



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

Monday September 11, 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: Joseph Charpentier, Chair
Devin Canton, Vice Chair
Amanda Amory, Commissioner
Lindsay Nystrom, Commissioner
Andrew Truman, Commissioner

Commissioners Absent: Timothy Magliaro, Commissioner

Staff Present: Eric Flint, Division of Planning & Regulatory Services (DPRS)
Olivia Holden, Division of Planning & Regulatory Services, *Participated remotely* (DPRS)

Call to Order

Chair Charpentier called the meeting to order at approximately 5:34 p.m.

Requests for Continuances, Postponements and Withdrawals

- 4) **121 Russell Street (aka Elm Park) – Notice of Intent (CC-2023-045 & DEP#349-13XX) (MBL 02-INX-00001)**
Request to Postpone to 10/02/2023
Request to Extend the Constructive Grant Deadline to 10/24/2023
- 6) **Salisbury Street Right-of-Way and 633 & 646 Salisbury Street – Notice of Intent (CC-2023-002 & DEP#349-1350)**
Request for Leave to Withdraw without prejudice.
- 8) **26 (Lots 2A & 2B) Aphthorp Street – Notice of Intent (CC-2023-041 & DEP#349-1366)**
Request to Postpone to 11/13/2023
Request to Extend the Constructive Grant Deadline to 12/5/2023
- 9) **0 Meadowbrook Road, 501 Salisbury Street, and the Meadowbrook Road Right-of-Way – Notice of Intent (CC-2023-043 & DEP#349-13XX)**
Request to Postpone to 10/02/2023
Request to Extend the Constructive Grant Deadline to 10/24/2023

12) 133 Granite Street – Notice of Intent (CC-2023-053 & DEP#349-13XX) (MBL 44-019-00001)

Request to Postpone to 10/02/2023

Request to Extend the Constructive Grant Deadline to 10/24/2023

13) 173 Lake Avenue North – Notice of Intent (CC-2023-054 & DEP#349-13XX) (MBL 46-009-00317)

Request to Postpone to 10/02/2023

Request to Extend the Constructive Grant Deadline to 10/24/2023

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

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 5-0 to grant the withdrawal request, postpone the public hearings and extend the constructive grant deadlines to the dates noted.

New Business – Requests for Determination of Applicability

1) Grove Street Right-of-Way (CC-2023-050)

Nick Hebel of Coneco Engineers and Scientists, on behalf of the applicant, Massachusetts Electric Company, provided an overview of the project which is to install six replacement manhole sensors and they are seeking Negative Determination of Applicability from the Commission because the sensor on Grove Street is within an area subject to the local ordinance. The project should take place in one day.

Chair Charpentier asked if all work will be done in the roadway; Mr. Hebel confirmed that it would.

Chair Charpentier asked about best practices; Mr. Hebel stated the Mass Electric crew will follow best practices and place erosion control barriers in catch basins if needed.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 5-0 to issue Negative Determination of Applicability.

2) 25 Tobias Boland Way (CC-2023-051) (MBL 31-021-0016B)

Joseph Tremblay of Phoenix Communication, on behalf of the applicant, Lumen/Century Link, stated that the intent of the project is to attach a fiber optic cable that will go underground along Tobias Boland Way. Plans include digging a trench, placing a 4" conduit underground, and have it bracketed to bridge that spans the Blackstone River.

Commissioner Amory asked about mechanical means to dig trenches; Mr. Tremblay stated they will use a small excavator and they will use waddles to protect catch basins during excavation. Once work is complete, they will re-loam and seed the disturbed soil.

Commissioner Amory asked for a project timeline; Mr. Tremblay stated the work will be complete in one week.

Mr. Flint voiced that this work is partially retroactive and was reported as a complaint to city staff. The applicant will also need to receive negative determination for work that has yet to be done.

Commissioner Canton asked about the depth of the excavation; Mr. Tremblay stated the excavation will be about 24"-30" deep.

Commissioner Canton asked how close in proximity are the trees to the excavation site; Mr. Tremblay stated that only grass will be disturbed and all trees will remain in place.

Commissioner Amory asked about the width of the trenches; Mr. Tremblay replied 12"-18".

