

**Minutes
Worcester Planning Board
March 9, 1994**

I. Public Hearing: 2:00 p.m., City Hall - Personnel Training Room

Planning Board Members Present: John Reynolds
Joan Bagley

Staff Present: Karen L. Sherman, OPCD Principal Staff
Steve O'Neil, OPCD Director
Paul LaCava, OPCD Public Services Coordinator
David Kean, OPCD Housing Section Coordinator
Tony Miloski, OPCD Staff
Jill Dagilis, OPCD Principal Staff
Mike Caforio, DPW Engineering

1. **Call to Order:** Chairman Reynolds called the meeting to order at 2:00 p.m.
2. **Presentation of Year 20 Community Development Block Grant Allocations:**

The Chairman turned the presentation over to OPCD Director Steve O'Neil after explaining that the Board did not have a quorum and that he and Mrs. Bagley would act as a sub-committee of the Board and convey information to the full Board at their 5:30 p.m. meeting. O'Neil explained to the Board and the audience that the objectives and proposed use of funds presented to the Board were prepared by OPCD for review.

Year 20 Community Development Block Grant Allocations were presented in seven categories - public services, comprehensive housing, economic development, parks, public works, urban renewal, and planning/administration. The total recommendation for funding is \$5,787,000 with the following breakdowns:

| | |
|-------------------------|--------------|
| • Public Services | \$ 868,050 |
| • Comprehensive Housing | \$1,898,160 |
| • Economic Development | \$ 225,000 |
| • Parks | \$ 570,390 |
| • Public Works | \$ 875,000 |
| • Urban Renewal | \$ 198,000 |
| • Planning/Admin. | \$1,157,400. |

After the recommendations were presented, Reynolds asked if there were questions from the audience. Representatives from Quinsigamond Community Center and the Executive Office of Elderly Affairs advocated funding for their projects which had not been recommended by OPCD, including repairs to the center and the acquisition and construction of a senior center.

Representatives from Friendly House and Worcester Community Housing Resources noted that their programs funds represented dynamic programs that are the result of leveraged CDBG funds which are trying to address the changing needs of the community.

Adjournment: Chairman Reynolds adjourned the hearing at 3:10 p.m.

II. Regular Meeting - 5:30 p.m., City Hall - Personnel Training Room

Planning Board Members Present: John Reynolds
Joan Bagley
Joe Sova
George Russell

Staff Present: Karen L. Sherman, OPCD Principal Staff
Mike Caforio, DPW Engineering
David Holden, Code Commissioner

1. **Call to Order.** Chairman Reynolds called the meeting to order at 5:30 p.m.
2. **Approval of Minutes - February 9 and 25, 1994.** George Russell made a MOTION to approve both sets of minutes as presented. Joe Sova seconded and the Board voted unanimously in favor.
3. **Definitive Site Plan Approval - 74 Providence Street.**
The Board reviewed departmental comments regarding this petition filed by the Oak Hill Community Development Corporation for the Estate of Peter Carroll and discussed concerns regarding vehicle clearance on the proposed driveway around the rear of the building. It was noted that the "loading area" protruding from the side of the building could be removed to provide a safer turning radius. George Russell made a MOTION to approve the application with the following conditions: 1. The loading area should be removed to provide for a safer turning radius and 2. The appropriate soil erosion and sediment control measures should be installed and maintained throughout construction to the satisfaction of the Code Commissioner. Joan Bagley seconded the motion and the Board voted unanimously in favor.
4. **Definitive Subdivision and Site Plan Approval - Pineland Ave.**
The Clerk read the Notice of Public Hearing and the Chairman prefaced the petitioner's presentation with comments regarding the Board's afternoon view as well as comments from several city departments. He read DPW Engineering comments dated February 16, 1994 and an OPCD memo dated February 15, 1994.

Russell expressed concerns over the presentation of some of the facts of the case without first addressing the fee waiver request. The Chairman noted that OPCD has recommended waiver of the subdivision fee and recommended an assessment of the site plan review fee of \$275. The petitioner justified the request for waiver on the definition of subdivision within the state law

(The fee for an Approval Not Required Plan is currently \$35, rather than \$1,000 plus \$100 per lot.). Russell made a MOTION to assess the fee of \$275 as recommended by OPCD. Sova seconded and the Board voted unanimously in favor.

