



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

Monday February 27, 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: Devin Canton, Vice Chair
Miranda Hotham – *Participated remotely*
Lindsay Nystrom

Commissioners Absent: Joseph Charpentier, Chair
Amanda Amory

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

Call to Order

Vice Chair Canton called the meeting to order at approximately 5:30 p.m.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- 4) 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 3/20/2023

Request to Extend the Constructive Grant Deadline to 4/11/2023

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

Request to Postpone to 3/20/2023

Request to Extend the Constructive Grant Deadline to 4/11/2023

- 8) 285 Tacoma Street (aka Tacoma Playground) – Notice of Intent (CC-2023-007 & DEP#349-13XX)**

Request to Postpone to 3/20/2023

Request to Extend the Constructive Grant Deadline to 4/11/2023

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

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to postpone the public hearings and extend the constructive grant deadlines to the dates noted

Old Business

1) 47R Fourth Street - Notice of Intent (CC-2022-086 & DEP#349-1348)

John Grenier, J.M. Grenier Associates, on behalf of the applicant, reviewed the items that the Commission had requested at the previous hearing, noting that a new wetland delineation had been conducted, and that an Operation & Maintenance Plan for the stormwater infrastructure had been provided to staff. The responsibility for ongoing maintenance of the system is proposed to lie with a Homeowner's Association that is to be formed.

Mr. Flint confirmed that staff had conducted a site visit to confirm the delineation and that the O&M plan was received. He noted that the delineation was very similar to the prior one, and that any differences did not have an impact on the proposed work.

Commissioner Canton requested additional details about the phasing and timing of the work. Mr. Grenier noted that a single model unit would likely be constructed first, and that the remaining units would be constructed as market conditions allowed.

Commissioner Canton indicated a preference to see construction entrances at the driveway location of each unit if the main construction entrance were removed once the road was paved.

Nathalie Gibson, resident at 44 Fourth Street, asked several procedural questions related to a butter notification and posting of meeting minutes. Mr. Flint responded with clarifying information.

Joseph Zwirblia, resident at 4 Fourth Street, expressed concerns regarding the ongoing monitoring of the site, as well as concerns related to the continued maintenance of the stormwater infrastructure at the conclusion of the work. Mr. Flint described the typical process for site monitoring for a site under an Order of Conditions and noted that ongoing maintenance of stormwater infrastructure is included as a deeded condition for these types of projects that would extend beyond the validity of the Order of Conditions.

Mr. Zwirblia asked if the Commission had the authority to require a bond for the work. Mr. Flint responded that the Commission could require a performance security for the work, and that it had done so in a now-expired Order of Conditions for a prior iteration of the project at the same site.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to close the public hearing.

Mr. Flint described staff recommended conditions. The Commission discussed whether a performance security should be included, ultimately deciding to require that the stabilization of the slope adjacent to the resource area be secured.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to issue an Order of Conditions as discussed.

2) 81 Hope Avenue - Notice of Intent (CC-2022-087 & DEP#349-1347)

Elyse Tripp, BETA Group, on behalf of the applicant, Seven Hills Foundation, reviewed the revisions made to the proposed plan based on feedback received from the Commission at the prior meeting. These included relocating the walkway and pergola out of the 15' buffer zone and replacing the proposed underdrain with a surface vegetated drainage swale.

Mr. Flint confirmed receipt of the revised plans and agreed that they addressed the items discussed at the prior meeting.

Commissioner Canton thanked the applicant for addressing the Commissions concerns.

There were no comments from the public.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to close the public hearing.

Mr. Flint described staff recommended conditions.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to issue an Order of Conditions as discussed.

3) 410 Granite Street - Notice of Intent (CC-2023-001 & DEP#349-1349)

Kate O'Donnell, EcoTec Inc., on behalf of the applicant, reviewed a site visit had been conducted with staff and several Commissioners to confirm the wetland delineation as had been requested at the prior meeting.

Mr. Flint confirmed that no issues with the wetland line were noted in the field during the visit.

There were no comments from the public.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to close the public hearing.

Mr. Flint described staff recommended conditions.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to issue an Order of Conditions as discussed.

New Business

6) 757 Salisbury Street - Notice of Intent (CC-2023-005)

Craig Marchionda, Marchionda & Associates, L.P., on behalf of the applicant, presented the proposed work to construct three multi-family residential buildings, a clubhouse, stormwater management structures, and related site work. Mr. Marchionda noted that the Commission had approved a prior iteration of the project in 2019, which had been modified in the current proposal.

Commissioner Canton asked for additional details regarding the stormwater basins, which Mr. Marchionda provided.

Mr. Flint noted that staff comments included request for minor plan modifications, which were included in a revised plan received by staff. Mr. Flint also suggested that the applicants request a Certificate of Compliance for the prior Order of Conditions for the site to avoid having it linger on the title.

There were no comments from the public.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to close the public hearing.

Mr. Flint described staff recommended conditions.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to issue an Order of Conditions as discussed.

7) 67 & 69 Tacoma Street - Notice of Intent (CC-2023-006)

Peter Glick and Alberto Franchi, SMMA, the applicant's representatives, and Steve Alvarez of the Worcester Housing Authority, the applicant, presented the proposed work to demolish existing site improvements and structures, and to construct a new Economic Opportunity Center.

