

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

OCTOBER 24, 2016

WORCESTER CITY HALL – LEVI LINCOLN CHAMBERS

Conservation Commission Members Present: Joe Charpentier
Peter McKone-
Amanda Amory-Arrived late
Henry Fields

Member Absent:

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

Call to Order: 5:30 pm

Approval of Minutes: 2/22/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to postpone the item to the November 14, 2016 Conservation Commission meeting.

Requests for Continuances, Postponements, Withdrawals:

1. Moreland Street (MBL 25-045-04R-1) (CC-2016-022)

Application: Notice of Intent
Applicant: Anthony Romeo
Project: To construct a single family detached dwelling and driveway, along with associated site work, grading, utility and drainage, on property located at 148 Moreland Street.
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 intermittent stream, and within the Stormwater Protection Zone

Public Hearing Opened : 7/25/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to postpone the item to the November 14, 2016 Conservation Commission meeting and to extend the constructive grant deadline until December 12, 2016.

2. 0 & 9 Hemans Street and part of 40 Milton Street (MBL 09-030-007-2, 09-030-00009 & 09-030-00004) (CC-2015-055)

Application: Notice of Intent

Applicant: John Boggia of JNBB, LLC

Project: The demolition of the existing structure on-site and the construction of three multi-family high-rise dwellings (a total of 93 dwelling units) and associated off-street parking along with related grading, utilities, and site work

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 – 10/24/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 postpone the item to the November 14, 2016 Conservation Commission meeting.

3. 0 & 770 Franklin Street (MBL 17-024-0203A & 17-024-02+03) (CC-2016-048)

Application: Notice of Intent

Applicant: Cesmir Spiro

Project: The construction of a new road (aka Kiara Drive), 9 single-family semi-detached dwellings (duplexes), and associated off-street parking, along with related grading, drainage, utilities, and site work, on property located at 0 & 770 Franklin Street.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100' buffer zone, associated with a bordering vegetated wetland and within the Stormwater Protection Zone

Public Hearing Opening Deadline: WPA – 10/44/2016; WWPO – 10/24/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 postpone the item to the November 14, 2016 Conservation Commission meeting.

4. (aka 10A & 40) Pullman Street (MBL 23-01A-00007) (CC-2016-059)

Application: Notice of Intent

Applicant: James Chacharone, on behalf of Grove Street Properties, LLC

Project: To construct a ~150 space parking area, along with related grading, paving, drainage, and site work, on the western portion of property located at 10 (aka 10A & 40) Pullman 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 – 11/19/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to postpone the item to the November 14, 2016 Conservation Commission meeting.

5. 0 (aka lot 6A or 677 and fka Lot 4) Salisbury Street (MBL 50-023-00003) (CC-2016-060)

Application: Notice of Intent
Applicant: Salisbury Holdings, LLC
Project: To construct a single-family detached dwelling and associated off-street parking, along with related site work and grading, on property located at 0 (aka lot 6A or 677 and fka Lot 4) Salisbury Street.
Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer to a bordering vegetated wetland associated with the bank of an unnamed stream and possibly within riverfront area associated therewith
Public Hearing Opening Deadline: WPA – 10/26/2016; WWPO - 11/19/2016

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to postpone the item to the November 14, 2016 Conservation Commission meeting.

Public Hearings:

New Business - Requests for Determination of Applicability:

6. Pierce Avenue (MBL 39-020-00038) (CC-2016-058)

Application: Request for Determination of Applicability
Applicant: Anthony M. Maina and Lucy N. Mwangi
Project: To seek determination as to whether or not the proposed work associated with the construction of a carport and shed, modifications to a retaining wall, and the re-grading of the yard, along with related site work, on the property located at 58 Pierce Avenue, is subject to the Commission’s jurisdiction.
Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer zone to a bordering vegetated wetland, associated with the bank of an unnamed intermittent stream, and may occur within the stormwater protection zone (CC-2016-058)
Public Hearing Opening Deadline: WPA – n/a; WPO – 10/24/2016
Constructive Grant Deadline: WPA –11/15/2016; WPO – n/a

Anthony Maina appeared on behalf of the application.

Mr. Maina stated that he would like to install a carport on the driveway and there is no drilling in the ground and he would also like to install a shed adjacent to the driveway which is the 100' buffer zone but outside the 30' structure zone and he would have install erosion control barriers so there is no damage to the wetland.

Mr. Maina stated that on the back of the house there is a retaining wall that he would like to add some blocks so he could level the back of the house which is within 100' of the buffer zone not near the 30'.

Chair Charpentier asked if there was a block retaining wall on site. Mr. Maina stated yes but he wants to level at the ground so he can have a play area for his son.