Personnel from Bouley Brothers represented AP Etre Builders, owner. It was noted that the right-of-way used for common access to the lots is not within the City's property, but rather on an adjacent parcel. Additionally, the adequacy of the proposed 20 feet of frontage for each of the lots was related to the state subdivision control law minimum frontage requirement. It was noted that a "new" court case requiring subdivision approval has not been applied in many cases and that the Board has the authority to approve the plan.

The Chairman asked if any member of the audience would like to speak in opposition to the petition. Geoff Lampshire of 25 Pineland Ave. expressed opposition and asked if any on-site improvements has been proposed. The chairman noted that none had been proposed on the site plans provided to the board. The potential extension of the sewer line within Pineland Ave. was noted by the surveyor as well as a clarification that a common driveway had been proposed rather than a street for access to the three lots. Tom McGrail, President of the Lake Quinsigamond Watershed Association and a resident of 5 Pineland Ave. expressed a concern for the on-site pond as well as the resources around Flint Pond. He noted that the "island" is an area subject to flooding as well. Louis DelOlio of 43 Pineland Ave. expressed concerns over the ownership of the un-named pond on-site as well as the proposed improvements to the lot within the wetland resource areas.

George Russell asked if the petition would require a variance for frontage reductions. Additionally, members expressed concerns regarding the common driveway as well as the proposed minimum lot frontage and referred these questions to the Code Commissioner. Joan Bagley made a MOTION to close the public hearing. This motion was seconded by Sova and the Board voted unanimously in favor.

5. Definitive Site Plan Approval - 180 West Street

Bill Burbank, Principal with Abbelire, Inc. represented the petitioner, Worcester Polytechnic Institute. The proposal is for an expansion of Higgins Lab totaling 16,000 square feet. The expansion actually represents a net decrease in classrooms and number of parking spaces required by the zoning ordinance. He noted that DPW concerns regarding drainage had been addressed through supplemental discussions with their hydraulic engineer (No net impervious area is proposed.). Additionally, the re-striping of all spaces within the parking lot is proposed. This re-striping includes re-sizing of many spaces to meet the sub-compact car regulations within the zoning ordinance.

The Chairman expressed concerns regarding the intrusion of the institution on the neighborhood. He questioned whether the Board would have jurisdiction on the overall parking scheme of the campus (e.g. identification of snow storage areas, lanes, etc.) and stated that he would like to consult with the Law Department regarding same. Russell asked the Code Commissioner to comment on the required number of spaces. It was conferred that the

number of classrooms sets the standard for number of spaces and that in effect, the decrease in classrooms would justify a decrease in spaces.

John Miller, Vice President of Physical Plant for WPI concurred that the alterations proposed maximize reasonable uses within that area of the campus and stated that an overall plan for the campus is needed and should be implemented in the near future. Russell commented that the area of the campus within the site plan represents a contiguous area of parking and that in his estimation, Board jurisdiction goes no further within the campus. He asked for a clarification of lighting, dumpsters and snow storage areas not noted on the site plans.

Burbank noted areas proposed for snow storage in the area of the "quad" and islands within the lot. No dumpsters are located within the area and all lights are located on buildings, rather than on poles within the lot. Bagley noted a concern for potential illegal parking within the fire lanes as spots become more limited.

Russell made a MOTION to approve the definitive site plan application with no conditions. The motion was seconded by Sova and the vote was three ayes (Russell, Sova and Bagley) to one nay (Reynolds) in favor. Discussion included the issues noted above as well as a concern to obtain legal counsel on the issue of jurisdiction over the entire institution.

6. Parking Lot Application - 574 Pleasant Street

Attorney Jonathan Finklestein represented the petitioner, Josue Rosa. The application is for construction of a parking lot to complement an expansion of the Tu Moda Beauty Salon within the RG - 5.0 zone. Reynolds informed the audience that the Board had toured the site earlier in the afternoon.

Atty. Peter Keenan introduced himself on behalf of his clients, the Atanian family, whose three-family property is adjacent to Tu Moda. Keenan offered some history of his involvement with the Zoning Board of Review decision and a current appeal filed by his client. Reynolds explained to Keenan that the Board is limited in its review and provided him with a set of review guidelines. Keenan then expressed concerns over the slope of the driveway, on-street parking by employees and clients, lighting and pedestrian access.

Russell questioned the appropriateness of screening for the abutters. Finklestein noted that fencing presently exists on-site and a sign on the building will direct cars to the parking in the rear of the building. Russell indicated that his preference would be for a stockade fence if there was no room for shrubbery.

Finklestein then presented numerous letters of support for the petition and Mr. Josue. Caforio commented that since no grade changes were proposed, no runoff or snow melt would be directed into the Atanian's yard. A more compact snow storage area further downgradient was then discussed. Russell inquired about the placement of a dumpster and was informed that none was proposed.

