

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

April 1, 2020

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 730323290#), which was publicized on the posted meeting agenda and during the video broadcast.

Planning Board Members Participating: Albert LaValley, Chair
Paul DePalo, Vice-Chair
Eleanor Gilmore, Clerk
Edward Moynihan
John Vigliotti

Planning Board Members Not Participating: –

Staff Present: Stephen Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Gabrielle Weiss, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
Jennifer Beaton, Law Department
Alexandra Kalkounis, Law Department

Call to Order

The meeting was called to order by Albert LaValley at 5:43 PM.

Approval of Minutes

The Board held the approval of minutes until the April 22, 2020 meeting.

Requests for Continuances, Extensions, Postponements, and Withdrawals

1. 185 Madison Street (PB-2019-079)

- a. Public Hearings – Special Permit for CCOD to allow drive-through facilities and services & Special Permit for CCOD for relief from the maximum front-yard setback dimensional requirement
- b. Public Meeting – Definitive Site Plan

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 (Mr. Vigliotti did not vote) to postpone the Public Hearing for the Special Permit applications and the Public Meeting for the Definitive Site Plan application to the May 13, 2020 Planning Board meeting and to extend the Constructive Grant Deadline to June 4, 2020.

2. 141 (aka 139 & 143) Southwest Cutoff (PB-2020-008)

- a. Public Meeting – Definitive Site Plan

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 (Mr. Vigliotti did not vote) to postpone the Public Meeting for the Definitive Site Plan application to the April 22, 2020 Planning Board meeting and to extend the Constructive Grant Deadline to May 14, 2020.

3. 115 Northeast Cutoff (PB-2020-011)

- a. Public Hearings –
 - i. Special Permit to allow expansion, alteration, change of pre-existing non-conforming uses within the Water Resource Protection Overlay District

- ii. Special Permit to allow more than 20% impervious surface within the Water Resource Protection Overlay District

- b. Public Meeting – Definitive Site Plan

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to postpone the Public Hearing for the Special Permit applications and the Public Meeting for the Definitive Site Plan application to the April 22, 2020 Planning Board meeting and to extend the Constructive Grant Deadline to May 14, 2020.

Old Business

4. 0 Orient Street & 0 Ridge Street (aka 60 St George Street) (PB-2019-058)

- a. Public Meeting – Definitive Site Plan

Ms. Smith provided an overview of the project, summarized staff comments, and summarized comments provided by the public. The applicant proposes to construct a 5-story multi-family high-rise building (+/- 36 dwelling units) and associated surface and garage parking (+/- 72 spaces), and to conduct associated site work on a lot with 15% slope or more.

Attorney Jonathan Finkelstein, Zac Couture of HS&T Group, and applicant Iqbal Ali appeared on behalf of the representative.

Mr. Couture answered staff questions regarding the proposed retaining wall and fencing.

Mr. Rolle reviewed the staff recommended conditions of approval.

Diane Loughlin expressed her opposition to the proposal, noting the sale of the proposal and its potential impact on the neighborhood.

Mr. Couture discussed mitigation of construction impacts on the neighborhood.

Mr. Vigliotti provided a response to the public comment.

Mr. Moynihan inquired as to fire access; Ms. Smith responded that comments from the Fire Department had been addressed.

The Board stated that the proposal does not consider the neighborhood context in terms of scale and design.

The Board further discussed site design and layout with the applicant. Ms. Smith provided an overview of stormwater review.

Jim Sundstrom provided further public comment, expressing concern about the impact of construction on the neighborhood, particularly regarding the potential obstruction of Ridge Street.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 (Edward Moynihan did not vote on the item) to approve the Definitive Site Plan with conditions outlined in the staff memo, as well as the following waiver from the plan requirements:

1. Labeling trees greater than 9" in diameter

5. 0 Salisbury Street (PB-2020-013)

- a. Public Meeting – Definitive Site Plan

Attorney Jeff Head, engineer Jay Finlay, and applicant Sean Xenos appeared on behalf of the application.

Ms. Smith provided an overview of the project and summarized staff comments, recommended conditions of approval, and requested waivers. The applicant seeks to

Mr. Finlay provided additional information on the proposal, noting the applicant's agreement to the conditions of approval.

Lisa Carroll, abutter, expressed concern about the proposed driveway on Willowbrook Lane being in such close proximity to her own, noting potential for conflicts. Ms. Carroll requested that the Board require the plan to be revised so that both driveways are located on Salisbury Street, or that only one house be permitted.

Robert Juneau, abutter, stated that the site was designed for a tennis court and that adding houses on the site will add further impervious surface, and suggested that the lot may be suitable for only one house.

