

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

**December 17, 2018**

**WORCESTER CITY HALL – ESTHER HOWLAND CHAMBERS**

**Conservation Commission Members Present:** Joseph Charpentier, Chair  
Christian Escobar, Vice Chair  
Devin Canton  
Amanda Amory (present for items 1 and 10c only)

**Conservation Commission Members Absent:** Azal Khaled

**Staff Present:** Michelle Smith, Planning & Regulatory Services Division  
Stefanie Covino, Planning & Regulatory Services Division  
Stephane Cherduville, Department of Public Works and Parks

Call to Order

**The Chair called the meeting to order at 5:30 p.m.**

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

**Item #2: 142-158 Wildwood Avenue and 2 Spring Lane**  
Notice of Intent (CC-2018-085; DEP #349-1228)  
Request to Continue the Public Hearing to **January 28, 2019**

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to continue Item 2 as noted to 1/28/19.

**Item #3: 522 or 516 Grove Street**  
Request for Determination of Applicability (CC-2018-079)  
Request to Postpone the Public Hearing to **January 7, 2019**

**Item #5: 0 Whipoorwill Drive & 0 Danielle's Way (Malden Woods Subdivision)**  
Notice of Intent (CC-2018-080; DEP# 349-1224)  
Request to Postpone the Public Hearing to **January 7, 2019**

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to postpone items 3 and 5 as noted to 1/7/19.

**Approval of Minutes:** none

**Public Hearings:**

**10d. Enforcement Order: 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)

**Action:** Item 10d was taken out of order first. Commissioners discussed the need for more information on erosion control for each subphase of project and clarified that monitoring reports were needed for snow melt or rain, not snow. They requested that the applicant wait to discuss where demarcation of work under this Order of Conditions versus a new Notice of Intent filing until the full board was present.

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

**4. Work on following properties related to Signal and Intersection Improvements at Holden Street, Drummond Avenue, and Shore Drive: 78 Holden St (MBL 33-004-29+30), 81 Holden St (33-011-65+66), 82 Holden St (33-004-31+32), 87 Holden St (33-011-00133), 89 Holden St (33-011-00130), 90 Holden St (37-022-00002), 97 Holden Street (33-011-00132) and 110 Shore Drive (MBL 37-025-0001A) (CC-2018-099)**

Project: Determine whether or not the proposed work outside of the existing rights of way associated with the re-configuring the roadway layout and conducting related grading, utilities, drainage, paving, and site work is subject to the Commission's jurisdiction.

Jurisdiction: City of Worcester Wetlands Protection Ordinance

**Action:** Item 4 was taken with item 6. Discussion clarified that the church properties "PUE-06 and TE-10" were not part of RDA, as they would instead be covered by the NOI filing. Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 3-0 to issue a negative determination.

**New Business – Notices of Intent**

**6. Holden Street (from Parkton Avenue to Longwood Avenue), Drummond Avenue (from Holden Street westerly ~200') and Shore Drive Right of Ways (from Holden Street easterly ~900') and abutting properties - including 84 & 90 Holden Street and 110 Shore Drive (MBL 37-025-0001B; 37-022-00002; & 37-025-0001A): Notice of Intent by the City of Worcester Department of Public Works & Parks (CC-2018-097, DEP #349-1231)** Project: To re-configure the roadway layout and conduct related utility installation, grading, drainage, paving, and site work and to request a waiver of the City of Worcester Wetlands Protection Regulations performance standard 4.2.4.

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

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 3-0 to close the public hearing and issue an order of conditions (CE, DC; 3-0). Upon a subsequent motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 on those conditions.

**Old Business – Notices of Intent**

**1. 21 Paradox Drive (MBL 25-052-00028): Notice of Intent by Raymond Sansoucy (CC-2018-002, DEP #349-1182)**

Project: To conduct, partially retroactive, activities to remove vegetation and construction debris and to re-grade and stabilize portions of the site, along with associated site work.

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

Public Hearing Opened: 1/10/2018

**Action:** Taken out of order with Item 10c; Commissioners Charpentier, Escobar, Canton, and Amory were present, though Commissioner Canton did not vote per the Mullin rule. Upon a motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 3-0 to lift the enforcement order and manage through an Order of Conditions. Upon another motion by Commissioner Escobar and seconded by Commissioner Amory, the Commission voted 3-0 to issue a series of conditions.

**7. 210 Southwest Cutoff (MBL 34-034-00011): Notice of Intent by St. James Realty, LLC (CC-2018-098) (DEP#349-XXXX)**

Project: Construct two commercial self-storage buildings (~177,000 SF) with associated parking and to conduct related site work.

