



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

Wednesday, January 12, 2022

Conducted via remote participation only, accessed at:
<https://cow.webex.com/meet/planningboardwebex> and
call-in number 415-655-0001 (Access Code: 1601714991).

Board Members Present: Albert LaValley, Chair
Edward Moynihan, Vice Chair
Kevin Aguirre, Clerk
Conor McCormack

Board Members Absent: None

Staff Present: Michelle Smith, Division of Planning & Regulatory Services (DPRS)
Stephen Rolle, DPRS
Nick Lyford, Department of Public Works
Alexandra Kalkounis, Law
Jody Kennedy Valade, Inspectional Services

Call to Order

Board Chair LaValley called the meeting to order at approximately 5:30 pm.

Requests for Continuances, Extensions, Postponements, and Withdrawals

1) 15 Waban Avenue & the Waban Avenue & Porter Street Right-of-Ways (PB-2021-073)

Request to continue the public meeting to February 2, 2022 and extend the constructive grant deadline to February 24, 2022.

No Comments.

2) 47R Fourth Street (PB-2020-072)

Request to postpone the public meeting to February 2, 2022 and extend the constructive grant deadline to February 24, 2022.

No Comments.

3) 5, 7 & 9 Richards Street (PB-2021-014)

Request to postpone the public meeting to April 6, 2022 and extend the constructive grant deadline to April 28, 2022.

No Comments.

4) 4 Henschman Terrace (PB-2021-060)

Request to postpone the public meeting to February 2, 2022 and extend the constructive grant deadline to February 24, 2022.

No Comments.

5) 0 Milton Street & Milton Street Right-of-Way (PB-2021-075)

Request to postpone the public meeting to February 2, 2022 and extend the constructive grant deadline to February 24, 2022.

No Comments.

7) 75 Quinsigamond Avenue (PB-2021-079)

Request to postpone the public meeting to February 2, 2022 and extend the constructive grant deadline to February 24, 2022.

No Comments.

9) 0, 9, & 19 Hemans Street, 7 Hemans Court, and 40R Milton Street (PB-2021-086)

Request to postpone the public meeting to February 2, 2022 and extend the constructive grant deadline to February 24, 2022.

No Comments.

10) 85, 89, 99, & 103 Green Street, 2 (AKA 12) Plymouth Street, 5 & 7 Gold Street, and a portion of 62 Washington Street (PB-2022-001)

Request to postpone the public meeting to February 2, 2022 and extend the constructive grant deadline to February 24, 2022.

No Comments.

14B) 16 Salisbury Street, 17 Lincoln Square & abutting land (AN-2021-081)

Request to postpone the public meeting to February 2, 2022 and extend the constructive grant deadline to February 24, 2022.

No Comments.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to grant the continuance and postponements.

New Business

6) 700 Plantation Street (PB-2021-076)

Robert Duff of Guerriere & Hanlon Engineering participated in the meeting on behalf of the applicant, Mark Wagner.

Mr. Duff described the project, which consists of a 3100 square foot addition in the rear of the property to accommodate a calibration machine. About 1200 square feet of pavement will be removed to accommodate the addition. Additionally, new recharge areas and landscaping are proposed.

Ms. Smith gave a brief review of staff comments. She stated that the item consists of amendments to two separate previously granted special permits. She stated that the purpose of the review was due to the fact that the property is located in the Water Resource Protection Overlay District (WRPOD). She explained that the use of the property, which is a motor vehicle use, means there is a higher potentiality for pollutants. Additionally, given the amount of impervious area, it is the responsibility of the Commission to ensure that development does not impact the quality and quantity of water being recharged into the aquifer. She went on to describe the positive net change in runoff that would be created as a result of the project. Ms. Smith went on to describe that this project would actually reduce the amount of impervious area not currently being recharged on the site.

The law department, zoning, or DPW did not have any comments.

No public comment.

Board Discussion

Mr. McCormack asked Mr. Duff to provide clarification on areas of the plan labeled as “possible recharge”. Mr. Duff stated that a recharge system was being proposed specifically for the addition. On that side of the building, there are three downspouts, and the team is looking into possibly doing some additional recharge to reduce the amount of water that isn’t recharged from the site.

Mr. Moynihan asked the applicant for the protocols in case there is a spill or accident at the facility. Mr. Duff stated that standard operating procedures would be used if there was to be a spill. Mr. Moynihan stated that since impervious area is being reduced, he feels that the proposal is an improvement.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to close the public hearing.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to approve the applicant’s finding of facts as modified by the board, and including the conditions of approval as specified on pages 2 & 3 of 6, numbered 1–13 inclusive, regarding 700 Plantation Street Amendment to Special Permit – Expand/Alter/Change of Pre-Existing Non-Conforming Use within WRPOD.

8) 1087A & B & 1089A & B Millbury Street, 18 Leland Street, & Abutting ROW (PB-2021-081)

David Sadowski, Principal of D.J. & Associates participated in the meeting. He was representing the applicant, Gold Star Builders.

