

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

JULY 6, 2011

WORCESTER CITY HALL – LEVI LINCOLN ROOM

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

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Deborah Steele, Division of Planning & Regulatory Services
Kathleen Donovan, Department of Inspectional Services
K. Russell Adams, Department of 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 p.m.

APPROVAL OF THE MINUTES

None.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS**

- 1. 9 and 39 (aka 37) Piedmont Street – Zoning Map Amendment from RG-5 to BG-3 (ZM-2011-003):**
Mr. Fontane informed the board that staff had received an email from the applicant, Pastor William Almeyda, requesting leave to withdraw. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the request for leave to withdraw.

Exhibit A: Zone Change Petition dated

Exhibit B: Email Request from William Almeyda to the Worcester Planning Board requesting Leave to Withdraw without Prejudice; sent to Lara Bold, Division of Planning & Regulatory Services, dated July 1, 2011.
- 2. 64-79 Beacon Street & 42 Jackson Street – Amendment to Special Permit (Adaptive Ruse Overlay District), Amendment to More than One Building on a Lot Plan; Amendment to Definitive Site Plan. (PB-2011-023, 24 & 25) Items #6, #7, # 8 were taken up contemporaneously.** Mr. Fontane informed the board that the applicant had requested a continuance until the July 27, 2011 Planning

Board meeting for all three items. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve postponement of item until the July 27, 2011 meeting.

Exhibit A: 64-79 Beacon St; 42 Jackson St – Amendment to Special Permit Application; received May 12, 2011; prepared Atty. Robert Longden.

Exhibit B: 64-79 Beacon St; 42 Jackson St – Amendment to Definitive Site Plan Application; received May 12, 2011; prepared Atty. Robert Longden.

Exhibit C: 64-79 Beacon St; 42 Jackson St – Amendment to More than One Building on a Lot Application; received May 12, 2011; prepared Atty. Robert Longden.

Exhibit D: 64-79 Beacon St; 42 Jackson St; Amendment to Definitive Site Plan, More than One Building on a Lot, Special Permit Plan Set; dated May 12, 2011; prepared by Meridian Associates.

Exhibit E: Letter from Building Commissioner John Kelly to Atty. Robert Longden, re: Permits in Effect; dated June 24, 2010.

Exhibit F: Memorandum from the City of Worcester Department of Public Works & Parks to the Worcester Planning Board; re: 64-79 Beacon Street dated June 13, 2011.

Exhibit G: Letter to Worcester Planning Board requesting postponement of the three items for 64-79 Beacon Street to July 27, 2011 from Attorney Robert Longden on behalf of Beacon Hermon Realty Trust, dated June 24, 2011, received June 27, 2011.

- 3. 9 May Street – Amendment to Definitive Site Plan (PB-2011-029):** Mr. Fontane informed the Board that the applicant had requested a postponement (Item #10 on the agenda) until the July 27, 2011 Planning Board Meeting. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve postponement of item until the July 27, 2011 meeting.

Exhibit A: Amendment to Definitive Site Plan Application; received on June 2, 2011; prepared by Stephen Patton.

Exhibit B: Concrete Block Wall Site Plan ; dated May 10, 2011, prepared by Prime Engineering, Inc.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board regarding the proposed Amendment to Definitive Site Plan dated June 29, 2011.

Exhibit D: Request for Postponement to the July 27, 2011 meeting from Stephen Patton on behalf of Worcester Common Ground, to the Planning Board, dated June 29, 2011.

UNFINISHED BUSINESS

Public Meeting

- 4. 155 Ararat Street – Parking Plan Approval-Remand from Land Court (PB-2011-031)**

Ms. O'Connor gave a brief history of the item. Ms. O'Connor stated that on May 9, 2011 the Planning Board's August 16, 2006 decision was remanded by the Massachusetts Land Court to the Planning Board for the limited purpose of approving the revised parking plan subject to reasonable conditions. Ms. O'Connor explained that the Board would first allow the applicant to speak, and then staff and then the audience.

Attorney Gary Brackett representing Campus Realty and Salter College stated that he understood and his client understood that the hearing was for the limited purpose of approving the parking lot subject to reasonable conditions and agreed with requirements from the August 16, 2006 Planning Board decision except for bullet 5 (Item #2) contained in Mr. Fontane's letter dated June 29, 2011 which pertained to paving striping and parking and also contained in letter from Joseph Borbone, Director of Engineering Mr. Brackett stated that when applicant had appeared previously before the Planning Board that in their opinion that under the Zoning Ordinance there is no specific requirement for paving and there was concern raised about the expense involved with paving. Mr. Brackett stated that parking lot was for the use of student, faculty and administrators for the Salter Campus and there wouldn't be significant amount of turnover during the day. Mr. Brackett stated that the intention of the applicant was to install gravel on the parking lot and to provide barriers to separate rows of parking. He further stated that he understood concerns had been raised by the Division of Planning & Regulatory Services and the Department of Public Works. An excerpt from Mr. Borbone's letter stated that:

The applicant shall pave and stripe the parking areas depicted in the plan. The parking areas shall be paved with bituminous concrete, using a 1" bituminous concrete top coat, 2" bituminous concrete binder course and 8" of dense crushed gravel. Bituminous concrete berm shall be installed along the perimeter of the parking areas and around the landscape island shown on the plan.

Mr. Brackett requested clarification from Board members as Mr. Borbone's letter did not indicate the source of specification to support that recommendation. He stated that Judge Sans in his opinion on page 12 submitted to the Board as Exhibit H of the applicant's package:

Since the ordinance makes no priority of paving or striping on its face and offers no specific guidance, plaintiffs should be given considerable leeway to reduce costs whenever possible; furthermore any condition must have a clear and logical connection to the regulated aspects identified in ZBA decision 2 access, circulation and safety.

Mr. Brackett stated that the applicant respected the Department of Public Works and Parks recommendation but indicated that the Court recognized the cost of paving and stated that his applicant's concern does not specify where the recommendation came from and asked if this was a recommendation for other similarly situated parking lots so he can relay that information to his client.

Ms. O'Connor stated she would like to ask staff for comments. Mr. Brackett stated before questions to staff he just wanted to bring up that the judge had also acknowledged the issue of drainage and he pointed out to the Board that drainage had not been brought up in the previous two Planning Board decisions. He further stated that the court had made it clear that since any requirement to pave the locus would almost necessarily impact water runoff it is unreasonable for the defendants to penalize the plaintiff for not providing final drainage calculations before parties have resolved their dispute about paving the locus. Mr. Brackett stated that they understand Mr. Borbone's requirement that there be paving with certain specifications and appropriate drainage. Mr. Brackett referenced a sentence from Mr. Borbone's letter of June 30, 2011, paragraph two which states:

The parking area shall include catch basins and manholes as appropriate to convey storm water runoff to a detention system.

Mr. Brackett stated that those were the two concerns the applicant had but the other conditions that Mr. Fontane had summarized in June 29, 2011 letter (Item #2) were acceptable to the applicant as conditions of approval.

Ms. O'Connor requested comments from the staff.

Mr. Adams explained that the Department of Public Works and Parks recommendation was derived from other regulations in the city for paving and on standard parking lot pavement details provided in other private parking lots developed in the City. Specifically he stated that the City's subdivision regulations do not include any specific specifications or detail on how a parking lot should be constructed; since they primarily regulate construction of new roadways. Further he stated that for a residential roadway that the subdivision regulations requires 2 1/2" of binder and 1 1/2" of top course paving and also includes 12" of dense gravel underneath the four inches of paving. Mr. Adams stated the City of Worcester Standard Specifications and Details Manual which is another manual beside the subdivision regulations that the department uses calls for paving of sidewalks primarily for foot traffic and is not intended to be driven on and that calls for 1" of binder and 1" of top for a total of two inches of paving course and underneath that paving course is 8" of gravel.