Russell made a MOTION to approve the application as presented with the following conditions:

- Revisions to site plan to 1. clearly label handicapped parking space (#1), 2. remove space #10 as it does not meet the buffering requirements of the Zoning Ordinance and 3. move designated snow storage area to the area west of spots #11-14.
- Screening of the driveway and property line between the salon parcel and that n/f Atanian to include a stockade fence (2' high from the 15' front yard setback for ten feet, then 6' high to the property line n/f Atanian and Labontes & Milio).
- A 2' x 2' freestanding sign will be erected in front of the building, identifying parking in the rear of the building.
- Employee parking will be designated off-street, within the parking lot.
- Improvements are to be completed to the satisfaction of the Code Commissioner prior to the issuance of an occupancy permit for the proposed business expansion.

Joe Sova seconded the motion and the Board voted unanimously in favor.

7. Clarification of Site Plan Approval Decision - Front Street

Atty. Peter Dawson represented Worcester Center Realty Trust and noted that the City's Law Department has recommended two substantive changes in the prior proposed decision (See letters dated February 22 and March 8, 1994 in the file.). For clarification, it was noted that the prior motion to approve the proposed decision was contingent upon review and recommendation of the Law Department.

Upon advise of counsel, Russell made a MOTION to approve the decision with the two changes recommended by the Law Department. The two recommended changes are as follows:

- (#1) The Planning Board acknowledges and approves of the separation of the Applicant's project into two distinct phases of construction, referred to as Phase I (Renovations) and Phase II (New Building). The Planning Board further acknowledges that the Decision's approval of Phase I is not contingent upon the commencement or completion of Phase II. However, if Phase II is not commenced by January 19, 1995, that portion of the Decision relating to and approving Phase II shall lapse, unless a further extension is granted by the Planning Board pursuant to Article V, Section 3 (b) of the Zoning Ordinance; the Applicant's right to petition for any such extension being unaffected by this Amendment.
- Paragraph 2 has been deleted (It dealt with the "Waiver" of the internal renovations.).

Joan Bagley seconded the motion and the Board voted unanimously in favor.

8. Plans to be Ratified

Sherman presented the Board with a list of ANR plans which have been signed by Board members and need to be ratified, including:

4616 Orton Street Extension
4617 Massasoit Road
4618 Burncoat Street.

9. Street Issues

A. Petitions to Make Public Ontario Street and Hampton Street

Sova made a MOTION to move DPW/OPCD's street priority recommendation to the City Council. Bagley seconded and the Board voted unanimously in favor.

B. Petition to Make Public Greenside Lane, Greenview Lane and Moreland Green Drive

Sova made a MOTION to recommend acceptance of the streets as recommended by the Department of Public Works.

C. Petition to Add Ben Drive to Official Map

Russell made a MOTION to table this item based upon the Law Department's recommendation of February 22, 1994. Sova seconded the motion and the Board voted unanimously in favor. Russell requested that the petitioner be requested to submit affidavits regarding the "error" and the Official Map on recommendation of counsel.

10. Subdivision Issues

A. Request for Security Reduction - Blithewood Heights Subdivision

B. Request for Release of Covenant - Westmont Subdivision

C. Request to Establish a Performance Bond - Westmont Subdivision

On a MOTION by Russell, seconded by Sova, the Board voted unanimously to move DPW's recommendation regarding the three issues. Details of Item C. are as follows:

- Phase I - Villages of Moreland Green
 - Moreland Green Drive (Sta. 773 + 0 to Sta. 22 + 0) -- \$14,000
 - Glenbrook Lane (Sta. 300 = 0 to Sta. 304 + 80) -- \$12,200
 - Greenside Lane (Sta. 108 = 0 to Sta. 111 + 0) -- \$ -0-
 - Greenview Lane (Sta. 100 + 30 to Sta. 107 + 60) -- \$ -0-
 - Total (subtotal plus Contingency) \$27,500

- Suggested Bond Release \$15,500
- Project Completion Date September 1, 1994
- Bond Expiration November 1, 1994

- Phase IV - Villages of Moreland Green
Suggested Bond \$84,000
Bond Expiration Date January 1, 1995
Completion Date November 1, 1994

