

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

**January 7, 2009
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

Planning Board Members Present: John Shea, Chair
Scott Cashman, Vice Chair
Anne O'Connor, Clerk
Margaret Guzman
Nicole Xifaras Parella

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
Michael Traynor, Law Department
K. Russell Adams, Department of Public Works and Parks

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:45 PM.

APPROVAL OF MINUTES

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the minutes from the December 10, 2008 meeting.

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

- 1. 35 Central Street – Parking Plan (PB-2008-082):** Attorney Robert E. Longden and Brian Beaton requested a continuance to January 21, 2009 and an extension of the constructive approval date to February 5, 2009 in order to allow time to implement potential changes to the site plan that the Zoning Board of Appeals might request of the applicant at its meeting on January 12, 2008. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to continue the item to January 21, 2009 and to extend the constructive approval date to February 5, 2009.
- 2. 71 Elm Street – Definitive Site Plan (PB-2008-083):** Steven P. Murphy, representative for Brian MacEwen, requested a continuance to February 4, 2009 and an extension of the constructive approval date to February 19, 2009. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to continue the item to February 4, 2009 and to extend the constructive approval date to February 19, 2009.
- 3. 75 East Mountain Street – Definitive Site Plan (PB-2008-089):** John Grenier, representative for the applicant, in a letter to the Board requested a continuance to February 4, 2009 and an extension

of the constructive approval date to February 19, 2009 in order to allow the Definitive Site Plan and a Special Permit for Common Driveway to be heard simultaneously. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to continue the item to February 4, 2009 and to extend the constructive approval date to February 19, 2009.

UNFINISHED BUSINESS

Public Hearings & Meetings

- 4. 34-80 Goldthwaite Road (Burncoat Gardens, Phase II) – More Than 1 Building on a Lot (PB-2008-077);** 49-67 Goldthwaite Road (Burncoat Gardens, Phase III)– More Than 1 Building on a Lot (PB-2008-079); 34-80 Goldthwaite Road (Burncoat Gardens, Phase II)– Definitive Site Plan (PB-2008-076); and 49-67 Goldthwaite Road (Burncoat Gardens, Phase III)– Definitive Site Plan (PB-2008-078) were taken contemporaneously. Charles Scott from CFS Engineering, represented Goldthwaite Holdings, LLC, the applicant. Chair Shea requested that Mr. Scott includes a page that shows all three development phases in the final revised plan.

Mr. Scott stated that the existing vegetation on the site does not seem to be affected by the Asian Longhorned Beetle (ALB) invasion, though an ALB quarantine area is relatively close to the site. He added that originally the proposed landscaping would mimic the existing one, but now the applicant proposes evergreen trees instead since they are more resistant to the ALB.

Ms. Bold stated that the proposed units meet the definition of a multifamily low-rise dwelling. She added that it was initially unclear where the detention pond was located and whether it was surrounded by a chain link fence, but that Mr. Scott had clarified to her the location of and the fence around the detention pond.

Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to close the hearing for 34-80 Goldthwaite Road (Burncoat Gardens, Phase II) – More Than 1 Building on a Lot. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the 34-80 Goldthwaite Road (Burncoat Gardens, Phase II) – More Than 1 Building on a Lot with the following condition:

- That seven copies of revised plans are submitted with a revised index sheet clearly delineating Phases I, II, and III and the location of the detention pond.

Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to close the hearing for 49-67 Goldthwaite Road (Burncoat Gardens, Phase III) – More Than 1 Building on a Lot. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the 49-67 Goldthwaite Road (Burncoat Gardens, Phase III) – More Than 1 Building on a Lot with the following condition:

- That seven copies of revised plans are submitted with a revised index sheet clearly delineating Phases I, II, and III and the location of the detention pond.

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the 34-80 Goldthwaite Road (Burncoat Gardens, Phase II) – Definitive Site Plan.

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the 49-67 Goldthwaite Road (Burncoat Gardens, Phase III) – Definitive Site Plan (PB-2008-078).

5. **49-67 Goldthwaite Road (Burncoat Gardens, Phase III) – More Than 1 Building on a Lot (PB-2008-079):** See #4.
6. **34-80 Goldthwaite Road (Burncoat Gardens, Phase II) – Definitive Site Plan (PB-2008-076):** See #4.
7. **49-67 Goldthwaite Road (Burncoat Gardens, Phase III) – Definitive Site Plan (PB-2008-078):** See #4.

