

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

**April 24, 2019**

**ESTHER HOWLAND CHAMBERS**

**Planning Board Members Present:** John Vigliotti, Vice Chair  
Paul DePalo, Clerk  
Eleanor Gilmore  
Albert LaValley  
Satya B. Mitra

**Members Absent:**

**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  
Jennifer Beaton, Law Department  
Alexandra Kalkounis, Law Department

**Approval of Minutes** – 1/2/19, 1/23/19, 2/13/19, 3/13/19, & 4/3/19 – Held to 5/15/19

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

**1. Lots 66L, 66R, 67L & 67R Honeysuckle Road – Definitive Site Plan (PB-2018-024):**

a. Public Meeting – Definitive Site Plan

Upon a motion by Mr. LaValley and seconded by DePalo the Board voted 5-0 to postpone the Definitive Site Plan to the June 5, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to June 27, 2019.

**2. Malden Woods (aka 0 Whipoorwill Drive & 0 Danielle’s Way, Whipoorwill Drive and Castine Street Right of Ways) (PB-2018-026):**

a. Public Hearing – Definitive Subdivision Plan Amendment

b. Public Meetings – Definitive Site Plan

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Boards voted 5-0 to postpone the Definitive Subdivision Plan Amendment and the Definitive Site Plan to the May 15, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to Jun 6, 2019 Planning Board meeting.

**3. 143 Southwest Cutoff (PB-2019-012):**

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

Upon motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to postpone the Special Permit for Adult Use Marijuana, Storefront Retailer application to the May 15, 2019 Planning Board meeting.

**4. 500 Salisbury Street (PB-2019-023):**

- a. Public Meeting – Definitive Site Plan

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to postpone the Definitive Site Plan application to the May 15, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to June 6, 2019.

**5. 0 (aka 2A & B) Arnold Road (Private) (AN-2019-024):**

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to postpone the ANR plan to the May 15, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to June 6, 2019 Planning Board meeting.

**New Business**

**6. 17 Wigwam Hill Drive (PB-2019-025):**

- a. Public Meeting – Definitive Site Plan

Andy Baum from Summit Engineering appeared upon behalf of the applicant, Central Mass Builders, Inc. The applicant has applied for Definitive Site Plan Approval under the requirements of the City of Worcester Zoning Ordinance. The applicant seeks to construct a single family semi-detached dwelling and conduct associated site work.

Mr. Baum gave a review of the scope of the project and erosion controls proposed.

Tom Clark, a neighbor in the area, expressed concern about rain collecting on the road making it impassable.

Mr. Baum stated that there is no street drainage and reviewed on the plans how the site is graded to prevent overflow of the water.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to approve the following waivers.

1. Providing information regarding soil types.
2. Specification of exterior building materials.
3. Labeling of abutters to abutters within 300 feet.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

***List of Exhibits***

- Exhibit A: Site Plan Application; received March 22, 2019; prepared by Summit Engineering & Survey, Inc.
- Exhibit B: Site Plan; dated December 17, 2018 and revised March 21, 2019; prepared by Summit Engineering & Survey, Inc.
- Exhibit C: Renderings, prepared by Michael Potasky; date March 5, 2019.
- Exhibit D: Fire Comments; dated April 4, 2019.
- Exhibit E: Inspectional Services Comments; dated April 9, 2019.
- Exhibit F: DPW&P Comments; dated April 17, 2019.

## **7. 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

Mike Andrade from Graves Engineering appeared upon behalf of the applicant, Better Living Investment Partners.

The scope of the project is as follows:

The applicant seeks to modify a previous approval in order to renovate the existing structures into a mixed-use development with 17 residential units and +/- 3,000 SF of office/retail space and associated parking.

Presently located on the premises is a ~24,000 SF, 2-story commercial building that was constructed in 1922.

The applicant seeks approvals for a mixed-use development; the first floor of the building, consisting of 3,400 SF, is proposed for commercial office or retail use with the rear portion being converted into a parking garage. The second floor and a new third floor will contain 28 dwelling units (22 one-bedroom and 6 two-bedroom apartments).

Mr. Andrade reviewed the plans for the site including the open space proposed for the site.

Mr. LaValley asked where the bicycle parking would be. Mr. Andrade stated that it will be in the Wilson building.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to allow the following waivers:

- Providing soil types on the plan.
- A waiver from showing parcels and ownership information for abutters within 300 ft. of the subject property on the plan

Upon a motion by Mr. LaValley and seconded by Mr. Mitra the Board voted 5-0 to approve the Special Permit for CCOD with conditions outlined in staff's memo as well as the Findings of Facts as proposed by the applicant and modified by staff.

