

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

October 7, 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: 1601714991), 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
Toni Molinari
Edward Moynihan

Planning Board Members Not Participating:

Staff present: Stephen Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Joanne Valade, Inspectional Services Division
Nicholas Lyford, Department of Public Works & Parks
Jennifer Beaton, Law Department

Call to Order – Mr. LaValley called the meeting to order at 5:30pm.

Approval of Minutes- None

Requests for Continuances, Extensions, Postponements, and Withdrawals

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to extend, postpone, and withdraw the following items as noted:

1. 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

Postpone to 10/28/2020, and extend the Constructive Grant Deadline to 11/19/2020.

2. 141 (aka 139) Southwest Cutoff - F. Carrier (PB-2020-008)

- a. Public Meeting – Definitive Site Plan

Withdraw without prejudice.

- 3. 141 (aka 139) Southwest Cutoff - Temescal Wellness (PB-2020-009)**
a. Public Hearing – Amendment to Special Permit to allow an Adult Use Marijuana establishment, cultivator & product manufacturer uses

Withdraw without prejudice.

- 8. 36 & 40 Jackson Street (PB-2020-061)**
a. Public Hearing – Special Permit to allow an Adult Use Marijuana establishment, retailer use

Postpone to 10/28/2020, and extend the Constructive Grant Deadline to 11/19/2020.

- 10. Zoning Ordinance Amendment (ZA-2020-010)**
a. Public Hearing – To modify and/or establish zoning requirements relative to self-storage facilities

Postpone to 10/28/2020, and extend the Constructive Grant Deadline to 11/19/2020.

- 13a. Ballpark ANR Plan (AN-2020-039)**
a. Ballpark Area Parcels - Madison Street, Gold Street, Canal Street, Summit Street, Washington Street, and Ash Street (Public) (AN-2020-039)

Postpone to 10/28/2020, and extend the Constructive Grant Deadline to 11/19/2020.

New Business

Mr. LaValley noted that there were two items on the agenda related to Country Club Acres CCRC and that the board would take item 11 first as well as allow for public comments before moving to the site plan amendment petition.

11. Status Update for Country Club Acres (aka 190 Mountain Street East & fka Paradise Point) - CCRC Special Permit (PB-2018-042)

Mr. Farooq Ansari of Ansari Builders noted that Mr. James Tetreault would be presenting on behalf of the applicant.

Mr. Tetreault summarized the conditions of the special permit granted to the project in November 2018. He noted that construction was authorized through December 31, 2022 and the applicant acknowledges this and will likely seek an extension. He noted that Phase 1 work was largely complete. He added that milling and paving of Cobblestone Lane was scheduled for later in the month. He added that the reshaping of Cobblestone Lane at Mountain Street and the median island were complete. He noted that the special permit called for repaving and sidewalk work to be completed by June 1, 2020 and acknowledged that has not been completed but was scheduled for later in October. He outlined the additional provisions of the special permit.

Mr. LaValley asked about provisions 23 and 24. Mr. Tetreault replied that regarding provision 23, access from Garrison Avenue, the applicant has purchased the appropriate gate and locking mechanism but it has not been installed. In regards to provision 24, Mr. Tetreault noted that the open space plan had been recorded and Mr. Ansari noted that the covenant have been recorded.

Ms. Smith noted that this item was a status update and reminded everyone that the board would not be taking action on the special permit at this meeting. Mr. Rolle noted that repaving of Cobblestone Lane was delayed due to weather conditions in the winter and Mr. Ansari was granted an extension. He noted that repaving was intended for late spring or early summer and that residents have raised concerns about the roadway conditions and whether a full reconstruction is required or if an overlay, as noted in the special permit, was sufficient. He noted that discussions between Mr. Ansari and the condo association took place regarding funding for reconstruction but an agreement could not be reached. He noted that Mr. Ansari would proceed with an overlay and this would satisfy the special permit. He noted that the median work was completed but striping could not be completed until the resurfacing work was done. He noted concerns about the lack of signage and the entrance at Mountain Street. Mr. Rolle noted that this could warrant a meeting with the City traffic engineer. Mr. Lyford concurred. He noted that the street would need to be paved before snowfall due to raised drainage structures. He also noted some settlement in the pavement on Maria Lane and that residents submitted an independent report regarding that settlement.

Mr. Tetreault described the settlement on Maria Lane and the proposed treatment to that spot.

Mr. Rolle noted that regarding the special permit, the repaving was the main items that has not been met. Ms. Smith noted some sidewalk work that needs to be completed and would likely be concurrent with the repaving.

Mr. LaValley opened the meeting to public comments.

