

**MINUTES OF THE PROCEEDINGS OF THE  
CONSERVATION COMMISSION OF THE CITY OF WORCESTER  
June 11, 2018  
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Conservation Commission Members Present:** Joseph Charpentier, Chair  
Christian Escobar, Vice Chair  
Peter McKone  
Jordan Berg Powers (joined 6:10pm)

**Members Absent:** Amanda Amory

**Staff Present:** Stephane Cherduville, Department of Public Works & Parks  
Mia McDonald, Planning & Regulatory Services Division

**Call to Order**

The Chair called the meeting to order at 5:45 p.m.

**Requests for Continuances, Extensions of Time, Postponements, Withdrawals**

- Item #1:** **47R Fourth Street**  
Notice of Intent (CC-2017-052)  
Request to Continue Public Hearing to **July 18, 2018**
- Item #2:** **Whippoorwill Dr., Castine St. & Danielle’s Way (Malden Woods Subdivision)**  
Notice of Intent (CC-2017-095)  
Request to Continue Public Hearing to **July 18, 2018**
- Item #3** **21 Paradox Drive**  
Notice of Intent (CC-2018-002)  
Request to Continue Public Hearing to **July 30, 2018**
- Item #6** **11 Nathaniel Court**  
Notice of Intent (CC-2018-025)  
Request to Postpone Public Hearing to **July 18, 2018**
- Item #13a:** **150 Blackstone River Road,**  
Request for Certificate of Compliance (CC-2016-028 & CC-2017-035)  
Request to Postpone Public Meeting to **July 18, 2018**
- Item #13d:** **2 Naumann Lane**  
Request for Certificate of Compliance (CC-2004-076)  
Request to Postpone Public Meeting to **July 18, 2018**

Upon a motion by Commissioner Escobar and seconded by Commissioner Mckone the Commission voted 3-0 to continue the above items as requested and noted.

**Public Hearings – continuances and postponements as noted above.**

**New Business – Request for Determination of Applicability**

**Agenda Item # 4: 1 Knollwood Drive and 3 Rollingwood Drive (MBL 43-01D-00005 and -001-00003): Request for Determination of Applicability by Massachusetts Electric Company d/b/a National Grid (CC-2018-042)**  
**Project:** To replace a utility pole and related site work.

Jurisdiction: City of Worcester Wetlands Protection Ordinance

Theresa Portante of BSC Group, Inc. presented the project.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 3-0 to issue a negative determination as per the submitted application.

**List of Exhibits:**

Exhibit A: Pole 4-1 Replacement Knollwood Drive Request for Determination of Applicability application materials; submitted by BSC Group; received May 2, 2018.

Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 3 Rollingwood Road; dated June 8, 2018.

**New Business – Notices of Intent**

**Agenda Item #6: 1175 West Boylston Street (MBL 32-041-00001): Abbreviated Notice of Resource Area Delineation by Galaxy Development, LLC (CC-2018-041, DEP #349-1205)**

Project: To delineate the jurisdictional resource areas on and affecting the subject property.

Jurisdiction: MA Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Patrick Doherty of Midpoint Engineering and Consulting presented the delineation. The site is owned by the Commonwealth of Massachusetts. No plans finalized on the development of the lot at this time. Mrs. McDonald walked the site and confirmed the delineation on June 7, 2018 with Goddard Consulting. There is an isolated wetland on the site that hold 0.03 acre feet of water; less than the required 1/8 acre foot to qualify as a jurisdictional area.

John DiPietro, abutter at Whispering Pines Circle, expressed concern over the future development of the site, including runoff, noise and traffic.

Joann Dipinto of 1239 West Boylston Street submitted comment prior to the meeting, and it was read. She expressed concern about runoff from the property onto her property, stating that runoff has increased since the construction of Interstate 190.