Commissioner Canton asked about a planting schedule and species proposed; Mr. Tremblay stated no plants will need to be replaced so they only plan to re-loam and seed the grass.

Mr. Flint stated staff comments have been addressed.

Upon a motion by Commissioner Amory, Seconded by Commissioner Truman the Commission voted 5-0 to issue Negative Determination of Applicability.

Old Business – Notice of Intent

3) 255 Lake Avenue (CC-2023-044 & DEP#349-1368) (MBL 17-029-010-1 & 17-030-0002A)

Mitch Maslanka of Goddard Consulting LLC, on behalf of the applicant, Amjad Bahnassi, gave an update since last meeting including revised planting plan with greater diversity. The plan now includes two tree species and native bunch grass along with the originally proposed shrubs. The plan also shows a revised path that is no longer meandering to accommodate added plantings. Applicant is requesting to remove two trees for invasive species related aspects that will negatively influence the proposed plantings.

Commissioner Amory asked for confirmation that the path would not be cleared or constructed at this time; Mr. Maslanka stated they would not.

Commissioner Truman stated that if they are removing the dead red maple tree he would like to see stump left for benefits to wildlife; Mr. Maslanka stated the applicant would prefer to remove it because of concerns regarding decay and for aesthetic purposes but would see if they can add another tree.

Commissioner Canton asked if an arborist has looked at the tree and confirmed that it is likely to die; Mr. Maslanka stated that they have not had an arborist assess the tree; Commissioner Canton recommended that they have an arborist look to see if they have any long-term suggestions to revive; Mr. Maslanka stated the applicant would like to see the tree removed as its poor health will be a host for unwanted insects.

Commissioner Amory stated the Commission would be open to removal of the tree if they have an arborist come out and confirm its poor health; Mr. Flint stated the tree appeared in poor health upon his site visit and confirmed the tree looked like it will likely die.

Commissioner Truman suggested they continue the hearing until an arborist can determine the health of the tree; Mr. Maslanka agreed to continue.

Commissioner Canton asked about erosion controls on the proposed path; Mr. Maslanka stated it's covered in rye grass and they will continue to have three erosion control barriers in place through the conclusion of the home construction project.

Chair Charpentier voiced that he would like to see more variety in the larger trees on the planting plan to reflect the variety that was removed; Mr. Maslanka agreed.

Mr. Flint stated the DEP file number and comments have been received and read DEP comments into the record.

No public comment.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton the Commission voted 5-0 to continue the public hearing to the 10/2/23 meeting.

5) 1059 Grafton Street (CC-2023-049 & DEP#349-1371) (MBL 38-035-00002)

Donald O'Neil of Donald J. O'Neil, Esquire, on behalf of the applicant, 1059 Grafton Street, LLC, stated that they have received the DEP filing number and is open to questions if they have any since the last meeting but otherwise requests that the Commission close the hearing and issue the Order of Conditions.

Mr. Flint stated Staff comments have been addressed and only one comment was received from DEP.

No public comment.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 5-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include one-year of post construction monitoring erosion control at outlet, conditions #24, #26, #35, #41, #45, #49, #52, #53, #64, #65, #66, with deeded conditions #40, #64, #65, and #66, in addition to the standard conditions.

Upon a motion by Commissioner Truman, Seconded by Commissioner Canton the Commission voted 5-0 to issue an Order of Conditions as discussed.

New Business – Notice of Intent

7) 34-38 Blackstone River Road (CC-2023-020)

Leslie Wilson of H.S.&T. Group, Inc., on behalf of the applicant, Blackstone River Road Realty Trust, went over the existing site conditions which includes three buildings. The applicant proposes to pave and stripe the parking lot and change the existing use within the buildings. Building number 34 will include a fourth story addition with retail space converted to 16 residential units. Building number 36 will also include a fourth story addition with 8 residential units. Building number 38 will be demolished and replaced with a new 4-story building on the existing foundation with no increase in footprint for multi-family residential use. They will install cultec units to infiltrate roof runoff and there may be a need to reconstruct existing utilities. Mrs. Wilson described the proposed utilities and erosion controls on the plans.

Commissioner Canton asked about the stippled hatch on some of the parking spots; Mrs. Wilson stated this designates where the electric plug-ins for EV spots will go.

