

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

Monday October 25th, 2021

Worcester City Hall - Levi Lincoln Chamber, with remote participation options available via Webex online at <https://cow.webex.com/meet/conservationcommissionwebex> and call-in number 415-655-0001 (Access Code: 1609734358).

Conservation Commissioners Present: Joseph Charpentier, Chair
Amanda Amory
Holly Jones

Conservation Commissioners Participating Remotely: Devin Canton, Vice Chair
Conservation Commissioners Absent: Sarah French

Staff Present: Stephen Cary, Division of Planning & Regulatory Services (DPRS)

Staff Participating Remotely: Michelle Smith, Division of Planning & Regulatory Services

Call to Order – Chair Charpentier called the meeting to order at 5:32 PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Item 3 – 75 Quinisgamond Avenue (CC-2021-055; DEP#349-1310)

Request to Continue Public Hearing to December 13, 2021
Extend the Constructive Grant Deadline to January 4, 2022

Item 8a – Burncoat Heights (CC-2013-051 & CC-2017-043)

Request to Continue Public Hearing to November 15, 2021
Extend the Constructive Grant Deadline to December 14, 2021

Item 8b – 668 Burncoat Street (CC-2019-054; DEP#349-1255)

Request to Continue Public Hearing to November 15, 2021
Extend the Constructive Grant Deadline to December 14, 2021

Ms. Smith read the requests into the record.

On a motion by Commissioner Amory; seconded by Commissioner Jones; the Commission voted 4-0 to grant the postponements.

Old Business

Item 1 – 0 fka 668 Burncoat Street (Lots 1-2) (CC-2021-48 & DEP#349-1307) - Notice of Intent

Scott Morrison, Ecotec, on behalf of applicant; described conditions on site; described outstanding item to be resolved, which is the issue if the site is in-proximity to critical area; stated that applicant intends to meet those relevant standards to the extent possible; intends to come back with a detailed plans of the steps to be taken.

Chair Charpentier asked about drainage on site and interaction with the nearby wetland to the north.

Mr. Morrison described the flow patterns on site.

Mr. Morrison stated that he had a discussion with Judy Schmidts at DEP on this matter.

Chair Charpentier ask Ms. Smith to clarify.

Ms. Smith provided context regarding the standards to be met for develops near critical areas and provided more detail on the critical area in question; stated that she had not spoken to Judy Schmidts; suggested that Commission discuss with Mr. Morrison the informal guidance that he received from DEP; suggested that Mr. Morrison would like some guidance from the Commission on stormwater apparatus they would like to see.

Commissioner Jones asked Mr. Morrison to described planned stormwater management; Mr. Morrison stated that a more detailed plan is forthcoming.

Commissioner Amory stated that she would like to understand the topography of the site better; Mr. Morrison discussed the grade-change on site.

Commissioner Jones asked Mr. Morrison to describe distance to nearest cold-water fishery; Mr. Morrison described.

Chair Charpentier asked applicant to clarify about surrounding uses and where the water flows from the site; Mr. Morrison clarified.

Ms. Smith suggested that the Commission take a straw poll on how Commission would vote; the Commissioner discussed.

Chair Charpentier asked to clarify how the stormwater would flow on site, Mr. Morrison described possible solutions.

Mr. Morrison explained that applicant does not want to spend the resources to design a stormwater system that the Commission ultimately does not approve, which is why they are seeking guidance.

Ms. Smith stated that there is no motion necessary relative to the cold water fishery, only a motion is needed to continue the item.

On a motion by Commissioner Amory; seconded by Commissioner Jones; the Commission voted 4-0 to continue the hearing to December 13.

Item 2 - 135 Goddard Memorial Drive and 3 Coppage Drive (CC-2021-05; DEP#349-1309) – Notice of Intent

Scott Morrison, Ecotec, on behalf of applicant; stated that they have received questions from Ms. Smith and has addressed them.

Ms. Smith stated her appreciation for the thorough responses; stated that there were a couple of outstanding items still to be addressed; stated that she has been in touch with DEP and that a review from the Army Corp of Engineers (ACE) may be needed.

