



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

Monday November 13, 2023

Worcester City Hall – Esther Howland Chamber,
with remote participation options available via WebEx online at
<https://cityofworchester.webex.com/meet/conservationcommissionwebex> and
call-in number 1-844-621-3956 (Access Code: 2631 737 2697).

Commissioners Present: Joseph Charpentier, Chair
Amanda Amory, Commissioner, *participated remotely*
Lindsay Nystrom, Commissioner
Andrew Truman, Commissioner

Commissioners Absent: Devin Canton, Vice Chair
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 5:30 p.m.

Requests for Continuances, Postponements and Withdrawals

- 3) 26 (Lots 2A & 2B) Apthorp Street (CC-2023-041 & DEP#349-1366)**
Request to Postpone to 12/18/2023
Request to Extend the Constructive Grant Deadline to 1/8/2024
- 4) 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 12/18/2023
Request to Extend the Constructive Grant Deadline to 1/8/2024
- 7) 2 Hastings Avenue (CC-2023-066 & DEP#349-13XX) (MBL 13-018-00020)**
Request to Postpone to 12/4/2023
Request to Extend the Constructive Grant Deadline to 12/22/2023

8) 116 Northeast Cutoff – Notice of Intent (CC-2023-068 & DEP#349-13XX)

Request to Postpone to 12/18/2023

Request to Extend the Constructive Grant Deadline to 1/9/2024

11) 34 Lakeside Avenue, 2 Circuit Avenue South, and Garland Street & Vincent Avenue Rights-of-Way – Notice of Intent (CC-2023-074)

Request to Postpone to 12/4/2023

Request to Extend the Constructive Grant Deadline to 12/22/2023

14) 1 & 3 Hawthorne Street, 157 Woodland Street, and 914-934 Main Street – Notice of Intent (CC-2023-074)

Request to Postpone to 12/4/2023

Request to Extend the Constructive Grant Deadline to 12/22/2023

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

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to postpone the public hearings and extend the constructive grant deadlines to the dates noted.

New Business – Requests for Determination of Applicability

1) Webster Street Right-of-Way (CC-2023-070)

Honora Lovelace Tisell of BSC Group, Inc., on behalf of the applicant, Massachusetts Electric Company, stated the project on Webster Street is for a single utility pole installation. The work will be a single wooden utility pole installed along the road in the grassy area within 100' buffer to riverfront and stormwater protection zone. The pole will be drilled 6' into the ground and will use established best management practices. Debris will be removed from the area and backfilled with materials excavated.

No public Comment.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to issue Negative Determination of Applicability with conditions as discussed.

2) Stafford Street Right-of-Way (CC-2023-071)

Honora Lovelace Tisell of BSC Group, Inc., on behalf of the applicant, Massachusetts Electric Company, stated the project on Staffed Street is a single pole installation within 100' buffer to the riverfront. The pole will be drilled 6' into pavement with approximately 4 SF of area disturbed. The area will be backfilled with any material taken out and any excess fill will be removed from area.

No public Comment.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to issue Negative Determination of Applicability with conditions as discussed.

New Business – Notices of Intent

5) 53 Mason Street – Notice of Intent (CC-2023-064)

This item was temporarily postponed due to lack of representative. At approximately 6:17pm, Mr. Flint stated the applicant requested to postpone because their representative will not make it.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to postpone the public hearing to the 12/4/23 meeting.

6) 4 & 4A Flower Hill Drive (CC-2023-065 & DEP#349-1377) (MBL 25-051-+00001 & 25-051-00008)

Arthur Allen of EcoTec, Inc., on behalf of the applicant, Yixuan Wang, stated this is an existing single-family home and they are proposing an addition with a stormwater infiltration system. Some clearing will be done to provide clearance but the clearing is outside the 15' no disturb and the structure is out of the 30' no structure. They will regrade and remove any excess soils from the site. Erosion controls and a temporary construction entrance is also proposed. Several dead trees will be removed as part of project. The trees within 30' will be cut but the stumps will be left in place. The trees closer to the addition will have stumps removed.