Ms. Jean Maleki of Worcester noted that there were no lights or sidewalks in the upper portion of the project. She noted that many of the residents are retired and living on fixed incomes and could not pay for improvements not done by the builder. She mentioned concerns about the condo association paying for plowing and the condition of Maria Lane.

Ms. Meryl Jacobson from Worcester discussed the failure of the developer to meet special permit deadlines and referred the board to engineering reports she submitted on behalf of the condo association. She noted that the community has been under construction for 15 years and she objected to extending the applicant's deadline. She noted that residents were promised a gated community and that without gates, Cobblestone Lane becomes a cut-through street. She noted that the developer did not provide additional parking for the new residences and asked for a parking lot to be installed. She discussed the repaving of Cobblestone Lane. She asked that an amendment to the special permit also include a reclamation of Cobblestone Lane. She raised concerns about the condition of Maria Lane.

A resident of Garrison Avenue raised concerns about the lack of a gate at Garrison and Cobblestone.

Ms. Linda Baker of Worcester raised concerns about the condition of Maria Lane, lighting, sidewalks, and noted that the mailboxes should be ADA accessible. She noted multiple concerns with the roofing on the buildings.

Ms. Elizabeth Cullen of Worcester echoed the previous comments and added that the developer has been using the water and electricity from lower Cobblestone for the buildings on upper Cobblestone.

Mr. Bruce Wells of Worcester commented on the engineering reports regarding Maria Lane and Cobblestone Lane.

Ms. Maggie Pierce of Worcester commented on the condition of Maria Lane and the developer's plans for it. She added that she had concerns about emergency equipment being able to access Maria Lane.

Mr. Ted Reutenik echoed the previous comments and noted that water bills in the association had doubled and that Mr. Ansari was using the association's water and not paying.

Mr. LaValley noted that resident comments regarding pavement conditions would be forwarded to the City building inspector and that comments regarding building quality (roofing leaks, etc.) were not within the purview of the Planning Board and opened Board comments.

Mr. DePalo and Ms. Gilmore both held their comments.

Mr. Moynihan asked a procedural question to staff. Mr. Rolle noted that the Board was not voting on item 11 as that was a status update but item 4 would require a vote but be specific to the site plan amendment. Mr. Moynihan noted the seriousness of the public comments and added that he would hold his comments until item 4 was discussed.

Ms. Molinari asked a procedural question. Mr. Rolle discussed the difference between a special permit and definitive site plan. She asked if the Board had any warranties to ensure previous conditions to the special permit be completed and regarding erosion on Maria Lane, if a structural engineering survey had been completed. Mr. Rolle replied that in regards to warranties, the building department would need to look into it. He discussed the Board's purview regarding slopes and structural engineering. Ms. Molinari had no further comments.

4. Country Club Acres CCRC (aka 190 Mountain Street East & fka Paradise Point) (PB-2020-034)

a. Public Meeting – Definitive Site Plan Amendment

Ms. Smith provided the board with an overview of the project, noting the original special permit was approved for 108 dwelling units with a shared driveway as a CCRC. She discussed the proposed modifications and staff recommendations for conditions of approval, as outlined in the staff memo.

Mr. Tetreault noted that the proposed roadway and drainage is identical to the initially approved site plan. Mr. Ansari discussed the proposed gate and noted that residents would be issued remote controls by the association to operate the gate. He noted that the gate warranty only covers one year after installation so it would be best to wait until construction was completed before installing the gate.

Mr. LaValley opened the meeting up for public comment, noting that the discussion would be limited to amendments to the definitive site plan, which does not include the roadway.

Public Comments

Ms. Elizabeth Rosenthal of Worcester asked who decides when the gate would be installed. Mr. Rolle noted that the special permit states that the gate should already be installed. He noted that most of the gate except for the gate arm was in place. He added that if the residents wanted gate installation delayed, the building commissioner could allow that but if the gate was not installed in a timely fashion

the Division of Planning and Regulatory Services would have to consider it non-compliant with the special permit.

A resident of Worcester expressed concerns about the completion of the project within 4 years and spoke against extending the special permit.

Ms. Jacobson expressed concern that having only one gate would not cut down on traffic and expressed opposition to extending the special permit. Mr. LaValley asked if the residents would prefer no gate. He added that the addition of a second gate was not on the Board's agenda for this evening. Mr. Rolle noted that discussions would need to be held with the fire department before amending gate requirements. He added that the existing end date for the special permit was December 2022 and extension was not on the table at this meeting. Mr. LaValley suggested Ms. Jacobson reach out to elected officials and noted the limits of the Planning Board's authority and the authority of staff.

Board Comments

Mr. DePalo acknowledged the public comments and had no further comments.

