

**MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE CITY OF WORCESTER**

**August 5, 2009
WORCESTER CITY HALL – LEVI LINCOLN CHAMBER**

Planning Board Members Present: John Shea, Chair
Scott Cashman, Vice Chair
Anne O'Connor, Clerk

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Edgar Luna, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
Michael Traynor, Law Department
Jennifer Beaton, Law Department
Russell Adams, Department of Public Works & Parks

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:43 PM.

APPROVAL OF MINUTES

Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to approve the minutes from the July 15, 2009 Planning Board meeting.

REQUEST FOR CONTINUANCES AND WITHDRAWALS

- 1. Arboretum Phase IV – Definitive Subdivision (PB-2009-038):** Ms. Bold informed the Planning Board that Lesley Wilson, representative for Robert Gallo, petitioner, sent a letter requesting continuation of the public hearing for the Definitive Subdivision application to August 26, 2009 since there would only be three Planning Board members present. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to continue the public hearing to August 26, 2009.
- 2. 146-150 Moreland Street – Amendment to Special Permit for Cluster Development (PB-2009-040):** Don O'Neil, representative for Michael Hannon, petitioner, requested continuation of the public hearing for the Amendment to Special Permit for Cluster Development to August 26, 2009, for lack of quorum. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to continue the public hearing to August 26, 2009.
- 3. 146-150 Moreland Street – Definitive Site Plan (PB-2009-041):** Don O'Neil, representative for Michael Hannon, petitioner, requested continuation of the public hearing for the Definitive Site Plan

to August 26, 2009, for lack of quorum. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to continue the public meeting to August 26, 2009.

UNFINISHED BUSINESS

Public Hearing

4. Assumption Avenue – Remove a Portion of a Private Way: Russell Oliver, petitioner, presented the petition. Mr. Russell stated he was seeking to remove from the Official City map the section of Assumption Avenue between Hyde Street and Emerson Road. He also indicated that, in his opinion, closing that portion of the road would not have a negative impact on the surrounding homes and the neighborhood in general. Mr. Russell further stated that as he indicated in the previous meeting, if his petition was approved, he would commit himself to planting additional trees in the area in an effort to compensate for the loss of trees in the neighborhood due to the removal of trees infested with Asian longhorn beetles (ALB). In addition, Mr. Russell stated that as requested by the Planning Board, he contacted NSTAR Gas company seeking information on any gas lines that may be located on the portion of Assumption Avenue to be removed, and indicated that the company informed him that no records existed of gas lines and/or of an easement on the section of Assumption Avenue between Hyde Street and Emerson Road. Mr. Luna stated that a letter from NSTAR Co. dated July 9, 2009 was on file confirming such information. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to recommend approval to City Council of the removal of approximately 240 feet of Assumption Avenue between Hyde Street and Emerson Road with the following condition:

- **The portion of Assumption Avenue between Hyde Street and Emerson Road will be retained as an easement for City utilities.**
- **The petitioners must record at their own expense, the plan of the private street removal of the portion of Assumption Avenue between Hyde Street and Emerson Road, in accordance with Registry of Deeds Rules and Regulations.**

NEW BUSINESS:

Public Meetings

5. 348 Salisbury Street – Definitive Site Plan (PB-2009-032): Todd Brodeur, representative for Vernon Street Realty Company, LLC, petitioner, presented the plan. Mr. Brodeur stated that on September 5, 2007, the Planning Board approved a Definitive Site Plan to construct a single-family detached dwelling on this parcel which has more than 15% slope; however, due to time involved in the restoration of the wetlands and the current economy downturn, the petitioner was not able to start construction of the project within a year and the Definitive Site Plan approval elapsed. In addition, he stated that the proposed project remains unchanged from the Definitive Site Plan previously approved. Ms. Bold stated that the previous Site Plan included several conditions of approval, and recommended that if the present Definitive Site Plan was approved, the same conditions be included. Mr. Cashman requested clarification regarding the correct address of the proposed project. Mr. Brodeur stated that the correct address was 348 Salisbury Street and Ms. Bold confirmed that 348 Salisbury Street is the correct address listed by the Assessor's Office data used to create the abutter's map. Richard Silpe, an abutter, expressed concern with parking on the street during construction of

the project. Mr. Brodeur indicated that he will inform the project's contractor and workers not to park on the street or adjacent driveways. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to approve Definitive Site Plan with the following conditions:

- **Prior to construction, except for the placement of sedimentation controls, a staging area must be established for construction vehicles.**
- **No vehicles are to be parked on the private driveway.**
- **Identify the number and locations of trees to be removed prior to construction on the Site Plan.**
- **The 70" butternut tree referenced in the Tree and Shrub Care Proposal from Bartlett Tree Experts must be pruned and retained and noted on the plan.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Commissioner of Inspectional Services.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