Mr. Adams stated that the Department of Public Works used these data sources and a level of common sense to come up with what an appropriate pavement thickness would be for this parking lot. Mr. Adams stated that Department of Public Works has had the benefit of seeing hundreds of parking plan applications come before the Planning Board and has seen what other applicants have done so the Department of Public of Works letter recommending 2" of binder and 1" of top and 8" of dense crunch gravel is what is common on other parking lot plans and also taking into account the 4" that the subdivision regulations require for a road and the 2" asphalt that a sidewalk detail requires. Mr. Adams stated he does not believe there is any city document that specifically details how a parking lot should be constructed but with the number of parking lot plans they have reviewed that common sense was used and that the recommended paving is not over and above any other recommendation that the Department of Public Works has seen. Mr. Adams stated they do not support the proposed gravel parking lot because stormwater runoff from a gravel lot is not clean and further, a paved lot allows for parking spaces to be delineated by striping.

Ms. O'Connor asked whether the recommendations on the amount of top coat and binder coat and gravel is less than required for subdivision road and sidewalks. Mr. Adams stated that was correct for subdivision road (4") and more than required for sidewalk as a sidewalk just handles foot traffic (2") so 3" for a parking lot would be practical. Mr. Adams advised that if Board recommends something less than 3" it would only increase the frequency the parking lot would have to be re-paved. The parking lot would not last if the paving was less than 3" given the proposed use. Mr. Adams also noted that relative to drainage that when you pave a lot it is common practice to deal with drainage in some fashion and the most obvious way is to install catch basins which take the water and convey it to manholes which discharge it into a low area of the site. Because this is area has separate sewer and water (not combined, Mr. Adams stated that the lot falls under the Massachusetts Stormwater Handbook which requires applicants to mitigate peak rates of runoff so any increase in paving that applicant introduces has to design a corresponding detention system to mitigate those post rates of runoff to the pre-development state. Mr. Adams stated that Department of Public Work is trying to be consistent with any other parking lots that has come before them in the past and requires drainage systems and supporting calculations. Mr. Adams stated that as noted in the June 30, 2011 letter from Mr. Borbone that if the calculations don't mitigate the runoff that the department would expect revised calculations that would satisfy the department's recommendation.

Mr. Brackett asked for a follow up question as to whether Mr. Adams could provide the Planning Board with any recent applications for parking lot in which this particular condition has been recommended by the Department. Mr. Adams stated that he did not recall any other parking plan that did not propose their own paving thickness and therefore doesn't remember any time where department had to specifically state the requirement as there was always something to review on the plan that showed the paving.

Mr. Brackett stated he had no further questions and on behalf of his client they agree to all the conditions except requirements for paving, striping and drainage.

Ms. O'Connor asked Ms. Donovan if Inspectional Services had any comments. Ms. Donovan read from Commissioner John Kelly's letter stating, in part:

That a 5" landscaped buffer be included, as required, along the parking area that runs from east to west along the property line abutting the park in the area between "Iron Pipe Found Bent" and "Railroad Spike Found", and southerly from the "Railroad Spike Found" to the proposed landscaping shown on the plan. Said landscaping buffer should include 3" caliper trees 20'-25' feet on center and include shrubs throughout.

Mr. Fontane stated that Board had his letter dated June 29, 2011 which Mr. Brackett had accepted all conditions except paving and drainage but reiterated that DPRS had suggested the following additional conditions:

- That doorways stay lit to prevent vandalism
- That the 1,000 foot watt wall pack be directed downwards and operated with an automatic timer that will turn the lights on at dusk and off at 11:00 p.m.
- That the dumpster be screened with a six-foot (6') high stockade fence.
- That four "no parking" signs along the access drive to Ararat Street be depicted on the plan and installed on the site in accordance with the Fire Department's comments (Exhibit G). Mr. Fontane stated that Exhibit G has comments from Deputy Fire Chief Thomas that shows on a small section of the plan where the signs should be placed.
- That six copies of the final revised plans depicting all of the above mentioned items and including all additional information requested be submitted to the Division of Planning and Regulatory Services and that the parking lot be constructed in accordance with final revised plans.

Mr. Fontane reminded the Board that relative to the paving and drainage that in 1987 the License Commission issued an approval for a parking lot and in that December 9, 1987 revised plan the Commission discussed paving and gravel base and suggested using 2 ½" and 9" pavement so there was in 1987 a condition relative to what Mr. Brackett had asked and was a condition for the site in question.

Mr. Traynor stated that the Law Department had no comments.

Ms. O'Connor stated that before she opened it up to audience for comments she wanted to reiterate that Land Court has determined Board has no authority to deny the plan so only thing Board can do is approve with conditions and requested the audience speak specifically about reasonable conditions.

Timothy McGee requested to speak and stated he understood the limited scope of the Board's review. Mr. McGee stated he had additional information related to events that had occurred recently that may impact Board's decision.

Ms. O'Connor asked if the comments were related to conditions for the Board to imposed and Mr. McGee stated they would be brief comments.

Mr. McGee stated that the applicant no longer has standing as applicant is Campus Realty Group and Campus Realty no longer owns the property. The property by deed dated May 29, 2010 was deeded to the City of Worcester and in his opinion the applicant only owns right of redemption.

Mr. McGee further stated that application should be denied due to tax delinquency referred to Massachusetts General Law Chapter 40, Section 67 and related General Revised Ordinances of Worcester Chapter 11, Section 28 which states that a certification of taxes paid must be filed with the application and questioned how that could have occurred if the taxes are delinquent and would be incomplete.

Mr. McGee stated fourthly that the school operates as a result of a use variance granted in 1981. He stated that the use variance had lapsed at the property as the non-conforming land use has been abandoned and under the zoning ordinance once a non-conforming use has been abandoned for more than 2 years, it cannot be revived. He stated that the property has not been used as a for profit operation since May 2008 and that only a nonprofit school had used the property briefly.

Mr. McGee stated if Board is inclined to approve application he suggested that the Board should impose significant limitations on the use as applicant is only allowed to operate due to a use variance that was granted in 1981. The use variance incorporated a site plan that was recorded at same time the variance was recorded and this plans proposed to construct parking in areas on the property that are prohibited for use as a parking lot by the terms of the use variance so if Board allows the parking, it should be restricted to those areas that was allowed at the time the variance was adopted which is the asphalt area behind the school between the school building and the playing field. He further stated that the vehicles be limited to 54 spaces that was permitted at the time the variance was granted. Also, he strongly recommended that applicant not be exempt from the paving requirement consistent throughout the City.

Ms. O'Connor asked if Mr. Brackett had any additional comments and Mr. Brackett stated he would like to respond to Mr. McGee's comments.

Mr. Brackett stated that the Land Court had issued its decision on May 9th 2011 and since that time Mr. McGee has not sought to intervene on the Land Court decision and did not seek reconsideration from Land Court and the thirty days had expired and the Land Court decision is now final.

Mr. Brackett stated that Mr. McGee is trying to present issues to the Board that are outside the narrow scope of what Judge Sands has presented to the Board and that of Mr. Fontane's letter and Ms. O'Connor's opening comments clearly defined the limited parameters of the hearing.

Mr. Brackett stated that this matter relates to an application was filed in 2006 and at that time the application met all the filing requirements but if at the present time there is tax delinquency there is a right of redemption and Campus Realty could go to City Treasurer tomorrow and pay any back taxes and be issued certificate of redemption and file it with the Registry of Deeds.

Mr. Brackett stated that the local reap statute refers to a hearing on whether to deny or revoke a license or special permit and that a certificate of compliance was submitted with the original application and that was the application that went to the Land Court

He further stated that Mr. McGee is seeking to blend protections for nonconforming uses protected under Chapter 40A, Section 6 which are not applicable in this case with use variances which run with the land. He stated that Mr. McGee's recourse if he believes there is a zoning violation is to seek enforcement for which he has been unsuccessful in the past.

