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

August 26, 2009
WORCESTER CITY HALL – LEVI LINCOLN CHAMBER

Planning Board Members Present:	John Shea, Chair Scott Cashman, Vice Chair Anne O'Connor, Clerk Stephen Rolle Andrew Truman
Staff Present:	Joel Fontane, Division of Planning & Regulatory Services Lara Bold, Division of Planning & Regulatory Services Edgar Luna, Division of Planning & Regulatory Services John Kelly, Department of Inspectional Services 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 5:58 PM.

INTRODUCTION OF NEW BOARD MEMBERS:

Mr. Shea introduced and welcomed Stephen Rolle and Andrew Truman as new members of the Worcester Planning Board, and indicated that both members had been officially sworn in.

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 August 5, 2009 Planning Board meeting.

UNFINISHED BUSINESS

Public Hearing:

1. **Tainter Court – Private Street Removal (PB-2009-046):** Todd Rodman, representative for Main South CDC, petitioner, presented the petition. Mr. Rodman stated that the petitioner was seeking to remove the entire length of Tainter Court, which is approximately 107.72 feet in length, from the Official City Map. Mr. Rodman also indicated that Tainter Court is a private way, located in an MG-2.0 (Manufacturing, General) zoning district. He further indicated that while Tainter Court abuts two (2) parcels owned by Kilby Gardner Hammond, LLC, the proposed removal will not have a negative impact on these parcels because both retain frontage on Tainter Street. Ms. Bold stated that the City

administration supports the removal of Tainter Court from the Official City Map because the removal will not negatively impact the redevelopment potential of the surrounding properties, and will not affect vehicular connectivity between streets in the immediate vicinity. She also indicated that the proposed street removal is an integral part of the redevelopment of the area into recreational facilities and sport fields, a partnership between the City of Worcester, Main South CDC, the Boys and Girls Club, Inc. and Clark University. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the petition to remove the entire length of Tainter Court from the Official City Map with the following conditions:

- **That the petitioners record, at their own expense, a plan depicting the street removal as petitioned, in accordance with the Registry of Deeds Rules and Regulations.**
- **That the petitioners provide evidence of such recording to the Division of Planning & Regulatory Services.**

2. **Arboretum Phase IV – Definitive Subdivision (PB-2009-038):** Hussein Haghanizadeh, representative for Fox Hill Builders, Inc, petitioner, presented the project. Mr Haghanizadeh stated that the petitioner was seeking to develop Phase IV of the Arboretum Subdivision creating a total of 70 lots. Of these, there will be two (2) open space lots and thirty-four (34) single-family semi-detached dwellings, a total of sixty-eight (68) new units. Mr. Haghanizadeh also indicated that the petitioner had placed hay bales throughout the project to prevent erosion on site. Mr. Adams stated that following a review of the project, DPW&P staff had determined that the proposed project would require a waiver to provide a street grade of not less than 0.8% (Section IX.E.1), for a small portion of Sarah Drive (Section IX.E.1). Mr. Adams asked Mr. Haghanizadeh to clarify where the site's temporary sedimentation drainage system would be discharged. Mr. Haghanizadeh stated that the temporary sedimentation outlets discharge to an existing sedimentation pond first and then connect to the existing drainage system. He also indicated that the temporary sedimentation connections would be disconnected once the phase was complete. Mr. Adams stated that the drainage system in place, as described by Mr. Haghanizadeh, was acceptable to DPW&P and requested that the minutes reflect DPW&P approval. In addition, he requested the petitioner submit a document indicating the metes and bounds descriptions and to provide them in Microsoft Word format for all easements. Mr. Fontane stated that a previously approved phase of the Arboretum Subdivision included two (2) lots designated for open space, and that the current plan proposes two (2) additional parcels contiguous to the existing open space lots, which combined have a total of 15,099.3 SF (6,546.5 SF & 8,552.8 SF respectively). He also indicated that these two lots have a thirty-three (33) foot wide easement that runs the entire length of both lots, owned by Mobil Oil Co. In addition, Mr. Fontane stated that the subdivision plan should include a note stating that the designated open space lots will be privately owned and maintained, and that they will not be developed in the future for a minimum of three (3) years after Indigo, Snowberry and Bittersweet Streets are completely built-out. At that time, he indicated, the City could decide whether to purchase the open space lots. Ms. Beaton stated that if the subdivision is approved, the petitioner would be required to submit fully executed easements to the City's Law Department. Leslie Waters, an abutter, expressed concern with runoff drainage, mud, erosion, and debris on site. Mr. Adams stated that her concerns could be addressed by DPW&P and/or DIS staff. Mr. Kelly encouraged Ms. Waters to contact DIS regarding the runoff and debris from site. Lori Schlesman, an abutter, expressed concern regarding the length and height of the proposed retaining wall, as well as debris, runoff, and erosion on site. Matthew Wright, an abutter, expressed concern regarding erosion, debris and air quality. He also stated that the proposed project appeared to include too many residential dwellings, and suggested scaling back the project to