11. Year 20 Community Development Program Recommendations

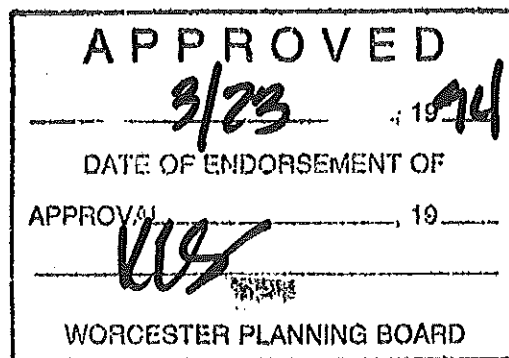
Russell recused himself from sitting with the Board as he has identified a potential conflict of interest with HUD programs. Reynolds indicated that he and Bagley had acted as a sub-committee of the Board at an earlier Public Hearing regarding OPCD's recommended Year 20 CDBG Program. A short discussion of "soft" moneys within the allocations was made in regard to potential reallocation of urban renewal funds to other funding categories. Sova made a MOTION to approve the recommendations based upon OPCD's input. Bagley seconded and the Board voted unanimously in favor.

12. Environmental Notification Form (ENF) - Showcase Cinemas

Sherman presented a draft letter to EOE Secretary Trudy Coxe (in file) and explained to the Board that in her review of the ENF, she had become puzzled by the petitioner's phasing of the project and had questions regarding the Board's site plan approval in relation to the ENF and the MEPA process. Additionally, traffic impact and mitigation were discussed within the correspondence. The Board directed Sherman to send the correspondence on their behalf.

Adjournment : The Chairman adjourned the meeting at 7:40 p.m.

Next Meeting: March 23, 1994



**CITY OF WORCESTER
WORCESTER PLANNING BOARD**

CORRECTED NOTICE

DATE: March 21, 1994

At a meeting held on *March 9, 1994*, the Worcester Planning Board voted unanimously to approve the *Parking Plan Approval* application filed by *Atty. Jonathan Finkelstien for Josue Rosa, Josh Nominee Trust, owner*.

The petition involves the construction of a *seventeen-space parking lot* at a parcel located at *574 Pleasant Street, Worcester, Massachusetts*.

Proper notice on *February 23, 1994*, was given for the meeting by the Planning Board.

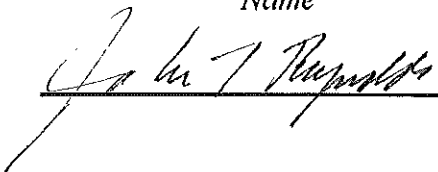
The *Parking Plan Approval* was granted with the following conditions:

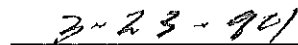
- Revisions to site plan to 1. clearly label handicapped parking space (#1), 2. remove space #10 as it does not meet the buffering requirements of the Zoning Ordinance and 3. move designated snow storage area to the area west of spots #11-14.
- Screening of the driveway and property line between the salon parcel and that n/f Atanian to include a stockade fence (2' high from the 15' front yard setback for ten feet, then 6' high to the property line n/f Atanian and Labontes & Milio).
- A 2' x 2' freestanding sign will be erected in front of the building, identifying parking in the rear of the building.
- Employee parking will be designated off-street, within the parking lot.
- Improvements are to be completed to the satisfaction of the Code Commissioner prior to the issuance of an occupancy permit for the proposed business expansion.

Authorized Planning Board Member

Name

Date





**CITY OF WORCESTER
WORCESTER PLANNING BOARD**

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At a meeting held on *March 9, 1994*, the Worcester Planning Board voted unanimously to approve the *Parking Plan Approval* application filed by *Atty. Jonathan Finkelstien for Josue Rosa, Josh Nominee Trust, owner.*

The petition involves the construction of a *seventeen-space parking lot* at a parcel located at *574 Pleasant Street, Worcester, Massachusetts.*

Proper notice on *February 23, 1994*, was given for the meeting by the Planning Board.

The *Parking Plan Approval* was granted with the following conditions:

- Revisions to site plan to 1. clearly label handicapped parking space (#1), 2. remove space #10 as it does not meet the buffering requirements of the Zoning Ordinance and 3. move designated snow storage area to the area west of spots #11-14.
- Screening of the driveway and property line between the salon parcel and that n/f Atanian to include a stockade fence (2' high from the 15' front yard setback for ten feet, then 6' high to the property line n/f Atanian and Labontes & Milio).
- A 2' x 2' freestanding sign will be erected in front of the building, identifying parking in the rear of the building.
- Employee parking will be designated off-street, within the parking lot.
- Improvements are to be completed to the satisfaction of the Code Commissioner prior to the issuance of an occupancy permit for the proposed business expansion.