Chair Charpentier asked if any digging would be required. Mr. Maina stated just a little digging but they would use hay bales to control site.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to issue a Negative Determination of Applicability.

List of Exhibits:

New Business – Notices of Intent:

7. 550 Grove Street (aka City of Worcester, Morgan Park) and a portion of Indian Lake (MBL 21-INX-00012 MA-DEP-INDIA)

Application: Notice of Intent

Applicants: City of Worcester Department of Public Works & Parks & the Massachusetts Department of Fish and Game

Project: To remove and replace a concrete boat ramp, along with related site work, on property located at the City of Worcester Morgan Park and within Indian Lake.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within, bank, and the 100' buffer thereto, land under water, and bordering land subject to flooding, each associated with Indian Lake

Public Hearing Opening Deadline: WPA – 10/24/2016; WWPO - 10/24/2016

Doug Cameron from Fishing and Boating appeared on behalf of the application.

Mr. Cameron stated that the boat ramp has deteriorated which was constructed in 1993 and some of the concrete planks have broken and there is a propwash hole which causes sediment to be pushed out to water and they would like to extend the ramp 11' and the work would be done during the lake drawdown and they will have haybales and a silt fence 10' outside the site. He stated that a dump truck will be brought in to remove the concrete off site and soil conditions will be investigated to see if crush stone would be needed. Mr. Cameron stated the addition of the 11' is to prevent that propwash so it would provide protection to the substrate and work will be done in conjunction with DPW and their contractors.

Chair Charpentier asked if ramp would be above the water. Mr. Cameron stated he not sure due to draught they can't tell until they do the drawdown.

Chair Charpentier asked if the work does take place under water is there any measures they would take. Mr. Cameron stated that they would deploy a floating silt boom in place of the silt fence.

Commissioner McKone asked how long will project take. Mr. Cameron stated about two weeks.

Beth Proko from Indian Watershed Lake Association spoke in favor of the improvements as the boat ramp has been in disrepair for many years.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to close the public hearing.

8. 201 Plantation Street (aka City of Worcester Holmes Field) (MBL 19-014-00003) (CC-2016-053)

Application: Notice of Intent

Applicant: City of Worcester Department of Public Works & Parks

Project: To construct improvements to existing recreational amenities (e.g. hockey court, playground, etc.) and install new recreational and pedestrian amenities (e.g. lighting, pathways, tennis courts, etc.), along with related site work, on the northern portion of property located at Holmes Field.

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 – 10/24/2016

Michael Moonan from Wampson and Sampson and Cesar Valiente from City of Worcester Parks Recreation appeared on behalf of the item.

Mr. Moonan stated that they are planning to make improvements to Holmes Field and reviewed on plans the locations that would be worked on and stated that improvements are to help with ADA accessibility on site.

Mr. Moonan stated that they received DPW comments relative to changes they would like to see and they have made those renovations to the plan.

Commissioner Charpentier asked when the work would begin and how long would project take. Mr. Moonan stated the plan was to do the work in the Spring and take about three or four months to complete the work.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to close the public hearing.

List of Exhibits

9. 10 Clapp Street (MBL 07-041-0008A) (CC-2016-055)

Application: Notice of Intent
Applicant: Van Nguyen
Project: To construct a single-family semi-detached dwelling (a duplex) with two dwelling units, along with associated parking and related site work, on property located at 10 Clapp Street.
Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within bordering land subject to flooding and the stormwater protection zone
Public Hearing Opening Deadline: WPA – 10/24/2016; WWPO - 10/24/2016

Kevin Quinn from Quinn Engineering appeared on behalf of the application.

Ms. Smith stated that the applicant had not provided the notice to abutters and would recommend that the item be postponed to November 14, 2016.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to postpone the item to November 14, 2016.

The applicant withdrew request for Leave to Withdraw as found in file the abutter notification cards.

Mr. Quinn stated that the area is Bordering Area Subject to Flooding but there is minimal flooding that occurs in the floodplain and they have provided excess storage within the floodplain and they will have sediment fence around the site.

Mr. Quinn stated that once they have received all comments from city staff and the Commission they will provide the final revised plan.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 3-0 to close the public hearing.

List of Exhibits.

Business – Notices of Intent:

10. 240 Mill Street (aka Coes Reservoir) (MBL 51-016-00002) (CC-2016-061)

Application: Notice of Intent
Applicants: City of Worcester Department of Public Works & Parks and the Tatnuck Brook Watershed Association

Project: To conduct an annual drawdown of Coes Reservoir for the purposes of improving water quality and managing invasive species, along with related site work, on property located at 240 Mill Street (aka Coes Reservoir)

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within land under water, bank and the 100’ buffer associated therewith, bordering vegetated wetlands and the 100’ buffer associated therewith, riverfront area, and bordering land subject to flooding, each associated with Coes Reservoir and/or Tatnuck Brook

Public Hearing Opening Deadline: WPA – 10/28/2016; WWPO - 11/21/2016

Peter Coffin appeared on behalf of the application.

