

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

June 15, 2011

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Anne O’Connor, Chair
Stephen Rolle, Clerk
Satya Mitra
Andrew Truman

Staff Present: Joel Fontane, Planning & Regulatory Services
Edgar Luna, Planning & Regulatory Services
Kathleen Donovan, Inspectional Services
Russ Adams, Public Works & Parks
Michael Traynor, Law Department
Jennifer Beaton, Law Department

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Anne O’Connor called the meeting to order at 5:40 PM.

APPROVAL OF THE MINUTES

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Planning Board voted 4-0 to approve the March 23, 2011 minutes.

REQUESTS FOR CONTINUANCES:

- 1. 63 and 69 Downing Street (PB-2010-0020A) – Definitive Site Plan** (Item # 5): Mr. Luna informed the Board that VF Properties, LLC, applicant for 63-69 Downing Street (PB-2011-020A), requested a continuation of the hearing to the July 6, 2011 Planning Board meeting to allow them additional time to submit supplemental information. Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to continue the hearing to July 6, 2011.

UNFINISHED BUSINESS:

Public Meeting

- 2. 74-82 Wauwinet Road (PB-2010-079) – Definitive Site Plan & Wauwinet Road (PB-2011-013) – 81-G Street Opening:** Items #1 and #2 were taken contemporaneously. Chair O'Connor stated that the two petitions were continued from the May 4, 2011 meeting. John Grenier, representative for Joseph M. Record, petitioner, presented the petitions. Mr. Grenier stated that Mr. Record was seeking Planning Board approval to construct one single-family semi-detached building (duplex) on site, and to construct a road way to provide access to the site. He also stated that since the last Planning Board meeting, the Department of Inspectional Services provided him with comments regarding adequate access to the site.

Mr. Grenier indicated that based on the feedback received from the Department of Inspectional Services, neighborhood residents, and abutters, the petitioner decided to reduce the scope of work. He indicated that originally, the proposed plan called for the construction of two single-family semi-detached buildings, and stated that the revised plan called for the construction of only one single-family semi-detached building.

He also stated that as discussed during the last Planning Board meeting, he contacted the Department of Inspectional Services and requested a site visit by the Building Commissioner to determine the adequacy of the access road. Mr. Grenier indicated that historically, the parcel had a house in it which was accessed by a narrow way; however, the house was demolished approximately 10 years ago, and the road was never maintained after that, which caused it to deteriorate rapidly.

Mr. Grenier informed the Board that the applicant had improved the road conditions of Wauwinet Road by removing overgrown plants, weeds and debris to provide access to the proposed project. In addition, Mr. Grenier indicated that he requested DPW&P to request an extended service connection because the existing sewer line terminates in the vicinity of Wigwam Hill Drive. He also indicated that while discussing the proposed project with the Engineering Department at DPW&P, he was informed that Wauwinet Road would need to be extended in order to provide adequate access to the proposed project. Finally, Mr. Grenier stated that the applicant was proposing to install a small septic system in each parcel to service each dwelling unit, and indicated that previous soil tests had demonstrated that such treatment could be possible.

Mr. Adams indicated that DPW&P had received copies of the revised Site Plans showing only one duplex; however, he indicated that the 81-G Street Opening plan had not been revised. He also indicated that since the last Planning Board meeting, DPW&P had officially determined that the 81-G Street Opening was required in order to provide appropriate access to the proposed project. Mr. Adams stressed that even though the scope of work was scaled down to only one duplex, and after consulting with the Building Commissioner and the City's Law Department, DPW&P determined that the 81-G Street Opening was required because the proposed project was actually creating a way for public use. He also indicated that in order to create an appropriate access way for residential uses, the only 2 methods available were: (a) 81-G Street Opening process, and (b), through the Subdivision Regulations. He added that since Wauwinet Road was a private road on the City's official map, the 81-G Street Opening was the appropriate process, and indicated that such process

would give the Planning Board an opportunity to review and approve the grading, surfacing and drainage.

