

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

October 1, 2012

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Conservation Commission Members Present:

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

Members Absent:

Stefanie Wood, Vice Chair

Staff Present:

Jonathan P. Gervais, Department of Public Works & Parks
Abigail McCabe, 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. 187, 207 & 0 Greenwood Street (CC-2012-037) – Notice of Intent:

Wetlands scientist Scott Goddard of Goddard Consulting, LLC appeared on behalf of the applicant, Greenwood, LLC for its Notice of Intent application and Enforcement Order. The applicant proposed to restore the altered wetland resource areas (Land Under Water, bordering Vegetated Wetland and the Bank) and construct a rail freight storage yard in the buffer zone and the Bordering Vegetated wetlands.

Mr. Goddard had conducted a site walk with Chair Wanat and interested abutters the previous week. He said the application was still administratively incomplete because signatures for project from the City of Worcester and an abutting lot were unable to be obtained. Because of this challenge, the applicant desired to complete wetland restoration work before advancing on the project work proposed in the Notice of Intent. Mr. Goddard stated he preferred to do the restoration work when water levels were lower.

Chair Wanat expressed his concern with conditioning the Notice of Intent and discussed unlinking the restoration work. He suggested abandoning the Notice of Intent project and going forth with only the wetland replication.

Commissioner Theerman inquired and expressed his concern regarding delineation on the lot's eastern portion. Mr. Goddard said that area has a manhole with an 8-10' pipe connected to an elevated grate. Mr. Gervais stated that he found no records indicating the elevated grate.

Mr. Goddard said he will restore grading at 427' and that the grate is often plugged with debris. He will also use an excavator to dig three trenches in order to determine the buried wetland by examining its subsoil.

Commissioner Theerman suggested the applicant request a Leave to Withdraw.

Commissioner Berg-Powers expressed his concern that the replicated wetland will not function as it should. Ms. Tran said the Commission would need to vote to approve the applicant's Leave to Withdraw if requested.

Mr. Gervais suggested that the Enforcement Order and Notice of Intent be separated. He added that while the delineation was not very clear, he was comfortable with the approximate wetland boundaries as depicted due to existing conditions and elevations.

Mr. Goddard requested that the Notice of Intent be continued to a date to be determined and was amenable to re-notifying abutters when a date has been set.

Mr. Gervais clarified that work under the Enforcement Orders can take place as plans have been submitted.

Chair Wanat requested that the area be tightly monitored and controlled. Commissioners Franco and McDonald concurred; Commissioner Theerman disagreed in allowing the replication to take place.

Mr. Goddard stated he would monitor it daily and consult with Mr. Gervais and staff should there be any changes.

Mr. Gervais inquired how long until grading was finalized and the when vegetation was planted. Mr. Goddard said it would be two weeks for grading, one week for finalizing and planting would be done within the month. He added that grading work will use proper erosion control to ensure stable slopes and growth.

Chair Wanat was amenable to continuing the Notice Intent to a later date with an additional abutter notification and allowing the applicant to proceed with wetland replication.

Charlotte Tremblay, abutter at 24 Halmstad Street, asked for clarification regarding the project. Chair Wanat explained the project is of two parts and that the proposed paving will be continued until wetland restoration was completed and overseen by Mr. Gervais.

Jane Petrella, abutter at 245 Greenwood Street, expressed concern regarding water to be used for the pond – whether it would be natural (rain) and flood nearby lots. Chair Wanat said the replication work will grade the area and be filled with natural plantings on its fringes.

Earl Turner said his mother lived at 192 Greenwood Street and inquired about the amount of fill used for the pond and pipes. Mr. Goddard said approximately 7,500 cubic yards of fill was used to fill the pond and wetland buffer. He explained that the existing pipe discharged 8' below ground and connects to the Blackstone Valley Wastewater Treatment Plant for treatment.

Mr. Turner expressed his disagreement with the restoration plan since the public and Commission is uncertain how much was altered. He asked whether the project will appear before the Planning Board. Chair Wanat said three out of four sides have been well-defined but the fourth, located on the pond's easterly side was difficult to determine. He explained that the Notice of Intent project proposing paving the area will not go forward until restoration work was completed. Chair Wanat said it will likely go before the Planning Board for Definitive Site Plan approval.

Commissioners Berg-Powers and Theerman inquired how delineation was determined to assess the alteration to the resource area. Mr. Goddard said portions of the wetlands remained undisturbed and regarded to appropriate elevations (pond=422', BVW=427'). Mr. Gervais said elevations were determined from uniform materials found in the area not consistent with fill brought in.