6. **190 Salisbury Street – Definitive Site Plan – Extension of Time (PB-2009-034):** Robert Longden, representative for the American Antiquarian Society, petitioner, presented the plan. Mr. Longden stated that the petitioner was seeking an Extension of Time to the Definitive Site Plan approved by the Planning Board on August 20, 2008 to construct an addition connecting the Goddard-Daniels House to the Carriage House and construct a parking lot containing seventeen (17) parking spaces with access from Park Avenue, and five (5) new parking spaces along the existing driveway on Salisbury Street. In addition, Mr. Longden stated that while the proposed project remains unchanged from the Definitive Site Plan previously approved, the applicant has not been able to commence work on the project due to the current recession. Upon a motion by Anne O'Connor and seconded by Scott Cashman the Board voted 3-0 to approve the Definitive Site Plan Extension of Time for twelve months (12) to August 5, 2010, with the following conditions:

- **Submit a copy of the most recently approved plan by the Worcester Historical Commission, and its conditions of approval, if any, be noted on the Definitive Site Plan.**
- **Change item # 15 of the August 20, 2008 Planning Board Conditions of Approval to 3" caliper deciduous shade trees not susceptible to ALB.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

7. **349 Hamilton Street – Definitive Site Plan (PB-2009-035):** Carl Hultgren, representative for the petitioner, and David Mitchell, petitioner, presented the project. Mr. Hultgren stated that the petitioner was seeking to build a single-family detached dwelling on a parcel with more than 15 % slope. He stated that this parcel was created approximately in 1935 and consequently does not meet current dimensional requirements regarding frontage and gross area. He further indicated that on July 20, 2009, the Zoning Board of Appeals granted the applicant a Variance of 2,000 feet of relief

from Gross Area requirement and a Variance of 15 feet of relief from the Frontage requirement need to build the proposed project. Mr. Adams stated that the Department of Public Works & Parks was recommending changing the drainage pipe size to six (6) inches in diameter. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to approve the Definitive Site Plan with the following conditions:

- **Label the site plan, Definitive Site Plan.**
- **Provide the total height of the proposed building in the Elevation Plan.**
- **Label relief and dates granted by the Zoning Board of Appeals and conditions of approval.**
- **A copy of the easement agreement to grade off-site be submitted to the Division of Planning and Regulatory Services.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Commissioner of Inspectional Services.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

8. **52 High Street – Definitive Site Plan – Extension of Time (PB-2009-036):** Kathleen O'Connor, representative for Abby Keller Foster House, Inc, petitioner, presented the plan. Ms. O'Connor stated that on August 20, 2008, the Planning Board approved a Definitive Site Plan Planning Board approved a Definitive Site Plan to rehabilitate the existing building into forty three (43) single-bedroom dwelling units, and modify the existing parking layout to provide two (2) handicapped accessible parking spaces on site. Ms. O'Connor stated that while the proposed project remains unchanged from the previously approved Definitive Site Plan, the applicant has not been able to commence work on the project due to a change in the availability of private and public funding which was affected severely by the current economic recession. Therefore, she requested the Board to approve the Definitive Site Plan Extension of Time for twenty-four (24) months to allow the applicant sufficient time to secure public and private funding to financing for the proposed project. Upon a motion by Anne O'Connor and seconded by Scott Cashman the Board voted 3-0 to approve the Definitive Site Plan Extension of Time for twenty-four (24) months to August 10, 2011.

9. **100 & 120 Front Street – Definitive Site Plan – Extension of Time (PB-2009-037):** Robert Longden, representative for Worcester Renaissance LLC, petitioner, presented the plan. Mr. Longden stated that the petitioner was seeking a twelve (12) month Extension of Time for the Definitive Site Plan initially approved by the Planning Board on August 24, 2004 to redevelop the area of the former Worcester Common Outlet Mall, including the office towers at 100 and 120 Front Street, and the parking structures, into new housing, office, open space, parking, retail and restaurant uses. He also indicated that given the significant size and complexity of the proposed project, the developer has encountered several unanticipated challenges regarding funding and logistics which prevented the applicant from beginning construction as planned. Nevertheless, Mr. Longden indicated that Worcester Renaissance LLC has been making steady progress in addressing their