Chair Charpentier asked if the infiltration is only taking runoff for the new addition; Mr. Allen stated two infiltration units are proposed to catch runoff from both ends of the addition.

Chair Charpentier asked if the grade is a swale to bring the water around the northside of the house; Mr. Allen stated yes.

No public Comment.

Mr. Flint noted during the site visit that there was a large amount of debris in the 15' no disturb and BVW and recommends the Commission condition that the debris be removed and permanent markers be placed.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include condition #24, that trees to be removed be flagged, the 15' buffer on north side of site be staked out, miscellaneous material within the BVW and/or 15' no disturb buffer at north of house be relocated, test pit data be provided prior to installation of the infiltration units, condition #45, permanent markers long 15' buffer at 20' apart, conditions #52, #63, #64, #65, with deeded conditions #40, #46, #64, and #65, in addition to the standard conditions.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to issue an Order of Conditions as discussed.

9) 311 Bridle Path (CC-2023-072 & DEP#349-13XX) (MBL 41-015-00086)

Mark Elbag (participating remotely) of M.A. Elbag Engineering, Inc., on behalf of the applicants, Scott & Anne McDonald, stated this is for the replacement of a retaining wall. Currently there are two failing timber walls. The proposal is to replace the two walls in kind at 4' in height and sloped toward the structure to make up the grade difference. The decks on the upper wall will also need to be removed or reset. The work will be done during the draw down period. Erosion controls are proposed and will be removed prior to lake filling.

Chair Charpentier asked if the grades shown on the plan were surveyed; Mr. Elbag stated they were.

Chair Charpentier asked about the preparation for installation; Mr. Elbag stated most of the work will be done by hand because it will be challenging to get large machinery on the site.

Chair Charpentier asked about the erosion control line on plans; Mr. Elbag stated that the plan is inaccurate and an old GIS line from a preliminary plan is misrepresented on the plans shown.

Commissioner Nystrom asked if the proposed walls will be in the same place as they are today; Mr. Elbag stated they are a couple of feet closer to the lake.

Chair Charpentier suggested a site walk while they await a DEP file number.

Commissioner Truman asked if they have plans for stairs; Mr. Elbag stated he will add them to the plans.

Mr. Flint stated a detail should be added to plans to indicate where the boundary of bordering land subject to flooding is; Chair Charpentier added that he would like to see a section showing proposed and existing grades on the new walls because it is not clear how they tie together.

No public Comment.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-continue to the 12/4/23 meeting.

10) 50 Lafayette Street (aka 2A & 2B Lodi Street) (CC-2023-073 & DEP#349-13XX) (MBL 05-014-00040)

Mark Elbag of M.A. Elbag Engineering, Inc., on behalf of the applicants, Carla & Rodrigo Pires, stated the lot is currently vacant and they are proposing a duplex. When looking at the site contours, the lot is actually below the base flood elevation. The lot does not have space for compensatory storage so they have lowered the grade on the northeast side to add some storage but they cannot offset the building structure itself without utilizing the area beneath the structure. Flood vents were proposed in the foundation wall but staff had advised that DEP does not consider flood vents as a means to provide compensatory storage because they don't allow for an unrestricted flow. They are now proposing cutouts in the foundation wall like a garage door cutout and would like to hear the Commission's thoughts before going any further with the project.

Chair Charpentier asked what percentage of wall is open for flood waters; Mr. Elbag stated they are considering placing openings at the back and side walls with a 4' wide opening at 1.5' tall.

Commissioner Nystrom asked what will happen when flood water enters the openings; Mr. Elbag stated the design is to allow the water to flow and flood the garage.

Commissioner Nystrom asked how often the site floods at present; Mr. Elbag stated they are designing based on 100' flood elevations.

Chair Charpentier asked if there will be any screening to keep wild animals out; Mr. Elbag stated he believes regulations require them to keep the yard open.