Mr. Brackett stated in response to Mr. McGee's request to Board to limit to 54 spaces that the court has said that the applicant has a valid plan before Board that requests an expansion the parking which Board can approve.

Mr. Brackett stated, in his opinion that the only request to the Board from Mr. McGee that has merit was that they not be exempt from paving and drainage.

Ms. O'Connor requested questions from the Board and Mr. Mitra requested opinion from Law Department as to the questions brought up regarding taxes.

Mr. Traynor stated that the taxes were a non issue as this was remand from Land Court to approve the plan and the tax issue would be addressed at the next stage where a license was to be issued; Mr. Traynor stated that Parking Plan approval is not the place or time to act upon that statute but that could be addressed at occupancy permit stage or other licenses.

Ms. O'Connor asked Mr. Traynor if all those items mentioned should be ignored.

Mr. Traynor advised that they should be ignored as they are things that happened in the past and are not pertinent to the plan before the Board in the manner that it is before the Board.

Ms. O'Connor noted that the letter with the recommendations from Inspectional Services had been incorporated into Mr. Fontane's letter dated June 29, 2011 (Item #2) as well as letter from Department of Public Works. Mr. Fontane stated also Fire Department recommendations had been incorporated in his memo.

Ms. O'Connor stated she would be in favor of approving the parking plan subject to the conditions set forth in Mr. Fontane's memo and stated that it makes sense to approve the parking plan with those conditions. She stated that they would help with parking flow and with the use of the lot for this facility so she would be in support.

Mr. Rolle stated that he was in agreement also with all the conditions and it is reasonable to be asked that it be paved for a parking lot of this size.

Mr. Mitra stated he was also in agreement with the conditions noted in Mr. Fontane's letter dated June 29, 2011. (Item #2)

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the parking lot subject to the following conditions of approval:

- That a 5' landscaped buffer be included, as required, along the parking area that runs from east to west along the property line abutting the park in the area between "Iron Pipe Found Bent" and "Railroad Spike Found", and southerly from the "Railroad Spike Found", and southerly from the "Railroad Spike Found" to the proposed landscaping shown on the plan. Said landscaping buffer should include 3" caliper trees 20'-25' feet on center and include shrubs throughout.
- That doorways stay lit to prevent vandalism.
- That the 1,000 watt wall pack be directed downwards and operated with an automatic timer that will turn the lights on at dusk and off at 11:00 p.m.
- That the dumpster be screened with a six-foot (6') high stockade fence.
- That applicant shall pave and stripe the parking areas depicted on the plan. The parking areas shall be paved with bituminous concrete, using a 1" bituminous concrete top coat, 2" bituminous concrete binder course and 8" of dense crushed gravel. Bituminous concrete berm (e.g., Cape Code berm) shall be installed along the perimeter of the parking areas and around the landscaped island shown on the plan.
- The parking areas shall include catch basins and manholes, as appropriate, to convey stormwater runoff to a detention system. The detention system shall mitigate the peak rates of runoff from

post-development to pre-development. The drainage system shall also be designed to meet the requirements of the current Massachusetts Stormwater Management handbook's recharge requirement and water quality volume. The drainage system shall be engineered by and the parking plan shall be stamped by a Massachusetts certified, professional civil engineer.

- That the four (4) "no parking" signs along the access drive to Ararat Street be depicted on the plan and installed on site in accordance with the Fire Department requirements.
- Prior to any paving work, the Applicant shall submit calculations of pre- and post-construction (paving) including specific provisions for handling any additional surface water run-off, to the Engineering Division of the Department of Public Works & Parks for approval prior to any re-use of the property which is now vacant. If the city Engineering Division determines that such calculations are inadequate or insufficient, the Applicant shall make resubmissions to the Engineering Division's reasonable satisfaction.
- The Applicant shall obtain all appropriate permits to perform the work.

Standard Conditions of Approval

- 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.
- 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 be submitted to the Planning and Regulatory Services Division prior to release of this decision.
- All work shall be done in accordance with the final approved Parking Plan on file with the Division of Planning and Regulatory Services.

NEW BUSINESS

Public Hearing

5. 63-69 Downing Street – Definitive Site Plan Approval (PB-2011-020A)

Ms. O'Connor called for the applicant to come forward and no one came forward to present. Mr. Fontane stated he did not see applicant in audience. Ms. O'Connor stated that since the applicant had not appeared they would hold the item until the end of the meeting or would hold for reasonable amount of time.

Mr. Traynor stated it is not a public hearing so if Board wished to hear comments/testimony they could do so.

David Bogoian asked if he could be heard and Ms. O'Connor stated that Board would hold item and if the applicant did not appear they would take Mr. Bogoian's comments. *

6. 762-800 Grafton Street & 3 Progressive Street – Zoning Map Amendment from RL-7 to BL-1 (ZM-2011-005)

Mr. Fontane informed the Board that he had just received a letter from the petitioner and passed letter out to Board.

Domenic Paldino appeared before the Board and stated he is requesting from the Board that zoning be extending from 762 Grafton to 800 Grafton Street. Mr. Paldino stated current zoning is BL-7 at beginning of 762 Grafton and asking it be extended to 800 Grafton Street.

Ms. O'Connor clarified that applicant was looking to extend the BL-1 zone line to include the properties. Mr. Paldino stated that Ms. O'Connor was correct and they are requesting to extend the BL-1 zone.

Ms. O'Connor stated that this petition encompasses the three addresses.

Ms. O'Connor asked Mr. Paldino if he had any comments relative to his petition.

Mr. Paldino indicated that a similar zone petition had been before the Planning Board in the past prior to he and Frank Foley owning the properties. He stated that he had heard there had been previous issues with this request but pointed out that there had been some changes in the area since that consideration. Specifically, he stated that there are now commercial buildings are located across the street that had not been there before. He also stated that there is a center lane now on Grafton Street you have the center lane to facilitate turning into properties on the left or right hand side which had not been the case previously.

Mr. Foley stated he received a copy of the September 24, 2003 zone change denial which outlined reasons at that time for denial that he would like to address. In addition to the Sept. 24, 2003 denial, Mr. Foley informed the Planning Board that a follow up zone change petition for the same properties had been petitioned too soon under state law after the denial and was denied for that reason. One of the issues brought forward at that time was the steep grade of the properties. He stated that the proposal if the zone change was approved would be to demolish the single family home and re-grade. He stated that the plans would bring the site closer to ground level which would prevent any blind re-entry onto Grafton Street. He stated that another cited issue was lack of depth of the properties. The concept plan for the site would be to construct something like a 2,000 SF insurance agency on the location which would be approximately the same footprint as a house. He further stated that the applicants would still need to apply for building permits which at which time certain issues would be addressed. With respect to traffic, Mr. Foley stated that since 2003 the traffic patterns have changed dramatically and there is an addition of the center lane which is a turning lane as well as additional businesses in the area specifically the Bay State Savings Bank which is directly across from 800 Grafton Street and D'Angelo's and Honey Dew Donuts which are further down on the left. The entire area is not the same traffic wise. In 2003 when item came before Planning Board that stretch of the road was the wide open stretch on Grafton Street and you had Burger King there and the traffic has slowed dramatically.

Mr. Foley stated they are not looking to put a restaurant in the area due to depth of lot and with the limited parking available it wouldn't be possible. Mr. Foley stated that he and Mr. Paldino feel that issues brought up in 2003 have resolved themselves in their opinion.

Ms. O'Connor reiterated that the Board's role for this item is just to make recommendation to the City Council for their approval or denial. Mr. Adams and Ms. Donovan had no comments on this petition.

