



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

**Monday January 30, 2023**

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).

**Commissioners Present:** Joseph Charpentier, Chair  
Devin Canton, Vice Chair – *Participated remotely*  
Amanda Amory – *Participated remotely*  
Miranda Hotham – *Participated remotely*  
Lindsay Nystrom

**Commissioners Absent:** None

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

**Call to Order**

Chair Charpentier called the meeting to order at approximately 5:36 p.m.

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

**3) 25 & 35R Tobias Boland Way, 0 McKeon Road, and 0 Millbury Street – Notice of Intent (CC-2022-069 & DEP#349-13XX)**

*Request to Postpone to 2/27/2023*

*Request to Extend the Constructive Grant Deadline to 3/21/2023*

**6) Salisbury Street Right-of-Way and 633 & 646 Salisbury Street – Notice of Intent (CC-2023-002 & DEP#349-1350)**

*Request to Postpone to 2/27/2023*

*Request to Extend the Constructive Grant Deadline to 3/21/2023*

*Mr. Flint read the requests for continuances, postponements, and withdrawals into the record.*

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 5-0 to postpone the items noted to the dates noted.*

## New Business

### **1) 2 Coppage Drive, and Coppage Drive & Goddard Memorial Drive ROWs – Request for Determination of Applicability (CC-2023-003)**

Magdalena Lofstedt, on behalf of Crown Castle Fiber, the applicant, reviewed the proposal to install approximately 156 linear feet of underground conduit within the paved right-of-way and within a grassed area adjacent to the paved road. Ms. Lofstedt noted that the work was in the 15' buffer zone and reviewed how the project could qualify for a discretionary allowance.

Upon a question from Commissioner Canton, Steve Crescimanno, Crown Castle Fiber, described the timeline for the proposed work, noting that it should take a few days, and that they were looking to proceed as soon as possible.

Chair Charpentier requested that a compost sock be placed in the roadway during trenching to ensure there was no sedimentation down the street during the work. Ms. Lofstedt and Mr. Crescimanno noted that there would be no stockpiling at the site and that any trenches would be closed at the end of the working day.

Mr. Flint suggested that staff be provided with photos of the installed erosion controls prior to the work given how close it was proposed to the resource area.

There were no comments from the public.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom, the Commission voted 5-0 to issue a negative Determination of Applicability with conditions.*

### **2) 128, 130, 132, 134, & 136 Alvarado Avenue – Notice of Intent (CC-2022-036 & DEP#349-1330)**

*Chair Charpentier recused himself from the meeting. Commissioner Canton assumed the role of Chair.*

Scott Morrison, EcoTec Inc., on behalf of the applicant, Oasis Construction Inc., reviewed the proposal to construct two duplexes and a detached single-family unit. Mr. Morrison described the wetland resource areas on site, as well as the history of the project, which included an old Order of Conditions that is now expired and an Enforcement Order from 2016.

Upon questions from Commissioner Canton, Mr. Morrison provided additional details on the grading of the site, the cultec infiltration units, and the infiltration basin that was constructed under the prior Order of Conditions. Mr. Morrison noted that the proposed fence within the 30' buffer zone appeared to be exempt from performance standard 4.2.4, or that it could at least qualify for a discretionary allowance.

Mr. Flint reviewed staff, DPW, and DEP comments, noting that the location of the constructed infiltration basin would not meet the current standards in the Stormwater Handbook, which call for a 50' setback to any wetland resource areas, but that the applicant's representatives had noted it appeared to comply with the standards at the time it was approved.

Mike Scaglione, resident of 127 Alvarado Avenue, expressed concerns about potential encroachment on the adjacent Conservation land to the subject site and asked if these boundaries could be marked. Mr. Scaglione also expressed concern about the loss of public access to these lands. Mr. Flint suggested that the Commission could consider demarcating the property boundaries with permanent markers, and that

there is an existing sewer easement at the end of the right-of-way, which staff would recommend the Commission condition to remain open and accessible should the project be approved.