Mr. Morrison suggested that the ACE review can be a lengthy process and suggested that as a speedier alternative they be allowed to file for self-verification which the ACE would confirm.

Chair Charpentier asked Ms. Smith to clarify about DEP's comment; Ms. Smith clarified stated that a condition could be modified to reflect the ACE stipulation.

Commissioner Amory stated that she would be okay with the self-verification option.

Chair Charpentier stated that he would also accept self-verification.

Commissioner Jones asked for clarification about swale and where work will occur.

Ms. Smith stated that she would like to take more time to draft the Orders of Conditions and discuss those with Mr. Morrison; described plan revisions that staff would like to see; stated that she recommends the Commission close to hearing but does not recommend issuance.

On a motion by Commissioner Amory; seconded by Commissioner Jones; the Commission voted 4-0 to close the hearing (with Orders to be issued at the November 15th meeting).

Item 4 - 189 and part of 191 May Street (CC-2021-059) – Notice of Intent (NOI)

Patrick Healy on behalf of the applicant; described site visit that occurred on-site and the issues that were discovered; stated that a contractor will be brought on for the remedial work; described the remedial work to be done; described suggested conditions of approval aloud; gave copies of stabilization plan to commissioners.

Chair Charpentier asked Mr. Healy to clarify on the project under which this work would be done; Mr. Healy clarified that they would be under the same filing with the Conservation Commission.

Chair Charpentier asked Mr. Healy to clarify that there were no changes to the plans previously submitted; Mr. Healy confirmed.

Commissioner Amory asked applicant to comment on placement of the swale and possibility of tying into city stormwater system; Mr. Healy explained that this option has been explored and does not seem feasible.

Commissioner Canton asked Mr. Healy to comment on timeline of remedial work and whether there would be large equipment or tree removal; Mr. Healy stated he expects there will be some tree cutting, and does not yet know the size of rock necessary for the rip rap.

On a motion by Commissioner Amory; seconded by Commissioner Canton; the Commission voted 3-0 to close (Commissioner Jones abstain).

Ms. Smith described the staff-recommended conditions in the orders to be issued.

Chair Charpentier stated that he is amendable to including conditions as read by Mr. Healy; suggested striking condition that is unnecessary.

Commissioner Jones asked for clarification about how long-term solution will be implemented; Mr. Healy and Ms. Smith clarified.

On a motion by Commissioner Amory; seconded by Commissioner Canton, the Commission voted 3-0 to issue Orders of Conditions as discussed (Commissioner Jones abstain).

New Business

Item 6 – 1087A&B & 1089A&B Millbury Street, 18 Leland Street, & the Leland Street ROW (CC-2021-057) – Notice of Intent

Item 9n. - 1087-1089 Millbury Street and 18 Leland Street (CC-EO-2021-006)

Ms. Smith suggested that Items 6 and 9n be taken at the same time.

John Fresolo on behalf of Gold Star Builders; stated that he is present to relay Commission's wishes.

Chair Charpentier asked Ms. Smith to clarify on the most recently-received plans.

Dave Sadowski also stated that he was present; described the work that has been done on site since the last meeting; clarified that no further construction planned before winter.

Chair Charpentier asked Mr. Sadowski if any additional runoff has been observed; Mr. Sadowski stated that water running on to sidewalk has been significantly reduced.

Chair Charpentier stated that there appeared to be an opportunity to add vegetation to one of the slopes.

Chair Charpentier asked Ms. Smith to comment on issues related to enforcement order; Ms. Smith described what was required by the enforcement order and what remains unresolved.

Commissioner Jones described her observations from her site visit.

Mr. Sadowski further described the measures taken to stabilize the slope with a retaining wall.

Chair Charpentier asked Ms. Smith to outline next steps for the Commission; Ms. Smith described.

Mr. Sadowski described the reason for the placement of the swale; discussed permitting path going forward.

Chair Charpentier asked Ms. Smith to clarify whether they are ready to lift enforcement order; Ms. Smith asked applicant to clarify that title of property will not change over the winter; Mr. Sadowski

reiterated his plan for drainage and suggested that property could be sold before Orders of Conditions are issued.