Mr. Fontane gave a brief background that this issue had been before the Board in 2003 and again in 2005 and in both cases the Board recommended denial to City Council and Council accepted the Planning Board's recommendations. The first petition was denied on 11/18/2003 and filed the second petition due to the fact that it was deemed to be a repetitive petition.

Mr. Fontane stated that from a land use perspective this petition poses some interesting planning challenges. He explained that there is quite a bit of existing development on Grafton Street and with a

mix of business and residential zones as you travel down Grafton Street on both sides. He stated that from a planning perspective, these alternating residential and business serve to create important breaks in activity in terms of traffic activity and access and egress from and to the Grafton Street corridor that helps to keep traffic flowing well and avoid congestion. He stated that while Grafton Street is a major thoroughfare in the City of Worcester, it is different from other major thoroughfares such as Chandler St. and Park Ave. While Grafton St. carries quite a bit of traffic, it meanders and alternates between one to two lanes on each side in some direction. He further explained that around Southeast Plaza where currently the Stop and Shop supermarket is located, Grafton St. opens up quite a bit and in 2003 a turning lane was installed which was helpful but the lane does not extend all the way down the length of area requesting to be re-zoned.

The difficulty turning onto Progressive St, an issue previously identified by the Board and agreed with by staff still remains. Mr. Fontane reminded the Board that they should not consider only the concept plan for one site but rather the collection of uses that could be applied for and approved for in BL-1.0. Other options are for landowners to work together to purchase land to increase developable parcel size.

Mr. Fontane acknowledged that due to parcelization there is limited potential for significantly large retail development but several parcels could be aggregated to form a larger development than the stated concept plan. Mr. Fontane outlined the following key issues from a planning point of view:

- **Uses permitted in BI-1 zoning districts may be incompatible with the abutting residential neighborhood to the south and southeast of the area to be rezoned.**
- **The development of non-residential uses may degrade the quality of life in the abutting residential neighborhood to the south and southeast by eliminating the buffer/transition these properties current provide that neighborhood.**
- **The safety and concerns associated with additional turning traffic in the vicinity of the Grafton Street and Progressive Street intersection due to poor site lines. Mr. Fontane stated there have been improvements in other areas but this area has not been improved in that manner.**
- **The commercial/retail needs of the area are adequately served by the existing business districts and the need to provide more land zoned for business in this area is not strong.**
- **The existing zoning allows for a mix of uses that are more appropriate for this location.**

Ms. O'Connor opened the hearing to the audience.

Deborah O'Brien an abutter on Progressive St. stated that two of her neighbors plan to sell and her property will then be next to two commercial properties. Ms. O'Brien responded to Mr. Foley and Mr. Paldino's comments saying that while some businesses have left, new businesses have come in, including a clinic that has significantly increased traffic. She also stated that Roosevelt School was also renovated and is, in her opinion, six times bigger than it was originally which has increased bus traffic dramatically in addition to increased residential development in the area.

Ms. O'Brien asked on behalf of all the neighbors how many times this petition could be brought before the Board.

Ms. O'Connor stated that these are different applicants and anyone has right to petition the Board.

Mr. Traynor stated that a landowner can petition for a zone change as many times as he or she wishes; however, repetitive zoning petitions need an increased number of votes at the City Council to pass.

Mr. Fontane stated that the last time in 2005 this item came before Planning Board they determined it was repetitive but it was denied for the same reasons as in 2003.

Ms. O'Brien stated she has been in accident in this area and reiterated that in her opinion changing the zoning from residential to commercial would make the neighborhood unsafe. She also presented a signed petition to the Board from neighbors who were unable to attend but who were in opposition of the zone change.

Joan Sroczyński, an abutter on Progressive St., stated that had concerns about increased traffic. She explained that in addition to having a curve at the end of the street, there are several other cross streets in close proximity to Progressive St. as well as a school bus stop and well as a city bus stop. Ms. Sroczyński stated that coming down Progressive Street she will never turn left due to traffic as it is almost a blind spot. Ms. Sroczyński stated she was in accident at the end of Progressive Street as at end of street there is steep part and in the winter your vehicle can slide right into Grafton Street.

Mr. Fontane passed out a map of the area to Board members so they could view area.

Margaret Shaughnessy, an abutter on Progressive St., stated that she has appeared before the Board relative to this item and is in opposition. Ms. Shaughnessy stated that she has lived in area for 45 years and traffic has become increasingly worse. She said that it is very difficult to make a left. She indicated that she has requested Traffic Control to review. Ms. Shaughnessy stated you cannot get out of Progressive Street due to the traffic. Ms. Shaughnessy stated if this is passed the commercial property would be in her backyard. Ms. Shaughnessy stated she will only go up Progressive Street and never down as she has been in four accidents.

Ms. Shaughnessy also stated that she had petitions signed by 22 neighbors in opposition and three letters that she presented to Board.

Arthur Ellis who lives in neighborhood stated that he agrees with the comments of Mr. Fontane and agrees the current zoning allows for a residential feel of the neighborhood and that if street just becomes businesses back to back it would change the neighborhood dramatically.

Dorothy Ducimo, an abutter on Progressive St., stated she was a new neighbor to the area and has lived there for five years. Ms. Ducimo stated that if commercial property is put in it will change the properties in the area and all neighbors will look at is commercial buildings. Ms. Ducimo stated one of her neighbor's is confined to a wheelchair and if this zoning goes through when this person goes out on their deck all they will have to look at is commercial buildings. She also stated she had concerns relative to increased traffic. Ms. Ducimo stated her husband will not go down Progressive Street due to the traffic.

Don Hookstra an abutter on Progressive St. stated he agrees with Mr. Fontane's comments as well as comments made relative to increased traffic in the area if zoned changed. Mr. Hookstra stated that exiting Progressive Street is treacherous and pulling out to take a left is almost impossible.

Mr. Mitra asked why the petitioner was requesting the zone change.

Mr. Paldino stated that the reason for the requested zone change was to develop the lot for an insurance agency. Mr. Foley stated that with respect to concerns about site views, the concept plans call for a significant grade change and a retaining wall so that the buildings would not be visible.

Mr. Mitra stated that the Board had viewed the site and, in his opinion, it is a neighborhood oriented area and expressed concerns about having more business in the area.

Ms. O'Connor stated that when the Board reviews zone changes they look at all of the uses for the property in the BL-1 zone and not just what applicant proposes.

Mr. Foley stated that lot is limited due to size, height restrictions and parking spaces allowed.

Ms. O'Brien spoke again stating she is concerned with how a commercial entity and need for parking would call for a reduction in the existing trees on site and reiterated concerns about traffic and the blind spot and urged the Board to vote to remain residential.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to close the public hearing.

Ms. O'Connor stated when these items come before the Board it is difficult and realizes there is a need for change. She stated she understands what the landowners seek to do but she feels that there is a lot of residential in the area and does not feel it is good fit for these particular properties to extend the zone.

Mr. Rolle stated that he agreed with Ms. O'Connor and stated that the boundary between residential and commercial is always contentious. He stated that a compelling argument against the zone change are the specific traffic problems with the site as well as the further intrusion into the residential area.

Mr. Mitra stated after viewing the site and hearing comments from the neighbors he had concerns due to traffic and safety of children and property values, he was not in support of changing zone.

Upon a motion by Mr. Mitra and seconded by Mr. Rolle, the Board voted 3-0 to recommend that the City Council deny the request for zone change for the following reasons:

- Uses permitted in BL-1 zoning districts may be incompatible with the abutting residential neighborhood to the south and southeast of the area to be rezoned;
- The development of non-residential uses may degrade the quality of life in the abutting residential neighborhood to the south and southeast by eliminating the buffer / transition these properties current provide that neighborhood.
- The safety and congestion concerns associated with additional turning traffic in the vicinity of the Grafton St. and Progressive St. intersection due to poor site lines.
- The convenience retail and commercial needs of the area are adequately served by the existing business zones.
- The existing zoning allows for a mix of uses that are more appropriate for this location.