Mr. Adams indicated that since the 81-G plan has not been revised to show the current scaled down version of the proposed project, he encouraged the applicant to submit revised plans showing accurately what is being proposed, including the required frontage. He also indicated that DPW&P submitted a revised memorandum dated April 13, 2011, addressing other aspects of the proposed project, which DPW&P would like to see incorporated into the revised 81-G plan, prior to making a final recommendation to the Planning Board for approval.

Mr. Adams indicated that the current Site Plan shows a 2" sanitary main which was originally proposed for the previous Site Plan; however, he stated that the sanitary main that would service the scaled down version of the project was an off site condition, and indicated that Mr. Grenier would need to further discuss it with DPW&P. Therefore, Mr. Adams indicated that DPW&P had determined that the 81-G Street Opening plan was required because such process would address all aforementioned aspects of the proposed plan. In conclusion Mr. Adams stated that, ultimately, it was the applicant's prerogative to decide what regulatory process was best suited to his needs.

Ms. Donovan indicated that the Department of Inspectional Services agreed with DPW&P determination that an 81-G regulatory process was required for the proposed project. Therefore, she indicated that DIS would defer to DPW&P regarding the 81-G requirements.

Mr. Fontane indicated that with regards to the Site Plan and 81-G petitions, DPRS had submitted 2 separate memorandums highlighting important information that was either missing or was required, and which would need to be incorporated in revised plans. Overall, Mr. Fontane indicated that DPRS was satisfied with the revised Definitive Site plan submitted, but indicated that the 81-G plan needed further revisions.

Mr. Grenier stated that one of the main objectives for reducing the amount of development on site was that the access provided would be considered adequate and sufficient for the 2 dwelling units proposed. However, he stated that if the applicant decided to go forward with the 81-G Street Opening, as required by the Building Commissioner, it was likely that the applicant may reverse his decision to reduce the amount of development and go back to the previous plan, due to the high cost associated with an 81-G project. Therefore, he indicated that he would need to consult with the owner of the proposed project.

Chair O'Connor asked Mr. Adams whether or not DPW&P would change their comments if the applicant decided to reverse the revised project to the original plan, and he responded that DPW&P comments would remain unchanged. However, he stressed that in either case, the applicant would still be required to submit revised plans depicting accurately what the final and definitive site plan was.

Jane Cronin, an abutter, expressed concern regarding how the sewer generated by the 2 proposed dwelling units would be addressed. Mr. Adams indicated that the sewer treatments were not technically part of an 81-G process; however he stressed that the applicant would need to make a final determination and proposal as to how the sanitary flow would be addressed. In addition, he indicated that the applicant had 2 options: (a) install a septic system in each property, or (b), extend the sanitary main from Wigwam Hill Drive to service the proposed dwelling units.

Ms. Cronin also expressed concern regarding the slope and grading of the parcels in relation to the proposed structure. Mr. Grenier stated that an integral part of the proposed project was to fill the front section of the lots with new fill brought in from an alternate location, which would allow for the front yard setback and the front of the residential building to be at street level, grade down the

side setbacks approximately 8 feet which would allow the for a walk out basement, and then install a 4-foot retaining wall 20-25 feet from the rear edge of the building, to create a usable rear yard setback. He also added that after the retaining wall, the land would step down approximately 30 % to the lot line.

Ms. Cronin also expressed concern regarding the possibility of finding ledge and subsequent blasting, installing individual septic systems which may leach, erosion controls, installing utility posts directly across her property, and a large amount to dirt currently located on land owned by the Commonwealth of Mass. Ms Donovan indicated during construction, the residential building will be inspected by Building Inspectors from the Department of Inspectional Services, and, if the applicant does decide to move forward with the 81-G Street Opening, an Inspector from Department of Public Works & Parks will be assigned to the project. In addition, Ms. Donovan indicated that the Department of Inspectional Services will be requesting that erosion controls be installed for the soil stockpiled on site.