twenty-five (25) residential units to minimize vehicular traffic congestions. Mr. Adams stated that DPW&P had determined that the vehicular traffic generated from this project will not require any mitigation measures. Mr. Adams stated that the submitted subdivision plans did not clearly show the location and height of the proposed retaining wall. Mr. Shea indicated that, in his opinion, the proposed project had generated several questions which would need to be addressed prior to rendering a vote on plans. Specifically, Mr. Shea indicated that the petitioner should submit revised plans indicating the location, length and height of the proposed retaining wall, addressing the issues identified in the Division of Planning and Regulatory Services review memorandum, and the issues identified by abutters, which include runoff, erosion and construction debris. In addition, Mr. Shea stated that the revised plan should include a note stating that the designated open space will be privately owned and maintained, until at a minimum three (3) years from final built out of Indigo, Snowberry and Bittersweet Streets. Mr. Kelly stated that a condition of approval could include street cleaning. Ms. Waters complained that the existing street cleaning done with a dry brush distributes the dust and debris to neighboring properties. Mr. Haghanizadeh stated that future owners of lots would retain ownership of the retaining wall. In addition, Mr. Haghanizadeh indicated that in order to address the requests and concerns identified by Board members, staff and abutters, he would need additional time to submit the required information; therefore, he requested a continuation of the hearing to September 16, 2009. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to continue the public hearing to September 16, 2009.

3. **146-150 Moreland Street – Amendment to Special Permit for Cluster Development (PB-2009-040),** and **Definitive Site Plan (PB-2009-041):** The Board took up the Amendment to Special Permit and Definitive Site Plan contemporaneously**.** Donald O'Neil and Chris Keenan, representatives for the petitioner, and Michael Hannon, petitioner, presented the project. Mr. O'Neil stated that the petitioner was seeking approval for a second amendment to the Special Permit for Cluster Development originally approved by the Planning Board on April 27, 2005 to create four (4) single-family lots at Lot 3, Lot 4, 152 & 166 Moreland Street, which was previously known as 152 Moreland Street. He also indicated that the first amendment to the Special Permit was approved by the Planning Board on June 20, 2007; such amendment sought was in order to modify the lot lines of Lot 4 through an exchange of land with an abutter who was not a party to the Cluster Subdivision. Atty O'Neil stated that the present amendment was sought to create a new lot by subdividing lot # 4 into two (2) lots (lots 4a & 4b); creating a total of five (5) lots instead of the four (4) lots previously approved. He further stated that all lots complied with the Zoning Ordinance's regularity factor, and indicated that Lot 4b would have zero (0') feet of frontage, which he indicated could be permitted by the Planning Board's waiver of frontage requirements as part of the approval of the Special Permit. Mr. Shea expressed concern with approving a project that, in his opinion, included landlocked lots. Ms. Bold stated that although the proposed amendment was minimal in relation to the overall project, and included some new positive components such as the proposed inclusion of solar panels, staff had concluded that the proposed modifications did not meet the objectives of cluster development regulations and also that staff was opposed to setting a precedent of lots in a cluster subdivision development being accessed by a private driveway. She explained that the applicants had the ability to seek approval of a Cluster Development of single-family dwellings where one lot with multiple dwellings would be accessed along a private drive to be maintained by the developer. Ms. Bold noted as an example that the City has received complaints from residents along other privately maintained driveways in the City that access more than one dwelling such as Patriot's Landing. She indicated that DPRS did not recommend approval of the proposed amendment as currently shown. Mr. O'Neil indicated that his client wanted to sell individual lots and therefore was seeking a Special Permit for a Cluster Subdivision and not a Cluster Group of single-family