Mr. Coffin stated that this is the annual request for drawdown of Coes Reservoir and stated that this is emergency request for a winter drawdown to help the slow the milfoil form spreading.

Mr. Coffin stated that a biologist from DCR documented that extent of weeds in Coes Reservoir and he presented plan of area where weeds located and stated that it would have limited impact to water chestnut.

Chair Charpentier asked what the depth of the reservoir and how much of cove will be exposed during the drawdown. Mr. Coffin stated 12’ deep and showed on plan the areas that would be exposed.

John Felarone reviewed effort done in the past to pull weeds out of the reservoir.

Beth Proko from Indian Lake Watershed Association Application provide comments on the success they have had with the Indian Lake drawn down.

John Reed from Tatnuck Brook Watershed provided comments on work they have done at the Watershed.

Ms. Smith reviewed the comments provided by DEP.

Upon a motion by Commissioner Fields and seconded by Commissioner Fields the Commission voted 3-0 to close the public hearing.

List of Exhibits.

11. 1 (aka Lot 7) Soheili Circle (aka Olean Circle) (MBL 40-012-00007) (CC-2016-062)

Application: Amendment to an Order of Conditions

Applicant: Mahmoud Soheili Arshadi

Project: An Amendment to an Order of Conditions (CC-2004-034; aka 125 Olean Street Subdivision) with the Worcester Conservation Commission to revise the location of one single-family detached dwelling and associated driveway, along with related site work, and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard

4.2.4, on property located at 1 (aka Lot 7) Soheili Circle (aka Olean Circle).

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within the 100’ buffer to a bordering vegetated wetland associated with an intermittent stream

Public Hearing Opening Deadline: WPA – 10/29/2016; WWPO - 11/21/2016

Mahmoud Soheili Arshadi appeared on behalf of the application.

Chair Charpentier stated that this item had been discussed previously by the Commission.

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

Other Business:

12. Request for Determination of Significance and Subsequent Action due to a Project Change:

- a) 1 (aka Lot 7) Soheili Circle (fka Olean Circle) (aka part of 125 Olean Street) (CC-2004-034 & DEP #349-800)

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

- b) 42 (aka 40) 20 & 0 (aka 30) Quinsigamond Avenue (CC-2016-029 (fka CC-2016-013) & DEP #349-1127)

David Petit representing Eversource Energy appeared on behalf of the item.

Mr. Petit stated that an Order of Conditions and Amended Order of Conditions for the property and the recently had a bid work and from feedback from the contractors who suggested work could proceed faster if three items were added, staging of office trailer, additional parking area and stockpiling of material which all would be temporary in nature and reviewed on plans the work and the additional items they would like to add and they would request that the Commission find that what is proposed is an insignificant change to the project.

Chair Charpentier asked Mr. Petit to review on the plans where the original stockpiles were going to be located and they will use both areas if permitted.

Chair Charpentier asked if changes to the erosion control. Mr. Petit stated no.

Mr. Kochling asked if the stockpiled soils would be covered. Mr. Petit stated it would be covered.

Jo Hart expressed concerns regarding flooding and impacts on soil for the site.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted that change was inconsequential.

13. Enforcement Order Updates:

- c) 21 (aka 29) Quaboag Street (CC-EO-2016-005)

Attorney Jonathan Finkelstein appeared on behalf of the item.

Mr. Finkelstein has been cited also by Inspectional Services for building without a building permit and erecting the buildings in the floodplain.

Mr. Finkelstein stated that since he has been hired he has been investigating with Inspectional Services whether these buildings can remain and he is trying to first find out if buildings can be corrected before he files for a Notice of Intent and would request the Commission continue the meeting.

Ms. Smith stated that the Enforcement Order required that the Notice of Intent be filed today and she doesn't believe staff has received the application.

Mr. Finkelstein stated that hiring the contractor and the surveyor has taken some time.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commissioner voted 4-0 to allow an extension of the submission of the Notice of Intent Application by November 14, 2016.

14. Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane) (fka Paradise Point) (CC-2007-025 & DEP #349-931)

Farqooq Ansari appeared on behalf of the items. Mr. Ansari review the history of the project. He stated that the majority of the wetland work as done in 2004 and then project was idle for six years due to decline in economy and then they began to work again and added some sunrooms to some of the properties and certain things from when he first applied such a the bond he forgot that it had run out and other part was the replication and he hired Scott Hiem to come back to refresh the flags. Mr. Ansari stated tonight he hopes that the Commission would allow the sunrooms on the deck and he like another 1-2 months to complete the replication.