funding challenges; therefore, he believes that the applicant will be able to commence work on the project within a year. In addition, Mr. Longden stated that a lease agreement with Unum was in place allowing development of parcel H, and triggering certain public improvements. Ms. Bold stated the Planning & Regulatory Services Division recommended approval of the Extension of Time for twelve (12) months, but noted that the recent changes to the project, including the creation of Parcel H and additional proposed changes to the site regarding buildings and landscaping, triggered an Amendment to Definitive Site Plan prior to the issuance of building permits. Specifically, she indicated that the Definitive Site Plan needs to be updated to accurately reflect street names, landscaping, deed references, parcels, proposed usage of buildings, signage, and parking summary tables. Mr. Cashman expressed concern with the length of time that has lapsed since the initial approval of the project, and the number of Extensions of Time approved by the Board which, so far, have not yielded effective results. He stated that in his opinion, the Planning Board should limit the number of Extensions of Time granted to projects that have not been built within a certain time; after which, the Planning Board should request a complete new application. Mr. Shea acknowledged the concern expressed by Mr. Cashman, but indicated that an important factor to consider when considering Extensions of Time requests is that in general, the current recession has severely affected all aspects of development in the city, state and nationally. Mr. Fontane stated that the City's Zoning Ordinance allows for Extensions of Time specifically to address unanticipated problems and/or financial difficulties encountered by developers, and indicated that the City Administration is not concern because of ongoing City involvement. Mr. Fontane also indicated that as parcels are developed, the applicant will submit amended plans to the Planning Board for review. Richard Trifero, City Square Manager, spoke on behalf of the project and indicated that he supported the Definitive Site Plan Extension of Time request. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to approve the Definitive Site Plan Extension of Time for twelve (12) months to August 5, 2009.

10. 46, 48, 52, 54, & 56 Granite Street – Definitive Site Plan (PB-2009-039): Phillip Coyle, representative for the petitioner and Michael O'Rourke, petitioner, presented the plan. Mr. Coyle stated that the petitioner was seeking Definitive Site Plan approval to reconfigure and repave an existing parking lot containing eleven (11) spaces associated with residential, retail and personal service uses located on site, which includes the following parcels: 46, 48, 52, 54, and 56 Granite Street. Mr. Coyle acknowledged that the petitioner began expanding the parking lot without approval from the Planning Board and without a Building Permit from the Department of Inspectional Services. Consequently, on June 23, 2009, the Department of Inspectional Services issued a Cease and Desist Order to stop the building expansion of the parking lot, which triggered the present application. Ms. Bold stated that the proposed landscaping plan does not comply with the Zoning Ordinance landscaping requirements for parking lots abutting residential areas. Specifically, she indicated that site plan did not show trees 20-25 feet on center with a mix of shrubs and/or other low plantings where the parking areas abut residential lots. In addition, Ms. Bold indicated that the applicant should include a landscaping table on the site plan showing the correct number and species of trees and other plantings to be planted. Mr. Adams stated that some of the parking spaces shown on the site plan do not meet Zoning Ordinance requirements. Specifically, he indicated that parallel parking should be 8' x 22' and not 9' x 18' as depicted in the current site plan. Mr. Adams further indicated that the access isle width is only twenty (20) feet, which does not conform to current regulations; therefore, he suggested that some spaces should be removed in order to meet the twenty-four (24) foot access aisle requirement. He also indicated that the plan should reflect that stormwater drains to granite Street, and indicated that a double row of hay bales should be placed immediately on site. In addition, he expressed concern with the two-way traffic as depicted on the site plan, and

the construction of the retaining wall. Mr. Traynor stated that an amended Cease and Desist Order of Conditions should be issued to allow work on site so tha erosion issues are not exacerbated. Ms. Kennedy-Valade stated that parking spaces # 12 and # 11 did not meet Zoning Ordinance requirements; therefore, they would need to be removed. She also indicated that the removal of these two (2) parking spaces triggered a request to the Zoning Board of Appeals to waive those two parking spaces. David Eramo, an abutter, expressed concern regarding the placement of rip rap on site, construction of the retaining wall, drainage, and runoff into his property caused by the expansion of the parking area. Mr. Coyle acknowledged that the retaining wall was not built appropriately and indicated that the petitioner would rebuild the retaining wall according to building code. In addition, he stated that hay bales will be place on site during demolition and construction of the retaining wall. Mr. Cashman expressed concern with overhead telephone and electric cables which appear to hang perilously on site. Mr. Coyle indicated that the Telephone Company has been notified of the low-hanging overhead cables on site. Ms. Kennedy-Valade stated that an Inspector from the Department of Inspectional Services will be sent to the site to evaluate and determine the best way to address the concerns expressed by Board members, staff and abutters. Ms. Kennedy also indicated that it appears that a Special permit from the ZBA may be required for either access aisle width or number of off-street parking spaces. She further stated that in response to Mr. Shea inquiry that a retaining wall greater than one hundred and twenty 120 square feet is considered a structure; therefore, it must be located five (5) feet off the property line. In addition, Ms. Kennedy-Valade recommended the Board not to continue addressing this project until a complete assessment of the conditions of the site has been submitted by the Inspector. Therefore, Mr. Coyle requested a continuation of the meeting to September 16, 2009. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to continue the meeting to September 16, 2009.