Patricia Butler and Carol Groccia, abutters, expressed concern regarding erosion controls, drainage, the petitioner's decision not to connect the site's sewer to the City's sewer main, and the possibility that the proposed septic system may leach into their property. Mr. Adams stated that the proposed septic system would have to be constructed and installed to Title V – Septic System Regulations which govern how septic systems are to be installed taking into consideration the topography of the land to prevent leaching. In addition, he indicated that the applicant would also have the responsibility to work with the City's Health Department to ensure compliance with public health requirements.

Mr. Fontane indicated that any proposed septic system would need to be reflected in the definitive Site Plan. Nilda Gill, and abutter, expressed concern with neighborhood notification of the propose project, as well as potential erosion and drainage that may be caused by the proposed project. Mr. Fontane stated that only abutters and abutters to abutters within 300 feet of the proposed site are notified. Per State Law, Mr. Grenier indicated that any possible drainage discharge would flow in the opposite direction of Ms. Gill's property. Mr. Adams indicated that the 81-G Street Opening requested would include paving and construction of a berm in front of Mrs. Gill property; therefore, any drainage run off would be intercepted and re-directed away from her property.

Mr. Traynor stated that it was his understanding that between the initial application and the current one single family-attached dwelling before the Board, the applicant extended and made some improvements to Wauwinet Road; therefore, he indicated that for the Board and abutter's clarification, the determination that the Board needed to make was that 81-G approval was still necessary. He also stated that the improvement work that has been completed in the field since the project was first submitted and the applicant was told that an 81-G was needed, scaling back the project to one duplex but still extending the road was an end around the 81-G approval. In addition, he indicated that the work that has been done would still require review under the 81-G process. However, he clarified that the applicant would not be required to extend the road the entire length of the Wauwinet Road, except to the point where it provided appropriate frontage to the parcel that will be built.

Mr. Grenier stated that his client wanted to know, whether or not, based on the fact that a residential dwelling had existed on site before, if he constructed a single-family detached dwelling instead of a duplex, would the 81-G street opening still be required. Mr. Traynor stated that the answer to the question was that the construction of a single-family detached dwelling on site would require 81-G Street Opening approval. In addition, Mr. Traynor indicated that the Planning Board was required to

consider the conditions of the access road as they exist today, and not what existed on site before, which may, or may not have been, grandfathered.

Mr. Truman asked Mr. Adams if there was a sewer main in the immediate vicinity to which, under Title V, the applicant would be required to connect the sewer lines of the proposed project. Mr. Adams responded that the closest sewer main was on Wigwam Hill Drive; however, he indicated that the applicant was not required to use it.

Mr. Grenier stated in order to move forward with the application, he would need additional time to further evaluate the comments expressed by the Planning Board, and regulatory staff; therefore, he requested continuation of the hearing to July 27, 2011. Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to continue the hearing to July 27, 2011. Chair O'Connor reminded interested abutters that they would not receive a new meeting notification. Mr. Luna indicated that interested abutters were welcome to call or visit DPRS offices to view the file and/or request available information on the project.

List of Exhibits for Definitive Site Plan:

Exhibit A: Definitive Site Plan Application; received December 29, 2010; prepared by Joseph Record.

Exhibit B: Definitive Site Plan; dated December 23, 2010, prepared by J.M. Grenier Associates, Inc.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Anne O'Connor; re: 74-82 Wauwinet Road; dated February 4, 2011, last revised June 10, 2011.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Anne O'Connor; re: 74-82 Wauwinet Road; dated February 9, 2011.

Exhibit E: Letter requesting postponement of the Definitive Site Plan Application (PB-2010-079) from J.M. Grenier Associates Inc. to the Planning Board; dated February 16, 2011.

Exhibit F: Letter requesting continuation of the Definitive Site Plan Application (PB-2010-079) to June 15, 2011 from J.M. Grenier Associates Inc. to the Planning Board; dated May 4, 2011.

Exhibit G: Letter of concern to the Planning Board from Carol D. Graccia and Patricia A. Butler; dated April 2, 2011, received April 22, 2011.

Exhibit H Letter of concern to the Planning Board from Jane Cronin; re: Wigwam Hill Drive 74-82 Wauwinet Road; received February 11, 2011.

