

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

April 3, 2019

LEVI LINCOLN CHAMBERS

Planning Board Members Present: Andrew Truman, Chair
Paul DePalo
Albert LaValley
Satya B. Mitra

Members Absent: John Vigliotti

Staff Present: Stephen S. Rolle, Division of Planning & Regulatory Services
Michelle M. Smith, Division of Planning & Regulatory Services
Timothy Gilbert, Division of Planning & Regulatory Services
Nick Lyford, Department of Public Works & Parks
Jodi Kennedy Valade, Department of Inspectional Services
Alexandra Kalkounis, Law Department

Approval of Minutes – 1/2/19; 1/23/19, 2/13/19 & 3/13/19 – Held to 4/24/19

Requests for Continuances, Extensions, Postponements, and Withdrawals

1. 143 Southwest Cutoff (PB-2019-012):

- a. Public Hearing – Special Permit for Adult Use Marijuana, Storefront Retailer

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Special Permit for Adult Use Marijuana, Storefront Retailer to the April 24, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to May 16, 2019.

2. 129 & 133 Granite Street (PB-2019-014)

- a. Public Hearing – Special Permit for a Common Driveway
b. Public Meeting – Definitive Site Plan

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Special Permit for Common Driveway and the Definitive Site Plan to the May 15, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to June 6, 2019.

3. 316 Shrewsbury Street (aka 48-50 Wilson Street) (PB-2019-015):

- a. Public Hearing – Special Permit for CCOD
b. Public Meeting – Definitive Site Plan Amendment

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Special Permit for CCOD & Definitive Site Plan Amendment to the April 25, 2019 Planning Board meeting and to extend the Constructive Grand Deadline to May 16, 2019.

4. 383 Shrewsbury Street (PB-2019-016):

- a. Public Hearing – Amendment to Special Permit for CCOD
- b. Public Meeting – Definitive Site Plan

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Special Permit Amendment for CCOD & Definitive Site Plan to the April 24, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to May 16, 2019.

5. 74 Grafton Street (PB-2019-019):

- a. Public Hearing – Special Permit for Adult Use Marijuana, Storefront Retailer

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Special Permit for Adult Use Marijuana, Storefront Retailer to the April 24, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to May 16, 2019.

6. 117 & 119 Wyola Drive (public & private) (AN-2019-012):

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to postpone the ANR plan to the April 24, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to May 16, 2019.

7. 73 & 75 Townsend Street (public) (AN-2019-021):

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to allow for Leave to Withdraw for the ANR application.

Old Business

Mr. Rolle stated that the Board should take up the ANR plan for Chiltern Hill Drive, as the lot would need to be created before the Site Plan could be acted upon. Mr. Rolle also stated that Attorney Todd Rodman had submitted a letter on behalf of the neighbors to this property and gave a copy to the Board.

8. 30 & 32 Chiltern Hill Drive (public) & Aylesbury Road (public) (AN-2018-024)

Andy Baum and Jim Smith from Summit Engineering and Attorney Henry Lane appeared upon behalf of the application. Mr. Baum stated that this item has been before the Board several times and gave an overview of the plan. He stated that a point of confusion is that there is an existing easement located on two deeds for this property and in the deed in references Aylesbury Road extension, but for which there are no plans. Mr. Baum provided an overview of the plan, and stated that the first hurdle is the ANR must be endorsed for the Site Plan to be able to go forward.

Mr. Rolle stated that the Board's role is to determine whether these lots can be created without going through the subdivision process, and that the Board must determine whether there is vital access from the specified frontage onto the lots.

Mr. LaValley asked why the applicant would not want to go through the subdivision application process. Mr. Lane stated that because they are not creating a new road or new frontage, they do not meet the definition of a subdivision.

Ms. Kalkonis stated that while they are not creating a new road, it must be demonstrated that there is access for an ANR to be endorsed.

Mr. LaValley stated that Lot #2, where the frontage is on the uphill drive and the access is on the lower drive, does not meet the ANR standard.

Mr. Mitra stated he viewed the site and he has concerns about the access of the site, particularly for emergency vehicles.

Mr. Lane stated that, from case law, there is a distinction between access to the lot and access which is to be used, and that they do not have to be in the same place. He stated that as he reads the City Zoning Ordinance, this would be allowed as the lot is accessible by Chiltern Hill Drive, and would, therefore, encourage the Board to endorse the plan.

Mr. Mitra again expressed concern that public safety vehicles would not be able to access the site.

Ms. Kalkounis stated that one of the determinations to endorse an ANR is whether there is access to the lot from the way.

Mr. Rolle stated that the Board should look at whether the access is feasible from the frontage provided.

