

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

**June 2, 2010
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

Planning Board Members Present: Anne O’Connor, Chair
Scott Cashman, Vice Chair
Stephen Rolle, Clerk
Andrew Truman
Satya Mitra

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

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

Chair Anne O’Connor called the meeting to order at 5:37 PM.

APPROVAL OF MINUTES:

Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0-1 (Mr. Rolle abstaining because he was not present on May 12, 2010) to approve the May 12, 2010 meeting minutes.

POSTPONEMENTS/CONTINUATIONS:

- 1. 0 Clover Street with access from Dixon Avenue (a.k.a. 16 Dixon Avenue, a.k.a. Lot B, Book 876 Plan 122) (MBL 28-027-0008A) – Definitive Site Plan (PB-2010-025):** Brian LaForte, applicant, requested a continuance because staff informed him that project requires Definitive Frontage Subdivision approval. Ms. Bold stated that staff recommends continuance to July 21, 2010 and extension of the Constructive Grant deadline to July 23, 2010 to allow the applicant time to prepare and submit the required Definitive Subdivision application. Ms. Beaton stated that the ANR plan that was signed by the Board previously showed the parcel as an unbuildable lot, and that therefore the Board cannot review the Definitive Site Plan without Definitive Frontage Subdivision approval first. Ms. Bold stated that the applicant was granted a Variance for frontage from the Zoning Board of Appeals. Upon a motion by Mr. Cashman and seconded by Mr. Rolle, the Board voted 5-0 to continue the item to July 21, 2010 and to extend the constrictive grant deadline to July 23, 2010.
- 2. 757 Salisbury Street – Special Permit for a Continuing Care Retirement Community (PB-2010-014):** Attorney Mark Donahue of Fletcher, Tilton, & Whipple, representative for Allerton Development, LLC, the applicant, requested Leave to Withdraw Without Prejudice. Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to approve the Leave to Withdraw Without Prejudice for the requested Special Permit for a Continuing Care Retirement Community for 123 units.

3. **666 Lincoln Street – Definitive Site Plan (PB-2010-024):** Ms. Bold stated that staff had received a request for a continuation from Jonathan Finkelstein, representative for George Cadette, applicant, to June 30, 2010 because the Zoning Board hearing was postponed. Upon motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 5-0 to continue the item to June 30, 2010.
4. **7 Argyle Street – Definitive Subdivision Plan (PB-2010-028):** Ms. Bold stated that staff recommends continuance of the item to allow the applicant sufficient time to demonstrate ownership of the subdivision portion of the road, to provide waiver requests per DPW&P recommendation, and for staff to consult with the DPW&P (regarding the length and status of the street) and the Law Department. Mr. Haghanizadeh, representative for Chris Henchey, petitioner, stated that everyone has the right to improve the street and that he does not believe he needs a permission to do so. He also asked for a continuation in order to have sufficient time to clarify this issue with the Law Department. Mr. Traynor clarified that this issue is not to be resolved through the Law Department office as it is a private issue because the abutter is claiming ownership of portion of the street and the matter is in court for adverse possession. He advised against continuing out the item until the litigation is resolved because it can take too long. Mr. Adams also stated that there are issues with the submitted plans, such as the plan only shows half of what the cul-de-sac should be. Mr. Cashman encouraged the applicant to conduct a neighborhood meeting. Mr. Haghanizadeh responded that he organized a meeting but only two neighbors came. Justin Jordan stated that he had not been notified, and asked for clarification on who gets notified. Mr. Fontane stated that direct abutters and abutters to abutters within 300-feet of the property boundary are notified according to state law. Upon a motion by Mr. Rolle and seconded by Mr. Cashman, the Board voted 5-0 to continue the item to June 30, 2010.