Exhibit I: Letter of concern to the Planning Board from Jane Cronin; re: Wigwam Hill Drive; dated April 23, 2011; received May 2, 2011.

List of Exhibits for 81 G Street Opening Plan:

Exhibit A: 81G Street Opening Plan Application; received February 24, 2011; prepared by Joseph Record.

Exhibit B: 81G Street Opening Plan; dated February 25, 2011, prepared by J.M. Grenier Associates, Inc.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Anne O'Connor; re: 78, 82, 161 Wauwinet Road & 101 Natural History Drive – Definitive Site Plan Approval and 81-G Street Opening Plan; last dated June 10, 2011.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Anne O'Connor; re: Wauwinet Road 81-G – PB-2010- 079; dated April 8, 2011; revised April 13, 2011.

Exhibit E: Letter requesting continuation of the 81-G Street Opening Plan to June 15, 2011 from J.M. Grenier Associates Inc. to the Planning Board; dated May 4, 2011.

- 3. 152, 152R, 0, 166, 146 & 148 Moreland Street – Amendment to Special Permit (PB-2011-026) and 152, 152R, 0, 166, 146 & 148 Moreland Street – Amendment to Definitive Site Plan (PB-2011-027):** Items #3 and #6 were taken contemporaneously. Donald O'Neil, representative for Michael Hannon, petitioner, presented the two petitions. Mr. O'Neil stated that the applicant was seeking approval from the Planning Board to amend the previously approved Special Permit and Definitive Site Plan. He indicated that the application involved the construction of five (5) lots in a Cluster Subdivision on property located at 152, 152R, 0, 166, 148 & 146 Moreland Street (MBL: 25-045-04R-2; 25-045-04R-1; 25-045-011-3; 25-045-00011; 25-045-011-2; & 25-045-011-5, Worcester, Massachusetts (PB-2011-027). The amendments to the approved plan include the following: (1) Increase lot area on Lot 4B from 14,197 SF to 16,729 SF with acquired parcel from abutting property N/F Parker, (2) Modify the Board's condition of approval that the proposed dwelling unit on Lot 4B be built according to submitted green building specifications agreed to by the applicant. (3) Provide the option to reposition landscape screening along the property line abutting 144 Moreland Street to said abutter's lot upon abutters request to allow for immediate planting of shrubs and early establishment of said landscape buffer.

Mr. Fontane stated that the amendments proposed complied with the technical aspects regarding open space, even with the lot modification. He also added that staff recommended submitting nine complete sets of revised plans, which should include all the changes and amendments proposed and each sheet be dated accordingly to ensure that the plans submitted are clearly identified as the final and accurate set of plans for this project.

He also added that the requested elimination of the landscaped buffer on Mr. Mathew's property was acceptable because the landscaping buffer will still be provided on site and not off site. He also stated that as indicated in previous review memorandums to the Board, the Planning Division recommended that a date be set by which the applicant would be required to plant the landscaping buffer. In addition, he stated that although the applicant had stated that he would not be able to meet this requirement until the road had been constructed DPRS staff respectfully disagreed and maintained the same position as in previous petitions.

Mr. Fontane stated that in terms of the recently adopted stretch building code and the other condition placed on the previous Special Permit approval, he indicated that they were offered by the applicant. He further stated that although DPRS was amenable to have such requirements added to the previous petition, it had been the applicant's decision to include them as part of their argument for approval, and therefore added to the findings of fact for the previous petitions. In addition, he stated that since the applicant has requested to eliminate them, the request changed the findings of fact.

Mr. Fontane also stated that the City of Worcester adopted a Stretch Code recently and indicated that it was in effect now, although it would not be mandatory until July 1, 2011. Therefore, he added that if the Board was interested in having the residential dwellings on site be constructed according to the stretch code, DPRS staff respectfully recommended that the Board place such condition as a condition of approval, because prior to July 1, 2010, the applicant could obtain a Building Permit under concurrency, allowing him to chose between both options.