Mr. Finlay stated that the proposed driveway will not interfere with access to the other driveway, and that the site and proposal meets all zoning requirements, and would not be before the Board if not for the 15% slope.

Mr. Moynihan expressed concern about the dangerousness of the intersection and feels having a driveway onto Salisbury Street is a serious safety hazard, and would oppose approval of the project.

Ms. Gilmore noted that both lots meet the minimum lot size requirements. Ms. Gilmore continued that the speed and safety of road conditions throughout the city are problematic, but feels the specific traffic concerns are not enough to deny the project.

Mr. DePalo suggested that neighbors may wish to advocate to the City Council for traffic calming measures in this area.

Mr. LaValley stated that he feels the driveways are placed as appropriately as possible.

Mr. Vigliotti stated site plan review has to be based on the site plan criteria, and that the Board cannot hold the developer responsible for the inadequacy of traffic calming measures in the city. Mr. Vigliotti inquired if there is to be an increase in impervious surface area. Mr. Vigliotti inquired if there is potential for locating both driveways on Willowbrook Lane.

Mr. Finlay responded that the driveway on Salisbury Street is located as far from the intersection as possible. He continued that the existing clay court is impervious and will be removed in its entirety, resulting in a net reduction in impervious area. Mr. Finlay stated out that having both driveways exiting out onto Willowbrook Lane would cause the crossing of a stream, which would not be allowed based on wetland protection laws.

Ms. Smith confirmed that crossing the stream in order to have both driveways come out on Willowbrook Lane would violate wetlands protection laws and would likely be cost prohibitive. Ms. Smith noted that wetland crossings are typically discouraged, and that the driveways are sited appropriately given the conditions of the lot.

Ms. Carroll, abutter, expressed her concern about the location of the driveway on Willowbrook Lane.

Andrew Freedman, representing his parents that are neighbors to this property, stated that his parents have difficulty exiting their driveway, and that adding these houses will add to traffic pressure in the area.

Mr. Rolle stated that the driveways are designed and located as well as possible given the conditions of the site.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-1 (Edward Moynihan voting in opposition) to approve the Definitive Site Plan with conditions outlined in the staff memo, as well as the following waiver from the plan requirements:

1. Labeling trees greater than 9" in diameter

New Business

6. 57 Highland Street, 33 & 35 Wachusett Street (PB-2019-043)

- a. Public Hearing – Special Permit for CCOD
- b. Public Meeting – Parking Plan

Ms. Smith provided an overview of the proposal, summarized staff comments, and noted public comment sent earlier.

Ms. Gilmore stated her agreement with adding a condition for fencing, suggesting black vinyl-coated chain link fencing. Mr. DePalo and Mr. LaValley stated their agreement.

Mr. Moynihan and Mr. LaValley suggested the applicant provide electric vehicle charging facilities.

Attorney Don O'Neil appeared on behalf of the application. Attorney O'Neil noted his client's agreement to the recommended conditions of approval. Attorney O'Neil stated that he believes the dimensional relief is appropriate considering the abutting garage structures. Attorney O'Neil stated that he would suggest the possibility of incorporating charging capabilities, but that he is against inclusion of such a condition.

Attorney Mark Borenstein, representing an abutter, requested that the screening around the dumpster be a fence with slats, tall enough to fully screen the dumpster.

Clerk Gilmore suggested that providing bicycle parking on site would be a positive addition.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to approve the Special Permit for CCOD and Parking Plan, with conditions outlined in the staff memo, with the additional condition that the dumpster must be screened by black vinyl chain link fencing with slats, tall enough to fully screen the dumpster, as allowed by code, and to accept the petitioner's Findings of Fact.

7. 333 Shrewsbury Street (PB-2020-014)

- a. Public Hearing – Special Permit for CCOD

Ms. Weiss provided an overview of the proposal.

Steven Fleshman appeared on behalf of the applicant. Mr. Fleshman stated that the unit will be owner occupied and parking requirements for the site is met through nearby.

The Board made no comment.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to approve the Special Permit for CCOD and Parking Plan, with conditions outlined in the staff memo, and to accept the petitioner's Findings of Fact.

8. 630 Plantation Street (PB-2020-018)

- a. Public Hearing – Special Permit to allow more than 20% impervious surface within the Water Resource Protection Overlay District

Ms. Smith provided an overview of the proposal. The applicant proposes to demolish and reconstruct a portion of an existing building (+/- 6,600 SF), resurface the majority of the existing associated parking area (263 spaces), and conduct associated site work.