UNFINISHED BUSINESS:

Public Hearing

5. **Salisbury Street (formerly known as 727 Salisbury Street) – Amendment to a Special Permit for a Continuing Care Retirement Community (PB-2010-010):** Mark Donahue of Fletcher, Tilton, & Whipple, representative for Bailin and Associates, Inc. the applicant, is seeking to amend the following condition of approval: “Construction of the Project shall be phased as indicated in the application and on the submitted plan(s) and all construction shall be completed no longer than eight (8) years from grant of this Special Permit” to allow extension of 5 years. Also present was Mr. Healey, engineer, and Mr. Karassik of Bailin and Associates. Mr. Donahue listed the permitting history of the site. He stated that the site is 86 acres in size and was approved for 280 units to be constructed over 8 separate phases. He added that 70 units have been sold to date and 2 are under agreement. He stated that a five-year extension is consistent with the requests for subdivision sunset extensions and added that the extension would allow for orderly construction of the community center, upon sale of the 100th unit. He added that while the developer had issues with erosion and sediment control, the developer had worked with the Conservation Commission, state and federal agencies to resolve those issues. Mr. Adams stated that he reviewed the letter submitted by Mr. James P. Vander Salm and that there are no outstanding issues on the DPW&P side as the developer responded to the measures requested by the DPW&P to its satisfaction. Ms. Kennedy-Valade stated that the Department of Inspectional Services’ main concern is the dates of completion of the CCRC community center. She recommended to the Board setting a date certain by which the community center should be constructed. Mr. Donahue stated that he is amenable to a condition where regardless of sales proceeds, the applicant will construct the community center within three and a half years.

Mr. Fontane stated that staff recommends that construction of the community center begin at the time of the sale of the 100th unit or that the construction completion of the community center occurs 3 ½ years from the date of approval of the Amendment to Special Permit whichever occurs first. He stated that the applicant is proposing a considerably less dense CCRC of 280 units as compared to the maximum number of units allowable on a site of this size. Mr. Fontane stated that buffering and setbacks need to be considered in relation to the abutting properties. Mr. Fontane suggested that a buffer of at least 60 feet from Barrows Road is provided from buildings #55, #56 and #58. Lastly, he suggested, per Captain Metterville's recommendation, that an emergency access to Barrows Road be provided upon construction of the 20th unit in Phase III or within 3 ½ years (42 months) from the date of approval of the Amendment to Special Permit, whichever occurs first. He specified that this emergency access would be fenced off and will not be for the through-traffic. Mr. Donahue stated that he was amenable to the emergency access and Community Center construction recommendations, but stated that a 40-foot vegetative buffer is currently proposed for the above-mentioned buildings, and that the Zoning Ordinance only requires 25-feet. He stated that the recommended amended buffer would trigger significant redesign of the site. Mr. Rolle asked where the 60-foot dimension was derived from. Mr. Fontane stated that it was based on research he did for the Barry Road CCRC and that several other non-residential uses in residential zones require a 50-foot setback. He also stated that it is a good visual and physical buffer considering the character and density of the surrounding uses. He also stated that the Board has authority over the buffers through an objective #7 for the CCRC: "There should be positive benefit to the City in some important respects, such as mitigation of environmental damage, better controlled traffic, preservation of current character through location of reserved open space, meeting the shelter and/or health needs of special populations of the City and so on." Mr. Cashman asked what the proposed buffer is. Mr. Healey responded that there is a 25-ft "no-disturb" buffer and a 40-foot vegetative buffer as measured from the buildings to the property lines. Mr. Truman stated that he believes the proposed buffer is sufficiently thick and that he would rather not make the applicant go through the process of redesigning of the site.

Mr. James P. Vander Salm represented his mother at 655 Salisbury Street. He stated that the applicant's track record was minimized and that for the last 8 years the wetlands and the pond to the south of the site were receptacles for silt and pollutants. He stated that there were very strong seasons of rain during 2004, 2005 and 2007 years and that the pond next to 655 Salisbury Street started growing algae, and that the pond was clear before the constructed commenced. Mr. Vander Salm stated that he was opposed to the Amendment to the Special Permit because, in his opinion, the applicant did not demonstrate that he deserves the Amendment. He stated that in his letter (dated April 14, 2010) he cites all the violations caused by the applicant, such as violation of the Clean Water Act for 4 consecutive years. He stated that after Conservation Commission cited the developer in 2007 and after the consultant said the area was stabilized, the erosion issues reoccurred in 2009. Mr. Vander Salm also stated that the applicant was not in a good financial position, and, therefore, was concerned that corners will be cut during the rest of the construction with respect to erosion control. Mr. Adams repeated that the applicant addressed the issues to DPW&P satisfaction and that in October of 2005 there were erosion control issues all over the City due to heavy rains. He stated that he was not sure if there is an Order of Conditions on the property and that he will check on that.