dwellings. He further stated that the lots would be accessed from Moreland Street, a public street. Ms. Beaton stated that waiving frontage for Lot 4B to zero (0') feet was not permitted as it would not provide adequate access as required by Subdivision Regulations. Mr. O'Neil expressed concern with the Law Department's interpretation of the Subdivision Regulations laws. Specifically, he disagreed that the Planning Board could not waive frontage requirements to zero (0") feet for a parcel. He also stated that the proposed amendment only included revisions to lot # 4; otherwise, the remaining lots significantly exceeded their minimum dimensional requirements, and the proposed open space previously granted would remain unchanged. He also indicated that the proposed amendment would not change or increase drainage from site. Mr. O'Neil also added that Stanley Matthews, an abutter, expressed concern regarding the proximity of the proposed driveway to their property; therefore, he indicated that the petitioner would consider shifting the driveway away from the property and add arborvitaes between the proposed driveway and their property. Mr. Adams asked Mr. O'Neil to clarify who would maintain the proposed detention system. Mr. O'Neil stated that the detention area would be maintained by the lot owners. Mr. Adams stated that the maintenance of the detention area by the lot owners was acceptable to DPW&P. Ms. Bold indicated that if the proposed amendment was approved, DPRS would be requesting an opportunity to review the open space agreement to ensure it complied with the Zoning Ordinance. Ms. O'Connor expressed concern regarding the details of the proposed amendment, and indicated that the Board would benefit from receiving an opinion from Michael Traynor prior to rendering a vote. Ms. Bold acknowledged that only three Cluster Subdivisions had been submitted and reviewed by the Planning Board. Mr. Fontane reminded the Board that the City had worked with the developers of a separate cluster development at 47 Fourth Street in order to modify the plan to be a Cluster Group of single-family dwellings in which the dwellings were accessed from a private drive and not a driveway. Mr. Cashman stated that he supported Ms. O'Connor's statement that the Board would benefit from receiving an opinion from the Law Department prior to rendering a vote. Mr. O'Neil asked the Board to be objective on the matter; specifically, he indicated that would like to remind the Board that this was an Amendment to a Cluster Subdivision and not a new Cluster Subdivision. Thomas Pappas, an abutter, expressed opposition to the approval of the proposed amendment. Mr. O'Neil requested the Board to continue the hearing for the Special Permit Amendment and Definitive Site Plan to September 16, 2009 to allow him additional time to discuss the project with Michael Traynor at the Law Department. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to continue the public hearing to September 16, 2009.

NEW BUSINESS

Public Meeting:

4. **Barnstable Road – Definitive Site Plan (PB-2009-042):** Jonathan Finkelstein and Donald Bray, representatives for the petitioner and Stephen Hopkins, petitioner, presented the project. Mr. Finkelstein stated that the petitioner was seeking Definitive Site Plan approval to construct a single family detached dwelling on property with 15% or more slope on site, and indicated that the proposed building would have two stories. Ms. Bold stated that on February 21, 2007, the Planning Board approved a Definitive Site Plan for the construction of a single-family detached dwelling with a two-car garage on property with 15% slope or more with conditions; however, the decision was not released because the applicant never submitted final revised plans. She also indicated that on June 20, 2007, the Planning Board approved an amendment to the Site Plan, but indicated that the approval expired in June 2008 because construction did not commence. She further indicated that on December 3, 2007, the Division of Code Enforcement issued a Cease and Desist Order to the owner

for the construction of a twenty-two (22) feet high retaining wall on site without the required approval and in violation of the Definitive Site Plan approved on June 20, 2007. In addition, she stated that the retaining wall built encroaches into the required setbacks and is considered a structure due to its height; therefore, the applicant was required to petition three Variances from the Zoning Board of Appeals to address such nonconformities, which were granted on June 8, 2009. Mr. Finkelstein asked that the Board recommended condition #3 in Luba Zhaurova memo dated August 20, 2009, be changed so that it refers to the entire Exhibit A which includes the Meridian concept Plan, dated March 2009 but also includes a planting list with alternative plantings prepared by Green Gardens, dated April 7, 2009. . Ms. Bold stated that she believed the landscaping plan prepared by Meridian Associates was the plan approved by the Zoning Board of Appeals. Mr. Finkelstein asked the Board to consider approving the Site Plan as proposed, and include the landscaping changes as a condition of approval. In addition, Mr. Finkelstein stated that a condition of approval could be that a landscaping plan to the satisfaction of DPRS be submitted. Mr. Fontane stated the landscaping of the site was an important component to the proposed project due to the steep topography of the site and prominent visibility from a public way; therefore, he recommended that the Planning Board implement the landscaping plan approved by the Zoning Board of Appeals and labeled Exhibit "A" as a condition of approval, which includes the concept plan prepared by Meridian Associates. In addition, Mr. Fontane stated that he was not confortable conditioning approval on a future submittal of revised landscaping plans. Mr. Kelly confirmed that Inspectional Services Division was expecting the applicant to comply with the landscaping plan prepared by Meridian Associates and approved by the Zoning Board of Appeals as condition of approval for the Variances granted. Mr. Finkelstein stated that in order to address the concerns expressed by the Board, the applicant would need additional time; therefore, he asked the Board to continue this project to September 16, 2009. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to continue this item to September 16, 2009.