Upon a motion by Commissioner Franco and seconded by Commissioner McDonald, the Commission voted 5-0-1 (Commissioner Donahue recused himself from the vote) to continue the Notice of Intent application filing to a future date to be determined.

Upon a motion by Commissioner Franco and seconded by Commissioner McDonald, the Commission voted 5-1 (Commissioner Theerman voted against) to approve the proposed restoration work.

List of Exhibits:

Exhibit A: Notice of Intent application for 187 Greenwood Street; submitted by Richard Sousa, Greenwood, LLC; received July 24, 2012.

Exhibit B: Site Plans for #187 Greenwood Street; prepared by Connorstone Consulting Civil Engineers and Land Surveyors; dated June 1, 2012, revised July 6, 2012 and received July 24, 2012.

Exhibit C: Stormwater Report & Project Narrative for Proposed Rail Freight Storage Yard – Intransit Container, Inc. at 187 Greenwood Street; prepared by Connorstone Engineering, Inc.; dated May 29, 2012, revised July 6, 2012 and received July 24, 2012.

Exhibit D: Memorandum from Department of Public Works to Conservation Commission; re: 187 Greenwood Street - NOI; dated August 17, 2012.

Exhibit E: Detailed Wildlife Habitat Evaluation; prepared by Goddard Consulting, LLC; dated August 20, 2012.

NEW BUSINESS

Public Hearing

2. 149-151 Lake Avenue (CC-2012-043) – Notice of Intent:

Hossein Haghanizadeh of HS& T Group, Inc. appeared on behalf of the applicant, Doug Russell, for a Notice of Intent application to demolish two existing houses (~2,373 SF total) and construct a new 2,400 single-family residential dwelling. Mr. Haghanizadeh said the existing retaining wall will be replaced and its height will not exceed 5’.

Mr. Gervais said the proposed boat ramp is considered a permanent structure and that it is up to the Commission to allow its construction within the 15’ buffer zone.

Mr. Haghanizadeh stated that the applicant was amenable to keeping the existing grading and removing the boat ramp.

Commissioner Donahue suggested that the boat ramp not go beyond the 30’ buffer and to contact the Lake Quinsigamond Commission with respect to the deck.

Commissioner Theerman concurred stating the boat driveway should terminate at the 30’ buffer zone and that no grading should be performed within the 15’ buffer.

Commissioner Donahue suggested screening to prevent demolition debris from entering the lake and not allowing materials to be stockpiled on site.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 6-0 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 149-151 Lake Avenue; submitted by Doug Russell; received September 7, 2012.

Exhibit B: Site Plan for 149-151 Lake Avenue; prepared by HS&T Group, Inc.; dated August 14, 2012 and received September 7, 2012.

3. 486 Chandler Street (CC-2012-044) – Notice of Intent:

Wetlands scientist Michael Howard of Epsilon Associates Inc. appeared on behalf of a Notice of Intent application submitted by the Massachusetts State College Building Authority. Also present with Mr. Howard were:

- Jared Gentilucci – Project Engineer, Nitsch Engineering
- Robert Daniels – Associate Director of Facilities, Worcester State University
- Dan Ocasio – Senior Project Manager, Massachusetts State College Building Authority
- Arjen Lagendijk – Architect, Goody, Clancy & Associates, Inc.
- Mike Morrow – Projects Manager, Consigli Construction Co. Inc.

Mr. Howard said the application is Phase I of the construction of a new residence hall, dining facility and related parking on a ~50 acre campus. The proposed work includes relocation of existing gas and water lines, construction of retaining walls and site grading. Work will be done within the 100' buffer zone on existing paved areas but outside both 15' and 30' buffer zones for Phases I and II. Wetlands with well-defined Bordering Vegetated Wetlands were delineated around the athletic track.

Mr. Howard said the retaining walls will be two-tiered with an 8' shelf planting and will be 4-8' above grade depending on its location. The walls will cross an existing drainage ditch to maintain stormwater flow. A temporary pipe will be used for level spreading across the slope until permanent stormwater management is performed during Phase II. Gas and water lines will be relocated to the parking area. Approximately 11 trees will be cleared and include species such as sugar maple, crabapple, birches and ornamental shrubbery. Mr. Howard added that erosion BMPs, haybales, silt fences and stockpile control.

Mr. Daniels said the retaining walls will have railings for safety and that snow will not be pushed down the slope but instead moved to another area on campus. He explained that Lake Ellie is a detention pond fed from two sources – piping from the upper campus and parking garage. Mr. Daniels said that parking removed for the project will be replaced with off-street parking at Temple Emanuel.