Milton Frem stated that he lived on the site for 5 years and that he considers the people running it responsible and that he likes the community and the open space. He stated his support for the petition and stated that all of the Conservation Commission issues were corrected. He also stated that the water coming off the site was tested and shown to be of drinking quality.

Judith Vander Salm spoke against the project. She stated that the blasting of the hill ruined Salisbury Pond and polluted Blackstone River and that values of her property and all properties down the hill depreciated. She stated that the property does not have a responsible developer and that Salisbury Street has a lot of trash on it. She spoke in favor of the proposed 60-foot buffer mentioned by Mr. Fontane. She stated that the developer removed over 1,000 trees to develop the site and was fined by the government and that she has doubts the developer will adhere to the rules given the applicant's financial situation.

Harold Schneider stated that he lived in Salisbury Hills for four and a half years and that he is in support of the petition. He said that the developer was responsive to the problems, and that old growth oaks were maintained around the property line.

William J. Eddy, District 5 City Councilor, stated that he talked with Mr. and Ms. Vander Salm, residents, and Kathleen Donovan who staffs Conservation Commission. He stated his concern for the pace of the development and that at this rate it would take 20 years to develop all 280 units. He stated that the site was overly cut on the top of the hill causing excessive erosion control issues. Councilor Eddy stated that he believes there is a need for administration to engage in a dialogue with respect to open space preservation. He spoke in support of the petition with the amendments recommended by Mr. Fontane as he felt the proposed conditions of approval balanced well the abutters' and Salisbury Hill resident's needs and concerns.

Mr. Traynor stated that case law in Massachusetts demonstrates that the Board cannot pass judgment on the applicant with respect to his/her behavior and violations, as it constitutes pre-judgment. He stated that the Board needs to make a determination based on land use considerations, and not conduct of an applicant. Mr. Vander Salm asked Mr. Traynor to provide him those cases and Mr. Traynor agreed.

Mr. Cashman stated that he is in favor of approving the petition with all conditions of approval recommended by Mr. Fontane excluding the 60-foot buffer, because the applicant was allowed to build a much higher-density CCRC but instead preserved a lot of open space. Chair O'Connor stated that the proposed conditions of approval show a good compromise but that she felt that a 25-foot no-disturb buffer was sufficient. Mr. Rolle concurred, and suggested increasing the required no-disturb buffer to 30-feet. Mr. Truman stated that the applicant is proposing a much lower density development than the maximum allowable density given the size of the site (280 v. 730 units) and that overall the site plan is good. He stated that the real issue appears to be with construction stage of the project and that possibly monitoring and permitting need more control. He suggested a bond or a consultant to monitor the construction. Mr. Mitra concurred with Mr. Rolle and asked if Mr. Donahue would be amenable to a 30-foot no-disturb buffer. Mr. Donahue was amenable. Mr. Rolle stated his preference for evergreens over stockade fence for the length of the cul-de-sac on the CCRC side. Chair O'Connor agreed.

Upon a motion by Mr. Rolle and seconded by Mr. Cashman the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted to approve the Amendment to Special Permit with the following conditions of approval:

- The Amendment to Special Permit is approved for five years.
- Six (6) copies of a revised Amendment to Special Permit plan be submitted showing the following modifications and providing the following information:

- A table showing exact acreage of site and comparison of maximum permitted units and units provided.
- Exact percentage of open space.
- Applicable book and page numbers including open space restriction.
- A table showing required and provided off-street parking.
- Areas to be cleared areas.
- That construction of the community center begins at the time of the sale of the 100th unit or that the community center be constructed (completed) 3 ½ years from the date of approval of the Amendment to Special Permit whichever occurs first.
- That an emergency access to Barrows Road be provided upon construction of the 20th unit in Phase III or within 3 ½ years (42 months) from the date of approval of the Amendment to Special Permit.
- That said emergency access shall be equipped with a break-away gate (or similar).
- That the proposed evergreen massing be extended around the entire length of the cul-de-sac on the CCRC side excluding the immediate emergency access lane.
- That the applicant establish a 30-foot vegetative buffer between the properties south of Barrows Road and Buildings 56, 57, and 58 to include the proposed evergreen massing shown on the plan. Said 30-foot buffer is to be a no disturb vegetative buffer to remain in perpetuity.
- That the vegetative buffer shown on Thompson and Liston Landscaping Plan – L-0 dated March 2, 2005 to the south of the cul-de-sac at Barrows Road and east of Wiltshire Way be a no-disturb vegetative buffer to be maintained in perpetuity.
- That all areas to be cleared will be staked prior to clearing.
- That a limited clearing west of the Barrow Road frontage be maintained as shown on the plan.
- All tree species planted going forward shall be Asian Longhorn Beetle resistant.
- A copy of the recorded open space restriction be submitted to DPRS.
- All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

