

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

August 6, 2012

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

Joseph Wanat, Chair
Jeremy Theerman
Paul Franco
Mia McDonald
Jordan Berg-Powers

Staff Present:

Jonathan P. Gervais, Department of Public Works & Parks
Luba Zhaurova, Division of Planning & Regulatory Services
Nancy Tran, Division of Planning & Regulatory Services

CALL TO ORDER: The Chair called the meeting to order at 5:35 pm.

NEW BUSINESS

Public Hearing

1. Kenneth F. Burns Memorial Bridge (Route 9 over Lake Quinsigamond) (CC-2012-036) – Order of Conditions Amendment:

Jennifer Ducey, engineer with Fay, Spofford and Thorndike represented Massachusetts Department of Transportation, the applicant. Also present were Robert Pine – Project Executive at The Middlesex Corporation, Alex Kasprak – Environmental Analyst with the Massachusetts Department of Transportation as well as two other representatives from Fay, Spofford and Thorndike, Frederick Moseley – Vice-President and David Glenn – engineer.

Ms. Ducey stated that design changes were proposed to create a five span bridge (six span previously proposed), remove a portion of Ramshorn Island and construct two separate parallel structures for east and west traffic. The work to be performed includes: (1) increasing bridge vertical clearance from 23' to 23'6" – this would not change impacts to the resource area; (2) shifting Pier 1 west by 10' and Pier 4 10' east; (3) using perched pile caps instead of solid concrete foundation; (4) adding semi-circular gateway bumpouts at abutments; (5) adding a 1.5-1 slope stone embankment to protect the structure and sedimentation forebay from wave action, erosion and embankment displacement; and (6) temporarily filling the northwest and southwest quadrants with stone and a trestle at Ramshorn Island for construction access where water is too shallow for barge access. Ms. Ducey said the bridge construction will take place in three phases, Phase I will work on the eastbound bridge and Phase II will work on demolition of the westbound bridge and partial removal of the Ramshorn Island and Phase III will be the construction of the westbound bridge. She stated that single wall turbidity curtains will be used around construction, double-wall turbidity curtains used around demolition, compost filter tubes around the shore, as well as floating shields and geotextile fabric near the stone embankment.

Mr. Moseley told the Commission that compared to the original Notice of Intent, the changes propose greater mitigation and less resource area impacts. He also stated that there will be no changes to the originally proposed drainage system design and that snow will be pushed off the bridge into barriers located on both sides of the structures.

Commissioner Franco expressed his concern regarding the fill used. Ms. Ducey explained that different options were considered but the fill was preferred because it could be reused for the embankment. She stated the fill would be stone material and the majority would weigh over 200 pounds.

Mr. Pine stated that the temporary stones would not be in place for four years. Rather, it would be used in Phase III, during each bridge construction.

Commissioner Berg-Powers expressed his concern regarding invasive species in the project area. Mr. Moseley replied that species will be identified before work commences.

Randall Ormel of 11 Lake Avenue asked for clarification regarding whether Ramshorn Island was the correct name. He stated he found that the subject area was called Thule Island and Ramshorn Park and was concerned that possible issue may arise in the future. Chair Wanat said that staff was to research and contact the applicant regarding the matter.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 5-0 to close the public hearing. Discussion regarding issuance of Order of Conditions was held to the end of the meeting.

List of Exhibits:

Exhibit A: Notice of Intent application for Kenneth F. Burns Memorial Bridge (Route 9 over Lake Quinsigamond); submitted by MassDOT; received July 18, 2012.

Exhibit B: Project Plans; dated and received July 18, 2012.

Exhibit C: Updated Project Plans; dated and received August 6, 2012.

Exhibit D: Memorandum from Department of Public Works to Conservation Commission; re: Burns Bridge Amendment; dated August 6, 2012.