Chair Charpentier asked that the engineer speak to lots 52-54.

Scott Heim from Northeast Ecological Services stated that #1-#12 may have been impacted the loam pile and plan is to re-flag and replicate to the original Order of Conditions.

Mr. Heim stated that the SE location for replication is not ideal as they have large stand of phragmites that is spreading through the replication area.

Chair Charpentier stated that area is a large site so they should be able to find a replication area away from the proposed houses.

Mr. Heim stated that the wetlands near the north he could look at those as potential replacement areas and could do that in the next week or so.

Chair Charpentier stated that if they do amend order he would like to see permanent markers in the area.

Commissioner McKone stated he okay with porches but like replication to be in best area where it would succeed.

Commissioner McKone asked if the leaching fields were above ground or underneath. Mr. Ansari stated underground. Commissioner McKone stated he like plans or photograph of them installed.

Upon a motion by Commissioner Fields and seconded by Commissioner McKone the Commission voted 4-0 that the changes were inconsequential in nature subject to an as built plan showing the location of the decks, as built of the foundations, shows the location of the by walls, outside of the 30 wetland be submitted to the Commission.

15. Possible Violation Updates:

Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane) (fka Paradise Point) (CC-2007-025 & DEP #349-931)

Chair Charpentier stated that the wetland flags aren't placed correctly they cannot tell delineation of wetland but it was clear on a view that some of the wetland had been filed especially around 50-54 so enforcement order would be to restore that wetland or replicate it somewhere on site.

Commissioner McKone stated he would prefer to restore the wetland that was there.

Upon a motion by Commissioner McKone and seconded by Commissioner Fields the Commission voted 4-0 to issue an Enforcement Order and stated that staff will draft the Enforcement Order and provide to the applicant.

16. Requests for Certificate of Compliance:

16 Dixon Avenue South (CC-2015-054)

Upon a motion the Commission voted 3-1 (Commissioner Charpentier voting against to issue a Certificate of Compliance.

80 Dawson Road (CC-2012-009)

Upon a motion the Commission voted 4-0 to issue a Certificate of Compliance.

17. 2 Coppage Drive (CC-2015-002)

Upon a motion the Commission voted 4-0 to issue a Certificate of Compliance.

18. Communication:

- a) Draft Waterways License Application No. W16-4720 for Blackstone Gateway Park – notice of approval; from MassDEP; received 10/4/2016. – No comments
- b) Construction Report & Turbidity Monitoring data for Lots 1-5 or 10 Iroquois Street, 0 (aka 12) Quissett Street and 48 & 50 Wamsutta Avenue (per Order of Conditions for CC-2015-039); from EcoTec, Inc.; received 10/14/2016.-No comments
- c) Comments Submitted re: Accreditation Application to Land Trust Accreditation Commission associated with a request for comments from the Greater Worcester Land Trust; submitted by DPRS staff on 10/17/2016. – No comments.
- d) Workshop Flyer for - The importance of Forest Stewardship: Bird Habitat and Beyond; from Mass Audubon; received 10/18/2016. No comments

19. Request for consideration of “late fee” waiver relative to 48 Tory Fort Lane (CC-2016-044 & DEP #349-1141)

Commissioner Armory stated she worried about precedent that would be set by allowing this. Commissioner McKone stated that he would agree with Commissioner Armory.

Chair Charpentier stated that he didn't feel any need to allow it.

Upon a motion by Commissioner Armory and seconded by Commissioner Fields the Commission voted 3-1, Chair Charpentier voting against to refund \$325

20. Update Regarding Electronic Submissions per Amendment to the City's Wetlands Protection Regulations-

No comment.

21. Updates to Abutter Notification Guidance Document

Ms. Smith stated that the document has been updated.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to accept the updated documents.

Draft Policy Regarding Project Changes

Ms. Smith stated the document was not ready.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to hole the item to November 14, 2016.

22. Land Acquisition and Land Management:

a) Draft Policy on Priority Property Acquisitions Criteria

Ms. Smith stated the document was not ready.

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to hole the item to November 14, 2016.

Potential Property Acquisitions (via Tax Title Foreclosure):

b) 13 Kimball Street (MBL 33-008-00069)

Upon a motion by Commissioner McKone and seconded by Commissioner Armory the Commission voted 4-0 to take a site view of the property.

23. Discussion of Special Conditions and Issuance of Orders of Conditions

Signing of Decisions

Adjournment