Mr. Glick reviewed the written comments received from staff. Test pits had not been conducted at the location of the proposed infiltration unit as the area is currently paved, and the applicant is proposing to perform those prior to constructing the new building. Mr. Flint noted that it would be strongly preferred to have this information as part of the application, but that the project was primarily a redevelopment and that the Commission could include the provision of test pit data as a pre-construction condition if they saw fit.

There were no comments from the public.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to close the public hearing.

Mr. Flint described staff recommended conditions.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham the Commission voted 3-0 to issue an Order of Conditions as discussed.

Other Business

9a) Request for Extension of Time – 158 Dorchester Street (aka Mulcahy Field) (CC-2020-013)

Mr. Flint reviewed the portion of the work that had been completed to date, noting that the applicant planned to finish the work as funding became available. Kevin Quinn, Quinn Engineering, present on behalf of the applicant, noted his agreement with Mr. Flint's summary of the project history and extension request.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Amory, the Commission voted 3-0 to issue a 1-year extension of time.

9b) Request for Extension of Time – 181 Lake Avenue (CC-2020-002 & DEP#349-13XX)

Mr. Flint reviewed the extension request, which included a request to waive the filing fee for the request. Mr. Flint noted that had the Order of Conditions been issued 3 days prior to its issue date, it would have automatically extended for 462 days due to the COVID State of Emergency, and that staff supported the fee waiver request given that the public hearing was closed prior to the state of emergency. The applicant had yet to commence work due to lack of available funds and complications related to the pandemic but anticipated that work would be completed in 2023.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Amory, the Commission voted 3-0 to issue a 1-year extension of time and to waive the filing fee for the extension request.

10a) Request for Certificate of Compliance – 167 West Boylston Street (CC-2021-005)

Mr. Flint noted that the applicant requested a postponement to the next meeting to allow for additional time to provide written certification by an engineer of the project's compliance with the Order of Conditions.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham, the Commission voted 3-0 to postpone the item to the 3/20/2023 meeting.

10b) Request for Certificate of Compliance – 79 Joppa Road (CC-2015-006 & DEP#349-1102)

Mr. Flint reviewed the history of the Order of Conditions, noting that it was issued in 2015, and that the work never commenced, he noted that the applicant was requesting a Certificate of Compliance confirming that the Order of Conditions is no longer valid, and that work was never started. Mr. Flint noted that photos of the site were provided and that a site visit was conducted by staff to confirm the site remained undisturbed.

Upon a motion by Commissioner Nystrom, Seconded by Commissioner Hotham, the Commission voted 3-0 to issue a Certificate of Compliance (Invalid Order of Conditions).

11) Enforcement Order and Violation Updates

- a. **217 Lake Avenue (CC-EO-2020-004)**
- b. **449 Massasoit Road (CC-EO-2020-006)**
- c. **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)**
- d. **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)**
- e. **99 Wildwood Avenue (CC-EO-2020-009)**
- f. **166 Moreland Street (CC-EO-2020-011)**
- g. **522 Grove Street (CC-EO-2020-014)**
- h. **0 Myrick Avenue (CC-EO-2020-015)**
- i. **75 Harrington (CC-EO-2021-003)**
- j. **40 June Street Terrace (CC-EO-2021-004)**
- k. **12 AKA 0 Balis Avenue (CC-EO-2021-005)**
- l. **269 James Street (CC-EO-2021-007)**
- m. **90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)**
- n. **0 McKeon Road, 0 Millbury Street & 25 & 35R Tobias Boland Way (CC-EO-2021-009)**
- o. **Providence & Worcester Railroad (0 Tobias Boland Way)**
- p. **70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**
- q. **Hospital Drive FKA 305 Belmont Street, 57-004-B103B (CC-EO-2022-003)**
- r. **3 Aster Place (CC-EO-2022-005)**
- s. **Hospital Drive ROW (CC-EO-2022-006)**
- t. **215 Lake Avenue (CC-EO-2022-007)**
- u. **88 Randolph Road (CC-EO-2022-008)**

There was no discussion of Item 11.

12. Communications

- a. **Notice of Refilling – Lake Quinsigamond Commission – 2/15/2023**

There was no discussion of Item 12.

13. Approval of Minutes

Upon a motion by Commissioner Nystrom, seconded by Commissioner Hotham, the Commission Voted 3-0 to approve the minutes for the 11/28/2022, 12/12/2022, and 1/30/2023 meetings.

14. Open Space Discussion

There was no discussion of Item 14

15. Policies and Procedures

Mr. Flint described a staff-recommended change to standard condition #29, which would require that project proponents provide contact information for the SWPPP inspector, and evidence of their status as a Qualified Person to conduct inspections.

Upon a motion by Commissioner Nystrom, seconded by Commissioner Hotham, the Commission Voted 3-0 to adjust standard condition #29 as described by staff.

Adjournment

Upon a motion by Commissioner Nystrom, the Commission unanimously voted to adjourn at approximately 6:59PM.