Public Meeting

2. 45 McKeon Road (CC-2012-034) – Request for Determination of Applicability:

Christopher Cockshaw of Hatch Mott MacDonald stated that NSTAR sought to perform exploratory soil borings at five locations along the existing natural gas pipeline and along an alternative pipeline route to depths of 40' below ground surface or refusal. He said that the existing pipeline needs to be replaced for safety and stability. He added that ATV with rubber tracks will be used around the invasive Japanese trees which would either be cut or run over by the vehicles. The project expected to be performed in the fall proposes using silt fencing as an erosion control measure, will restore the bore cuttings and impacted area with wetland seed mix. Mr. Cockshaw explained to the Commission that the existing pipeline, originally covered by gravel has been removed and exposed by storms. After the exploratory borings, the engineer will design the pipe to be underground.

Mr. Gervais stated the project met DPW&P standards.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 5-0 to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability application for 45 McKeon Road; received July 18, 2012.

Exhibit B: Subsurface Investigation Plan; prepared by Hatch Mott MacDonald; received July 18, 2012.

Exhibit C: Memorandum from Department of Public Works to Conservation Commission; re:45 McKeon Road - RDA; dated August 6, 2012.

3. Apthorp Street, Pole #12 Replacement (CC-2012-035) - Request for Determination of Applicability:

David Cross, wetland scientist, appeared on behalf of the applicant, Massachusetts Electric Company d/b/a National Grid to replace one wooden electric distribution pole within the paved shoulder of the road on the south side of Apthorp Street. It is also located within the Worcester Stormwater Protection Zone to Inland Bank associated with an intermittent stream channel.

Mr. Cross said the Request for Determination was only submitted under the Worcester Wetland Protection because it is an exempt maintenance activity under the Massachusetts Wetlands Protection Act.

Mr. Cross said that National Grid identified a failing pole that needs to be cut and replaced. The project proposes to cut the existing pole while the line is suspended install the new pole. There is no need to stockpile material as work would be completed within one day.

Chair Wanat asked whether hay bales and silt fences will be placed on site.

Mr. Cross stated that they will utilize appropriate sediment controls.

Chair Wanat stated the Board had letter from DPW stating that plans and submission by the applicant meets all their requirements.

Upon a motion by Commissioner Franco and seconded by Commissioner Theremin, the Commission voted 5-0 to issue a negative Determination of Applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability application for Apthorp Street, Pole #12 Replacement; dated and received July 18, 2012.

Exhibit B: Site Photographs and Maps; BSC Group; dated July 2012 and received July 18, 2012.

Exhibit C: Memorandum from Department of Public Works to Conservation Commission; re:Apthorp Street Utility Pole No. 12 - RDA; dated August 6, 2012.

OTHER BUSINESS

4. Enforcement Order Update – 14 Ada Street – (CC-2011)

Ms. Zhaurova stated the applicant had been contacted but did not return her call. She stated that staff recommends rescinding the enforcement order because it was erroneously granted. Ms. Zhaurova said keeping the order outstanding would not be good policy.

Chair Wanat asked for clarification regarding the enforcement order.

Ms. Zhaurova stated it was discovered that the brook eroded and was meandering along natural path. No harm had been done but the owner asked if the City could help him with stabilizing the bank or rerouting the brook. The City said it could not assist him due to monetary reasons and effects it may have on other properties downstream.

Chair Wanat and Commissioner Franco agreed with staff's recommendation to rescind the enforcement order.

Commissioner Theerman said the property owner's intention is irrelevant that rescinding the enforcement order would endorse an ongoing violation.

Commissioner Berg-Powers expressed his support in finding a solution for 14 Ada Street but disagreed with staff's recommendation. He stated the best solution is to have the owner and Commission discuss possible options.

Ms. Zhaurova said she and DPW&P staff viewed the site and saw that the rocks are not in the middle the brook. Instead, they are on the side stabilizing the bank and if removed, the brook will continue eroding the property owner's land.

Chair Wanat asked where the rocks are on the property.

Mr. Gervais said the brook meandered onto the owner's property and the majority of rocks are on the banks but some are in the brook. Mr. Gervais stated he believed the owner wanted to remove the rocks but did not believe it would negatively affect the brook. He further added that he initially thought the rocks were placed there deliberately but discovered they were placed there to prevent flooding on owner's property but when the bank eroded and the rocks fell in the brook.

Chair Wanat asked if the City had any resources that could assist owner of property.