List of Exhibits.

Exhibit A: Zone Change Petition from Domenic Paldino, Paul Feeley, and LuAnn Chevalier to Worcester City Council, received April 26, 2011 at Worcester City Clerk.

Exhibit B: Map of Area – entitled Proposed Zone Change from RL-7 to BL-1: 762 & 800 Grafton St. and 3 Progressive St. Created by Luba Zhaurova, Division of Planning & Regulatory Services, dated 6/16/2011.

Exhibit C: Memorandum from Joel Fontane to Worcester Planning Board; re: 762, 805 Grafton St and 3 Progressive St. dated July 5th, 2011.

- Exhibit D: Recommendation to deny zone change from Worcester Planning Board to City Council rendered September 24, 2003.
- Exhibit F: Memorandum from Joel J. Fontane to Worcester Planning Board, re: 800-805 Grafton Street zone change; dated June 7, 2005.
- Exhibit G: Letter from Francis X. DeNicola and Harold J. Albert to Worcester Planning Board; re: opposition to zone change 762, 805 Grafton St & 3 Progressive St. received June 28, 2011.
- Exhibit H: Letter from William Anthony Galli to Worcester Planning Board; re: opposition to zone change 762, 805 Grafton St & 3 Progressive St. received July 1, 2011.
- Exhibit I: Letter, unsigned from the petitioner, Frank Foley submitted on July 6, 2011 at the meeting.
- Exhibit J: Petition in opposition to the zone change signed by abutters who could not attend the meeting, submitted on July 6, 2011.

7. 355-415 Grafton Street – Zoning map Amendment from RG-5 to BL-1 (ZM-2011-006)

Donald O’Neil appeared on behalf of the application representing Rodney Perro. He stated that Mr. Perro wishes to rezone the area from the intersection of Grafton St. and Hamilton Street to the vicinity of Worcester East Middle School in order to relocate his current flower business from lower Grafton Street to a portion of 405-415 Grafton Street and construct a new building with accessory parking. The flower shop has been in area of 35 years and wants to relocate in general area where his customer base is. He informed the Board that at the current location, there is no room to expand.

Mr. O’Neil stated Mr. Perro purchased the parcels few years ago and demolishd two houses that were on the property and he would like to move his business from its current location at 284 Grafton St. to 355-415 Grafton Street.

Mr. O’Neil stated that this issue is different from previous item heard as there are already many pre-existing non-conforming uses on either side of the street which are of a business nature. He stated that the proposal would extend the existing zone from Hamilton St. through the church property and the church is itself zoned business limited across the school playground include the City Lights property which is an existing non confirming use which could then become confirming use and then include Mr. Perro’s property.

Mr. O’Neil stated the site will require extensive site work to lower the grade. As part of that work that would be undertaken the site will required retaining walls along the back of the property and the intent it will be step down basis in terms of the walls that are installed so there will be fair amount of separation from the proposed use of this property and the parcels to the rear which are higher. The step back proposed walls probably would be 10-15’ from the property line and the building itself would be built into the hill. He stated that the use would be significantly below the properties to the rear.

Mr. O’Neil stated that area is a large lot and is zoned RG-5. He stated that a by-right alternative given the square footage and frontage in RG-5 would accommodate 34 low rise residential dwelling units based on the square footage and a high rise would permit 44 units.

Mr. O’Neil stated that what his applicant is proposing a business use which would be more compatible with surrounding neighborhood then what could be constructed there.

Mr. O’Neil stated the flower shop is a 9-5 business so would be less disruptive then other uses that could be in location and would have less traffic and be less intrustive than a by-right alternative in the current zoning district.

Mr. O'Neil stated he is aware the Division of Planning & Regulatory Services is recommending denial. He referred to staff's memo which states, in part, that if the property is re-zoned that some other use could go in property other than what is proposed but what the applicant is proposing is relocation of business than has been in area for 35 years and has no interest of putting any other type of business. Mr. O'Neil further stated that uses such as a used car lot would still require a special permit from the Zoning Board of Appeals and doubts such a use would be approved.

Mr. O'Neil stated other types of business such as restaurants with an alcohol license, fast food or banks with drive-throughs would require a special permit which would add additional control. He also stated that the site itself does not lend itself to those types of business and reiterated the applicant's intent to relocate his existing business.

Mr. O'Neil stated that they have obtained consent from the abutting church and existing restaurant which are part of the petition. If the zone was changed from RG-5 to BL-1, it would bring the restaurant into compliance. Atty. O'Neil stated that he does not know if there is ability to expand given the existing property.

Mr. O'Neil stated they feel it is appropriate site for the business with the proposed site work and given the topography of the lot as well as the protections afforded in the zoning ordinance which would allow for additional review of uses that might be offensive to the neighborhood. He further stated that the zone change would allow Mr. Perro to proceed with his plan to stay in the neighborhood and expand his business. Mr. O'Neil stated that nothing new has been built in the area in over fifteen years. Mr. O'Neil feels this would be enhancement and improvement to the neighborhood and requested that the Board approve the zone change.

Mr. Adams and Ms. Donovan had now comments.

Mr. Fontane passed out an overview map of the area. He stated that the area to be re-zoned is between two existing business areas. One is the Grafton Street/Hamilton Street corridor and the other is Rice Square.

Mr. Fontane stated that much of the same testimony in the previous request could be applied to this request and that from a planning perspective Grafton Street has mix of business and residential zones breaking up Grafton Street throughout its whole length. From a planning perspective what is looked at is the commitment to or the reinforcement of related to the existing business corridors and nodes and whether those nodes and corridors adequately serve the convenience retail and other needs of the neighborhood and City of Worcester and whether or not additional land areas in those nodes is appropriate to encourage economic development in an appropriate way.

Mr. Fontane stated in this case, despite the specific concept plans, the area to be rezoned includes more than just the parcels that were talked about for redevelopment. He reiterated that the Board always looks at collection of uses permitted in a particular zoning district not just a concept plan or use from a land use perspective and stated, in his opinion, the current zoning district is more appropriate.

Mr. Fontane stated that while extending the zone to included City Lights, which is restaurant that has been there for quite some time, the master planning effort in the late 80's and zoning maps of late 90's did not change the zoning for this area because it was viewed as an area that should be the spacer or gap between the business node and the corridor. This area has been zoned this way since at least 1973.

Mr. Fontane stated that the area along Hamilton Street has quite bit of land area and parcels and Mr. Fontane stated that area would be more appropriate for business development.

Mr. Fontane stated that rezoning the area would make the Lights Restaurant more conforming, that is not a reason for a zone change in and of itself. While some uses require a special permit from the

Zoning Board of Appeals, the message to the Board will be that the City will have purposely gone out of its way to allow for those considerations as opposed to maintaining the existing character of neighborhood making it a valid petition before the Zoning Board of Appeals.

Mr. Fontane pointed out that the Catholic Church has sold off numerous parcels in the past ten years including nearby Massasoit Rd where the church sold land that was used to construct duplexes. Mr. Fontane stated that the current landowners may not intend to create a used car lot or other similar uses, future owners may have entirely different plans and ideas. Mr. Fontane stated that in summary, he recommends denial of the zone change for the following reasons:

- **Extending the business zone further into the existing residential district will change the character of this area.**
- **The extension of the BL-1 zoning district could begin to undermine the nearby Grafton/Hamilton Street business corridor and the Rice Square business node.**
- **The convenience retails needs of this area are adequately served by the existing business nodes nearby.**
- **The uses permitted in BL-1 zoning districts may be incompatible with surrounding residential areas to the south and east of the property and could cause undesirable traffic interruptions in this area.**
- **The existing zoning allows for a mix of uses that are more appropriate for this location.**

Ms. O'Connor opened the hearing to audience for comments.