Roseanne Fitzgerald of 1 Birchbrush Lane requested details on the jurisdiction of the resource areas on and near the property and the connectivity to the resource areas on the property with nearby resource areas.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 3-0 to close the hearing.

Upon a motion by Commissioner McKone, seconded by Commissioner Escobar, the Commission voted 3-0 to issue an order of resource area delineation.

**List of Exhibits:**

Exhibit A: 1175 West Boylston Street Abbreviated Notice of Resource Area Delineation application materials; submitted by Midpoint Engineering & Consulting, LLC; received May 22, 2018.

Exhibit B: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 1175 West Boylston Street; dated June 8, 2018.

**Commissioner Berg Powers arrived at 6:10pm.**

**Agenda Items #8 & 9 taken together:**

**Agenda Item #8: 79 Saint Louis Street (MBL 31-008-04+05): Notice of Intent by Berthiaume Contracting, LLC, (CC-2018-044, DEP #349-1204)**

Project: To construct a single family dwelling along with related grading, drainage and site work.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

**Agenda Item #9: 83 Saint Louis Street (MBL 31-008-00003): Notice of Intent by Berthiaume Contracting, LLC, (CC-2018-045, DEP #349-1203)**

Project: To construct grading, drainage and site work associated with the construction of a single family dwelling.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Glenn Krevosky of EBT Environmental presented the projects. Signature pages with owner's signature were submitted at the meeting.

Chairman Charpentier requested confirmation that the fill brought in would be clean and details on the infiltration trench. Commissioner Escobar requested detail on the stabilization of the eastern slope. Commissioner Berg Powers requested permanent markers that would be raised off the ground along the adjacent Conservation land.

Site visits were conducted by Staff and Chairman Charpentier; additional soil borings taken and observed.

Upon a motion by Commissioner McKone and seconded by Commissioner Escobar, the Commission voted 4-0 to close each hearing.

Orders of Conditions were discussed at the end of the meeting. Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner McKone, the Commission voted 4-0 to issue orders of conditions for 79 Saint Louis Street and 83 Saint Louis Street with all standard, or general, conditions and the special conditions outlined in the Order.

**List of Exhibits 79 Saint Louis Street:**

- Exhibit A: 79 St. Louis Street Notice of Intent application materials; submitted by EBT Environmental.; received May 23, 2018.
- Exhibit B: Staff Comments Email re: 79 & 83 Saint Louis Street NOIs from Mia Mcdonald; May 24, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 79 Saint Louis Street; dated June 8, 2018.
- Exhibit D: Revised plan in response to staff comments received at meeting, June 11, 2018.

**List of Exhibits 83 Saint Louis Street:**

- Exhibit A: 83 St. Louis Street Notice of Intent application materials; submitted by EBT Environmental.; received May 23, 2018.
- Exhibit B: Staff Comments Email re: 79 & 83 Saint Louis Street NOIs from Mia Mcdonald; May 24, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 83 Saint Louis Street; dated June 8, 2018.
- Exhibit D: Revised plan in response to staff comments received at meeting, June 11, 2018.

**Other Business**

**Agenda Item # 10: Violation at 40 Sutton Lane (MBL 27-024-0004A):** unpermitted fill within bordering land subject to flooding. Travis Peltier, owner, attended the meeting to discuss the pile of fill at 40 Sutton Place within bordering land subject to flooding and the storage of automobiles within bordering land subject to flooding, riverfront area and buffer zone to bank and other wetland resource areas. Mr. Peltier stated he is willing to remove the piles and the cars and come into full compliance with the local and state wetland laws and the Conservation Restriction on the

property. Chairman Charpentier thanked Mr. Peltier for his willingness to comply and requested a plan and narrative describing the methods by which the piles shall be removed; he also urged Mr. Peltier to contact Massachusetts Department of Environmental Protection to review any restrictions for solid waste removal on the property.

Colin Novick of Greater Worcester Land Trust commented that the conservation restriction does not allow for the storage of cars or materials. He also stated that GWLT would be willing to work with the owner on additional cleanup.