Public Meeting

- 6. 7, 9, 19 and 59 Tacoma Street and 60 Humes Avenue – Parking Plan (PB-2010-018):** Donna Truex of Bowditch and Dewey, LLP, representative for Great Brook Valley Health Center, Inc., petitioner, is seeking to add and bring into compliance 58 off-street parking spaces located in two parking lots known as Lot #1 and Lot #5 to existing 121 off-street parking spaces located in three separate parking lots. The five lots provide off-street parking for Great Brook Valley Health Center at 19 Tacoma Street which is classified as a clinic and includes 47 treatment rooms. The applicant proposes a total of 27 new compact spaces at Lot 5. While the plans show 58 parking spaces, Mr. Truex stated that the plans changed the total new off-street parking spaces from 58 to 56 parking spaces. She stated that the compact space requirement has been met, that a waiver previously requested for interior landscaping is not needed and that a zoning map change for the site is pending in front of the City Council seeking to rezone it to BL-1. With respect to staff's comment that it is not clear whether the stockade fence to the rear of Lot 5 will remain, Ms. Truex stated that a stockade fence or an evergreen buffer will be there, but that there is already a chain-link fence on the abutter's property. Ms. Truex stated that there is a significant grade change in the rear of the property and that fencing would not serve its screening purpose, though it would help to delineate the boundary between the properties. Mr. Truman stated that he did not believe

there was a need for fencing due to grade elevation. Ms. Rolle stated that he is concerned with a piece-meal approach of assembling the parking lots and with the seven existing curb cuts. Ms. Truex stated that the hospital relies on state and federal funds and does the best it can. Mr. Rolle asked if a patient could walk to the hospital from parcel 5. Mr. Truex stated that there are sidewalks along the street connecting parking lots to the hospital.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to approve the Parking Plan with the following conditions:

- Six (6) copies of a revised Parking Plan be submitted providing the following additional information:
 - All lighting be shielded and projected downward including existing lighting fixtures on those two lots.

7. 184 Austin Street – Parking Plan (PB-2010-019): Arthur Mooradian, petitioner, is seeking to construct a 14-space parking lot associated with non-accessory residential dwelling. Ms. Bold stated that the applicant submitted revised plans incorporating all of the staff’s recommended changes and that staff has no further comments. Mr. Cashman asked whether there is an issue with the width of the curb cut. Mr. Truman stated that he is amenable to keeping it as is because it is an existing curb cut that is currently being used. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to approve the Parking Plan.

NEW BUSINESS:

Public Meeting

8. 12 Pine View Avenue – Definitive Site Plan (PB-2010-021): David Sadowski, representative for Thien Phan, applicant, is seeking to construct a single-family detached dwelling with a two-car garage on a property with 15% slope or more. He stated that the applicant is proposing to take down the old house in order to construct a new one. He also stated that run-off water infiltration system was provided. Ms. Bold stated the following items were not labeled, per Definitive Site Plan application requirements: the width of existing roadway and proposed driveway, and proposed exterior materials. Mr. Sadowski stated that the driveway will be 18-feet in width. Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- Six (6) copies of a revised Parking Plan be submitted providing the following additional information:
 - Label width of existing roadway and proposed driveway.
 - Label proposed exterior materials.