Commissioner Canton asked about snow storage on site; Mrs. Wilson stated the small area between building 34 and 36 could store snow if no cars are there, otherwise it will be trucked off site.

Commissioner Canton asked about plantings along the permitter; Mrs. Wilson stated the plantings are intended to beautify the area and noted the planting table on the plans but is not familiar with how these were selected as she did not work on this project.

Commissioner Truman asked about storm drainage and noted that the plans indicate they are connecting to the city; Mrs. Wilson stated the building's drainage will go into 10.5'x10' cultec units and explained the functionality.

Commissioner Charpentier asked about mitigation for additional impervious being added to the site; Mrs. Wilson stated the only mitigation proposed are the cultec units shown on plans.

Chair Charpentier asked if there is adequate separation between groundwater and cultec units; Mr. Flint stated this is the main concern for staff and would suggest requiring a mounding analysis if approved; Mrs. Wilson agreed.

Chair Charpentier stated it should be made clear if there is more than one downspout on the roofs and stated all of the downspouts need to be connected to the cultecs; Mrs. Wilson stated they could include perimeter drains.

Commissioner Canton stated it is important for them to know if they intend to add perimeter drains.

Commissioner Amory asked if there is any opportunity to use a different cultec system; Chair Charpentier reiterated that they are already using the smallest one they can use due to groundwater height.

Chair Charpentier asked if the rate of flow off the site increased since the applicant is proposing to pave the entire site without detaining it in any way; Mrs. Wilson stated the numbers are similar and did not increase.

Chair Charpentier asked if there are any concerns with groundwater and the cultec; Mrs. Wilson stated they can't change the grade of the lot significantly in order to use a larger system being that the buildings are already there.

Commissioner Amory asked about site location in relation to flood plain; Mr. Flint stated this is only triggered a Notice of Intent filing due to proximity of stormwater drain.

No Public Comment.

Mr. Flint stated all staff and DPW comments have been addressed.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton the Commission voted 5-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include revised plans depicting all downspouts connection to cultec systems, increased clarity in plans, revised stormwater report with mounding analysis for infiltration units, #26, #45, #52, #65, with deeded conditions #40 and #64, in addition to the standard conditions.

Upon a motion by Commissioner Truman, Seconded by Commissioner Canton the Commission voted 5-0 to issue an Order of Conditions as discussed.

10) 24 & 34 Lakeside Avenue, and Lakeside Avenue & Garland Street Rights-of-Way (CC-2023-047 & DEP#349-1370)

Andrew Thibault of Goddard Consulting, LLC and Austin Turner of Bohler Engineering, on behalf of the applicant, Tremont Development Group, LLC, went over the proposal which is to construct two multifamily high-rise buildings and went over the delineation and where the proposal is located in relation to the resource areas.

Austin Turner stated this filing represents the first phase of a four-phase project for the redevelopment of the Lakeside Apartments. Mr. Turner explained that residents may have to be temporarily relocated as phases move on and that this phase represents 116 units in two buildings. Mr. Turner continued to explain that the floodplain is very well defined by the boundaries of reservoir and no alterations will be made to floodplain. The work includes all best practices with catch basins flowing into an underground detention system. The stormwater modeling used higher intensity calculations and ultimately connects into the public system. They are in the process of completing confirmatory test pits in response to staff comments and will continue to coordinate with staff once they have the test pit data.

Commissioner Truman asked if the utility infrastructure is combined; Mr. Turner stated there is a portion that is combined as you get into Lakeside Avenue and mentioned the system is older.

Mr. Flint asked what source of data says its combined system; Mr. Turner stated he received plans from DPW but they may be outdated.

Mr. Turner continued to describe the erosion controls which included waddle silt fence around the perimeter of the project. They are proposing the addition of several trees along Lakeside Avenue and at the back of the building. They have included a conservation mix along walkways to re-naturalize and create a natural buffer. As the project continues to expand, there will be numerous other landscaping spaces and they are hopeful they will be able to reduce impervious at the end.

Chair Charpentier asked how the existing access will be protected and maintained during construction; Mr. Turner stated they took special care to do light grading and won't be doing much work that would impede access.