OTHER BUSINESS

11. Everett Street – Petition to Discontinue and Abandon Entire Length from Official City Map:

Dora Aja, petitioner, presented the petition. Ms. Aja stated that she was seeking the removal of Everett Street, a public street from the Official City Map since Everett Street does not connect to any other streets. She stated that she maintains the way regularly and would like to allow her tenants to park there. She expressed frustration with the City's maintenance of the street including street cleaning and snow plowing. Ms. Aja further stated that she feels the City's level of maintenance negatively impacts the marketability of rental dwelling units in the area, including the rental apartment building she owns at 9-11 William Street. She also informed the Board that she had expressed interest in the past in acquiring the abutting City-owned parcel 4 Everett Street, which is a small island at the intersection of Linden and William Streets in order to place an enclosed dumpster there for her tenants but did not receive a response. Mr. Adams stated that while not confirmed, it was likely that such portion of the street has utility lines in place; therefore, the removal from the Official City Map would require that easements be reserved which could be done at the City Council level. Mr. Fontane said that if the petition to discontinue and abandon Everett Street was approved, that abutters, who may or may not have rights to the centerline of the street, could seek to establish rights. In doing so, the Worcester Redevelopment Authority as an abutter could potentially gain rights to the centerline of the street. Mr. Fontane stated that if the City of Worcester owned additional land abutting its parcel, it would not want tenants of abutting properties parking on its property. He then stated that he conferred with Julie Jacobson, Executive Director, of the Worcester Redevelopment Authority who indicated opposition to the removal of Everett Street. He also stated that a representative for the property at 5 Everett Street an abutting property had expressed opposition to the street's removal and therefore the City recommends denial of the discontinuance

and abandonment of Everett Street. Mr. Traynor encouraged Ms. Aja to contact the Office of the City Solicitor, which staffs the Worcester Redevelopment Authority, to discuss the process required to submit a proposal to purchase the parcel. He indicated that the WRA is seeking interested buyers for several parcels of land it owns including its parcel abutting Everett Street. Mr. Fontane said that, in effect, the removal could reduce the available parking for tenants at 9-11 Everett St. In addition it could negatively impact the potential development of 5 Everett Street by reducing frontage. He also indicated that the approval of this petition would reduce existing on-street parking opportunities by creating an unclear situation with respect to parking and ownership rights whereby residents who park on portions of the street currently would not be allowed to park in the same way as they do now without parking on WRA property. Attorney John Spillane, representative for Unum, the owner of property at 5 Everett Street and other abutting parcels expressed opposition to the removal of Everett Street because it would remove currently available frontage for the parcel at 5 Everett Street which could limit future development potential if the parcel was subdivided from other parcels that maintain frontage on William Street. He also indicated that if the petition was approved and Unum established rights to the centerline of the former street, that his client would also not want residents of abutting properties to park there. Mr. Cashman stated that he did not support the proposed street removal because if implemented, it appeared as if it would limit available parking for the residents as opposed to providing more parking. Ms. O'Connor asked how 5 Everett Street was currently accessed. Mr. Spillane indicated that the parcel is currently used as parking and is accessed from abutting parcels held in common ownership that maintain frontage on William Street. Mr. Shea and Ms. O'Conner noted frontage on other streets and stated that they did not believe it would limit development potential. Mr. Fontane noted that frontage on multiple streets is a valuable attribute. Ms. Aja stated that, in her opinion, it would be difficult to create a usable curb cut on Everett Street for access to 5 Everett Street given the current layout and width of the end of the street. Upon a motion by Ms. O'Connor and seconded by Mr. Shea, the Board voted 2-1 (Mr. Cashman voted no), to recommend approval of the removal of Everett Street from the Official City Map.

12. ANR Plans:

- **AN-2009-037, Duluth/Danvers Streets:** The review of this ANR plan was continued to August 26, 2009 to verify the accuracy of the information provided.
- **AN-2009-038, 25 Johnson Street:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to endorse ANR Plan AN-2009-038.
- **AN-2009-039, 89 Wyola Drive:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to endorse ANR Plan AN-2009-039.
- **AN-2009-040, 175 Clover Street:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to endorse ANR Plan AN-2009-040.

ADJOURNMENT

Chair Shea adjourned the meeting at 7:30 pm.