5. **1119 – 1121 Grafton Street – Definitive Site Plan – (PB-2009-043):** Kevin Quinn, representative for LGN, LLC petitioner, presented the plan. Mr. Quinn stated that the applicant was seeking Definitive Site Plan approval to construct a single-story, 6,094 SF commercial building with a parking lot containing twenty-one (21) accessory parking spaces for office/retail uses. He also indicated that the proposed site was created by combining 1119 & 1121 Grafton Street parcels, which are zoned BL-1.0 (Business, Limited), and RL-7 (Residence, Limited), and have 15% or more slope. In addition, he stated that a significant portion of 1119 Grafton Street has wetlands, which includes mature trees and an intermittent stream. Ms. Bold asked Mr. Quinn to explain the proposed lighting plan for the project. Mr. Quinn stated that the proposed lighting would be shielded and directed downward and would not produce more than one (1) foot candle of illumination spillover onto adjacent residential properties. He also indicated that the applicant would submit evidence of that to DPRS. He further stated that upon further review of staff's comments, the applicant was requesting to leave the existing six (6) foot wooden stockade fences as shown on the plan to provide visibility to the future commercial uses. Mr. Kelly asked Mr. Quinn to describe how the proposed dumpster would be accessed by a trash collector vehicle. Mr. Quinn stated that the dumpster would be accessed from the right aisle by a vehicle facing forward and exit likewise afterward; however, he acknowledged that the right side aisle was narrow and consequently stated that the right aisle would be widened by one (1) foot to facilitate vehicle mobility. He further indicated that the dumpster location was selected to isolate smells and sounds from the abutting residential dwellings. In addition, he indicated that the side driveways included a low-profile berm to discourage vehicles from using them. William St. Germain, an abutter, expressed concern with erosion, drainage, maintenance of the wetlands and service water. Mr. Adams stated that the proposed project had been

reviewed and approved by the Conservation Commission. He also indicated that the overflow would be discharged underground at lower rate first, and eventually into the brook. Representative John Fresolo expressed support for the project, indicating the proposed project would benefit the neighborhood and community at large. He also stated that he felt that the developer selected was competent and had done a good job on two other recently built projects on Grafton Street. Mr. Cashman expressed concern that given the limited parking area, the site plan indicated that only excess snow would be removed from site. Mr. Quinn stated that the applicant was amenable to remove all snow from site; therefore, he indicated that he would change the sentence "excess snow shall be removed off site" to "all snow shall be removed off site" on the site plan. Upon a motion by Anne O'Connor and seconded by Scott Cashman the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Change the sentence "excess snow shall be removed off site" to "all snow shall be removed off site".**
- **Widen the aisle on the right side by one (1) foot to facilitate access and egress of the trash-collector vehicle.**
- **Indicate location of the proposed lighting on the Site Plan and indicate that there will be no more than one (1) foot candle of illumination spillover onto the adjacent residential properties.**
- **All exterior lighting must be shielded and directed downward.**
- **Indicate the total number of proposed Hatfield Yew plantings on the Definitive Site Plan's planting table.**
- **Replace the proposed Red Maple trees with Asian Longhorned Beetle (ALB) resistant species.**
- **Label width of driveways and entrances.**
- **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. **348 Salisbury Street – Special Permit for Common Driveway (PB-2009-033A):** Todd Brodeur, representative for Vernon Street Realty Company, LLC, petitioner, presented the project. Ms. Bold stated for the record that this item was a public hearing and was advertised as such. Mr. Brodeur stated that the petitioner was seeking re-approval for an expired Special Permit for a Common Driveway to allow the building of an additional single-family detached dwelling to be accessed by the existing common driveway. He also indicated that on December 5, 2007, the Planning Board approved a Special Permit for a Common Driveway to this site in 2007; however, the project was never completed because the applicant spent a significant amount of resources and time addressing complicated wetland issues inherent to this property. Ms. Bold stated that the proposed project met the Zoning Ordinance requirements for the proposed use; therefore, she stated that DPRS was recommending approval of the Special Permit for a Common Driveway with the previously

approved. She also noted that the applicant had not provided the previously requested photos. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Special Permit for a Common Driveway with the following conditions:

