall be properly stabilized to prevent wind and water erosion and sedimentation of resource areas. Preventative controls such as haybales or erosion control matting shall be implemented to prevent such an occurrence.
50. Erosion Controls\* - All erosion and sediment controls shall be monitored, maintained, and adjusted throughout the duration of the project as required to prevent adverse impact to wetlands or stormwater protection zones. Any entrapped sediment or other material shall be removed to an area outside of the 100 foot buffer zone as required by the Commission or its representative. Protective measures shall include, as appropriate, but not be limited to: sediment traps, supplemental topsoil, seed or plants, and 100% bio-degradable erosion control matting.
51. Run-off\* - There shall be no flooding, ponding, or flood-related damage caused by the project or by surface run off emanating from the project onto lands of an abutter, or onto nearby downstream properties. The applicant shall make sufficient provision to control any unexpected drainage and erosion conditions that may arise during construction that may create damage to jurisdictional areas (e.g. wetlands, streams, brooks, etc.) and abutting or downstream properties. Said control measures are to be implemented immediately upon need and the Conservation Commission so notified in writing.
52. Delay in Work\* - If there is an interruption of more than 10, but less than 60 days between completion of grading and revegetation, the applicant shall sow all disturbed areas with annual rye grass to prevent erosion. If soils are to be exposed for longer than 60 days, a temporary cover of rye or other grass should be established following US Soil Conservation Services procedures to prevent erosion and sedimentation. Once final grading is complete, loaming and seeding of final cover should be completed promptly. Vegetative cover, either temporary or permanent shall be established prior to winter. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized with jute matting, staked mulches or

erosion controls as may be necessary to ensure that any eroded materials will not enter wetlands and water bodies.

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### **Section C - Conditions to Meet at Completion of Project**

57. Vegetation\* - Proper landscaping of embankments and run off areas including but not limited to grass, vegetation, and shrubbery shall be established before the project is considered complete. Any replicated wetland must be satisfactorily established within two growing seasons before the project is considered complete.
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### **Signing of Decisions**

### **Adjournment**

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to adjourn the meeting at 6:08 p.m.