Public Meetings

8. **400 Park Avenue – Amendment to Definitive Site Plan (PB-2008-085):** Patrick Doherty, representative for the applicant, presented the plan. Mr. Adams asked whether Mr. Doherty had met with an abutter who was present at the last meeting and had expressed concern with potential stormwater issues on his property as a result of the project. Mr. Doherty responded that he had met with the abutter and explained to him that 95% of the water run-off should be captured with the proposed grading, which seemed to be satisfactory to the abutter. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the Amendment to Definitive Site Plan.

NEW BUSINESS

Public Hearings

9. **Zoning Map Amendment – 1 Summerhill Avenue (BL-1.0 and RG-5 to BL-1.0):** As required by M.G.L. c. 268A, §23(b)(3), Chair Shea made the following disclosure in order to dispel any appearance of potential conflict of interest: that he represented Greendale Liquor & Package Store, Inc. in the past on issues unrelated to the proposed Amendment to the Zoning map and that he has no financial interest in the proposed Amendment to the Zoning Map and in fact the Petitioner has other counsel for this matter. Attorney Donald J. O'Neil, representative for Greendale Liquor & Package Store, Inc., the applicant, stated that the petitioner petitioned to extend the BL-1.0 zoning district from the abutting property at 440 West Boylston Street (now held in common ownership with 1 Summerhill Avenue) to include the entire parcel of 1 Summerhill Avenue – an additional 2,261SF in order to create a unified zone across the entire parcel. He said that his client is looking into possible rehabilitation and reuse of the existing three-family dwelling on the lot, but due to the split-zone configuration, finds it challenging. Ms. Kennedy-Valade asked if the petitioner considered petitioning to extend the BL-1.0 zone line across the entire block in order to include similar split-zoned lots in the surrounding neighborhood. Mr. O'Neil responded that he did not approach them to do a combined petition.

Mr. Fontane informed the Board that a number of parcels on streets perpendicular to West Boylston Street are split-zoned BL-1.0 and RG-5 due to the simplifying assumption used to create these zoning districts. He recommended that the Board recommends to the City Council the approval of

the petition based on the following facts: 1) The parcel in question has been split-zoned since at least 1973; 2) The parcel is zoned primarily BL-1.0 (approximately two-thirds), and therefore RG-5 can be considered a transition zone; 3) Most of the immediate area consists of other non-residential land uses including parking lots and a telephone substation; 4) The current 440 West Boylston Street parcel has several dimensional non-conformities. Therefore, if the applicant wanted to expand or change the existing structure or its accessory parking, he would need a Special Permit from the Zoning Board of Appeals which would provide for additional review and reasonable conditions of approval intended to reduce a possible negative impact on the surrounding residential properties.

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to recommend to the City Council approval of the zoning map amendment for the following reasons:

- **The existing lot is primarily zoned BL-1.0, therefore RG-5 is a transition area. The zone change would make the delineation of this zoning district more consistent.**
- **Most of the immediate area consists of other non-residential land uses including parking lots and a telephone substation;**
- **The existing structure or its accessory parking at 440 West Boylston Street could be expanded to the boundary of the BL-1.0 zoning district by grant of a Special Permit from the Zoning Board of Appeals which would provide for additional review and reasonable conditions of approval.**

Public Meetings

10. 1283 (a.k.a. 1279-1281) Pleasant Street – Amendment to Definitive Site Plan (PB-2008-091): Attorney Todd Rodman represented Stake Realty, LLC, the applicant. Bob Stake, the owner, John Stake, the owner's brother, and Bob O'Neil, engineer, were also present. Mr. Rodman stated that the revised plans dated December 31, 2008 he brought to the meeting and distributed to the Board members reflect most of the changes requested in the staff memo to the applicant. He said that the original plan did not have landscaping on it, a mistake that was now corrected. Mr. Rodman indicated that trash will be stored inside the building and that Note 6 on these new plans reflects that change. He said that the lighting in the back of the building would be shielded and directed downward, away from the abutting residences and that the four parking spaces would be leased from the tanning salon across the street.

Mr. Rodman disagreed with the staff memo comment that recommended extending the six feet solid board fence along the full length of the property line between the proposed site and 32 Baxter Street. He stated that Mr. Genatassio, the abutter, attended the Zoning Board of Appeals meeting and seemed to be satisfied with the proposed buffer consisting of the fence and landscaping.