Ms. Smith reviewed staff comments and recommended conditions of approval, and noted the receipt of comments from the Greater Worcester Land Trust. Ms. Smith noted that the applicant has agreed to planting 10 trees along Plantation Street, and an additional 8 trees interior to the parking area.

Peter Proulx and Peter Glick appeared on behalf of the application. Mr. Proulx stated that the project is vital to the operations of the Worcester Housing Authority as it will allow consolidation of staff in a location that is more accessible to its clients. Mr. Proulx noted concerns regarding stormwater by recharging roof runoff.

Ms. Gilmore inquired as to the necessity of 263 parking spaces, recommended the applicant consider electric vehicle charging facilities and bike parking, and inquired as to whether there is any intent to remediate the gravel areas on the site.

Mr. Moynihan further encouraged adding electric vehicle charging spaces, especially for employees, and emphasized making as much of the site as permeable as possible.

Mr. Proulx noted proposed changes to parking at the site, and stated that electric vehicle charging does not fit the needs of their clients but would raise the issue with the Board.

Ms. Gilmore asked for further clarification regarding bicycle parking and asked the applicant to speak to the possibility of reducing the number of parking spaces.

Mr. Proulx stated that they would be open to adding bicycle parking, though they fear removing parking spaces that might be needed later – could be open minded about reducing spaces later.

Mr. Rolle described that removal of certain crosswalks could actually improve safety, as many direct pedestrians to parking spaces. Suggested resolving bicycle parking item.

Chair LaValley suggested an additional condition to provide parking for at least 6 bicycles near the front entrance of the building. Ms. Smith suggested a condition to locate bicycle parking near a main entrance, on an existing impervious surface.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to close the public hearing.

Ms. Gilmore stated that she will be voting no on this application because of the significant amount of impervious surface in a Water Resource Protection Overlay District, noting that the applicant has not demonstrated to her satisfaction the need for the quantity of spaces being provided.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-1 (Ms. Gilmore voting against) to approve the Special Permit for the Water Resource Protection Overlay District, with conditions outlined in the staff memo, and the additional condition that bicycle parking for at least six bicycles must be provided, and to accept the petitioner's Findings of Fact.

Other Business

9. Street Petition(s)

- a. Rename Kendall Street - between numbers 63 and 67 - to Weiss Street
- b. Rename Oleum Court to Motley Crew Way

Member Moynihan inquired as to the spelling of Motley Crew way.

Ms. Beaton suggested referring the street petitions back to Council with no action.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to refer the petition back to City Council.

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

- a. Ballpark Area Parcels located off of Madison Street, Washington Street, Ash Street, Summit Street, Gold Street, Canal Street, and Plymouth Street (Public) (AN-2020-017)

Upon a motion by Ms. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to waive the filing fee and endorse the plan.

11. Request for Acceptance of (Open Space) Restrictive Covenant(s)

- a. Worcester Country Club Acres (CCRC) (PB-2018-042)
- b. 407 Cambridge Street (Cluster Special Permit) (PB-2018-021)

The Board held the Requests for Acceptance of (Open Space) Restrictive Covenant(s) to the April 22, 2020 Planning Board meeting.

12. Subdivisions

- a. 190 & 192 Brookline Street Extension
 - i. Request for conditional release from Restrictive Covenant
 - ii. Request to set an amount for monetary security
 - iii. Request to accept a Performance Agreement, secured by bond

Ms. Smith reviewed the subdivision and reason for the bond, including the DPW recommended amount of \$45,000.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to execute a complete release of the Restrictive Covenant placed on the subdivision and accept in its stead a Performance Agreement, secured by a bond in the amount of \$45,000 with a work completion date of April 1, 2021.

13. Discussion of Board Policies and Procedures

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to authorize Michelle M. Smith, Chief Planner, and/or Stephen Rolle, Assistant Chief Development Officer, to endorse or sign on a plan on behalf of the Board for items under the Subdivision Control Law or Article V of the Worcester Zoning Ordinance, for Parking Plans, Site Plans, and Subdivisions.

14. Communication(s)

MEPA Notice of Project Change: University of Massachusetts Medical School/UMass Memorial Health Care System Campus Modernization Program 2020, EEA No. 13098, Dated February 2020.

Ms. Smith reviewed the staff comment recommendations.

Ms. Gilmore inquired as to the reason there are an additional 95 spaces. Ms. Smith stated the additional 95 spaces have come as the result of reconfiguration of the site layout.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to adopt staff comments.

15. Signing of Decisions

None

Adjournment

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to adjourn.