Mr. Charles Welsh, an abutter on Caroline St, stated that his house is about 50' away from St. Stephen's. He stated that he is not opposed to a new location for a flower shop although the lot seems rather large for a flower shop but is concerned about rezoning the church parking lot and the existing restaurant/bar. He states that currently there are problems with patrons parking in the church parking lot and creating noise when they leave the bar late at night. He expressed concern that the bar could expand and there could be more similar problems.

Ruth Welsh stated her concern is that St. Stephen's is selling part of their parking lot so that the Brazilian Restaurant can have parking and that traffic has increased in area and people can't get up and down the Caroline St. St. Stephen's already closes the street for part of the day due to bus traffic.

Ms. O'Connor stated that she cannot answer questions about the church's intent and reiterated that the purpose of the hearing is to hear concerns from abutters.

Mr. O'Neil stated that the reason they included the two properties was to make a connection to the existing zone and they did approach the church and the City Lights and they had no objection and felt favorable about what was being proposed. Atty. O'Neil stated that he cannot speak to the church leasing spaces to the restaurant as had been asserted. The reason for including the church as its currently zoned business limited and they needed to stretch the line to where they were but if the Board had concerns they had proposed a 100 foot depth and if Board wanted to narrow the depth of the proposal just so there was continuity but it would further limit development opportunity, we would have no objection to that.

Mr. O'Neil stated he disagrees with Mr. Fontane that the needs of the existing businesses are being met as the flower shop needs to expand is not being met. Mr. O'Neil stated that this area is different in residential character from the previous petition. He stated that while there were two houses on the property previously, perhaps the reason for the RG-5 zoning, those houses were foreclosed upon, condemned and then demolished. Mr. Perro purchased the properties from the bank and stated that

what is being proposed is more in character with the existing neighborhood than some of the more intense uses that would be permitted in the RG-5 zone. He also explained that the topography of the site limits intensive business uses and that drive throughs or restaurants with alcohol would require a special permit which considers neighborhood character and traffic.

Mr. Perro stated that the reason for including the church was to create a connection with the existing zoning district and that the church has no intention of changing the use of the property. He agreed that the suggestion of reducing the depth of the zone change from 100' to 50' it would allow the zoning change but not make it feasible for anything to be done with the property if the church was to sell the property.

Mr. Fontane stated he wanted to clarify a statement he made that Atty. O'Neil commented on. He stated that he feels the existing business zones adequately serve the commercial and retail needs of the neighborhood not necessarily of a particular business. He stated that businesses frequently outgrow their locations and need to relocate. He felt the pertinent question before the Board is could be relocated somewhere more appropriately zoned or does the zone need to be changed to accommodate this change. Mr. Fontane pointed out that along the Hamilton Street area there is a lot of area zoned business limited already and someone could have purchased properties and removed structures there and relocated by right. As far as extending the existing zone line he agreed that extending a zone line is the standard convention to avoid spot zoning or treating a parcel differently than similarly situated parcels on all sides.

Mr. Fontane stated that as far as the 100 foot depth that he spoke to Mr. Perro previously and explained that the Hamilton Street area uses a fixed width zone delineation for the business limited zone since property lines can change.

Alexandra Turner an abutter at 419 Grafton St. to the proposed zone change. She asked how this zone change would impact neighborhood and what would be the site plan requirements and required setbacks.

Mr. Fontane stated in response to Ms. Turner's question that a plan cannot propose to disturb land in such a way as to cause damage to an abutter and if that occurred it would be a private legal matter. He further stated that the board approves site plans for the site only and improvements cannot go off site unless they met all the requirements.

Ms. Turner asked how viable this property as business or residential due to the topography.

Mr. Fontane stated that engineers can do incredible things with land through use of retaining walls and other things but he couldn't speak to that but it would increase the cost to the residential multi family use that was described by Mr. O'Neil and would require significant amount of land work and would require 68 parking spaces which he felt would be hard to fit on the lot without significant land work.

Upon a motion by Mr. Mitra and seconded by Mr. Rolle, the Board voted 3-0 to close the hearing.

Ms. O'Connor stated this decision was even harder and that Mr. O'Neil had made good argument but she still had concerns.

Mr. Rolle agreed that initially he had felt that the business zone would be an intrusion into the residential neighborhood and would not be a good thing. He further stated that Mr. O'Neil had made good arguments and wished that there was another type of zoning like a neighborhood commercial zone that they could apply but that understands that this tool is unavailable so it makes for a tough decision. Mr. Rolle felt that there were good reasons for grouping businesses together in nodes and not be stripped along a corridor completely and stated that he didn't feel though there was compelling reason to change zone due the number of uses that could be allowed if zone changed. Mr. Rolle stated

he believed Mr. Fontane made good argument including the number of uses that could be allowed in the BL-1 zone. He felt a business zone would be an intrusion into the residential character of a pocket residential area.

Mr. Mitra stated after viewing the area he was concerned about extending the zoning district in a clearly residential character and allowing it to be changed to business.

Ms. O'Connor stated that the narrowing to 50 foot would not help in her opinion and Mr. Rolle concurred that would appear as spot zoning. He further stated while the flower shop seems reasonable, he does not believe extending is a good idea given the range of activities that could be permitted in that zone.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 2-1 (Anne O'Connor opposed) to recommend that the City Council deny the request for zone change as outlined by Mr. Fontane in his July 6, 2011 letter for the following reasons:

- **Extending the business zone further into the existing residential district will change the character of this area.**
- **The extension of the BL-1 zoning district could begin to undermine the nearby Grafton/Hamilton Street business corridor and the Rice Square business node.**
- **The convenience retails needs of this area are adequately served by the existing business nodes nearby.**
- **The uses permitted in BL-1 zoning districts may be incompatible with surrounding residential areas to the south and east of the property and could cause undesirable traffic interruptions in this area.**
- **The existing zoning allows for a mix of uses that are more appropriate for this location.**

List of Exhibits.

- Exhibit A: Zone Change Petition from Rodney Perro, Richard R. Foley, Trustee of Twenty-Nine Canal Street Realty Trust, and Roman Catholic Bishop of Worcester to the Worcester Planning Board signed by representative Donald O'Neil, received June 7, 2011.
- Exhibit B: Map of Area – entitled Proposed Zone Change from RG-5 to BL-1: 355-415 Grafton St. Created by Luba Zhaurova, Division of Planning & Regulatory Services, dated 6/16/2011.
- Exhibit C: Memorandum from Joel Fontane to Worcester Planning Board; re: 762, 805 Grafton St and 3 Progressive St. zone change, dated July 5, 2011.

***8. 63-69 Downing Street – Definitive Site Plan Approval (PB-2011-020A)**

Ms. O'Connor called the petitioner again but no one appeared.

Mr. Traynor stated that Board could take comments from audience and continued item to next meeting.

Ms. O'Connor stated that she would take comments and hearing would be continued to next meeting.

David Bogogian stated that he is opposed to this application as he was opposed to the related Zoning Board of Appeals matter. Related to the site plan, he expressed concern with the proposed parking

situation and asked if possible that the Board allow this item to go before City Council in order that he and other members of the public may speak on matter.

Upon a motion by Mr. Rolle and seconded by Ms. O'Connor the Board voted 3-0 to continue the item to the July 27, 2011 meeting.

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; received May 18, 2011; prepared by VF Properties, LLC.
- Exhibit B: Definitive Site Plan; dated May 12, 2011, revised July 21, 2011; received July 22, 2011 prepared by Graves Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 63 & 69 Downing Street; dated June 1, 2011.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 63 & 69 Downing Street; dated June 10, 2011, revised July 1 and July 22, 2011.
- Exhibit E: Email from Leonard Vairo to the Zoning Board of Appeals, re: Trash Planning, received by Lara Bold June 24, 2011
- Exhibit F: Letter of Opposition re: 63-69 Downing St. from David Bogogian to Worcester Planning Board, dated June 14, 2011.