Mr. Sadowski gave some background on the proposal. He stated that originally, a two-family detached dwelling was proposed at the front of the site. However, they dug into the back of the hill and exposed more than a 15% site. When that was done, they opened up an underground stream that has been continuing to flow. He stated that the applicant should have filed for a Definitive Site Plan before excavation commenced, but never did.

Mr. Sadowski went on to describe the recharge measures proposed, and gave more background on the plan for the site.

Ms. Smith stated that this item has been before the Conservation Commission for a number of months. She said that the slopes have been stabilized with a number of measures. She reviewed the proposed draining systems and the proposed removal of some of the impervious areas. She noted that staff was particularly concerned with ensuring the stability of the swale.

The law department, zoning, or DPW did not have any comments.

No public comment.

Board Discussion

Mr. Moynihan expressed frustration at the developer's disregard for the regulatory process.

Mr. Moynihan asked Ms. Smith if there were unanswered questions about the swale. Ms. Smith stated that it is unclear what the extent of the swale is, and also how steep the side slope is. She referenced conditions of approval that could mitigate those concerns.

Mr. Moynihan asked Ms. Smith why a portion of the driveway needed to be removed. Ms. Smith stated that there were concerns with the width of the driveway complying with zoning.

Mr. Moynihan asked the law department if there would be legal or financial repercussions to developers for disregarding the regulatory process. Ms. Kalkounis stated that Site Plan is a mechanism to apply reasonable conditions to a development. She stated that fines could be issued for not applying for permits, or for not complying with the zoning ordinance.

Ms. Smith reviewed some other roadblocks created by not complying with regulatory boards, but stated that there is nothing in the Board's regulations that allows for penalties.

Mr. LaValley echoed the frustration of Mr. Moynihan, and also noted that it was troubling that the developer himself did not come before the board.

There was discussion between the board and Mr. Sadowski about unanswered questions regarding the plan.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to continue the item to the February 2, 2022 meeting.

11) 1369 Grafton Street & 3 McAvey Way (ZA-2021-006)

Attorney Don O’Neil participated in the meeting on behalf of the owner of 3 McAvey Way. He stated that the request before the Board was to change the zoning for 3 McAvey Way from manufacturing to business limited (BL-1). He stated that 1369 Grafton Street has been used in the past as an adult daycare, and most recently as a substance abuse treatment facility. The property owners were hoping to expand that use to 3 McAvey Way, which would only be possible if the zoning at 1369 Grafton Street (BL-1) was extended to include 3 McAvey Way.

Mr. Rolle stated that both 1369 Grafton Street and 3 McAvey Way used to be zoned for manufacturing, but that at some point prior to 1991 the BL-1 district was introduced on Grafton Street. He stated that there were no concerns from the planning department about the change.

There were no comments from the law department, zoning, or DPW (DPW left the meeting).

No public comment.

Board Discussion

Mr. Moynihan stated that he felt this was a reasonable request. Other board members agreed.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to close the public hearing.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to recommend that City Council approve the zoning map amendment concerning 1369 Grafton Street and 3 McAvey Way, to change the zoning of 3 McAvey Way from ML-0.5 to BL-1.

12) 11 Prudence Street (ZA-2021-008)

The applicant stated that he was trying to buy a portion of his neighbor’s parcel to allow for more parking for his building. The applicant wants to change the zoning on the portion he intends to buy from RL-7 to MG-.5 to allow for this to happen.

Mr. Rolle stated that the area is a 50’x19’ area, so it is a small area to rezone. He stated that only a small change would be made.

The law department or zoning did not have any comments.

No public comment.

Board Discussion

Mr. LaValley stated that he sees no reason not to favorably recommend the petition.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to close the public hearing.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to recommend that City Council approve the zoning map amendment concerning a portion of 11 Prudence Street, to change its zoning of from RL-7 to MG-.5.

Other Business

13) Subdivisions

- a. Hospital (AKA Rectory) Drive

Ms. Smith gave an overview. She stated that request is for all of the lots that were subject to a restrictive covenant when the subdivision was approved be released from that covenant, given that the road has been decreed public and it will be the city's responsibility to construct the road.

Ms. Kalkounis stated that the law department conferred with DPW, and that it is the city's responsibility to construct the road.

No comments from zoning.

No public comment.

On a motion made by Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 that regarding Hospital (AKA Rectory) Drive, all lots be released from the restrictive covenants as recorded in book 946, plan 38.

14) Approval Not Required (ANR) Plans(s)

- a. 48 Northboro Street (Public) (AN-2021-080)
- c. 24 Honeysuckle Road (Public), 0 Snowberry Circle & 0 Bittersweet Boulevard (Developers) (AN-2021-069)
This item was not properly before the board.
- d. 157 Clark Street (Public) & Uncatena Avenue (Public) (AN-2021-078)
- e. 0 Milton Street (Private) (AN-2022-001)

Ms. Smith gave an overview of the ANRs.

On a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 4-0 to endorse the above ANRs.

15) Discussion of Board Policies and Procedures

The board set up a site visit date for 1087 & 1989 Millbury Street.

16) Approval of Minutes

None

Adjournment

On a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 4-0 to adjourn at approximately 6:47 p.m.