

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

**January 10, 2018**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Conservation Commission Members Present:** Joseph Charpentier, Chair  
Christian Escobar, Vice Chair  
Amanda Amory  
Jordan Berg Powers  
Peter McKone

**Conservation Commission Members Absent:** N/A

**Staff Present:** Michelle Smith, Planning & Regulatory Services Division  
Stephane Cherduville, Department of Public Works and Parks

**Call to Order**

The Chair called the meeting to order at 5:37 p.m.

**Requests for Continuances, Extensions of Time, Postponements, Withdrawals**

- Item #4      384 Southwest Cutoff**  
Notice of Intent (CC-2017-090)  
Request to postpone until 1/29/18
- Item #5      0 Whippoorwill Drive & 0 Danielle's Way (aka Malden Woods Subdivision)**  
Notice of Intent (CC-2017-095)  
Request to postpone until 1/29/18
- Item #6      21 Paradox Drive**  
Notice of Intent (CC-2018-002)  
Request to postpone until 1/29/18
- Item #7      Institute Park or 82 (aka 120 & 140) Salisbury Street (aka 141A&B & 143 Grove Street)**  
**Notice of Intent (CC-2018-003)**  
Request to continue until 1/29/18
- Item #11d    9 Luther Avenue (and abutting portions of the Toronita Avenue and Luther Avenue ROWs)**  
Enforcement Order Update (CC-EO-2017-002)  
Request to hold until 1/29/18

Upon a motion by Commissioner McKone and seconded by Commissioner Amory the Commission voted 5-0 to postpone the above items until 1/29/18.

**Approval of Minutes:**

Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone, the Commission voted 5-0 to accept minutes of 10/2/17 meeting.

**Public Hearings:**

## **Unfinished Business – Notices of Intent:**

### **Item #1. 261 Clover Street (aka 175 James Street) (MBL 28-030-00001) & the abutting portion of the Clover St. Right-of-Way (CC-2017-077) – Notice of Intent by Botany Bay Construction Co., Inc.**

Project: To demolish the existing site infrastructure and construct 11 multi-family low-rise structures (with approximately 90 residential dwelling units) with associated parking areas, and improve a portion of the Clover Street, along with related utility, 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 100' to a bordering vegetated wetland, associated with Kettle Brook (West), and within the stormwater protection zone.

Public Hearing Opened: 10/2/2017; Additional Discussion: 10/23/2017

Action: Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 to issue OOC w/Special COAs (Commissioner Amory did not vote due to Mullin Rule).

### **Item #2. Patch Reservoir (446 & 520 Mill Street) & a portion of 29 & 33 Patch Reservoir Drive (MBL 30-29A-00002 & -00001; 30-029-00014; & 30-030-00033 (CC-2017-096) – Notice of Intent by The City of Worcester – Department of Public Works & Parks**

Project: To conduct repairs to rehabilitate the Patch Reservoir Dam along with related site work and to request a waiver of the requirements of performance standard 4.2.4. of the City of Worcester Wetlands Protection Regulations.

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

Public Hearing Opened: 12/4/2017

Action: Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 4-0 to issue OOC w/Special COAs, affirming limited project status and exemption from performance standard 4.2.4 (Commissioner Amory did not vote due to Mullin Rule).

### **Item #3. 45 Clarendon Street and abutting right-of-way (MBL 19-026-00018) (CC-2017-097) Notice of Intent by The City of Worcester – Department of Public Works & Parks**

Project: To install a soil cap, along with related soil remediation activities, grading, and site work, as remedial actions in accordance with the Massachusetts Contingency Plan.

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 and/or bank associated with an intermittent stream.

Public Hearing Opened: 12/4/2017 January 10, 2018 Worcester Conservation Commission - Meeting Agenda Page 2 of 3

Action: Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar the Commission voted 4-0 to issue OOC w/Special COAs (Commissioner Amory did not vote due to Mullin Rule).

## **New Business – Notices of Intent:**

### **Item #8. 277 (aka 375) Airport Drive (aka Worcester Regional Airport) & 16 Coppage Drive (MBL 47-018-00003 & -0000K) (CC-2018-004) – Notice of Intent by The Massachusetts Port Authority**

Project: To conduct, partially retroactive, activities to remove woody debris and sediment associated with multiple beaver dams and to install a water flow control device along with associated site work.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance – The proposal shall occur within a bordering vegetated wetland and bank, associated with an intermittent stream, the 100' buffer thereto, and within the stormwater protection zone.

Deadlines: Public Hearing Opening: WPA – 1/12/2018; WWPO – 2/5/2018; Constructive Grant: WWPO - TBD

Action: Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 5-0 to close the public hearing & issue OOC w/special COAs & waiver 4.2.4.b. due to public benefit.

## **Other Business:**

### **Item #9. Requests for Extension Permits:**

- a. Order of Conditions for 348 Salisbury Street (CC-2007-046; 349-937)  
Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 5-0 to issue a one year EOT.
- b. Order of Conditions for Blackstone Gateway Park (aka 0 & 75 McKeon Road) (CC-2014-063; 349-1097)  
Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 5-0 to issue a one year EOT.