Authorized Planning Board Member

Name

Date

John T. Reynolds

2-23-94

**CITY OF WORCESTER
WORCESTER PLANNING BOARD**

PLEASE TAKE NOTICE

DATE: March 10, 1994

At a meeting held on *March 9, 1994*, the Worcester Planning Board voted unanimously to approve the *Site Plan Approval* application filed by *Atty. Jonathan Finkelstein for Oak Hill Community Development Corporation, petitioners on behalf of the Estate of Peter Carroll, owners.*

The petition involves the *conversion of a former funeral home into three residential units and office space* at a parcel located at *74 Providence Street, Worcester, Massachusetts.*

Proper notice on *February 23, 1994*, was given for the meeting by the Planning Board.

The *Site Plan Approval* was granted with the following conditions:

- The loading area should be removed to provide for a safer turning radius and
- The appropriate soil erosion and sediment control measures should be installed and maintained throughout construction to the satisfaction of the Code Commissioner.

Authorized Planning Board Member

Name

Date

Robert Reynolds

3-23-94

**CITY OF WORCESTER
WORCESTER PLANNING BOARD**

PLEASE TAKE NOTICE

DATE: March 10, 1994

At a meeting held on *March 9, 1994*, the Worcester Planning Board voted unanimously to approve the *Site Plan Approval* application filed by *Worcester Polytechnic Institute, owner*.

The petition involves the construction of an *addition to Higgins Laboratories including a new 4,000 square foot four-level addition and new concrete and bituminous concrete paving* at a parcel located at *180 West Street*, Worcester, Massachusetts.

Proper notice on *February 23, 1994*, was given for the meeting by the Planning Board.

The *Site Plan Approval* was granted with no conditions (Site Plan revisions dated 3/10/94.).

Authorized Planning Board Member

Name

John H. Bagley

Date

March 18, 1994

CITY OF WORCESTER WORCESTER PLANNING BOARD

PLEASE TAKE NOTICE

DATE: March 10, 1994

At a meeting held on *March 9, 1994*, the Worcester Planning Board voted unanimously to approve the *Site Plan Approval* amendment and extension application filed by *Worcester Center Realty Trust*.

The Project involves *renovations to the Worcester Center Galleria and construction of a new 150,000 square foot building* at a parcel located at *Front Street*, Worcester, Massachusetts to be known as Worcester Common Fashion Outlet.

Proper notice on *January 26, 1994*, was given for the meeting by the Planning Board.

The *Site Plan Approval* amendment and one-year extension (in accordance with the provisions of Article V Section 3, paragraph 6) was approved with the following conditions:

1. The Planning Board acknowledges and approves of the construction of Applicant's project into two distinct phases of construction, referred to as Phase I (Renovations) and Phase II (New Building). The Planning Board further acknowledges that the commencement or completion of Phase I is not contingent upon the commencement or completion of Phase II. However, if Phase II is not commenced by January 19, 1995, that portion of the decision relating to and approving Phase II shall lapse, unless a further extension is granted by the Planning Board pursuant to Article V, Section 3(b) of the Zoning Ordinance; the Applicant's right to petition for any such extension being unaffected by this amendment.
2. Condition 2 of the decision, which requires that the Worcester Center Boulevard loading area be properly screened and shielded through wall construction (ten foot height or greater), landscaping and tree planting with materials compatible with surrounding land uses, only applies to the construction of the new building under Phase II and is deferred until the completion of the Phase II construction and occupancy of the new building.
3. Condition 5 of the decision, which requires that utility improvements and connections be subject to the requirements and the approval of the Commissioner of Public Works, only applies to Phase II and compliance with condition 5 is deferred until the commencement of the construction of the Phase II building. Notwithstanding the foregoing, the Commissioner of Public Works shall retain all jurisdiction over those components of Phase I that normally are subject to his review and approval.

4. Condition 6 of the decision, which requires that erosion control plans for the new building be subject to the requirements and the approval of the Commissioner of the Worcester Department of Public Works and the Commissioner of the Department of Health and Code Enforcement, only applies to Phase II and compliance with Condition 6 is deferred until the commencement of the construction of the new building.

5. Condition 9 of the decision, which requires that the applicant submit a supplemental traffic report is deferred until the commencement of Phase II.

6. Except to the extent that the decision is extended or amended by this instrument, the decision of January 20, 1993, remains in full force and effect.

Authorized Planning Board Member

^{Name}
Sharon H. Baerley

^{Date}
March 15, 1994