Ms. Gilmore acknowledged the public comments and noted that the City Council had a new chief of staff and she might be helpful for reaching City Councilors. She thanked staff for the detailed conditions of approval and asked staff for clarification on one item regarding stormwater drainage. Ms. Smith explained the recommendation. Ms. Gilmore asked if the applicant was requesting a waiver for trees greater than 9". Mr. Tetreault confirmed. Ms. Gilmore had no further comments.

Mr. Moynihan asked staff if the vote was an amendment to an existing site plan. Ms. Smith confirmed. Mr. Moynihan noted that he would, in the future, look skeptically at granting extensions related to this project.

Mr. Rolle. Raised staff concerns about the grade and turning radius of Shamy Circle and noted that two proposed buildings on Cobblestone could receive building permits as they were not connected to the Shamy Circle development. Mr. Moynihan asked if the Board could add reducing the grade as a condition of approval. Mr. Rolle discussed possible actions the Board could take.

Mr. LaValley expressed concerns about continuing this item.

Mr. Moynihan expressed public safety concerns about the roadway and suggested the item be postponed until the issue could be investigated by the Fire Department.

Ms. Molinari concurred.

Mr. LaValley expressed support for allowing the building permits for the two buildings on Cobblestone Lane. Mr. Rolle and Ms. Valade agreed with this.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to continue the Definitive Site Plan Amendment to 10/28.

5. 143 (aka 139) Southwest Cutoff - Evergreen (PB-2020-038)

- a. Public Hearing – Amendment to Special Permit to allow an Adult Use Marijuana establishment, retailer use

Ms. Smith described the proposed amendment and recommended conditions for approval as outlined in the staff memo.

Mr. Mark Donahue spoke on behalf of the applicant. He noted that the applicant has no opposition to staff recommendations.

There were no public comments.

There were no additional comments from the Board.

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

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to Approve the Amendment to Special Permit to allow an Adult Use Marijuana establishment, retailer use, Subject to the Conditions of Approval recommended by Staff, and Accept the Petitioner's Finding of Fact.

6. 29 Mountain Street East (PB-2020-040)

- a. Public Hearing – More than One Building on a Lot
- b. Public Meeting – Definitive Site Plan

Ms. Smith discussed the petition and described the recommended conditions of approval as outlined in the staff memo. She noted that the applicant was amenable to staff recommendations.

Mr. Eric Bazzett of Allen Engineering spoke on behalf of the applicant. He noted that the architectural options were limited due to the buildings being prefabricated but they added porticos on the front and back to add some character. He expressed support in additional landscaping subject to Fire Department approval.

There were no public comments.

Ms. Gilmore asked if additional landscaping would be possible on the interior parking lot. Mr. Bazzett noted that the existing island was narrow and might not support trees but trees around the perimeter could be considered. She asked staff if the Board could require a minimum number of trees. Ms. Smith recommended 5 trees.

Mr. Moynihan asked for clarification that the buildings on Mountain Street and Burncoat would not be have connecting parking lots. Mr. Bazzett confirmed this but noted the applicant was looking to create a pedestrian connection. Mr. Moynihan noted he was pleased to see electric vehicle charging infrastructure for buildings 1 and 2 and asked why there were none for building 3. Mr. Bazzett noted that the conduit would be installed for building 3 which would allow for future charging infrastructure. Ms. Smith noted that staff had asked the applicant to include the conduit to allow for future charging stations at building 3. Mr. Moynihan asked if the housing was affordable or market-rate. Mr. Bazzett confirmed they would be market-rate. Mr. Moynihan expressed concern about the lack of affordable housing in the City. He had no further comments.

Mr. DePalo expressed support for Ms. Gilmore's proposal. He had no further comments.

Ms. Molinari expressed support for Ms. Gilmore's proposal. She had no further comments.

Mr. LaValley expressed support for pedestrian connections, EV charging stations and landscaping with this project.

Mr. Lyford noted that private sewer mains should be 8" in between manholes.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Application for More Than One Building on a Lot subject to the conditions of approval outlined in the staff memo, and Approve the Definitive Site Plan subject to conditions of approval in the staff memo, adding Condition aa. add 5 trees along the perimeter of the parking (between office & building #1, and Condition ab. private sewer main must be 8in

7. Lot 3B Hospital Drive (fka part of 305 Belmont Street) (PB-2020-059)

a. Public Meeting – Definitive Site Plan

Ms. Smith described the proposal and recommended conditions of approval as detailed in the staff memo. She noted that the applicant asked that conditions 1a, 1b, and 1c be removed and that staff is amenable to that. She mentioned that staff spoke with the applicant regarding additional pedestrian access along Hospital Drive and determined that the grade prevented pedestrian accommodations in that location.

Mr. Craig Blais of the Worcester Business Development Corporation spoke on behalf of the applicant. He thanked the Board for their prior approvals to projects in the Reactory project area and noted that staff from Galaxy Life Sciences were also available to answer questions.