**Item #10. Requests for Certificate of Compliance:**

- a. 42 (fka 40) Quinsigamond Avenue (WRTA facility) (CC-2014-006 & CC-2014-038; 349-1078)  
Upon a motion by Commissioner Berg Powers and seconded by Commissioner McKone the Commission voted 5-0 to issue a complete COC.
- b. 10-14 New Bond Street (CC-2017-067; 349-1172)  
Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 5-0 to issue a complete COC.
- c. Partial request for 77 Fourth Street (CC-1997-009)  
Upon a motion by Commissioner McKone and seconded by Commissioner Berg Powers the Commission voted 5-0 to issue a partial COC.

**Item #11. Enforcement Order Updates:**

- a. 128 Alvarado Avenue (CC-2008-045 & CC-2017-017; DEP #349-963; CC-EO-2016-004)  
Mr. Cherduville provided update; requested staff ask for file # maintenance
- b. 21 (aka 29) Quaboag Street (CC-2017-009; CC-EO-2016-005)  
Ms. Smith provided update - still in court now with bankruptcy issue
- c. 100 (fka) Goldthwaite Road (aka White Birch Commons; (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)  
Requested staff ask for environmental monitoring reports or additional enforcement actions will be contemplated at 1/29 meeting
- d. 9 Luther Avenue – held
- e. 21 Paradox Drive (CC-EO-2017-004) – held
- f. 457 Granite Street (CC-EO-2017-008)  
Upon a motion by Commissioner McKone and seconded by Commissioner Escobar the Commission voted 5-0 to issue amended EO with requirement for filing by 2/10/18.
- g. Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane) (fka Paradise Point) (CC-2007-025; DEP #349-931; CC-EO-2017-009)  
Requested revised sub-phasing plan for units 58-64 to show tracking pad/stone berm; revised sub-phase numbering; additional detail regarding phasing transitions. Requested staff communicate recommendations to MassDEP re: UAO-CE-18-6W001 re: additional information relative to construction and phasing plans.

**Item #12. Communication: No Comments**

- a. Advance Notice regarding MACC FY2019 Dues; from the Massachusetts Association of Conservation Commissions; received 12/06/2017.
- b. Notice of review & comment period associated with National Grid's (aka New England Power Company and/or Massachusetts Electric Company) 2018 Yearly Operational Plan (in association with a 2014-2018 Vegetation Management Plan) and herbicide application notification; from National Grid; received December 12/8/2017.
- c. Amendment to Conservation and Management Permit (pursuant to the Massachusetts Endangered Species Act) issued to the Massachusetts Port Authority with the Worcester Regional Airport CAT III and Taxiway Improvements Project; from the Massachusetts Division of Fisheries and Wildlife; received 12/23/2017.

**Item #13. Land Management Updates -** Demolition of the Worcester State Hospital Water Tower, sent to CR Grantees; from the Commonwealth of Massachusetts, Dept. of Capital Asset Management and Maintenance.  
Ms. Smith provided update that work was completed with no issue.

**Item #14. Elections of Officers for 2018**

Upon a motion by Commissioner Charpentier and seconded by Commissioner Berg Powers the Commission voted 4-0-1 to elect Commissioner Charpentier as Chair, with Commissioner Charpentier abstaining. Upon a motion by Commissioner CE and seconded by Commissioner Berg Powers, the Commission voted 4-0-1 to elect Commissioner Escobar as Vice Chair, with Commissioner Escobar abstaining.

**Item #15. Discussion of Special Conditions and Issuance of Orders of Conditions** – Noted above

**Item #16. Signing of Decisions**

- **Requests for Extension Permits:**
  - a. Order of Conditions for 348 Salisbury Street (CC-2007-046; 349-937)
  - b. Order of Conditions for Blackstone Gateway Park (aka 0 & 75 McKeon Road) (CC-2014-063; 349-1097)
- **Requests for Certificate of Compliance:**
  - a. 42 (fka 40) Quinsigamond Avenue (WRTA facility) (CC-2014-006 & CC-2014-038; 349-1078)
  - b. 10-14 New Bond Street (CC-2017-067; 349-1172)
  - c. Partial request for 77 Fourth Street (CC-1997-009)
- **Notices of Intent:**
  - 261 Clover Street (aka 175 James Street) & the abutting portion of the Clover St. Right-of-Way (CC-2017-077)
  - Patch Reservoir (446 & 520 Mill Street) & a portion of 29 & 33 Patch Reservoir Drive (CC-2017-096)
  - 45 Clarendon Street and abutting right-of-way (CC-2017-097)
  - 277 (aka 375) Airport Drive (aka Worcester Regional Airport) & 16 Coppage Drive (CC-2018-004)

**Adjournment** – Upon a motion by Commissioner Escobar and seconded by Commissioner Berg Powers the Commission voted to adjourn at 9:15.