The Commission discussed a timeline for the restoration work: plan and narrative by July 23 for July 30 meeting and the work completed by September 30.

Upon a motion by Commissioner McKone and seconded by Commission Escobar, the Commission voted 4-0 to issue an enforcement order for the preparation of a plan and narrative for the removal of the stockpiles within the bordering land subject to flooding, as well as the removal of the stockpiles.

**Agenda Item #11: Project Change Request: 0 Millbury Street (CC-2015-030, DEP #349-1109)**

Mrs. McDonald presented the information submitted by the Massachusetts Department of Transportation. The removal of the old bridge is not bringing the scope any closer to the resource area and does not change the overall project limit of work.

Upon a motion by Commissioner Escobar and seconded by Commissioner Berg Powers, the Commission voted 4-0 to find the change inconsequential.

**Agenda Item #12: Extension Permit Request Order of Conditions for 0 Millbury Street (CC-2015-030, DEP #349-1109)** Upon a motion by Commissioner Berg Powers and seconded by Commission Escobar, the Commission voted 4-0 to extend the Order of Conditions for one year.

**Agenda Items 13a & b: Requests for Certificate of Compliance for 0 (aka 47) Eustis Street (CC-2015-012) and 0 (aka 49) Eustis Street (CC-2015-012).** Jimmy Georges, contractor, presented the projects. Some areas remain disturbed. Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 to issue the certificates of compliance.

**Agenda Item #14: Enforcement Order Updates:**

- a. 128 Alvarado Avenue (CC-2008-045 & CC-2017-017; DEP #349-963; CC-EO-2016-004) – no update
- b. 21 (aka 29) Quaboag Street (CC-2017-009; DEP #349-1157; CC-EO-2016-005) – no update
- c. 100 (fka) Goldthwaite Road (aka White Birch Commons (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001) – Matthew Mattero presented new information on the location of proposed replication areas which were within the 15’ no-disturb area and would move the 30-foot no structure buffer to encompass a home at Unit #19. Mrs. McDonald questioned if the homeowners association needed permission to complete the work at Unit #19. The Commission requested answers to the permission and if replication would be permitted in the restricted buffer zones.
- d. 9 Luther Avenue (and abutting portions of the Toronita Avenue and Luther Avenue ROWs) (CC-EO-2017-002) – no update.
- e. 21 Paradox Drive (CC-2018-002; CC-EO-2017-004)
  - i. Violation letter mailed May 29, 2018.

The Commission discussed the site and decided not to issue a fine. The Commission requested a site visit it scheduled with Mr. Sansoucy at the site to review the scope of the work he plans to complete.

- f. Country Club Acres (aka Garrison Avenue & 190 East Mountain Street; Cobblestone Lane (fka Paradise Point)) (CC-2007-025; DEP #349-931; CC-EO-2017-009; UAO-CE-18-6W001) – Mr. Cherduville stated the site is being maintained. Mrs. McDonald stated that the monitoring reports were coming regularly and reporting regular maintenance issues and activities.

- g. 93 Chicopee Street (CC-EO-2018-001) – The Commission discussed the site and the deadline for the permit application has not yet passed. The Commission requested staff call to check in on the homeowner once again.

**Agenda Item # 7: 97 Aylesbury Road (MBL 25-056-00001): Notice of Intent by Tiffany Ying Cheng (CC-2018-043, DEP #349-1202)**

Project: To install a gas utility line within the existing driveway and related site work and to request a waiver of the requirements of performance standard 4.2.4. of the City of Worcester Wetlands Protection Regulations.

Jurisdiction: The Massachusetts Wetlands Protection Act and the City of Worcester Wetlands Protection Ordinance

Thomas Arula of Goddard Consulting presented the project and requested a waiver of the 15’ restriction and application requirements of providing soil characteristics, contours, utility locations and floor elevations.