Denise Wolf, representative for the Moreland Green Homeowners Association, requested clarification regarding the location of the lots in question. At the request of Chair O'Connor, Mr. O'Neil showed Ms. Wolf the correct location of the lot in question, and indicated that all lots on site were buildable. Ms. Wolf acknowledged recognizing the correct location of the lost in question. Ms. Wolf also expressed concern regarding storm water management, on-site project supervision, and protection of conservation lands in the vicinity.

Ms. Donovan indicated that the proposed project would not alter or change the flow of storm water in the area, and indicated that whoever owns the land at any given time would be responsible for on-site supervision. Ms. O'Connor reminded Ms. Wolf that the Board was limited to addressing only the two petitions submitted.

In addition, Ms. Wolf asked if there was a limit as to how many times the owner would be allowed to submit further amendments of the project, and indicated that some members of the Moreland Green Homeowners Association were frustrated with the many amendments submitted, and suspected ulterior motives for the many changes the applicant had made. Mr. Traynor stated that the City of Worcester does not have restrictions as to how many times a person can request a change or amendment to their plans. Mr. Fontane stated that an important aspect of the Definitive Site Plan and Special Permit regulatory process was that abutters, and abutters to abutters within 300 feet, are notified in writing regarding proposed projects in their neighborhood.

Mr. O'Neil stated that in response to Ms. Wolf's comments, the overriding reason for the proposed amendments centered on increasing lot area and improvements to the site as requested by prospective buyers which, in his opinion, most people would consider to be good. He also stated that the Definitive Site Plan Approval process requires that the location of a proposed residential dwelling be shown in the correct location when it will be built; hence the difficulty for showing on a site plan the location of a proposed dwelling when a prospective buyer may want to built it elsewhere. In addition, he indicated that the current owner did not have any ulterior motives ans was seeking to sell the property for residential uses.

Mr. Truman asked Mr. O'Neil if the applicant had a prospective buyer at the moment, and he responded affirmatively. Mr. Fontane stated that in terms of the question regarding prospective buyers, it has been a lengthy process because when the project was first submitted, the applicant did not have any buyers in mind. In addition, he asked if there was a construction schedule which the applicant was planning to follow once there was a agreement to purchase the remaining properties, and if so, how long it would take to actually build out the remaining parcels of the project.

Mr. O'Neil responded that one lot has been sold and built, and two additional lots were recently sold, but indicated that the applicant does not have control over when the new owners will start construction; therefore, he could not commit to a construction schedule. He also indicated that the applicant would prefer to sell the remaining lots as they currently are, and not be forced to have to build houses in order to sell them. In addition, he indicated that in regards to the current prospective buyer, it was the expectation that he would be able to start construction almost immediately; however, he cautioned that the applicant was time-constrained by the purchase and sale agreement

process, as well as the Planning Board approval regulatory process. Mr. Fontane stated that the concern for not having a construction schedule planned was that without one, the parcels could potentially remain vacant for long periods of time.

Upon a motion by Mr. Rolle and seconded by Mr. Truman the Planning Board voted 4-0 to close the hearing. Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Planning Board voted 4-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- The development is to be built in accordance with the Definitive Site Plan, dated May 10, 2011, with no changes to the proposed landscaping.
- Six (6) copies of final revised plans be submitted to DPRS incorporating all proposed changes including all previously approved sheets of the plan set¹.
- That the proposed structure be built in accordance with the stretch building code as stated in the application.
- 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.

Upon a motion by Mr. Rolle and seconded by Mr. Truman the Planning Board voted 4-0 to close the hearing. Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Planning Board voted 4-0 to approve the Special Permit for Cluster Subdivision with the following conditions:

- Three (3) copies of final revised plans be submitted to DPRS incorporating all proposed changes including all previously approved sheets of the plan set².
- That the proposed structure be built in accordance with the stretch building code as stated in the application.
- A restriction enforceable by the City shall be recorded providing that open land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway. Said land shall not be used in any other project or for calculation of units, area, setback requirements or any other purpose.