Chair Charpentier asked if the Commission would approve the plan as shown regardless of what building code allows.

Mr. Elbag stated for security and aesthetic purposes, the plan proposes flood openings on both end walls and the back wall with a garage door on front wall; Chair Charpentier stated he would be comfortable with 50% of the wall open.

Commissioner Amory asked if the subsequent owners of these townhouses will be made aware that the garages are subject to flooding; Mr. Elbag stated that it's beyond him but would be open to having that as a deeded condition to avoid future owners closing the openings.

Mr. Flint relayed the feedback from DEP and conveyed that flood vents cannot provide compensatory storage because it does not provide unrestricted flow. Mr. Flint reviewed the performance standards for Bordering Land Subject to Flooding in relation to the proposed work.

Commissioner Truman noted that building code has specific requirements to meet for the proposal; Mr. Elbag stated they are already exceeding building code requirements and just wants feedback from Commission.

No public Comment.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to continue to the 12/4/23 meeting.

12) 24 Simone Street (aka 70-76 Valmor Street & 21-27 Maranda Street) (CC-2023-075) (MBL 34-010-0004)

Donald O'Neil of Donald J. O'Neil, Esq., on behalf of the applicants, JAE Worcester, LLC, stated the work is within 100' of a catch basin.

Joe Graham (participating remotely), project engineer, stated the erosion control plan proposes inlet protection and the work will consist of excavation and construction of the buildings one by one. The entire perimeter will be encircled with hay bale silt fence. Grading on site was minimized as best as possible and stormwater infiltration units receiving roof runoff are proposed. Mr. Graham addressed staff and DPW comments and stated the applicant would like to continue the work since the cease and desist was issued but they didn't want to conduct the test pits until meeting with the Commission.

Chair Charpentier asked Mr. Flint if there were any concerns with the city regarding discontinuous properties; Mr. Flint confirmed the NOI was only for the 8 units in front of them tonight; Chair Charpentier would then like to see revised plans to clearly show the limit of work.

No public Comment.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to close the public hearing.

Mr. Flint described staff recommended conditions which include signed and stamped revised plans reflecting comments from DPW and staff and clarifying the limit of work, test pit data for the location of infiltration units, conditions #45 and #52, with deeded condition #40, in addition to the standard conditions.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to issue an Order of Conditions as discussed.

13) 1256 West Boylston Street (CC-2023-076 & DEP#349-13XX) (MBL 32-039-00114)

Glenn Krevosky of EBT Environmental Consultants, Inc., on behalf of the applicant, Sharon Buccheri, stated the project crosses a small perennial stream but he would like to request a continuance at this time until they receive a DEP file number. Chair Charpentier suggested a site visit prior to the next meeting.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom the Commission voted 4-0 to continue to the 12/4/23 meeting.

Other Business

15) Requests for Certificates of Compliance

a. 322 Massasoit Road (CC-2020-061)

Mr. Flint stated this for the construction of a single-family home and was issued for stormwater protection only and gave an overview of the completed work. An as-built site plan and certification from engineer was received depicting that work was completed in accordance with the approved plans.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to issue the Certificate of Compliance.

b. 151 Woodland Street (CC-2022-007)

Mr. Flint gave overview of the project and stated staff did not notice any issues during site visit. This order was issued for the local ordinance only.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to issue the Certificate of Compliance.

c. 10 Pullman Street (CC-2022-072)

Mr. Flint stated this was issued for the local ordinance only and gave an overview of the project. Certification form engineer shows work was completed in accordance with approved plans.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to issue the Certificate of Compliance.

d. 30 (aka 40) Quinsigamond Avenue (CC-2022-023)

Mr. Flint stated this was issued for work within the BLSF and gave an overview of the project. An as-built site plan and certification form engineer were provided depicting that work was done in compliance with the approved plans.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to issue the Certificate of Compliance.

e. Ellie Way (CC-2006-058)

Mr. Flint stated the order was issued for the construction of the street and stormwater infrastructure. This was issued under the local ordinance only and certification from engineer was received depicting that work was completed in accordance with approved plans.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to issue the Certificate of Compliance.