9. A portion of Pierce Avenue (Burncoat Gardens Phase IV) – 81-G Street Opening (PB-2010-022): Charles Scott of CFS Engineering, representative for Goldthwaite Holdings, LLC, is seeking to construct a ~378 foot paved roadway from Varney Street northerly, 30-feet wide, install a sidewalk on one side of the street, install curbing, grassed shoulders, utilities and drainage. This and item #10: 51-67 Goldthwaite Road (Burncoat Gardens Phase IV) – along a portion of Pierce Avenue – Definitive Site Plan (PB-2010-023) were taken contemporaneously.

10. 51-67 Goldthwaite Road (Burncoat Gardens Phase IV) – along a portion of Pierce Avenue – Definitive Site Plan (PB-2010-023): Charles Scott of CFS Engineering, representative for Goldthwaite Holdings, LLC, is seeking to construct five (5) new single-family detached residential dwellings (with four bedrooms and 2-car attached garages each) on a property with 15% slope or more at 51-67 Goldthwaite Road (Burncoat Gardens Phase IV) – currently vacant property - located along a portion of Pierce Avenue (a portion of MBL 39-026-0000A, MBL 39-020-02-06 and MBL 39-020-07-11). This and item #9: A portion of Pierce Avenue (Burncoat Gardens Phase IV) – 81-G Street Opening (PB-2010-022) were taken contemporaneously. Mr. Scott explained that this is Phase IV of the Goldthwaite project, with Phase I consisting of 33 single-family detached dwellings (cluster subdivision), Phase II consisting of 28 multi-family dwelling units, and Phase III consisting of 8 multi-family dwelling units. He stated that the developer originally wanted to rezone Phase IV area from RS-7 to RL-7 to allow for townhouse expansion, but that the City Council denied the petition. Mr. Scott stated that associated with the proposed development of five (5) single-family houses, the applicant is proposing to improve approximately 378 feet of Pierce Avenue, a private road, with a possibility of converting this portion of the road to public way. He stated that this portion would be 30-feet wide, with curbing on both sides, stormceptors and a water line. He also requested a waiver of minimum required intersection radii of 15 feet asking for a 3-foot radii at the intersection of Pierce Avenue to Whitten Street to the north side only; sidewalks required along both sides of the street, with applicant proposing to construct a sidewalk along the east side of Pierce Avenue; and slope: the area in back of sidewalks shall be sloped at the rate of not to exceed three (3) horizontal to one (1) vertical. Applicant is requesting the slope along the west side of the road to be graded at a rate of two (2) horizontal to one (1) vertical, in order to meet the existing grade at the property boundary.

Mr. Adams clarified that after the road is improved, it will remain a private street, and that a petition to the City Council will be required to convert it to public. Mr. Adams stated that DPW&P was in favor of recommending granting the waivers but was not sure if they should be referred to as waivers, as 81-G is not subject to the City's Subdivision Regulations. Mr. Traynor stated that the applicant does not need to submit waiver requests as there are no standards or regulations associated with 81-G. Mr. Scott stated that the road is proposed to be designed to subdivision regulations standards with intent to make it public. Mr. Adams stated that the applicant will need to provide a drainage connection to each house lot. Ms. Bold stated that the applicant must request in writing a waiver from the requirement for a mylar plan or submit a mylar plan to Division of Planning and Regulatory Services. She recommended the applicant substitute the Asian Longhorned Beetle susceptible trees and asked if the DPW&P was comfortable with the proposed drainage shown on the construction sheet.

Mary Duffy expressed concern with potential increase in traffic associated with the proposed development. She stated that if there is an emergency at the intersection of Varney Street and Goldthwaite Street, the emergency response vehicles will block in the people. She stated that some of the people on her street were not notified. Ms. Bold stated that to her knowledge the abutters' notices were sent out in accordance with the Massachusetts General Laws.

James Borchak of 26 Whitten Street stated that he was not notified. Mr. Fontane stated that his office will check with the Assessors Division and noted that the gentleman is present at this public hearing nevertheless.

Virginia Losapio of 12 Varney Street stated that she had lived in her house for 46 years and that she is concerned with the loss of open space, with the fact that currently there are no sidewalks on the street,

and that she is concerned that people will cut through Pierce Avenue when it is improved. She stated that she did not get the notice.