Ms. Smith reminded applicant that orders cannot be issued until site plan application and plan has been filed.

Ms. Smith described the way that a change-of-title would complicate the process.

Mr. Sadowski stated that site plan would be filed soon.

On a motion by Commissioner Amory; seconded by Commissioner Jones; the Commission voted 4-0 to continue the item to the December 13th meeting.

On a motion by Commissioner Amory; seconded by Commissioner Jones, the Commission voted 4-0 to modify the enforcement order as discussed.

Other Business

Item 7 - Extensions of Time

a. Orders of Conditions for Leesville Pond (CC-2012-017 & DEP#1031)

Ms. Smith described the application.

On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 4-0 to approve the extension of time.

Item 8 - Requests for Certificates of Compliance

c. 26 Mohave Road (CC-1998-036)

d. 26 Mohave Road (CC-2000-077)

On a motion by Commissioner Amory, seconded by Commissioner Jones; the Commission voted 4-0 to issue both Certificates of Compliance.

Item 9 - Enforcement Order and Violation Updates

a. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)

b. 217 Lake Avenue (CC-EO-2020-004)

c. 449 Massasoit Road (CC-EO-2020-006)

d. Across from 133 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Dominion Road & Belcourt Road) and Lake Quinsigamond (CC-EO-2020-007)

e. Across from 175 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Belcourt Road & Sonoma Drive) and Lake Quinsigamond (CC-EO-2020-008)

f. 99 Wildwood Avenue (CC-EO-2020-009)

g. 166 Moreland Street (CC-EO-2020-011)

- h. 522 Grove Street (CC-EO-2020-014)
 - i. 0 Myrick Avenue (CC-EO-2020-015)
 - j. Modoc Street (CC-EO-2021-001)
 - k. 75 Harrington (CC-EO-2021-003)
 - l. 40 June Street Terrace (CC-EO-2021-004)
 - m. 12 AKA 0 Balis Avenue (CC-EO-2021-005)
 - o. 269 James Street (CC-EO-2021-007)
 - p. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)
- Ms. Smith described updates on various enforcement orders.

Item 11 - Approval of Minutes – 4/24/2021; 8/2/2021; 8/23/2021; 9/13/2021

Commissioner Canton asked staff to review minutes for 8/2/2021 again.

On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 4-0 to approve minutes for 8/23/2021 and 9/13/2021.

Item 10 - Communications

- a. 2021 Conservation Restriction monitoring visit (Ball, Catholic Charities, and TNC, properties); from Mass Audubon; dated 9/24/2021.
- b. Malden Woods Subdivision pre-construction turbidity monitoring report (CC-2019-074); from EcoTec, Inc.; dated 10/4/2021.
- c. Notice of 2021 drawdown for Lake Quinsigamond & Flint Pond (CC-2018-034); from the Lake Quinsigamond Commission; dated 10/18/2021.

Item 12 - Policies and Procedures

Chair Charpentier thanked Commissioner Jones for getting to the Millbury site.

Chair Charpentier suggested that a common digital repository for Commissioner site visit photos would be helpful; discussed Commissioner protocol for reporting site issues; Chair Charpentier suggested that Commissioners help staff by reviewing plans as they go up.

Commissioner Amory requested that file names within Drive begin with the item agenda number.

Item 5 - 1159 Main Street (CC-2021-060) – Request for Determination of Applicability

Applicant did not attend.

Ms. Smith described the application on behalf of the applicant; described suggested conditions of approval.

Commissioner Amory suggested that they issue a waiver of performance standard 4.2.4 too often; Commissioner Jones suggested that in this case the issuance of the waiver would be aligned with the intentioned of the wetlands ordinance.

Chair Charpentier agreed with Commissioner Jones, that a fence would keep debris from getting into resource area, and noted that it is a previously-disturbed area.

Commissioner Amory asked how long the pavement had been there.

The Board discussed how to properly motion to have the item continued to the next meeting.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 4-0 to continue the item to the November 15th meeting.

Adjournment

The Commission voted unanimously to adjourn the meeting at approximately 7:45pm.