Upon a motion by Mr. LaValley and seconded by Mr. Mitra the Board voted 5-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

### ***List of Exhibits***

- Exhibit A: Definitive Site Plan & Special Permit Amendment – CCOD Application; received February 7, 2019; Graves Engineering on behalf of CMSS Development, LLC.
- Exhibit B: Plan of Land; dated February 6, 2019; prepared by Graves Engineering.
- Exhibit C: Floorplans; dated February 1, 2019; prepared by AA Design Services LLC.
- Exhibit E: Fire Department Comments; dated February 15, 2019.
- Exhibit F: DPW&P Comments; dated March 4, 2019.

## **8. 383 Shrewsbury Street (PB-2019-016):**

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

Mike Andrade from Graves Engineering appeared upon behalf of the applicant, CMSS Development, LLC.

The applicant seeks to renovate the existing structure into a mixed-use development with 28 residential units and +/- 3,400 SF of office/retail space.

Mr. Andrade gave an overview of the plans proposed for the site.

Mr. Rolle asked if Mr. Andrade had a rendering of the upper floor proposed. Mr. Andrade stated that he did not have one presently, but could provide one. Mr. Rolle stated that given the architectural significance of the building, the Board may wish to see a rendering before moving forward on the Definitive Site Plan.

Mr. Rolle reviewed the parking proposed for the site and amendments that staff would recommend.

Mr. LaValley and Mr. Mitra both stated that he would like to see a revised plan showing all the parking as well as a rendering before they voted on the application.

Upon a motion by Mr. LaValley and seconded by Mr. Mitra, the Board voted 5-0 to table the item to later in the meeting to discuss the rendering and whether item would need to be continued.

Item was retaken up at 6:50 p.m.

A rendering was passed out to the Board. Mr. Rolle stated that the photo shows a significant change to the front façade.

The Board and staff discussed with the applicant representative the proposed changes to the façade.

Board members stated they were not comfortable voting on the item as the rendering shows a significant change which they had just seen for the first time, and would like more information.

Upon a motion by Mr. LaValley and seconded by Mr. Mitra the Board voted 5-0 to continue the Amendment to the Special Permit for CCOD and the Definitive Site Plan to the May 15, 2019 Planning Board meeting.

### ***List of Exhibits***

- Exhibit A: Definitive Site Plan & Special Permit Amendment – CCOD Application; received February 7, 2019; Graves Engineering on behalf of CMSS Development, LLC.
- Exhibit B: Plan of Land; dated February 6, 2019; prepared by Graves Engineering.
- Exhibit C: Floorplans; dated February 1, 2019; prepared by AA Design Services LLC.
- Exhibit E: Fire Department Comments; dated February 15, 2019.
- Exhibit F: DPW&P Comments; dated March 4, 2019.

**9. 74 Grafton Street (PB-2019-019):**

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

Attorney Mark Donahue, along with representatives from TDMA, LLC (d/b/a Diem Cannabis), appeared on behalf of the application.

The petitioner seeks to allow an Adult Use Marijuana establishment – Storefront Retailer Use on the property.

Mr. Donahue gave a brief history of the company and reviewed the plan for the premises, including the parking, security measures for the site, and a timeline for opening the establishment.

Mr. Lyford stated that the parking has gone through a number revisions and the plan presented tonight is acceptable to DPW.

Mr. Rolle reviewed the conditions for the proposal as amended by staff.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 feet of the subject property on the plan.

Upon a motion by Mr. Mitra and seconded by Mr. LaValley the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. LaValley and seconded by Mr. Mitra the Board voted 5-0 to approve the Special Permit for Adult Use Marijuana, Storefront Retailer with conditions outlined in staff's memo, removing condition #2 and amending conditions #4 & #9, eliminating the north curb cut on Grafton Street and width of other two curb cuts to be adjusted, and accepting the Petitioner's Findings of Facts as proposed by the applicant and modified by staff.

***List of Exhibits***

Exhibit A: Special Permit Application for Adult Use Marijuana; submitted February 28, 2019; prepared by Attorney Mark L. Donahue.

Exhibit B: Plan of Land; dated February 28, 2019, last revised April 22, 2019; prepared by Graves Engineering, Inc.

**10. 0 (aka 225 & 227) Hamilton Street (PB-2019-020):**

**a. Public Meeting – Definitive Site Plan**

Brian McCullen and Normand Champinge appeared upon behalf of the application.

The applicant seeks to construct a single family semi-detached dwelling. Mr. McCullen gave an overview of the proposal for the site.