16) Requests for Extension of Time

a. Malden Woods (CC-2019-075)

Mr. Flint stated this order is set to expire on 12/9/23 and the applicant is seeking a one-year extension.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to grant the one-year extension through 12/9/24.

b. 219 & 221 Lake Avenue (CC-2020-066 & DEP#349-1289)

Mr. Flint stated staff recently visited this house to bring all projects in this area in compliance. Work for the tree replacement had not been completed but the owner has since planted trees and shrubs. They have hired an engineer to design an as-built site plan to close this out and receive a COC but the plan will not be done before the order expires.

Chair Charpentier noted that the driveway appears substantially larger than what was initially proposed.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to grant the one-year extension through 12/31/24.

17) Enforcement Order and Violation Updates

a. 449 Massasoit Road (CC-EO-2020-006)

Mr. Flint stated he met with the homeowner on site and a wetland scientist also recently evaluated site. Staff should receive PWS comments by the next meeting.

b. 99 Wildwood Avenue (CC-EO-2020-009)

c. 166 Moreland Street (CC-EO-2020-011)

d. 522 Grove Street (CC-EO-2020-014)

e. 0 Myrick Avenue (CC-EO-2020-015)

f. 75 Harrington Way (CC-EO-2021-003)

Mr. Flint stated he recently contacted the violator and shared photos from the site. John McCarthy, homeowner, stated they have a plan but they are requesting a few more months to complete the work because the backyard is very wet so they plan to complete in May or June.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to amend the Enforcement Order for item 17f to extend the removal of shed to location depicted on plan to 6/30/24.

g. 40 June Street Terrace (CC-EO-2021-004)

h. 12 AKA 0 Balis Avenue (CC-EO-2021-005)

i. 269 James Street (CC-EO-2021-007)

j. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)

k. Providence & Worcester Railroad (0 Tobias Boland Way)

l. 70 North Parkway AKA Burncoat Park (CC-EO-2022-002)

m. 3 Aster Place (CC-EO-2022-005)

n. Hospital Drive ROW (CC-EO-2022-006)

o. 215 Lake Avenue (CC-EO-2022-007)

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

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

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

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

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

u. 570 Lincoln Street (CC-EO-2023-010)

Mr. Flint stated this is a new EO issued for disturbance in/near a BVW. The site was experiencing frequent flooding in the parking lot and when staff visited the site, they witnessed an excavator digging in what appeared to be a BVW. Staff ordered the work to be stopped and have a wetland

scientist delineate the wetlands. Mr. Flint reviewed the preliminary delineation findings from the wetland scientist.

Patrick Healy (participating remotely) of Thomson & Liston Associates stated he worked with Scott Goddard of Goddard Consulting to place erosion controls and create plans to restore the area in the spring. Rye seed can be placed to stabilize the site for the winter and they will return in the spring with full proposal to straighten this out.

Chair Charpentier noted concerns with the channel that was dug and whether it is draining water from the wetland; Mr. Healy stated they would like to investigate further as well.

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to ratify the enforcement order for item 17u.

There was no discussion of items 17 b-e, g-t.

18) Approval of Minutes – 10/5/2020 ;10/2/2023; 10/23/2023

Upon a motion by Commissioner Truman, Seconded by Commissioner Nystrom, the Commission voted 4-0 to approve the minutes for the 10/2/23 meeting.

19) Open Space Discussion

Mr. Flint stated they were awarded the land grant for St. George Forrest and will need the Commission to sign it.

20) Policies and Procedures

Mr. Flint asked the Commission about site visit availability.

Adjournment

Upon a motion by Commissioner Truman, seconded by Commissioner Nystrom, the Commission unanimously voted to adjourn at approximately 7:07 PM.