Mr. Gervais stated that the entire brook is entirely on private property and the City cannot do work on private property.

Commissioner Theerman said the Commission previously asked the owner to take action to address the situation. He said he would like to discuss possible options with the owner before lifting the enforcement order.

Ms. Zhaurova stated that the owner has told her he may not have resources to address the issue.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 2-3 to rescind the order for 14 Ada Street. Chair Wanat and Commissioner Franco voted yes. Commissioner McDonald, Commissioner Berg-Powers and Commissioner Theerman voted no.

The motion failed and the enforcement order remained in effect.

Commissioner McDonald requested that staff ask owner to present a plan for the brook.

Mr. Gervais said the owner wanted to fix the problem but indicated financial issues involved with performing the work.

5. Enforcement Order Update - 1121 Grafton Street – (CC-2006-088)

Mr. Gervais said Mr. Bianco told him the unit had been replaced. Pictures were submitted and a video recording could be provided if necessary.

Mr. Berg-Powers stated only one picture was provided but it does not show if it is at the correct location.

Mr. Gervais stated he believed it is the correct location.

Commissioner Wanat said was uncomfortable lifting the enforcement order based on picture provided.

Mr. Gervais stated he will contact Mr. Bianco to view the site and inspect the unit. He added that he will also check with Inspectional Services to confirm their inspections.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Theerman, the Commission voted 5-0 to continue the enforcement order.

6. Enforcement Order - 187 Greenwood Street (CC-EO-2012-001)

Ms. Zhaurova said the applicant recently filed a Notice of Intent.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Theerman, the Commission voted 5-0 to continue the enforcement order.

7. Enforcement Order – 20 Jasmine Drive (CC-EO-2012-005)

Ms. Zhaurova stated this was an outstanding order and that the applicant came in with an incomplete filing, therefore there is no filing on record.

Upon a motion by Commissioner Theerman and seconded by Commissioner Berg-Powers, the Commission voted 5-0 to continue the enforcement order.

8. Request for Certificate of Compliance – 101 & 103 Wildwood Avenue (CC-2004-015)

Mr. Gervais stated he inspected property and it is in compliance.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to issue a Certificate of Compliance.

9. Request for Certificate of Compliance – Rustic Drive Extension (CC-2005-055)

Mr. Gervais stated he inspected property and it is in compliance.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 5-0 to issue a Certificate of Compliance.

10. Request for Certificate of Compliance – 8 Shawnee Road (CC-2000-077)

Mr. Gervais stated he had not yet inspected this location.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Theerman, the Commission voted 5-0 not to continue the item to the next meeting.

11. Received Communication:

Commissioner McDonald said she wanted to discuss the recent significant removal of trees along McKeon Road. She assumed it was due to Asian Longhorned Beetles and said the site will need tree replacement and asked to contact City Hall regarding the issue.

Mr. Gervais stated he did unaware if it was Conservation property he will need to further research the matter.

Ms. Zhaurova asked if property abuts 45 McKeon Road, to which Commissioner McDonald stated she was unsure but described it as being in within proximity to a fire station.

Ms. Zhaurova stated she would follow up on item.

12. Discussion & Issuance of Orders of Conditions as relevant to a hearing closed 8/6/2012: The Commission discussed and issued Orders of Conditions for the following projects:

- a. Kenneth F. Burns Memorial Bridge (Route 9 over Lake Quinsigamond) (CC-2012-036)
– Order of Conditions Amendment– Notice of Intent

13. Ms. Zhaurova stated that in following up on Commission’s request regarding the Greater Worcester Land Trust proposal for Tetassett Ridge Trail she was providing letter of support for Commission’s signature.

Commissioner Franco stated he would not be endorsing the item.

Chair Wanat stated that at last meeting the Commission was approached by Greater Worcester Land Trust for a grant they were writing to obtain the land parcel. The letter would state the Conservation

Commission's support and consideration of Conservation Restrictions once acquired. The letter would not be binding. Chair Wanat read the letter into the record.

Adjournment

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner McDonald, the Commission voted 6-0 to adjourn the meeting at 7:40 p.m.