Commissioner Canton asked about snow storage in the parking area and if there is a dumpster proposed; Mr. Turner stated snow storage is located on the island but if they find its not suitable it will be moved off site by truck. The trash enclosure is located inside of the building and will be taken out when trash is collected and returned to the building.

No Public Comment.

Mr. Flint asked for clarity on floodplain border line; Mr. Turner stated they are working to close the gap depicted on plans, explained the elevations, and stated they will provide an updated plan once they work with a surveyor.

Chair Charpentier stated it would be helpful to show the trail network adjacent to the pond on the plans.

Upon a motion by Commissioner Truman, Seconded by Commissioner Canton the Commission voted 5-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include revised plans depicting close of bordering wetland and trail network adjacent to pond, clarification on combined sewer, test pit data provided prior to starting work, #24, #25, #26, #45, #49, #52, #55, #64, #65 with deeded conditions #64, #65, and #40, in addition to the standard conditions.

Upon a motion by Commissioner Truman, Seconded by Commissioner Amory the Commission voted 5-0 to issue an Order of Conditions as discussed.

Chair Charpentier called a 5-minute recess at 7:24pm.

Chair Charpentier called the meeting back to order at 7:28pm

11) 355 Granite Street (CC-2023-052 & DEP#349-1369) (MBL 45-013-00012)

Matthew Marro of Matthew S. Marro Environmental Consulting, on behalf of the applicant, Kimberly Ames, described the proposed work which is a retroactive Notice of Intent filed after the client was notified of an existing Enforcement Order issue. Mr. Marro continued to describe the findings from the delineation of the site. The applicant is looking to replace and relocate a septic system with the existing leach field to remain in place. Some grading will be done to accommodate the septic system. The existing gravel driveway in the buffer zone will be removed and re-naturalized with a slope meadow mix.

Chair Charpentier asked about work in area of driveway to be removed and if the adjacent owner has been notified; Mr. Marro stated the adjacent owner gave permission via email for the area to be naturalized.

No Public Comment

Upon a motion by Commissioner Truman, Seconded by Commissioner Canton the Commission voted 5-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include permission from the adjacent property owner be provided to staff prior to doing any work on that side of the site, #24, #53, #52, #64, #65, with deeded conditions # 64, #65, and #66, in addition to the standard conditions.

Mr. Flint stated the Commission could also take item 18y out of order and lift the Enforcement Order.

Upon a motion by Commissioner Truman, Seconded by Commissioner Amory the Commission voted 5-0 to issue an Order of Conditions as discussed.

Upon a motion by Commissioner Truman, Seconded by Commissioner Canton the Commission voted 5-0 to lift the Enforcement Order for item 18y.

14) 265 Lake Avenue (CC-2023-055 & DEP#349-13XX) (MBL 17-030-00002)

Mitch Maslanka of Goddard Consulting LLC, on behalf of the applicant, Cherele Gentile, described the clearing of the back slope of their property that took place a few months ago. At the base of the slope in the 15' buffer, trees were cleared and an Enforcement Order was issued so the applicant is filing a Notice of Intent to replant the slope and include a stairway on the slope. The design is incomplete, but the

stairway will be wooden with landings causing it to be wide. Mr. Maslanka described the proposed shrubs, grasses, and trees included in the planting plan.

Chair Charpentier stated they had previously approved a planting restoration plan for this site and asked why the proposed isn't replacing what was cleared; Mr. Maslanka stated that the trees and shrubs that had been cut back during the clearing are still there and have resprouted a bit so it's possible that many are still alive.

Chair Charpentier stated he would like to see more of the diversity and thoughtfulness included in the first restoration plan that was submitted for this property.

Commissioner Amory stated she would like to see a comparison of both restoration plans, current and previous, and is curious to know whether the long-term intent is to install a dock; Mr. Maslanka stated there has been no mention of a dock.

Mr. Maslanka requested they continue the public hearing until they have a stairway design and adjust the planting restoration plan.

No Public Comment

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory the Commission voted 5-0 to continue the public hearing to the 10/2/23 meeting date.