Attorney Todd Rodman of Seder and Chandler stated that the Board had heard concerns about the site from abutters at previous meetings, but he will tonight just focus on the ANR. Mr. Rodman stated that for approval of an ANR, the Board must determine whether the access is meaningful. In this situation, he stated, the steep slope prevents access to the parcel, and based on the design standards, he encouraged the Board to deny the application.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to deny the ANR on the ground that there is no meaningful access from the frontage on Chiltern Hill Drive to Lot #2 due to the width of the access and the steepness of the grade are not sufficient for public safety concerns.

9. 30 & 32 (aka Lot 2, 3 & 4) Chiltern Hill Drive (PB-2018-032, -033, & -034):

a. Public Meetings – Definitive Site Plans

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to allow for Leave to Withdraw for the Definitive Site Plan.

10. 225 Shrewsbury Street (PB-2018-056):

a. Public Hearing – Special Permit for CCOD

b. Public Meeting – Definitive Site Plan

Attorney Mark Donahue from Fletcher & Tilton appeared upon behalf of the applications.

The petitioner seeks to demolish one of the existing buildings and to construct a four-story multi-tenant office building. Mr. Donahue provided an overview of the proposal and how much parking would be provided on-site. He stated that once the project is complete, there would be 140 on-site parking spaces and 29 off-site parking spaces.

Mr. Rolle stated that staff would recommend approval of the Special Permit with the parking proposed under this plan.

Attorney Jonathan Finkelstein, representing Fosse Oil, stated that they appeared at previous meetings to express some concerns about the proposal, particularly regarding access to Albany Street. He explained that they have been working with the petitioner to resolve the issue in the time since.

Mr. LaValley expressed concern that there was a not adequate arrangement for moving pedestrians throughout the site. Mr. Longden stated that the applicant is hoping that the perimeter of the site will be more pedestrian friendly once the site is developed.

Nicole Dunphy of Highpoint Engineering stated that they have considered some internal pedestrian pathways using existing sidewalks, which will be further considered when they move on to the full site plan approval.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to approve the Special Permit for CCOD with conditions outlined in staff's memo along with the requested waiver from showing parcels and ownership information for abutters within 300 feet of the subject property.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo, amending #1-6 to be 48 spaces, as well as that pedestrian access be engineered into the site plan so that there is clear access from the main storefront to the main office area, and the requested waiver from showing parcels and ownership information for abutters within 300 feet of the subject property.

List of Exhibits

- Exhibit A: Definitive Site Plan & Special Permit – CCOD Application; received August 9, 2018; prepared by Patrick Lundgren.
- Exhibit B: Plan of Land; dated August 8, 2018; prepared by Highpoint Engineering, Inc.
- Exhibit C: Stormwater and Sewer Analysis Memorandum; dated August 8, 2018; prepared by Highpoint Engineering, Inc.
- Exhibit D: Parking Assessment; dated August 8, 2018; prepared by Ron Muller & Associates.
- Exhibit E: Traffic Impact and Access Study; dated August 8, 2018; prepared by Ron Muller & Associates.
- Exhibit F: Planning Board Special Permit Decision for Flexible Parking Overlay District.
- Exhibit G: Correspondence from Attorney Jonathan Finkelstein representing 38 Albany LLC; dated September 25, 2018.
- Exhibit H: Correspondence from Attorney Jonathan Finkelstein representing 38 Albany LLC; dated October 19, 2018.
- Exhibit I: Correspondence addressed to Attorney Jonathan Finkelstein and forwarded by addressee; dated October 22, 2018; prepared by McMahan Associates.

New Business

11. 222 Brooks Street (PB-2019-017):

a. Public Meeting – Definitive Site Plan

Harold Reeder of Zero Point Development, Inc. and Chris Anderson of Hannigan Engineering appeared upon behalf of the application. The applicant has applied for Definitive Site Plan Approval in order to demolish the existing building to construct three office and warehousing buildings (+/- 40,800 SF) and off-street parking (+/-139 surface spaces), and conduct related site work. The property is located within a MG-0.5 (General Manufacturing) zoning district. The three buildings are proposed in two phases, as follows:

Phase 1

- Building 1: 8,000SF office space (1 space / 300SF = 27 spaces required)
4,000SF warehousing space (1 space / 1,000SF = 4 spaces required)
- Building 2: 19,200SF office/warehouse space (1 space / 300SF = 64 spaces required)

Phase 2

- Building 3: 9,600SF office/warehouse space (1 space / 300SF = 32 spaces required)

Mr. Anderson gave an overview of the plan for the site including how the erosion controls would be installed and how the site would be stabilized.

Mr. Lyford stated that all of DPWs' concerns have all been addressed.

Ms. Smith asked if there was any plan for any contaminated material to be on the site during construction. Mr. Anderson stated that they do anticipate such.

Ms. Smith requested Mr. Anderson to review on the plan the height of the wall for the Board's review.

Lois Bourget, abutter to the property, expressed concerns about traffic, lack of greenspace in the area, and impact on wildlife that would result from this project.