Mr. Morrow stated that the slope will be graded starting from the base to ensure stabilization. Afterward, the slope will be loamed and seeded with appropriate erosion controls such as a mat or stone.

Mr. Gentilucci explained that the Notice of Intent for Phase II will further address stormwater management with respect to existing catchbasins and runoff into the wetland. The total project will increase imperviousness by 18,600 SF and that snow melt will be directed to a double catch basin.

Mr. Gervais had no comments.

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 6-0 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 486 Chandler Street; submitted by Dan Ocasio – Massachusetts State College Building Authority; received September 12, 2012.

Exhibit B: Site Plans for 486 Chandler Street, Worcester State University New Residence Hall – Phase 1; prepared by Nitsch Engineer; dated and received September 12, 2012.

Exhibit C: Stormwater Pollution Prevention Plan; dated and received September 12 2012.

4. Webster Street, Tap Line Reconductoring Project (CC-2012-045) – Notice of Intent:

Chair Wanat recused himself from hearing the item and Commissioner Theerman assumed Chair of the Commission.

Project manager John Vieira of Vanasse Hangen Brustlin, Inc. and Tim Smith of National Grid were present to discuss National Grid's Notice of Intent application to replace approximately two miles of existing electrical conductors between Town of Auburn, Town of Leicester and City of Worcester with the project terminating at Webster Street Substation. The Worcester portions of work will be conducted on lots located on Cuba Road, Ludlow, Heard, Curtis Stafford, James and Webster streets.

Mr. Vieira said the work is part of an ongoing utility project since 2009 and will be performed in a northeasterly direction to replace conductor wiring. The work will not upgrade existing utilities and only cause temporary impacts. The applicant planned to shut off power between October 29 and November 21.

Chair Theerman said the project appeared to be in compliance with Best Management Practices and will have Stormwater Pollution Prevention Plans (SWPPP).

Mr. Smith stated that it was standard practice to brush proposed swamp mats prior to use. He said he was amenable to incorporating stone and brushing mats into the Order of Conditions.

Mr. Gervais had no comments.

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.

Commissioner Wanat returned and resumed chair of the Commission.

List of Exhibits:

Exhibit A: Notice of Intent application for Webster Street Tap Line Reconductoring Project; submitted by New England Power Company (d/b/a National Grid); dated and received September 12, 2012.

Exhibit B: Notice of Intent Plans; prepared by Vanasse Hangen Brustlin, Inc.; dated and received September 12, 2012.

Exhibit C: Massachusetts Stormwater Form; prepared by Vanasse Hangen Brustlin, Inc.; dated and received September 12, 2012.

Exhibit D: Memorandum from Department of Public Works to Conservation Commission; re: Webster Street Tap- NOI; dated October 1, 2012.

5. 30 Nippnapp Trail (CC-2012-046) – Notice of Intent:

Engineer Nate Russell appeared on behalf of the applicant, City of Worcester Department of Public Works and Parks, for its Notice of Intent application. The applicant proposed to repair a solid waste landfill closure system by modifying a grading plan previously approved in 2011 to allow placement of additional grading and shaping material on the top-deck and northern and eastern side-slopes of the landfill and install additional stormwater controls at Greenwood Street Landfill.

Mr. Russell said the applicant planned to expand the cap to increase disposal capacity and perform repairs. MassDEP approved closure of approximately 12 acres in order to restore eight acres for State-listed

threatened grasshopper sparrow. Proposed disturbances are within the buffer zone located on the landfill's easterly and northerly areas and will later be re-vegetated.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 6-0 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 30 Nippnapp Trail; submitted by Robert Moylan – Worcester Department of Public Works; dated and received September 12, 2012.

Exhibit B: Revised Correction Action Design Plans; prepared by Geosyntec Consultants; dated September 11, 2012, received September 12, 2012.

Exhibit C: Supplemental to 2009 Stormwater Report; prepared by Geosyntec Consultants.; dated December 9, 2011 and received September 12, 2012.

Exhibit D: Memorandum from Department of Public Works to Conservation Commission; re: Nipp Napp Trail- NOI; dated October 1, 2012.

Public Meeting

6. Tory Fort Lane (Cooks Pond Substation) (CC-2012-047) – Request for Determination of Applicability:

Andrea Desilets of National Grid and Mike Toohill of BSC Group were present to discuss National Grid's Request for Determination of Applicability application. The project proposes to replace four tap structures with two 1-pole structures on the A53 and B54 transmission lines located within the right-of-way abutting the Cooks Pond Substation on Tory Fort lane. The replacement structures will not be installed within wetlands but access to the project site will require crossing a wetland from Sorrento Street.