- **Provide the previously conditioned digital photos prior to construction of the common driveway.**
- **Restore the common driveway to its current conditions.**
- **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.**

7. **463 Lincoln Street – Amendment to a Parking Plan (PB-2009-044):** Daniel Benson and John Kucich, representatives for Lincoln Street Properties, Inc. presented the project. Mr. Benson indicated that the applicant was seeking to amend the Parking Plan previously approved by the Planning Board on November 4, 1992. He indicated that the proposed amendments included the following: (a) change the restaurant composition to include Taco Bell and Kentucky Fried Chicken, (b) reduce the number of seats in the dining room, (c) make exterior changes to the building's façade to reflect the changes proposed, (d) expand the rear of the building to 833.2 SF over existing impervious surface for a cooler area, (e) relocate the dumpster from its current location to the southwestern portion of the lot, and (f) reduce the number of parking spaces from 50 off-street parking spaces to 46 standard parking spaces. Ms. Bold informed the Board that on August 31, 2009, the Zoning Board of Appeals granted a Special Permit for the expansion or change of a pre-existing non-conforming use/structure for this site. Ms. Bold also indicated that the proposed changes to the site layout were relatively minor in nature and were related to general upgrades to the site. She also indicated that the proposed changes would not trigger a Special Permit review under the Water Resource Protection Overlay District provision. In addition, Ms. Bold stated the proposed changes met the minimum off-street parking requirements; therefore, she indicated that DPRS was recommending approval with some minor revisions to annotations as well as some increased landscaping, as stated in her memo dated August 17, 2009. David Patterson, an abutter, expressed concern with traffic increase and stated that as frequent pedestrian in the area, he had noted that traffic exiting the site rarely stops for crossing pedestrians. Mr. Adams stated that a possible traffic increase and pedestrian accessibility to the site were acceptable to DPW&P. Ms. Bold asked Mr. Adams if DPW&P had any suggested mitigation strategies to reduce traffic speed at the end of the drive-through lane. Mr. Adams stated that the Traffic Engineering Division had reviewed the project and indicated that Lincoln Street could handle any additional traffic. Upon a motion by Anne O'Connor and seconded by Scott Cashman the Board voted 5-0 to approve the Amendment to Parking Plan with the following conditions:

- **Label the access aisle width and curb cuts widths on Lincoln Street on the Site Plan.**

- **Increase plantings on Lincoln Street, specifically on the northeast portion of the site with drought resistant seasonal plantings to match the existing landscape bed on the other side of the entrance.**
- **Add the date and conditions of approval of the Special Permit granted by the Zoning Board of Appeals.**
- **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.**

OTHER BUSINESS

8. **Firglade Street – To Make Public:** Upon a motion by Anne O'Connor and seconded by Scott Cashman**,** the Board voted 5-0 to recommend Priority level #4, based on the recommendation received from the Department of Public Works & Parks. Rev. James Kwaku Oppong, petitioner and neighborhood resident, expressed concern with the condition of the Firglade Street. Mr. Adams explained that Firglade Street likely received a priority level 4 due to the fact that the street did not have existing infrastructure and would, therefore, be more costly to upgrade. Chair Shea encouraged Rev. Oppong to contact Russ Adams at the Department of Public Works and Parks to obtain additional information on the private street conversion process.

9. **Avery Estates – Set Performance Bond:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to set a performance bond in the amount of two-hundred and seventy-five ($275,000) thousand dollars, and to set the work completion date to August 1, 2010, based on the recommendation received from DPW&P.

10. **Election of Alternate Delegates to the Central Massachusetts Regional Planning Commission (CMRPC).** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to select Stephen Rolle and Andrew Truman as alternate delegates to the Central Massachusetts Regional Planning Commission.

11. **ANR Plans:**

    - **AN-2009-037, Duluth/Danvers Streets:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-037.

    - **AN-2009-041, Massasoit Road:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-041.

    - **AN-2009-042, Tobias Boland Way:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-042.

ADJOURNMENT

Chair Shea adjourned the meeting at 8:30 pm.