Jenith Charpentier, resident of 124 Alvarado Avenue, echoed Mr. Scaglione's concerns regarding public access to the Conservation land and noted concerns about impacts to her property during the construction of the road extension, highlighting damage to a curb and the removal of a tree. Commissioner Canton asked the applicant if the curb was to be reinstalled, and if they would be amenable to replacing the removed tree. Mr. Morrison responded that curbing was included on the proposed plans, and that the applicant would be amenable to replanting the tree.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 4-0 to close the public hearing, with Chair Charpentier recused.*

Mr. Flint described staff recommended conditions, which included a discretionary allowance for the fence within the 30' buffer, permanent markers, infiltration unit inspections, ongoing open access to the sewer easement, restoration plantings, and other conditions for the work.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 4-0 to issue an Order of Conditions as described, with Chair Charpentier recused.*

*Chair Charpentier rejoined the meeting and resumed his role as Chair.*

**4) 47R Fourth Street – Notice of Intent (CC-2022-086 & DEP#349-1348)**

John Grenier, JM Grenier Associates, on behalf of Daniel Yarnie, the applicant, reviewed the proposal to construct four duplexes and a detached single-family unit, partially within the buffer zone to a perennial stream and bordering vegetated wetland. Mr. Grenier described the history of the project, which included an old Order of Conditions, and a recent request for an amendment and extension, which the Commission had denied.

Mr. Grenier reviewed the changes to the plan since the last iteration reviewed by the Commission, which included plantings adjacent to the outfall of a conveyance swale and check dams to decrease flow velocity. He also noted that a wetland scientist was scheduled to re-flag the wetland in the field and confirm the old delineation was still valid.

Upon a question from Commissioner Canton, Mr. Grenier described the project phasing and timeline, which he noted could be dependent on market conditions.

Joe Zwirblia, resident of 4 Fourth Street, noted concerns that abutters were not properly notified, referenced comments from MassDEP, and questioned who would be responsible for the long-term maintenance of the stormwater infrastructure.

Mr. Grenier noted that he was unsure who would be responsible for the operation & maintenance of the system after construction was completed, Chair Charpentier noted that this was critical information.

Mr. Flint reviewed the abutter notification requirements under the Wetlands Protection Act and noted that staff had confirmed abutters had been properly noticed upon review of the certificates of mailing provided by the applicant.

Natalie Gibson, resident of 44 Fourth Street, noted concerns related to drainage and traffic on the street. Chair Charpentier reminded the resident of the Commission's purview and asked for clarification from the applicant regarding the question on drainage.

Mr. Flint suggested that the Commission consider waiting to close the hearing until the wetlands were re-flagged and staff had a chance to review. Chair Charpentier also noted that he would like to see additional information on the operation & maintenance responsibilities prior to closing the hearing. Mr. Grenier indicated that the applicant was amenable to continuing the hearing.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 5-0 to continue the public hearing to 2/27/2023 and extend the constructive grant deadline to 3/21/2023.*

*Chair Charpentier called for a five-minute break at 7:18 PM and called the meeting back to order at 7:25 pm.*

**5) 81 Hope Avenue – Notice of Intent (CC-2022-087 & DEP#349-1347)**

Elyse Tripp, Beta Group, Matt Morano of Rutland Nurseries, and Bill Stock of Seven Hills Foundation were present to discuss the application. Mr. Stock provided an overview of the Seven Hills Foundation, the applicant, and the proposed work. Ms. Tripp reviewed the work as it related to the Wetlands Protection Act and Wetlands Protection Ordinance, noting that the applicant was requesting a waiver of performance standard 4.2.4 for work within the 15' buffer zone and structure within the 30' buffer zone.

Ms. Tripp reviewed that the Commission has previously issued a positive Determination of Applicability for the work, and that since then, the plan had been revised to include stormwater improvements and additional plantings within the buffer zone. The stormwater improvements included two rain gardens with an underdrain.

Chair Charpentier noted that the layout of the hardscape had not changed since the first plan iteration, and that he had hoped to see more of the walkway pulled out of the 15' buffer zone. Commissioner Amory also expressed concerns with the additional structure proposed so close to the wetland. Chair Charpentier noted that he would like to see a plan that shows structure removed from this area to the maximum extent possible.

Commissioner Canton noted that he was concerned about the installation of the underdrain, highlighting that this portion of the work required the most disturbance and that it was also the closest to the edge of the pond. Commissioner Amory concurred. Chair Charpentier inquired whether the other Commissioners would be more comfortable with a surface conveyance swale that did not require extensive excavation, Commissioners Canton and Amory agreed that they would be.

The applicant indicated they were amenable to a continuance to allow additional time to revise the plan based on the discussion.

There were no comments from the public.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 5-0 to continue the public hearing to 2/27/2023 and extend the constructive grant deadline to 3/21/2023.*

**6) 410 Granite Street – Notice of Intent (CC-2023-001 & DEP#349-1349)**

Kate O’Donnell, EcoTec Inc., on behalf of the applicant, James Porcaro, who was also present, reviewed the proposed work to construct a garage in an existing yard approximately 45 feet from a bordering vegetated wetland.