Vincent Alcantro, abutter to the property, expressed concern about drainage that would come onto his property.

David Connelly, abutter to the property, stated that this will be right in his back yard, and he would encourage the applicant to move into the Industrial Park instead of cutting down trees.

Mr. Truman explained that the Board cannot deny the application on the basis of location as the use of this proposal is allowed by right.

Mr. Anderson gave an overview of the stormwater standards for the site, and stated that this proposal must also go before the Conservation Commission.

Mr. Lyford stated that DPW reviewed the report that had been provided and all concerns had been addressed.

James Blodgett, abutter to the property, stated that his biggest concern was potential erosion.

Ann Marie Blodgett, abutter to the property, expressed concern about increased traffic and destruction of the trees.

Mr. Truman stated that he would like a geo tech engineer to review the slope.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the following requested waivers:

1. Providing information regarding soil types.
2. Specification of exterior building materials.
3. Providing information on trees over 9” in diameter.
4. Not to label abutters to abutters within 300 ft. on the plan.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff’s memo including condition that a letter from a geo tech engineer be provided for staff review and that the applicant maintain the 25 ft. landscape buffer on the exterior of the property.

List of Exhibits:

Exhibit A: Site Plan Application; received 2/13/2019; prepared by Hannigan Engineering, Inc.

Exhibit B: Site Plan; dated 2/5/2019, last revised 3/25/2019; prepared by Hannigan Engineering, Inc.

12. 80 Hermon Street, 115 Madison Street & 129 Gold Street (PB-2019-018):

a. Public Meeting – Definitive Site Plan

Nick Facendola of Level Design Group along with the project manager appeared upon behalf of the applicant, Wyman Gordon Company.

Wyman-Gordon Company has applied for a Definitive Site Plan Approval to construct a two-story office and storage building (+/- 21,600 SF footprint) and related off-street parking (+/-60 spaces), and conduct related site work. Nick Facendola provided an overview of the plan for the site, including the proposed stormwater facilities, and clarified that all fencing will be black vinyl with barbed wire.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the following waivers:

1. Providing information regarding soil types on the plans.
2. Providing information regarding specification of exterior building materials.
3. To not label abutters to abutters within 300 ft. on the plan.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board, voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff’s memo, amending conditions #2, #3.

List of Exhibits:

Exhibit A: Definitive Site Plan Application; received February 28, 2019; prepared by Level Design Group, L.L.C.

Exhibit B: Site Plan; dated February 26, 2019; prepared by Level Design Group, L.L.C.

13. 33 & 35 Wachusett Street (ZA-2019-003):

a. Public Hearing – Zoning Map Amendment

Attorney Donald O’Neil appeared upon behalf of the applicant, Plaka Realty, LLC.

Plaka Realty, LLC seeks to amend the City of Worcester Zoning Map by rezoning the portions of the properties that are currently zoned RG-5 (Residence, General), to BL-1.0 (Business, Limited) zoning district and additional extending the Commercial Corridor Overlay District (CCOD) to encompass the entire property. Mr. O’Neil gave an overview of the proposal for the site.

Attorney Mark Bornstein, representing Broggi Realty, an abutter to the property stated that they have reached an agreement with the applicant with regard to parking.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to recommend the Zoning Map Amendment to City Council.

List of Exhibits:

Exhibit A: Petition – Plaka Realty LLC; referred to Planning Board on February 26, 2019.

Exhibit B: Email correspondence from abutter, Cory McCosh; received March 21, 2019.

Other Business

14. Street Petition(s)

a. Request to Convert Forkey Avenue to Public (ST-2019-003)

Mr Lyford stated that DPW would recommend a Priority Level #1.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to approve the request to Convert Forkey Avenue to Public.

b. Request to Convert Sherer Trail to Public (ST-2019-004)

Mr. Lyford stated that DPW would recommend a Leave to Withdraw for this petition.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to allow for Leave to Withdraw for the Request to Convert Sherer Trail to Public.

c. Request to add Sewerage and Drainage to Gensell Avenue (ST-2019-005)

Mr. Lyford stated that DPW would recommend a Priority Level #5.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 4-0 to approve the Request to add Sewerage and Drainage to Gensell Avenue.

15. Approval Not Required (ANR) Plan(s)

a. 17 Wigwam Hill Drive (private) (AN-2019-020)

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to endorse the ANR.

16. Communication(s)

17. Request for application fee refund for 50 Paine Street (LTW granted on 2/13/2019)

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to grant the Request for application for fee refund for 50 Paine Street minus the cost of legal advertisement.

18. Elections of Officers

19. Discussion of Board Policies and Procedures

20. Signing of Decisions from prior meetings

Staff presented Mr. Truman with a certificate of appreciation for his years of service on the Planning Board.

Adjournment

Upon a motion the Board voted 4-0 to adjourn the meeting at 7:48 p.m.