Chairman Charpentier stated that this order of conditions should not confirm the wetland line as the entire wetland area was not flagged. Mr. Cherduville commented that the DPW comments were not satisfied in that the utility lines in the driveway were not provided and a plan with silk sacks protecting the catch basins in the road was not provided. Mr. Arula stated that they would contact Dig Safe prior to digging and that a plan would be provided showing catch basin inlet protections.

Upon a motion by Commissioner Berg Powers and seconded by Commissioner Escobar, the Commission voted 4-0 to close the hearing.

Orders of Conditions were discussed at the end of the meeting. Later during the meeting, upon a motion by Commissioner Berg Powers, seconded by Commissioner Escobar, the Commission voted 4-0 to issue orders of conditions for with all standard, or general, conditions and the special conditions outlined in the Order.

**List of Exhibits 97 Aylesbury Road:**

- Exhibit A: 97 Aylesbury Road Notice of Intent application materials; submitted by Goddard Consulting; received May 23, 2018.
- Exhibit B: Staff Comments Email re: 97 Aylesbury Road NOI from Mia McDonald; May 24, 2018.
- Exhibit C: Memorandum from the Department of Public Works and Parks Department to the Conservation Commission re: 97 Aylesbury Road; dated June 8, 2018.

**Other Business**

**Agenda Item #15: Communication:**

- a. Notification of Treatment on 5/29/18 of Little Indian Lake; from Solitude Lake Management; received 5/21/2018.
- b. Email: Compliment from Thomas McGill; received 5/21/2018.
- c. No Take Determination re: Notice of Intent Application for the Treatment of Lake Quinsigamond and Flint Pond; dated and received 5/23/2018.
- d. Copy of Certificate of Non-Compliance and Dam Safety Order re: Smith Pond Dam from the Massachusetts Department of Conservation and Recreation, dated 5/21/2018; received 5/24/2018.
- e. Notification of Treatment of EcoTarium Ponds; Solitude Lake Management; received 5/30/2018.
- f. Copy of Massachusetts Department of Energy and Environmental Affairs endorsed Conservation Restriction for Moreland Woods Connector (aka 0 Orrison Street) from Department of Planning and Regulatory Services.
- g. Copy Notification of Herbicide Application in Right-of-Ways from Worcester DPW&P to Massachusetts Department of Agriculture, dated 6/1/2018 and received 6/5/2018.

**Agenda Item #16: Land Management/Acquisition Updates - none**

**Agenda Item #17: Discussion of Commission Processes & Procedures**

- a. The Commission requested a statement of their financial accounts.

**Agenda Item #18: Discussion of Special Conditions and Issuance of Orders of Conditions**

- a. Discussion of the Conditions of the Lake Quinsigamond Order of Conditions. The Commission found the conditions required from the NHESP determination of no-take reinforced the conditions and monitoring required of the voted order of conditions.

**Agenda Item #19: Signing of Decisions**

Decisions were signed for the following projects:

- Determination of Applicability for 1 Knollwood Drive and 3 Rollingwood Drive (CC-2018-042)
- Notice of Resource Area Delineation for 1175 West Boylston Street (CC-2018-041, DEP #349-1205)
- Order of Conditions for 79 Saint Louis (CC-2018-044, DEP #349-1204)
- Order of Conditions for 83 Saint Louis (CC-2018-045, DEP #349-1203)
- Order of Conditions for 97 Aylesbury Road (CC-2018-043, DEP #349-1202)
- Extension of Order of Conditions for 0 Millbury Street (CC-2015-030, DEP #349-1109)
- Certificate of Compliance for 0 (aka 47) Eustis Street (CC-2015-012)
- Certificate of Compliance for 0 (aka 49) Eustis Street (CC-2015-012)

**Adjournment**

Upon a motion by Commissioner Amory and seconded by Commissioner McKone, the Commission voted 4-0 to adjourn at 8:15 P.M.