



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

Monday January 24, 2022

Remote participation only
via Webex online at <https://cow.webex.com/meet/conservationcommissionwebex> and
call-in number 415-655-0001 (Access Code: 1609734358).

Commissioners Present: Joseph Charpentier, Chair
Devin Canton, Vice Chair
Amanda Amory
Sarah French
Holly Jones (*arrived late & left early*)

Commissioners Absent: None

Staff Present: Michelle Smith, Division of Planning & Regulatory Services (DPRS)
Eric Flint, DPRS

Call to Order

Chair Charpentier called the meeting to order at approximately 5:35 p.m.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Commissioner Jones arrives at 5:40 PM

1) 0 FKA 668 Burncoat Street (Lots 1-2) – Notice of Intent (CC-2021-048 & DEP#349-1307)

Request to Continue to 2/14/2022

Request to Extend the Constructive Grant Deadline to 3/8/2022

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 5-0 by a roll call to grant the request to Continue to 2/14/2022 and to extend the Constructive Grant Deadline to 3/8/2022.

2) 75 Quinsigamond Avenue – Notice of Intent (CC-2021-055 & DEP#349-1310)

Request to Continue to 2/14/2022

Request to Extend the Constructive Grant Deadline to 3/8/2022

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 5-0 by a roll call to grant the request to Continue to 2/14/2022 and to extend the Constructive Grant Deadline to 3/8/2022.

3) 1087A&B & 1089A&B Millbury Street, 18 Leland Street, and the Leland Street ROW – Notice of Intent (CC-2021-057)

Request to Postpone to 2/14/2022

Request to Extend the Constructive Grant Deadline to 3/8/2022

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 5-0 by a roll call to grant the request to Continue to 2/14/2022 and to extend the Constructive Grant Deadline to 3/8/2022.

8) 616 Plantation Street and abutting portions of Plantation Street, Lake Avenue North, & Teconnett Path Right-of-Ways – Notice of Intent (CC-2022-003 & DEP#349-13XX)

Item 8 was taken out of order.

Request to Postpone to 2/14/2022

Request to Extend the Constructive Grant Deadline to 3/8/2022

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 5-0 by a roll call to grant the request to Postpone to 2/14/2022 and to extend the Constructive Grant Deadline to 3/8/2022.

9) 115 NE Cutoff – Notice of Intent (CC-2022-004 & DEP#349-13XX)

Item 9 was taken out of order.

Request to Continue to 2/14/2022

Request to Extend the Constructive Grant Deadline to 3/8/2022

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 5-0 by a roll call to grant the request to Postpone to 2/14/2022 and to extend the Constructive Grant Deadline to 3/8/2022.

New Business

5) Meadowbrook Road Right-of-Way – Request for Determination of Applicability

Mike Toohill, Massachusetts Electric Company presented the project. Mr. Toohill described the mineral oil spill that occurred. An Emergency Order was requested and granted at the time for remediation. This RDA was filed retroactively as required.

Chair Charpentier asked questions related to the spill and subsequent cleanup. Mr. Toohill provided clarification and noted that 14 gallons were released in total.

On a motion by Commissioner Jones, seconded by Commissioner Canton, the Commission voted 5-0 by a roll call to issue a Negative Determination of Applicability.

6) 34-52 (aka Lots 101-122) Modoc Street Extension Subdivision (MBL 38-017-0001A & 38-017-1A-01 through -1A-17) – (CC-2021-062 (CC-2018-055) & DEP #349-1210) – Amendment to Orders of Conditions

Joe Graham and Rob O’Neil were present for the applicant. Mr. Graham presented the proposed changes to the previously approved plan. The paving component of the project has been completed. Additional test pit info and stormwater calculations were provided to the Commission.

Chair Charpentier asked for clarification of what is changing to the proposed work. Mr. Graham noted that there are no changes to the total number of buildings, but that the footprints will be increasing. He further noted that changes to the driveway footprints will be minimal, and that the increased impervious coverage will be mitigated by the additional underground infiltration system.

Ms. Smith provided additional detail on the history of the project.

Commissioner Canton requested information on project phasing. Mr. Graham provided additional detail on the construction sequence. Mr. O’Neil further explained the history of the work, what is currently under way, and what is planned to go next.

Chair Charpentier questioned whether the applicant is proceeding with work prior to its approval by the Commission and Planning Board. Ms. Smith clarified that Conservation Commission signoff on building permits was contingent upon filing for an amendment which is now in front of the Commission.

Commissioner Canton and Chair Charpentier asked questions regarding the current status of construction entrances and sedimentation control. Commissioner Canton asked whether the construction entrance is complete and if sedimentation control measures are in place. Mr. O’Neil and Mr. Graham elaborated on these points.

Commissioner Jones inquired as to the possibility of getting an engineer’s inspection of the site to ensure work is being performed in accordance with the plans – no further discussion was conducted on this point.

Ms. Smith suggested continuing the item until after the Planning Board hears the project.

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 5-0 by a roll call to continue the public hearing to 3/7/22 and extend the Constructive Grant Deadline to 3/29/22.