8. 35 Hamilton Street (aka Dupont Street), 41 Hamilton Street * 71 Plantation Street – Definitive Site Plan Approval (PB-2011-028)

Kevin Quinn appeared on behalf of the Catholic Diocese of Worcester, petitioner. He explained that the plan calls for a small parking area with 8 area access on Chrome St. with 15% slope or more.. There would be 6 standard and 2 compact parking spaces. Drainage is provided as required by City of Worcester. A walkway will provide pedestrians access to the church. The parking is proposed to improve the parking at St. Joseph Church which has inadequate parking capacity for their parishioners. Mr. Quinn also explained what landscaping would be provided. In addition, the plan reconfigures some spaces to improve handicap accessibility.

Mr. Adams stated that DPW's updated letter dated July 1, 2011 has two comments regarding the proposed plan:

- **The southernmost, existing parking space does not appear to allow for adequate one-aisle width.** It has approximately 11' but there is no work proposed in that area.
- **A minimum 12 inch RCP drainage pipe is required in the right of way.**

Mr. Adams stated that they would only be asking for the second comment to be condition of the Board's decision. Ms. Donovan from Inspectional Services did not have any comments.

Mr. Fontane stated they would recommend approval and the only question was:

Will the proposed parking be accessory to the non-profit service facility at 81 Providence Street.

Mr. Fontane stated there was a follow up question for the Inspectional Services Department but the question would not impact Board's decision that evening.

Mr. Quinn stated parking will accommodate other uses on the parcel but primarily will be used to accommodate the parishioners.

Mr. Rolle asked if the existing parking spaces were striped and Mr. Quinn stated they were lined. Mr. Rolle asked follow up question as to whether front spot could be re-oriented for a parallel spot it so it would create more room. Mr. Quinn stated that would not be a problem. Mr. Adams stated that reconfiguration may negatively impact the parking area.

Mr. Rolle stated that instead of the parallel spot being a condition that it be looked at by the applicant.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the parking lot with the following condition: Six copies of a revised plan be submitted with the following change to annotations:

- **A minimum 12 inch RCP drainage pipe is required in the right of way.**

List of Exhibits:

- Exhibit A: Definitive Site Plan Application dated June 1, 2011 and received on June 2, 2011, prepared by Kevin Quinn on behalf of The Roman Catholic Bishop of Worcester, applicant.
- Exhibit B: Definitive Site Plan dated May 16, 2011, prepared by Kevin Quinn.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board regarding 35 Hamilton Street/41 Hamilton Street/ 81 Plantation Street – Definitive Site Plan.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board regarding 35 Hamilton Street/41 Hamilton Street/ 81 Plantation Street – Definitive Site Plan, dated June 29, 2011.
- Exhibit F: ZBA Special Permit Decision for 81 Plantation Street, dated March 6, 1981.

9. Parcel L3, Foster Street – CitySquare (Definitive Site Plan Approval (PB-2011-030))

Attorney Robert Longden representing St. Vincent's Hospital appeared on behalf of the applicant in addition to Dennis Irish and Enco Centofanti from St. Vincent's, Matthew Chase from VHB Engineering, John Scott and Michael Holland from Sims M Magee. Mr. Longden stated that the applicant is seeking Definitive Site Plan Approval for the proposed development to a ~41,000 SF building for a state of the art cancer center within the CitySquare project. The building will house St. Vincent's comprehensive advanced care services which currently serves 1300 cancer patients a year. The existing site is part of the proposed CitySquare development and will be located at the corner of Foster St. and proposed extension of Front St. Attorney Longden reminded the Board that Front Street will be extended and will connect to Washington Square at Foster St.

Mr. Longden further explained that the site contains ~ 21,855 sq. ft and currently consists of a portion of the existing parking garage. He informed the Board that on May 23, 2011 the Planning Board approved an Approval Not Required plan to create this parcel upon which the new center will located. He explained that the site is located in BG-6 and Mixed Use district and the use is allowed by right. He further stated that the site is currently completely impervious. Attorney Longden stated that Definitive Site Plan approval was granted for Citysquare on August 24, 2005 but with the condition

and understanding that each site within the project should come before the Board when buildings are designed and to review landscaping, lighting, etc.

Mr. Longden stated this will be two phase project. Phase I includes the acquisition of the parcel of land now known as Parcel L-3 and the demolition of the existing portion of the garage and construction of the 2 story, ~41,000 SF new building. He further explained that this the opportunity to expand vertically but that is not of this current proposal.

Mr. Longden explained that the main entrance to the site will be located on Eaton Place, a newly proposed street in the CitySquare development. He stated that there will be an ambulance drop off which will be on the Foster Street side of the building. Estimated construction and equipment costs for this project are approximately \$22 million dollars. He further stated that ambulances will enter through an existing curb cut that currently services the Foster Street garage. Parking for the cancer center will be provided in 127 reserved parking spaces in the Foster Street garage.

The building will be connected to the Foster St. garage. Attorney Longden stated that VHB had submitted a sketch plan for ambulance turning movements with a related memorandum showing how the site would operate (Exhibit I). He stated that ambulances coming from St. Vincent's hospital will enter the site through the existing curb cut that services as ingress/egress for Foster Street garage where there is a hammerhead. The ambulance will then pull in and back up for the unloading of patients. This will service patients moving from St. Vincent's to the cancer center. He stated that they approximate that there will be six to eight trips a day, non-emergency trips a day. There will be no sirens, no lights and the trips will be scheduled during midday to minimize traffic interruptions. The ambulances will turn right onto Front St. and circle around to St. Vincent's. There will be no u-turn permitted on Foster Street to return to the hospital.

Attorney Longden stated that the hospital expects to occupy the building at the end of 2012 which corresponds with end of St. Vincent's lease for their current site on Providence St. which, in turn, will be leased to Worcester Academy. He stated that the building will be LEED certified or LEED certifiable.

Mr. Longden further informed the Board that the construction of the streets, streetscape, sidewalk, and landscaping adjacent to the site is the responsibility of the developer pursuant to development agreement. He stated that where the site plan has a notation *done by others* such as is noted for the streetscape, construction of the sidewalk, construction of crosswalks and the streets indicates that the work will be done by the developer because its public infrastructure paid for by the District Improvement Financing. He stated that of the St. Vincent's site is responsible only for boundaries within the sidewalks. The project is projected to add 100 to 120 construction jobs during the projected construction period.

Mr. Longden stated that several revisions had been made to the site plan in response to the Planning Division's memo dated June 23, 2011 updated on July 1, 2011.

Mr. Longden stated he has received comments from Planning Division, updated July 1, 2011 and his client concurs with the recommendations.

Mr. Longden stated that the June 29, 2011 letter from Joseph Borbone from Department of Public Works with following conditions is also acceptable.

Mr. Longden stated that he received an email from Lara Bold, Chief Planner, regarding some additional recommended changes to the site plan which mostly dealt with the width of the sidewalks shown on the plan and that that the width remain the same as the 2005 site plan and that is acceptable to applicant. He also said there was comment regarding a planter box and that will be addressed by working with the Planning Division to make whatever adjustments necessary.

Mr. Adams referenced the five comments in Joseph Borbone's June 29th letter and clarified that drainage information should be in the form of a letter and indicate that there will be no increase in impervious surface. The remaining comments are minimal in nature and can be conditions of approval. Ms. Donovan had no comments.

Mr. Fontane stated that with respect to the width of the sidewalk DPRS recommends the width be the same as the 2005 site plan. He further asked that the four street trees same number as proposed in 2005 plan be located in same area as previously planned.

Mr. Fontane asked for clarification on how the sidewalk area in front of the ambulance would change from the 2005 approved site plan and what separation is planned between the ambulance area and the sidewalk.