List of Exhibits:

Exhibit A: 152, 152R, 0, 155, 146, & 148 Moreland Street Amendment to Definitive Site Plan Application; received May 13, 2011 prepared by Attorney Donald O'Neil on behalf of Michael Hannon.

Exhibit B: 152, 152R, 0, 155, 146, & 148 Moreland Street Amendment to Cluster Subdivision Special Permit Application; received May 13, 2011 prepared by Attorney Donald O'Neil on behalf of Michael Hannon.

¹ Allows for updating of files and provides a final plan set that includes all lots, open space, drainage sheets, etc. so that staff and interested parties can refer to one plan set.

² Allows for updating of files and provides a final plan set that includes all lots, open space, drainage sheets, etc. so that staff and interested parties can refer to one plan set.

- Exhibit C: 146 Moreland Street Definitive Site Plan and Special Permit (Cluster Subdivision) Amendment Plan; dated May 10, 2011, submitted May 13, 2011 prepared by Quinn Engineering.
- Exhibit D: : Initial Proposed Specifications for Green Housing Unit – Lot B- proposed by the applicant, received October 7, 2009 and incorporated into the Board’s decision as a condition of approval.
- Exhibit E: Summary of Worcester Energy Stretch Code Requirements.
- Exhibit F: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Worcester Planning Board; re: 146- 152 Moreland Street 3rd Amendment to Special Permit and Definitive Site Plan, dated June 13, 2011.
- Exhibit G: Planning Board meeting minutes, October 7, 2009 – prepared by Division of Planning & Regulatory Services
- Exhibit H: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Worcester Planning Board: re: 146-152 Moreland Street Amendment to Special Permit and Definitive Site Plan, dated

4. Fee Schedule: Mr. Fontane stated that he was proposing an amendment to the Planning Board Rules & Regulations and Amendment to the City of Worcester Subdivision Regulations regarding amendments to the fee schedule of the Worcester Planning Board, and stated that as indicated at the May 25, 2011, Planning Board meeting, the present meeting was, in fact, the public hearing for this proposal. He also indicated that as outlined in his memorandum to the Planning Board dated May 19, 2011, the Planning Board’s application fee schedule is based on the principle that larger projects are more complex and require more staff time to review; therefore, several fees include an increment charge related to the size of the project in addition to a base fee.

Mr. Fontane also stated that the revenue generated by Planning Board applications varies from year-to-year, and indicated that the proposed changes are aimed at generating enough revenue to cover, in an average year, ~50% of the costs of services provided. He further indicated that this goal was based on the policy that DPRS work serves two distinct but equally important groups by balancing the rights of those seeking to develop their land with those of the abutting property owners. In addition he stated that the Board’s last fee schedule adjustment was July 1, 2009, which adjusted fees for inflation, captured additional revenue and corrected structural deficiencies. Mr. Fontane also indicated that a recent fee schedule review concluded that, overall, the revenue generated from the fees collected does not cover the cost associated with customer service, clerical support, interdivisional plan review, board support and advertising for Planning Board applications at a desired level due to inflation and the City’s policy to capture additional revenue from fee sources to cover services provided. In conclusion, Mr. Fontane that the recommendations outlined below account for inflation, improve clarity, and make changes that reflect the City’s efforts to increase revenue from fee sources to cover services provided.

Summary of Proposed Fee Schedule Changes:

To adjust for inflation (~4.5%) since the Board’s last fee increase (July 2009) and to capture a greater portion of the total costs associated with customer service, application processing and review, the proposed changes (in red in the attached fee schedule) increase all fees by approximately 10% with the following exceptions and structural changes.

Exceptions:

- Fee for more than one building on a lot is proposed to remain \$0 since the costs of service are captured in the required site plan fee.
- Introduction of a \$165 fee for street openings (81G), which before now had no charge.
- Introduction of a comprehensive sign special permit fee per the recently ordained sign ordinance.