Other Business

15) Requests for Certificates of Compliance

a. 7 & 9 Modred Court (CC-2021-022)

Mr. Flint stated this was a local only filing and explained that the orientation and size of the retaining wall deviated from the approved plan. Staff received a letter from the applicant's engineer certifying the slope is stable and requested it remain as is. When staff visited it was not stable and upon the last visit they have made improvements to stabilize the slope.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton, the Commission voted 5-0 to issue the Certificate of Compliance.

b. 133 Kendig Street (CC-2022-059)

Mr. Flint stated this was a local only filing and during the initial site visit staff noted the site was not stable. Upon the last visit a few days prior to the meeting, the site was still unstable.

Upon a motion by Commissioner Truman, Seconded by Commissioner Amory, the Commission voted 5-0 to deny the Certificate of Compliance.

c. Hospital Drive (CC-2019-040)

Mr. Flint stated the applicant would like to table until the 10/2/23 meeting.

d. 21 Honeysuckle Drive (CC-2006-059 & DEP#349-0906)

Items 15 d-e were taken contemporaneously.

Mr. Flint stated they are seeking a partial Certificate of Compliance for items 15 d-e and upon the site visit the site appeared to be stable and construction has been completed for quite some time.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 5-0 to issue the partial Certificate of Compliance.

e. 21 Honeysuckle Drive (CC-2010-010 & DEP#349-0993)

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 5-0 to issue the partial Certificate of Compliance.

16) Requests for Extension of Time

a. Snowberry Circle, Arboretum Phase IV (CC-2019-068)

Mr. Flint reviewed the completed work and stated the applicant is requesting a one-year extension.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton, the Commission voted 5-0 to grant the one-year extension through 11/17/2024.

b. Lake Quinsigamond & Flint Pond (CC-2018-034 & DEP#349-1200)

Mr. Flint stated this is the OOC that permits the aquatic management of the lake, and they are requesting a one-year extension

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 5-0 to waive the filing fee and grant the one-year extension through 9/16/2024.

17) Project Change Requests

a. 0 (aka 14) Meadow Lane (CC-2022-049 & DEP#349-1316)

Mr. Flint stated the driveway coming out to Pleasant Street is now being proposed to come out on Meadow Lane so the impact is further away from the wetland. Staff has no concerns but did request erosion control be added back onto the revised plans.

Upon a motion by Commissioner Amory, Seconded by Commissioner Truman, the Commission voted 5-0 to approve the project change request.

b. 575 Park Avenue (CC-2022-053 & DEP#349-1332)

Mr. Flint stated they had to revise plans on the Park Avenue side of the site to put in a switch gear with bollards in an area that was initially proposed for landscaping.

Commissioner Amory asked if staff feels this is a minimal change; Mr. Flint stated it's as far away from the resource area as possible and since it's a requirement for them to get power, he does not feel there is any other way to do it.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 5-0 to approve the project change request.

18) 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. **Providence & Worcester Railroad (0 Tobias Boland Way)**
- o. **70 North Parkway AKA Burncoat Park (CC-EO-2022-002)**
- p. **3 Aster Place (CC-EO-2022-005)**
- q. **Hospital Drive ROW (CC-EO-2022-006)**
- r. **215 Lake Avenue (CC-EO-2022-007)**

Mr. Flint confirmed that the revised planting plan was received and discussed the revisions that were included as a result of both Enforcement Orders issued for this site.

Mr. Flint asked if the Commission is still looking to pursue restoration of the grades within 25' riverfront area to original conditions prior to commencement of construction; Chair Charpentier stated the Commission would like this to be completed or confirmed by survey.

Scott Morrison from Ecotec approached the Commission and gave an overview of the work that has been done at the site.

Commissioner Amory asked if the dock has been through the permitting process; Mr. Morrison stated it has.

Commissioner Amory asked Mr. Flint if staff has documentation to clarify permitting process for applicants; Mr. Flint stated they do not.

Commissioner Amory asked if staff could put something together; Mr. Flint asked for clarity on what she would like to see because staff does not want to be too heavily involved on the state's permitting process.

Mr. Flint stated permanent markers have not yet been placed and described the status of work that has been completed.

Chair Charpentier asked when they asked for the current conditions survey; Mr. Morrison stated it was a long time ago and the problem is that the surveyor won't provide a survey for a site that is under construction; Chair Charpentier stated that the Commission understands the surveyor won't stamp a plan but they need a definitive site plan to know exactly what work was done before they can decide if the site has been restored. In order for the Commission to close this out, they need a

current conditions plan; Mr. Morrison stated he will provide comparison plan as to what was done and what is different with an eye toward the buffer zones but cannot guarantee it will be done by next meeting.