Mr. Rodman asked for clarification regarding the staff memo comment that said snow storage is not allowed to be stored in a landscape buffer. Ms. Bold explained that snow can not be stored in a five foot landscape buffer, but since the proposed landscape buffer is 10 feet, the location of the snow storage is acceptable as long as it does not get pushed into the required five foot landscape buffer. She also suggested that the applicant remove excess snow from the property to avoid compromising the landscape buffer.

Chair Shea asked the applicant about the chain link fence around the detention pond. Mr. O'Neil responded that the pond and the fence are not on his client's property.

Mr. Adams stated that the December 31, 2008 revised plan the applicant distributed to the Board shows a 15 foot driveway opening. He requested that the applicant shows on the plan at least a 20 foot driveway opening with two-foot curb returns on each side of the driveway opening.

Chair Shea asked if staff was aware of the previous conditions of approvals that were granted for the site with regards to slope stabilization in the back of the lot. Ms. Bold indicated that the background section of the staff memo would mention all previous conditions of approvals granted for the site. Mr. O'Neil informed the Board that the previous owner of the site proposed a stone gravity wall, but did not construct one and instead expanded his parking lot. Chair Shea asked Mr. Adams if it was reasonable to ask the applicant to stabilize the slope in the rear of the site. Mr. Adams agreed that it would be reasonable to request the applicant to grade the slope similar to what was proposed on the previously approved plan. Mr. Fontane asked Mr. O'Neil if the slope ratio was less than 15% threshold. Mr. O'Neil responded that he will grade the slope so that it is less than 15% slope. Mr. Adams emphasized that the slope needs to be consistent and that slope stabilization measures need to be implemented. When Chair Shea asked, Mr. Traynor advised the Board against approving the petition per DPW approval because it would be delegating the Board's review. He further stated that it would be acceptable to condition approval upon a specific condition that DPW can verify.

Ms. Kennedy-Valade asked if the applicant had signage renderings. Mr. Rodman responded that the applicant has not completed the sign package. Ms. Kennedy-Valade reminded the applicant that 100 square feet of signage is allowed.

Mr. Adams stated that if the proposed business will prepare food on-site, it will be required to install an exterior grease interceptor. Mr. Stake responded that no food preparation will take on premises, as the business will be a bar with minimal food, such as snacks and pizza from the business across the street.

Ms. Bold reminded the applicant that six copies of the revised plans are needed in order to release the decision.

Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- **Provide a landscaping plan in accordance with the 2005 Definitive Site Plan showing thirteen (13) trees and alternating thirteen (13) shrubs at minimum. Add a planter box to the right side of the building, and indicate its location on the site plan.**
- **Provide a note to the site plan that trash will be stored inside the building, and that no outside dumpster will be provided.**
- **Indicate on the site plan the proposed materials for the foot path on the north easterly side.**
- **Indicate on the site plan the location of the four (4) leased parking spaces.**

- **Provide lighting information for the parking lot, indicating the proposed candle foot width, and indicate on the site plan that all lighting will be shielded and directed downward, away from the abutting residences.**
- **Indicate on the site plan the date of the Special Permit granted by the Zoning Board of Appeals.**
- **The rear (eastern) portion of the site will have consistent grades that are equidistant apart.**
- **The rear (eastern) portion of the site is to be less than 15% slope with a slope stabilization blanket.**
- **The driveway opening should be at least 20 feet wide and have two feet curb returns on each side of the driveway opening.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, 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 must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

OTHER BUSINESS

APPROVAL NOT REQUIRED (ANR) PLANS:

- **AN-2008-096: Illinois Street (public):** Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan AN-2008-096.
- **AN-2009-001: Svea Street (private):** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR Plan AN-2009-001.
- **AN-2009-002: Julien Avenue (private):** Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan AN-2009-002.
- **AN-2009-004: Lanesboro Road (public):** Margaret Guzman recused herself. Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan AN-2009-004.

ARBORETUM SUBDIVISION – Work Completion Date Extension: Mr. Adams said that Gallo Builders had requested an extension of the Arboretum Subdivision work completion date to July 21, 2009.

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the work completion date extension to July 21, 2009.

ELECTION OF OFFICERS

Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to re-elect John Shea as the Chair.

Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to re-elect Scott Cashman as the Vice-Chair.

Upon a motion by Nicole Xifaras Parella and seconded by Scott Cashman, the Board voted 5-0 to re-elect Anne O'Connor as the Clerk.

ADJOURNMENT

Chair Shea adjourned the meeting at 7:00 pm.