Paul Quinn of 23 Whitten Street expressed concern that the proposed development would affect his house which is at the intersection of Whitten Street and Pierce Avenue. He stated that the land is very steep in that area and that he is concerned with erosion and loss of land. He also stated that Whitten Street is in bad shape. Mr. Adams stated that because the applicant is proposing a retaining wall in the right-of-way, the City will not be able to accept the Pierce Avenue as public. He also stated that because 23 Whitten Street is up the hill from the proposed construction, the run-off water should not affect 23 Whitten Street property and will flow toward Pierce Avenue and will settle in the wetland. Mr. Adams proposed that the applicant redesign the proposal to remove the retaining wall. Mr. Scott stated that he will walk the site with Mr. Quinn to demonstrate that the proposal will not affect his property and will not create more runoff. Mr. Traynor stated that the applicant cannot construct the wall on the private property if the abutter is not in favor of it. He stated that having a wall in the right-of-way of public or private street is contrary to best practices. Mr. Scott asked if he can use rip-rap as alternative solution. Mr. Adams said yes and that he would need to see revised plans showing proposed slope stabilizations.

Tim Dwyer was opposed to the project and had concern that the proposed 81-G would change traffic patterns and would change the character of the neighborhood because Whitten Street would be used as a cut-through street.

Carol Keardon agreed with Mr. Dwyer stating concern for potential impact of traffic flow on about 20 families living on Whitten Street.

Mr. Adams responded that while the traffic would increase somewhat when Whitten Avenue will be opened to through-traffic, no special mitigation measures are required, such as traffic light, as the road would be able to handle the traffic. Mr. Cashman stated his agreement with Mr. Adams that the traffic will possibly increase but not significantly because only five houses are proposed to be constructed.

Mr. Scott asked if it was possible for the Board to take its vote that night with a condition that DPW&P approves the alternative drainage design proposal. Chair O'Connor stated that the Board was advised against voting where conditions of approval are dependant on another department's or Board's approval.

Mr. Truman asked if the applicant has received Conservation Commission approvals. Mr. Scott responded that he has not applied yet but that the project complies with local laws and Wetland Protection Act.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to continue item #9 – 81-G in order to allow the applicant to submit revised plans showing drainage and erosion control.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to continue item #10 – Definitive Site Plan in order to allow the applicant to submit revised plans showing drainage and erosion control.

- 11. 115 Highland Street, 117 Highland Street, 55 North Ashland Street; 1, 5 and 9 Ormond Street – Amendment to the Parking Plan (PB-2010-026):** Joe Boynton, representative for Steven and Irene John, is seeking to construct a 900 square foot addition for 36 seats in the restaurant and extend the accessory parking lot to include eighteen (18) additional off-street parking spaces. Mr. Boynton stated

that the applicant met with Fred Paris of 51 North Ashland Street, the abutting property, to discuss fencing. He stated that it appears that the fence that was believed to be on 9 Ormond Street was actually encroaching on 51 North Ashland Street property belonging to Worcester Housing Authority. Fred Paris was representing WHA. Mr. Boynton stated that the applicant will relocate the fence to the property line. He stated that the proposed parking lot will have a one-way circulation, that eight new shade trees and more landscaping overall is proposed and that the applicant is seeking a waiver of requirement to provide an interior parking lot tree.

Mr. Adams stated that the applicant did not provide the following information: City of Worcester standard details; erosion controls during construction; drainage information for the proposed parking lot. Mr. Boynton asked if the DPW&P approval of the drainage and erosion controls can be a condition of approval, but Chair O'Connor said no. Mr. Adams stated that a test to verify infiltration rates will be required and that the results of this test might change the proposed drainage.

Ms. Kennedy-Valade reminded the applicant that fences over six feet are considered to be a structure. Mr. John stated that he will try to keep it at six feet, though the abutter would like to have it taller to screen the triple-decker on the property better. Ms. Bold stated that planning staff is amenable to the proposed site layout as it seems to balance parking needs and landscaping requirements on a tight site.

Mr. Paris was in favor of the test pit and was not sure if the fill is suitable to filter water. He thanked Mr. John for agreeing to move the fence to his property line and asked if he would be willing to restore the area on 11 Ormond Street property where the fence was. Mr. Boynton stated that the Board cannot consider improvements to the abutter's property. Mr. John indicated that he will work with Mr. Paris to resolve the issue.