Fee Structure Change: Three structural changes are proposed as follows:

- Distinguish between small scale and large scale wind energy conversion facilities in the fee schedule by including the lower fee of \$330 (\$600 currently) for small wind energy facilities. This distinction is based on the rationale that small scale facilities require less complex application reviews by staff.
- Modifying the increment charge for Site Plan to include the words “or Bed” to account for Lodging House, Nursing Home and similar uses, which may be in one or more dwelling units.
- Correcting for an internal consistency regarding minor vs. substantial site plan amendment triggers. Specifically, the proposal deletes from item #1 of the list of triggers for a substantial amendment the word “parking” from, which conflicts with item #2 under the minor modifications category (see Attachment A to fee scheduled).

Fee Policies: The Board’s fee policies that are recommended *not to change* are the following:

- **Fee Adjustments:**

- Adjust base fees, at a minimum, for inflation (rounding up to the nearest \$5 every two years using the Bureau of Labor Statistics Consumer Price Index - Urban Consumers.
- Periodically adjust increment fees, at a minimum, to account for inflation using the BLS Consumer Price Index - Urban Consumers.

- **Preliminary Fees and Maximum Fee;**

- Maximum fee shall not exceed \$5,000 for any combination of Planning Board applications filed at the same time.
- Deducting preliminary fees, if any, from definitive fee total.
- Charge the greater of two or more filing fees if more than one trigger for Site Plan is met.
- In cases where flat fee Site Plans also include changes that would otherwise trigger Parking Plan the greater of the two fees shall apply³

³ Example: A new parking lot constructed next to a National Register Historic Property would trigger a site plan review at a cost less than parking plan review.

Site Plan Amendments:

Minor Site Plan Amendments: The following shall constitute minor modifications for the purposes of charging site plan amendment fees.

- All underground changes
- Any change less than or equal to two feet (2') in the location of buildings, parking, retaining walls or drainage facilities, caused by unexpected field conditions, as long as the new location does not penetrate the applicable setback required for the underlying zoning district or a non-zoning related setback specifically designated in the Planning Board's Site Plan Approval or Special Permit Approval.
- Changes in the location of less than, or equal to, 10% of the total area devoted to parking.
- Changes in the number of compact parking spaces, provided that the number of compact spaces is less than or equal to 25% of the total number of spaces provided.
- Changes in the location and types of lighting provided that they meet the intent of the zoning ordinance.
- Changes in the dimensions of landscape buffers, location of plantings, and materials used, provided that they meet the intent of the zoning ordinance.
- Changes in the location of signs provided that it meets the new location requirements of the Zoning Ordinance.
- Any reduction in area of impervious surfaces.
- The addition of non-habitable accessory structures that meet the by-right requirements of the zoning ordinance.
- Changes in grade that do not change the height of buildings by more than 5% provided that the resulting height of all structures meet the maximum height requirements of the zoning ordinance and that it does not create or disturb a slope greater than or equal to 15%; and
- Any other changes the Division of Planning & Regulatory Services, at its discretion, considers insubstantial, excluding those classified as substantial site plan amendments.

Substantial Site Plan Amendments: The following shall constitute substantial modifications for the purposes of charging site plan amendment fees:

- Any change in the location of buildings, parking, retaining walls or drainage facilities greater than two feet (2') from the location approved.
- Changes to building envelope that result in a larger footprint, an increase in height, an increase in volume, an increase in floor area, or any combination of such changes.
- An increase in the land area devoted to parking, loading, or traffic circulation.
- Changes to the architectural character including the color and style of materials used for the exterior façade of buildings.
- Changes that result in a reduction of open space by more than 10%; and
- Other changes the Planning and Regulatory Services Division, at its discretion, considers substantial in the context of the approved project.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Planning Board voted 4-0 to approve the proposed fee schedule changes.

OTHER BUSINESS

5. Wendover Street – To Make Public: Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 4-0 to recommend a Priority #2 designation of the petition to make public Wendover Street from the Holden Town line to end of location, based on a recommendation from the Department of Public Works and Parks.

6. ANR Plans:

- **1 Gorham Street/19 Buckingham Street (AN-2011-026):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2011-026.
- **West Boylston Street (AN-2011-027):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2011-027.

ADJOURNMENT: Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to adjourn the meeting at 7:30 pm.