7) 9 Dalton Street (CC-2022-001) – Notice of Intent

Carl Hultgren of Quinn Engineering presented the project on behalf of the applicant. Mr. Hultgren also responded to written comment concerning stormwater management from James Scannell, a resident at an abutting property, received prior to the hearing.

Mr. Scannell, participating in the remote meeting, stated that he does not see how the proposed work could result in less water coming onto his property, and expressed concerns about a higher water table on his basement.

Chair Charpentier noted that the Commission had received a stormwater management plan stamped by an engineer meeting the DEP requirements, and that water from upgradient properties is proposed for diversion to drainage in the street.

Mr. Hultgren noted that the recharge mitigation provided exceeds what is required for a redevelopment project, and that it could be removed to assuage abutter concerns about a higher water table due to the infiltration system.

Chair Charpentier asked the Commission if they have thoughts on allowing the removal of the infiltration system. Commissioner Canton asked to hear the pros and cons of each option. Chair Charpentier elaborated.

Ms. Smith noted that this project is scheduled to be heard by the Zoning Board of Appeals (ZBA) and the Planning Board, and that the Commission could consider continuing to allow for any potential changes. The applicant was amenable to continuing.

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 5-0 by a roll call to continue the hearing to the 2/14/22 meeting.

Other Business

10) Request for Certificates of Compliance

a. 181 SW Cutoff (CC-2017-045 & DEP#349-1159)

Ms. Smith described the project and deviations from the approved plan. Ms. Smith noted that she had requested additional details from the applicant. No representatives for the applicant were present.

Commissioner Jones lost connection and exited the meeting at approximately 7:00 p.m.

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 4-0 by a roll call (with Commissioner Jones absent) to issue a Certificate of Compliance.

b. 48 Tory Fort Lane (CC-2014-057 & DEP#349-1141)

Chair Charpentier noted that the site appeared stable when he visited it the week prior. Ms. Smith noted deviations from the approved plan including the layout of the driveway and movement of the structure closer to the wetland. The applicant also requested that additional driveway paving be permitted. Ms. Smith noted that the paving of the driveway would need Planning Board approval; that the Order of Conditions for the property is expired; and that future work would likely require Conservation Commission review.

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 4-0 by a roll call (with Commissioner Jones absent) to issue a Certificate of Compliance.

New Business:

4) 332 Mill Street (CC-2002-002) – Request for Determination of Applicability

Item taken out of Order as the applicant was not initially present.

Ms. Smith presented the proposed work and the location of it in relation to the resource area. Leo Peguero, relative of the applicant, presented the intent to convert the attic to two bedrooms. He noted that the work would be limited to the existing structure; no major construction vehicles would be used; and that all storage and stockpiling is to be located on the driveway on the far side of the property from the stream. Chair

Charpentier asked if any foundation or excavation work is proposed. Mr. Peguero said that there is not. Chair Charpentier suggested placing construction or snow fencing along the side of the house to prevent debris from entering the stream.

On a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission voted 4-0 by a roll call (with Commissioner Jones absent) to issue a Negative Determination of Applicability.

11) Enforcement Order 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)**
- n. 1087-1089 Millbury Street and 18 Leland Street (CC-EO-2021-006)**
- o. 269 James Street (CC-EO-2021-007)**
- p. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**
- q. 0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)**
- r. Providence & Worcester Railroad (0 Tobias Boland Way)**

Ms. Smith noted that an existing conditions plan had been received. She further noted that site stabilization has yet to be undertaken and that initial review suggests fill may have been added, which may require additional mitigation.

There was no discussion of items a-q.

12) Communications

- a. Release Abatement Measure Completion Report (RTN 2-14671) for 1023-29 Southbridge Street (CC-2019-042); from GEI Consultants, Inc.; dated 12/21/2021.**
- b. Auburn Water District (Blackstone) Interconnection with the City of Worcester (Nashua) re: NHESP File No 20-39378; from Mass Division of Fisheries & Wildlife; dated 12/21/2021.**
- c. Request for Bond Release for 415 Sunderland Road (CC-1993); from Howard Shear; received 1/14/2022.**
Ms. Smith requested that the Commission vote to release the surety, as the Certificate of Compliance has been issued and recorded as required.

On a motion by Commissioner Amory, seconded by Commissioner Canton, the Commission voted 4-0 by a roll call (with Commissioner Jones absent) to release the surety for 415 Sunderland Road.

- d. Coes Park – Boardwalk Update (CC-2020-035); from Weston & Sampson; received 1/20/2022.**

Michael Easler of Weston & Sampson noted where additional work was performed, and stated that the contractor has been instructed to repair and seed damaged areas. Chair Charpentier inquired about monitoring in the spring. Mr. Easler replied that monitoring will be performed to ensure successful vegetative growth.

There was no discussion of items a and b.

13) Minutes

14) Policies and Procedures

Adjournment

On a motion by Commissioner Amory, seconded by Commissioner Canton, the Commission voted 4-0 (with Commissioner Jones absent) by roll call to adjourn at 7:40 p.m.