Mr. Lyford stated that DPW is satisfied with the plan.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 5-0 to approve the following waivers:

- Providing information regarding soil types.
- Specification of exterior building materials.
- Labeling abutters to abutters on the plan.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

***List of Exhibits***

Exhibit A: Site Plan Application; received March 1, 2019; prepared by GRAZ Engineering, LLC.

Exhibit B: Site Plan; dated February 28, 2019; prepared by GRAZ Engineering, LLC.

Exhibit C: Renderings; October 29, 2018; prepared by Residential Design, Inc.

**11. 65 Pullman Street (PB-2019-024):**

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

Attorney Todd Rodman, Mike Andre of Graves Engineering, and representatives of The Botanist, Inc. appeared upon behalf of the application.

The petitioner seeks to allow an Adult Use Marijuana establishment – Storefront Retailer Use.

The scope of the project is as follows:

- Presently located on the premises is an existing licensed Registered Marijuana Dispensary (RMD) or medical marijuana dispensary (+/- 4,500 SF structure) with associated surface parking (15 spaces).
- The petitioner seeks a Special Permit to allow for the retail sale of recreational or Adult Use Marijuana at the same location, in addition to the permitted medical marijuana use.
- The petition states that hours of operation for the adult use are anticipated to be Monday through Saturday from 8 AM to 11 PM, and Sundays from 10 AM to 11 PM. Medical sales will continue to occur Monday through Sunday from 10 AM to 7 PM.
- While the existing site provides 15 dedicated parking spaces in compliance with the minimum number of spaces required to satisfy the provisions of the Zoning Ordinance. To supplement on-site parking, the petitioner has secured a parking lease agreement for use of an additional 25 parking spaces on the abutting property at 71 Pullman Street in the case that parking is needed in excess of the requirements of the Ordinance.

Mr. Rodman reviewed the proposed site including the parking, security protocol and proposed opening date for the site.

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

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore the Board voted 5-0 to approve the requested waiver from labeling abutters to abutters within 300 ft. of the subject property on the plan.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore the Board voted 5-0 to approve the Special Permit for Adult Use Marijuana, Storefront Retailer with amended conditions as outlined in staff's memo.

***List of Exhibits***

Exhibit A: Special Permit Application for Adult Use Marijuana; submitted March 21, 2019 and supplemented April 17, 2019; prepared by Attorney Todd Rodman.

Exhibit B: Site Plan – Special Permit Application for Adult Marijuana Use - 65 Pullman Street; prepared by Graves Engineering, Inc.; dated November 2, 2018 and last revised April 5, 2019.

### **Other Business**

**12. Street Petition(s)**

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

**a. 117 & 119 Wyola Drive (Public & Private) (AN-2019-012)**

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to endorse the ANR.

**b. 82 Morningside Road (Public) & Morningside Terrace (Private) (AN-2019-022)**

Upon a motion by Mr. DePalo and seconded by Mr. Mitra the Board voted 5-0 to endorse the ANR.

**c. 21 Myrick Avenue (Public & Private) (AN-2019-023)**

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

**d. 28 & 40 Christine Street (Public) (AN-2019-026)**

Upon a motion by Ms. Gilmore and seconded by Mr. Mitra, the Board voted endorse the ANR.

**e. 5 & 7 (aka Lots 7A & B) and 22 & 24 (aka Lots 12A & B) Burncoat Heights (Private Developer's Street) (AN-2019-027)**

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

**f. 1329-1331 Main Street (Public) (AN-2019-025)**

Mr. Rolle stated that they do not believe this application can be endorse and they have tried to reach the applicant with no success so they would recommend at this time that the Board not endorse the ANR and if the item at a future time is deemed to be a endorsable ANR staff would recommend waiving the \$165.00 filing fee.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore the Board voted 5-0 to not endorse the ANR.

**14. Subdivision Plan(s)**

**a. Rand Whitney Way (Private)**

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo the Board voted 5-0 to endorse the Subdivision Plan.

**15. Communication(s)**

**a. Worcester Registry of Deeds Annual ANR Signature Page Update**

Upon a motion by Ms. Gilmore and seconded by Mr. LaValley the Board voted 5-0 to update the signature page.

**b. MEPA Environmental Notification Form (ENF) – Proposed Commercial Development at 1175 West Boylston Street**

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

**16. Elections of Officers**

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve John Vigliotti as Chair of the Planning Board.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to approve Albert LaValley as Vice-Chairman.

**17. Discussion of Board Policies and Procedures**

The Board discussed removal of the waiver of the labeling of abutters to abutters on the plan. Staff will advertise the removal of the requirement for the next Planning Board meeting.

**18. Signing of Decisions from prior meetings**

**Adjournment**

Upon a motion the Board voted 5-0 to adjourn the meeting at 8:15 p.m.