There were no public comments.

Ms. Molinari and Mr. DePalo had no additional comments.

Ms. Gilmore asked why the proposal had an excess of truck parking spaces and asked if the applicant would consider including more compact parking spaces to reduce the impervious surface. She also asked if the applicant was incorporating the suggestions from the ENF Certificate from MEPA or any other sustainability measures.

Mr. Patrick Doherty from Galaxy Life Sciences acknowledged the receipt of staff recommendations and MEPA recommendations. He noted that the parking spaces in the proposal would be required because there would be multiple shifts of employees and there would be overlap between the shifts. Regarding compact spaces he noted that they were often not used. He added that they would be incorporating MEPA recommendations but the building would be built while looking for tenants so the final requirements may be different.

Mr. Moynihan asked if there were any electric vehicle charging infrastructure or bike racks in the project.

Mr. Doherty noted that both EV charging and bike racks are provided. He noted that the bike parking would be covered by a projecting roof.

Mr. LaValley had no additional comments.

Ms. Gilmore asked if the applicant would be requesting a waiver for labeling soil types on the plan. Mr. Doherty responded that he has spoken with staff and the waiver will not be necessary.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Definitive Site Plan subject to staff recommended conditions of approval as outlined in the staff memo.

9. 19 Hemans Street (PB-2020-062)

a. Public Meeting – Extension of Time for Definitive Site Plan

Ms. Smith outlined the request noting that the property was under agreement to be sold. She noted that this project has had multiple past extensions. She noted that staff recommended a one year extension.

Mr. Patrick Healey from Thompson-Liston Associate spoke on behalf of the applicant. He described the proposed site plan.

Mr. LaValley noted that the Board received multiple written comments from the public opposing the site plan. He noted that the site plan was initially approved in 2004.

Mr. Donald O’Neal, an attorney for an adjoining property noted that his client had no opposition to the extension.

Mr. Moynihan expressed opposition to the extension.

Mr. DePalo had no comments.

Ms. Molinari had no additional comments.

Ms. Gilmore expressed opposition to the extension.

Mr. Healey noted that the approved site plan effects the marketability of the property.

Mr. LaValley stated that he felt granting another extension was not an appropriate use of the review process and that if the project were coming before the Board today, there would be a number of considerations that were not included in 2004 like pedestrian access, trees and EV charging.

Ms. Gilmore echoed Mr. LaValley’s comments noting that the review criteria is different now.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to deny the Extension of Time for the Definitive Site Plan.

Other Business

12. Street Petitions

a. Petition to Rename - Wigwam Hill Drive & Unnamed Road (ST-2020-011)

Ms. Smith described the petition noting that the board can choose to take no action on this and that DPW noted this street is neither public nor private on the City map.

Mr. Moynihan and Mr. DePalo spoke in favor of renaming the street.

Upon a motion by Mr. Moynihan and seconded by Mr. DePalo, the Board voted 5-0 to favorably refer the item to City Council with endorsement to change the name to Espresso Drive.

b. Petition to Convert to Public - Pineview Avenue (ST-2020-012)

Ms. Smith described the petition noting that DPW has recommended the street be granted Priority level 4.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to favorably recommend to the City Council that Pineview Avenue be Converted to a Public Street at Priority Level 4.

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

- b. 17 Rockdale Street (Public) (AN-2020-049)**
- c. 15 Midland Street (Public) (AN-2020-050)**
- d. 525-543 Lincoln Street (Public) (AN-2020-053)**
- e. 257 Granite Street (Public) aka 31-37 Dane Avenue (Private) (AN-2020-056)**
- f. 666 A-D Burncoat Street (Public) (AN-2020-057)**
- g. 316 Lincoln Street (Public) (AN-2020-059)**

Ms. Smith described the ANR plans.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to Endorse all the ANR Plans.

14. Communication(s)

- a. Letter from Ben & Christina Bruneau re: CCRC approval at Salisbury Hill.
- b. E-mail from Fred Fahey re: CCRC approval at Salisbury Hill.

Mr. LaValley made note of two communications regarding the Salisbury Hill CCRC. Ms. Smith detailed their contents.

15. Discussion of Board Policies and Procedures

Ms. Gilmore asked if there would be interest from other Board members to looking at making changes to the CCRC ordinance to better serve aging populations. She also noted that the current Zoning Ordinance does not require affordable housing and asked if the Board would like to look at changes there.

Mr. LaValley concurred and suggested the Board discuss this at the next meeting.

Mr. Moynihan suggested the Board begin with CCRC ordinance.

Ms. Gilmore welcomed Ms. Molinari to the Board.

Adjournment

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted by unanimous consent to adjourn.