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

**Action:** As there were a number of staff and commissioner questions not yet answered by the applicant and the filing did not have an assigned DEP file number yet, the hearing could not be closed. Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to open the hearing, hear from the applicant's representative about the project, and continue the hearing until January 7, 2019.

**8. 283 Lake Ave. (aka Lake Park) (MBL 41-047-00004): Notice of Intent by Vertex Companies, Inc. (CC-2018-100; DEP#349-1232)**

Project: Replace the existing athletic field improving existing walking track and to conduct related site work.

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

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to close the public hearing and issue an Order of Conditions. Upon a subsequent motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 on those conditions.

## Other Business

### 9. Requests for Certificates of Compliance:

a. 231 Lake Ave. (CC-2016-031; DEP# 349-1135)

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue a complete COC upon receiving a letter from a PE noting substantial compliance with final plans

b. Webster St. Reconductoring Project (CC-2015-074; DEP# 349-1173)

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue a complete COC

c. 3 Sophia Dr. (CC-2009-042; DEP# 349-979) and d. 3 Sophia Dr. (CC-2006-059; DEP# 349-906), together

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue a complete COC for both

e. 350 Greenwood St. (CC-2017-048)

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue a complete COC

### 10. Enforcement Order Updates:

a. 128 Alvarado Avenue (CC-2008-045 & CC-2017-017; DEP #349-963; CC-EO-2016-004)

**Action:** no update

b. 100 (fka) Goldthwaite Road (aka White Birch Commons (fka Burncoat Gardens)) (CC-2013-057; DEP #349-1075; CC-EO-2017-001)

**Action:** The commission is waiting for recorded OOC, but has received updated environmental monitoring reports.

c. *(taken earlier)*

d. *(taken earlier)*

e. 93 Chicopee Street (CC-EO-2018-001)

**Action:** No update on project, but staff and commission discussed determining remaining work and whether the EO can be lifted

f. 40 Sutton Lane (CC-EO-2018-002)

**Action:** No update

g. 170 South Flagg Street (CC-EO-2018-003)

**Action:** As there are no updates anticipated until summer 2019, the commission decided to remove this listing from future meeting agendas until June 2019

h. 20 Quinsigamond Avenue (CC-EO-2018-004)

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue ratify the updated enforcement order.

i. 72 Upland Street (CC-EO-2018-005)

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue ratify the updated enforcement order.

## Other Business

### 11. Emergency Certifications:

a. Beaver Dam Breach/Blocked Culvert at Worcester Airport & 121 Bailey Street

**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue ratify the updated emergency certification.

b. CSO event and remedial work at 10 New Bond Street (aka Abby Kelley Foster Middle School)

**Action:** Discussed with a representative of National Water Main Cleaning Company and determined that no further work at the site is necessary, though recommended that the applicant file an RDA with the Commission. Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue ratify the emergency certification.

### 12. Communication:

- a. Notice of Project Change (for a previously filed Environmental Notification Form) and Phase I Waiver Request for the Worcester Downtown Urban Revitalization Plan, Amendment 1 (EEA #15637); from Epsilon Associates Inc.; received 11/19/18
  - b. Turbidity Monitoring Reports for the Curtis Pond Dam Repair Project (CC-2018-007); from BSC Group; received 11/21/18
  - c. Update on breaching of Bailey St. Dam; from USDA; received 11/30/18
  - d. Construction Monitoring Report of Curtis Pond Dam Repair (MassDEP File No. 349-1186); from BSC Group; received 11/24/18
  - e. Update on Mass Audubon Broad Meadow Brook Conservation Restriction Inspection; from Mass Audubon; received 12/3/18
- Action:** Ms. Covino noted that several violations were noted during the inspection and letters would be sent to relevant property owners.

### **13. Discussion of Commission Regulations, Processes & Procedures**

- a. Vote to authorize Stefanie Covino to be an agent of the commission  
**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to authorize Ms. Covino to be agent of commission.
- b. MACC Annual Conference attendance (3/2/19)  
**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to request that staff coordinate for 5 commissioners and 2 staff to attend MACC Annual Conference on 3/2/19.

### **14. Discussion of Special Conditions and Issuance of Orders of Conditions**

#### **15. Signing of Decisions**

- a. Vote to issue duplicate signature page for COC for 19 Cliff Street (CC-2018-050; DEP# 349-1207)  
**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue a duplicate signature page.
- b. Vote to issue duplicate signature page for OOC for 6-8 Mount Ave (CC-2017-036)  
**Action:** Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to issue a duplicate signature page.

#### **Adjournment:**

Upon a motion by Commissioner Escobar and seconded by Commissioner Canton, the Commission voted 3-0 to adjourn at 8:38pm.