Chair Charpentier noted that it appeared the back yard had been filled, and given that the wetland line followed the contours of the base of the fill, that a wetland had likely been filled at some point in the past.

Commissioner Amory suggested alternative layouts that could move the proposed structure further from the wetland. The applicant responded that those did not appear to be feasible.

Chair Charpentier noted that the wetland flags stopped before the edge of the property and suggested that a site visit might be beneficial. The applicant indicated they would be amenable to continuing the hearing to allow for a site visit.

There were no comments from the public.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Nystrom the Commission voted 5-0 to continue the public hearing to 2/27/2023 and extend the constructive grant deadline to 3/21/2023.*

**6) 540 Sunderland Road – Notice of Intent (CC-2023-004 & DEP#349-1351)**

Scott Jordan, EcoTec Inc., on behalf of Bolivar Bermejo, the applicant, reviewed the proposal to replace a failing septic system and described the adjacent wetland resource areas.

Mr. Flint noted that the stormwater basin to the rear of the site did not appear to meet the criteria outlined in the Wetlands Protection Act that would exempt it as a jurisdictional area, and that the Commission could choose to consider it as such, noting that the proposed work met the applicable setbacks from the basin.

There were no comments from the public.

*Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 5-0 to close the public hearing.*

Mr. Flint reviewed the staff recommended conditions of approval, which included a finding that the area described as a stormwater basin on the plan was a jurisdictional resource area.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 5-0 to issue an Order of Conditions with conditions as recommended by staff.*

**Other Business**

**9a) Request for Extension of Time – 90 Barber Avenue (CC-2017-075 & DEP#349-1175)**

Matthew Bombaci, Bohler Engineering, presented the request on behalf of the applicant and provided an update on the progress of the project.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 5-0 to issue a 1-year extension of time.*

**10a) Project Change Request – Malden Woods (CC-2019-074 & DEP#349-1266)**

Scott Morrison, EcoTec Inc., reviewed the request to change the frequency of turbidity monitoring reports from 1" rain events to 2" rain events, citing very low turbidity readings in all monitoring visits to that point. Chair Charpentier noted that once additional area was opened up on site, that the frequency revert to 1" rain events.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 5-0 to approve the project change request.*

**11) Enforcement Order and Violation Updates**

**a. 128 Alvarado Avenue (CC-EO-2016-004)**

Mr. Flint noted that the Commission could consider lifting the Enforcement Order, as the restoration planting plan required by it was incorporated into the Order of Conditions for the subject site.

*Upon a motion by Commissioner Amory, Seconded by Commissioner Nystrom the Commission voted 5-0 to lift the Enforcement Order upon the Order of Conditions (CC-2022-036) becoming valid.*

**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. 75 Harrington (CC-EO-2021-003)**

**k. 40 June Street Terrace (CC-EO-2021-004)**

**l. 12 AKA 0 Balis Avenue (CC-EO-2021-005)**

**m. 269 James Street (CC-EO-2021-007)**

**n. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**

**o. 0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)**

**p. Providence & Worcester Railroad (0 Tobias Boland Way)**

**q. 70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**

**r. Hospital Drive FKA 305 Belmont Street, 57-004-B103B (CC-EO-2022-003)**

**s. 3 Aster Place (CC-EO-2022-005)**

**t. Hospital Drive ROW (CC-EO-2022-006)**

**u. 215 Lake Avenue (CC-EO-2022-007)**

**v. 88 Randolph Road (CC-EO-2022-008)**

*There was no discussion of items b-v.*

**12. Communications**

**a. Notification of Runway Maintenance – Massachusetts Port Authority – 1/5/2023**

**b. Amendment to Notice of AUL – GEI Consultants – 1/4/2023**

**13. Approval of Minutes**

*Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission Voted 5-0 to approve the minutes for the 11/7/2022 and 1/9/2023 meetings.*

**14. Open Space Discussion**

The Commission and Staff discussed the action items in the 2021 Open Space and Recreation Plan.

**15. Policies and Procedures**

The Commission and Staff discussed the MACC Annual Environmental Conference and availabilities for site walks in the upcoming weeks.

**Adjournment**

Upon a motion by Commissioner Amory, the Commission unanimously voted to adjourn at approximately 8:45PM.