Mr. Flint recapped the conversation and added clarity regarding fines and encroachments.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton, the Commission voted 5-0 to amend the fine and ratify the Enforcement Order as discussed.

s. 88 Randolph Road (CC-EO-2022-008)

Mr. Flint stated staff asked the owner to clean out the catch basin but it appears that they only cleaned off the catch basin. Otherwise, the site appears to be stabilized with vegetation.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton, the Commission voted 5-0 to lift the enforcement order for item 18s.

t. 4 Tiffany Avenue (CC-EO-2023-001)

Mr. Flint stated this was issued for large amounts of clearing and fill. Staff received an update from the owner that the debris has been removed but the stone has not yet been removed. The deadline for removing the stone and planting 3 trees is approaching on 9/30/23.

Chair Charpentier recommended having DEP handle this as staff has already put a lot of time and effort into it.

u. 0 Mcavey Way & 1393 Grafton Street (CC-EO-2023-003)

v. 255 Lake Avenue (CC-EO-2023-005)

w. 265 Lake Avenue (CC-EO-2023-006)

x. 133 Granite Street (CC-EO-2023-007)

y. 355 Granite Street (CC-EO-2023-008)

Item 18y was taken out of order during the discussion of item 11.

z. 0 Harrington Way (CC-EO-2023-009)

Mr. Flint stated a new Enforcement Order was issued for clearing and a ratification is needed. The whole site is within a priority habitat area and is also within 100' of a catch basin so that is where Conservation Commission jurisdiction comes in.

Chair Charpentier asked if they cleared the entire property; Mr. Flint confirmed that they had.

Commissioner Amory asked if it is still a habitat; Mr. Flint stated that is for Mass Wildlife to determine.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton, the Commission voted 5-0 to ratify the enforcement order for item 18z.

There was no discussion of items 18 a-q or u-x.

19) Approval of Minutes – 1/4/2016; 1/25/2016; 4/4/2016; 4/25/2016; 5/16/2016; 6/6/2016; 6/20/2016; 6/27/2016; 7/25/2016; 8/4/2016; 9/12/2016; 9/26/2016; 10/24/2016; 11/14/2016; 12/19/2016; 1/25/2021; 4/12/2021; 1/3/2022; 6/6/2022; 6/27/2022; 7/18/2022; 8/8/2022; 8/29/2022; 9/19/2022; 10/17/2022; 8/14/2023

Commissioner Amory abstained from the vote.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 4-0-1 to approve the minutes for 8/14/2023 and all of 2016 with Commissioner Amory abstaining from the vote.

20) FY24 WPA Budget

Mr. Flint stated the budget is similar to the prior years budget to cover staff training, commissioner training, and supplies. Mr. Flint went through third party reviews within the budget and explained if funds are not used in entirety they will roll over to the next year.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 5-0 to approve the budget as discussed for FY24.

21) Open Space Discussion

a. Potential Tax Title Properties to Transfer to the Custodianship of the Conservation Commission

Mr. Flint stated properties include Coes Reservoir & Pond (107 acres) and the Commission needs to vote if interested in taking them. DPW would maintain the land and Lakes and Ponds Division would maintain the water.

Upon a motion by Commissioner Canton, Seconded by Commissioner Amory, the Commission voted 5-0 to express support for transfer of 240 Mill Street and 30 Coes Street.

Upon a motion by Commissioner Amory, Seconded by Commissioner Canton, the Commission voted 5-0 to express support for transfer of 0 Roosevelt Street.

22) Policies and Procedures

a. Adoption of MGL 23D

Mr. Flint stated City Council has adopted MGL 23D, which relates to the Mullin Rule, and allows Commissioners to participate in a vote for a continued hearing for which they missed the prior meeting, provided they sign an affidavit attesting to having watched the video for that meeting and having reviewed all pertinent project documents.

Adjournment

Upon a motion by Commissioner Canton, seconded by Commissioner Amory, the Commission unanimously voted to adjourn at approximately 8:55PM.