Ms. Desilets said the total area disturbed will be approximately 657 SF and that no outages will occur during the project work.

Mr. Toohill stated that there will be no increase in impervious surfaces as a result of the project but rather a decrease.

Mr. Gervais had no comments.

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 6-0 to issue a negative determination of applicability.

List of Exhibits:

Exhibit A: Request for Determination of Applicability for Tory Fort Lane (Cooks Pond Substation); submitted by Massachusetts Electric Company d/b/a National Grid; received September 20, 2012.

Exhibit B: Project Maps; prepared by BSC Group; multiple dates, received September 12, 2012.

Exhibit C: Updated Request for Determination of Application and Maps; dated September 25, 2012 and received September 27, 2012.

Exhibit D: Memorandum from Department of Public Works to Conservation Commission; re: Tory Fort Lane- RDA; dated October 1, 2012.

OTHER BUSINESS

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

The owner was not present and staff said there were no updates.

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 6-0 to continue the item.

8. Enforcement Order Update – 1119-1121 Grafton Street (CC-EO-2006-088):

Items #8 and 10 were taken contemporaneously.

Dan Leahy of D.F.L. Enterprises was appeared on behalf of the owner. He said he submitted the additional documentation required by the Commission.

Mr. Gervais said he reviewed the information and said it was sufficient.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Franco, the Commission voted 5-0-1 (Commissioner Donahue recused himself from the vote) to lift the Enforcement Order.

Upon a motion by Commissioner Berg-Powers and seconded by Commissioner Franco, the Commission voted 6-0 to issue a Certificate of Compliance.

List of Exhibits:

Exhibit A: Memorandum from Nancy Tran, Planning Analyst to the Worcester Conservation Commission re: 1119-1121 Grafton Street (CC-2006-008, DEP File #349-922) – Enforcement Order Update; dated October 1, 2012.

Exhibit B: Images (11) from Louis Bianco; received August 7, 2012.

Exhibit C: Letter and Request for Certificate of Compliance from Daniel F. Leahy of D.F.L. Enterprises; dated August 20, 2012, received August 30, 2012.

Exhibit D: Images (8) from Daniel F. Leahy of D.F.L. Enterprises to Conservation Commission; received September 20, 2012.

Hydroworks Quote and Check signed by Anthony Bianco from Daniel F. Leahy of D.F.L. Enterprises to Conservation Commission; re: 1121 Grafton Street Plaza; dated May 18, 2012 and May 17, 2012.

Exhibit E: Letter from Phil Vitali, Hydroworks Installer at Hydroworks, LLC re: Hydroguard Certification: 1121 Grafton Street Plaza HG4i; dated September 24, 2012.

Exhibit F: Email from Graham Bryant, P.E. at Hydroworks, LLC to Nancy Tran, Planning Analyst re: 1119-1121 Grafton Street; received September 27, 2012.

Exhibit G: Email from Daniel F. Leahy at D.F.L. Enterprises to Nancy Tran, Planning Analyst re: 1119-1121 Grafton Street; received October 1, 2012.

9. Enforcement Order – 187 Greenwood Street (CC-2012-001):

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 6-0 (Commissioner Donahue abstained) to continue the Enforcement Order to the next meeting.

10. Enforcement Order Update – 1119-1121 Grafton Street (CC-EO-2006-088):

Items #8 and 10 were taken contemporaneously.

11. Request for Certificate of Compliance – Railroad Right-of-Way at Heard St Bridge (CC-2011-019)

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 6-0 to issue a Certificate of Compliance.

12. Request for Certificate of Compliance – Railroad Right-of-Way at Cambridge St Bridge and Crystal St Pedestrian Bridge (CC-2011-020)

Upon a motion by Commissioner Theerman and seconded by Commissioner Franco, the Commission voted 6-0 to issue a Certificate of Compliance.

13. Request for Certificate of Compliance – 487 Park Street (DEP-349-464)

Upon a motion by Commissioner Franco and seconded by Commissioner Berg-Powers, the Commission voted 6-0 to issue a Certificate of Compliance.

Received Communication

The Commission did not take action on the received communication.

ADJOURNMENT

Upon a motion by Commissioner Franco and seconded by Commissioner Theerman, the Commission voted 6-0 to adjourn the meeting at 8:07 PM.