Mr. Holland stated they will relocate the four trees per the original plan along Front St. He stated that the sidewalk width will remain the same on Front St and will continue onto Foster Street with a planted area between the property and a healing garden below. In the plan he explained, there is a nine foot sidewalk coming which then connects to a crosswalk across the front of the garage area. The sidewalk area will maintain separation from the ambulance hammerhead turn around parking area and a crosswalk will be striped across the garage entrance. Pedestrians will be more clearly visible to exiting vehicles in that location that closer into the garage area.

Mr. Fontane asked that if the proposal where the street trees are to be located is pavement.

Mr. Holland stated that he thought the original plan showed it to be a paved plaza but given the clinical use with the proposed healing garden on the slope, rather than maintaining a paved plaza the plan now called for redirecting pedestrian traffic along the sidewalk closer to Foster St. The pedestrian traffic will be directed to the safest area to cross the front of the garage where vehicles are exiting.

Mr. Fontane asked if there would be anything in terms of a transition point or a buffer.

Mr. Holland stated there will be a vertical curb where the ambulances pull in so the vehicles cannot extend further than they are supposed to.

Mr. Fontane requested that the other side of the building referred to on plan as flushed island with cobblestone or pavers in terms of the sidewalk that the Planning Division would like to see the sidewalk continue through.

Mr. Holland stated that might work but opined that the island would be so narrow it would have to be vertical curb which would be awkward but maybe instead maybe they could use pavers so that they can provide the continuity of the sidewalk.

Mr. Fontane stated Planning would like to see sidewalk but they could work on that issue with the applicant

Mr. Rolle stated that he had same questions as Mr. Fontane relative to the ambulance entrance.

Mr. Longden did not think there would be any problems with the ambulance entrance due to the few number of trips per day and the proposed route the ambulance will take.

Mr. Rolle stated that since there are few trips and professional drivers moving the patients he understands the plan but still has reservations regarding the entrance and would like to see a stop bar be installed.

Mr. Rolle asked Mr. Fontane if in the letter dated July 1st incorporated Lara Bold's comments. Mr. Fontane stated it did not but Mr. Longden had stated in testimony that he would agree to the sidewalk width that was originally approved. Mr. Rolle stated in June 23, 2011 letter (Item #11) there are comments relative to width and asked if that would that would cover the conditions relative to width and Mr. Fontane stated it would.

Mr. Mita thanked the applicant for bringing this business to City of Worcester and asked when will project will start and finish. Mr. Longden stated plan is to commence construction on September 1st and that they plan is for the building to be occupied by December 2012.

Mr. Mita asked how many permanent jobs will be added and Mr. Longden responded that project is anticipated to retain forty-nine full time jobs and creation of twenty six new jobs.

Mr. Mita asked where the funding for project would come from. Mr. Longden stated it is all private money to fund item and that City of Worcester has approved TIF for project that will provide tax relief to St. Vincent's Hospital for approximately twenty years.

Mr. Rolle agreed with fellow board member Mr. Mita's comments relative to appreciation of applicant of bringing this project to City of Worcester.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the Definitive Site Plan Approval subject to the conditions noted in June 23, 2011 (updated July 1, 2011) (Item #11) Planning Board letter as well as the conditions noted in the June 29, 2011 letter from Joseph Borbone (Item #11) specifically:

The Amendment to the Definitive Site Plan was approved with the following conditions:

- Depict clarification of curb cut egress/access for ambulance and parking garage as outlined in the memorandum submitted by Vanasse Haugen Brustlin, Inc. dated June 30, 2011.
- Sidewalks on Eaton Place, Foster Street and Front Street should reflect the width, pavement characteristics and landscaping shown in the 2005 Definitive Site Plan Approval with the exception of the proposed curb cuts necessary to serve the building and possible relocation of trees necessary to accommodate those curb cuts. Plan can include note: "by others".
- Retain four (4) trees in sidewalk with spacing as shown in 2005 Definitive Site Plan Approval on the extension of Front St.
- Retain three (3) trees in sidewalk as shown in 2005 Definitive Site Plan Approval on Foster St. Location may be altered from 2005 plan to accommodate changes with ambulance access.
- Install a planter box in sidewalk on Eaton Place with drought resistant, seasonal plantings.
- Provide City of Worcester Standard details.
- Provide information regarding drainage.
- A minimum 12 inch RCP drainage pipe is required in the right-of-way.
- A 6 inch PVC pipe sanitary connection does not require a manhole.
- Provide an erosion control plan.

Standard Conditions of Approval

- Six copies of the revised plan be submitted to the Planning and Regulatory Services Division prior to release of this decision.
- 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.

- 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.
- All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; received June 2, 2011; prepared by Robert Longden on behalf of VHS Acquisition Subsidiary Number 7, inc. dba Saint Vincent Hospital.
- Exhibit B: Definitive Site Plan- St. Vincent’s Hospital; Parcel L-3 Foster St.; dated June 2, 2011; received June 2, 2011, prepared by Michael E. Holland, Symmes, Maini & McKee Associates, revised June 30, 2011; received July 1, 2011.
- Exhibit C: Rendering – Saint Vincent Cancer Center; received July 1, 2011, dated June 30, 2011 prepared by Symmes Maini & McKee Associates
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Worcester Planning Board; re: Parcel L-3 Foster St. / Front St. Extension – Citysquare dated June 21, 2011, updated July 1, 2011.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Worcester Planning Board re: Foster St., dated June 29, 2011.
- Exhibit F: Memorandum from Timothy McGourthy Economic Development Division to Joel Fontane, for Parcel H 100-120 Front Street dated April 9, 2010; received April 9, 2010.
- Exhibit G: Planning Board Decision, Definitive Site Plan Approval – Parcel H 100-120 Front Street; April 14, 2010 signed June 8, 2010.
- Exhibit H: Citysquare Streetscape & Architectural Guidelines. City of Worcester, Massachusetts. January 2009.
- Exhibit I: Memorandum from Vanasse Hangen Brustlin, Inc to Paul Strniste – Saint Vincent Hospital re: summary of patient access/egress, dated June 30, 2011.

OTHER BUSINESS

10. ANR Plans

AN-2011-027 – 47 Milton Street: Upon motion by Steven Rolle and seconded by Satya Mitra, the Board voted 3-0 to endorse ANR Plan AN-2011-027

AN-2011-028 – Westport Road: Upon motion by Steven Rolle and seconded by Satya Mitra, the Board voted 3-0 to endorse the ANR Plan – AN-2011-028.

AN-2011-029 – Taconic Road/Wigwam Hill Road:

Upon reviewing the plan the Board expressed concern about approving the plan. Mr. Mitra and Ms. O'Connor both expressed concerns about safety issues and Mr. Rolle stated he has not seen the site so would feel uncomfortable voting on the plan.

Mr. Adams stated that street is very narrow and noted that the city does plow the street and pick up trash.

Mr. Traynor stated that the item could not be held but suggested that the Board could do a conditional vote to deny with the condition that if the applicant submitted an extension of the constructive grant deadline that the Board would view the site and reconsider at its next meeting.

Ms. O'Connor asked whether the filing fees could be waived if applicant had to re-apply. Mr. Fontane stated that could be done and that the applicant would be advised to apply for next meeting.

Upon a motion by Steven Rolle and seconded by Mr. Mitra to conditionally deny the plan with the condition that the Board would hear it at its next meeting if the applicant agreed to extend the constructive grant deadline to the next meeting. The Board asked the Planning Division to contact the applicant to explain the vote and Mr. Fontane agreed.

The Board voted 3-0 not to endorse the ANR Plan – AN-2011-029

ADJOURNMENT: Upon a motion by Mr. Rolle and seconded by Ms. O'Connor, the Board voted 3-0 to adjourn the meeting at 8:50 p.m.