Terry Putnam, abutter, stated that she supports the proposal and that she thinks Mr. John is a good neighbor. She asked if handicapped spaces will be provided. Mr. Boynton said that three handicapped and one van-accessible space will be provided. Ms. Putnam expressed concern with on-street parking spaces along Ormond Street that are being overused, especially for the liquor store use. She suggested taking down commercial loading parking sign on Ormond Street to allow short-term parking on the street. Mr. Boynton stated that this issue is not within the Board's purview. He also added that there will be an additional parking space on Ormond Street due to proposed removal of one curb cut.

Mr. Rolle suggested adding bicycle parking to the site given the surrounding neighborhood uses. Mr. John was amenable to this suggestion.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to continue the item to June 30, 2010 to allow the applicant time to submit drainage information and explore the location of the bicycle rack.

12. 25 Tobias Boland Way – Amendment to Definitive Site Plan (PB-2010-027): Matthew Smith and of Bohler Engineering and Linda Nunn, representatives for GMRI, Inc (dba The Olive Garden), petitioner, stated that the petitioner is seeking site plan amendments for the construction of an Olive Garden Restaurant (aka Restaurant A) including the following modifications:

- 1) Increase building area from 7,400 SF to 7,539 SF
- 2) Reduce number of proposed seats from 250 to 246.

- 3) Reduce proposed parking spaces in the immediate vicinity from 59 spaces to 57 spaces; total parking is compliant with required off-street parking spaces for this use.
- 4) Addition of a bicycle rack and benches.
- 5) Modifications to crosswalks including the removal of the proposed crosswalk on the eastern side of the building.
- 6) Miscellaneous utility improvements including relocation of grease and sewer connection.
- 7) Roof drain connections.
- 8) Minor grading modifications.

Mr. Adams stated that the applicant must provide City of Worcester standard details for the grease interceptor, catch basin, and manhole. Mr. Bold stated that the application meets the minimum requirement of the Zoning Ordinance. She asked if the applicant considered an alternative location for the bicycle rack and the type, per staff's memo. Mr. Smith responded that a U-shaped bicycle rack was selected and will be located close to the entrance. Ms. Bold asked what was the reason behind removing one of the crosswalks. Mr. Smith responded that it was due to changes to the proposed entrance of the site and that the exiting crosswalk will bring pedestrians from the sidewalk to the front entrance. Mr. Rolle thanked the applicant for providing a bicycle rack.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- Six (6) copies of a revised Amendment to Definitive Site Plan be submitted providing the following additional information:
 - Provide City of Worcester standard details for the grease interceptor, catch basin, and manhole.
 - Provide a bicycle rack for the Olive Garden restaurant to accommodate bicycle traffic. The bicycle rack should be located no more than fifty (50) feet from the entrance for visibility purposes and should support the bicycle at two points such as a post and ring, swerve, or similar designs

OTHER BUSINESS:

13. Arboretum Subdivision – 100 Upland Street (Lot C-L) – Request for Release: Ms. Beaton stated that she recommends release of lots #61, 62, 63 and 64 from the covenant recorded at the Registry of Deeds Book 10044, Page 329 because these lots have the minimum required frontage on Upland Street, an existing public way, so as to make such lots buildable lots, notwithstanding the proposed construction of the subdivision ways shown on said plan (Plan Book 567, Plan 49). She added that lot C-L is covered by lots 61-64. Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 5-0 to release lots #61, 62, 63 and 64 from the covenant recorded at Book 10044, Page 329.

14. Lexington Street – Abandon and Discontinue: Per petition of DPW&P Commissioner Robert Moylan to discontinue and abandon the entire length of Lexington Street (~275 feet), from Prescott Street to Grove Street, a public street, having considered the petition at its meeting on June 2, 2010, the Board voted 5-0 to recommend approval of the petition.

15. ANR Plans:

- **AN-2010-023, Summer Street:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-023.
- **AN-2010-024, Goddard Memorial Drive:** Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2010-024.
- **AN-2010-025, Airport Drive/Goddard Memorial Drive:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-025.
- **AN-2010-026, Waverly Street/Providence Street:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-026.
- **AN-2010-027, Flagg Street/Bel Air Street:** Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-027.
- **AN-2010-028, Acton Street/Houghton Street:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-028.

ADJOURNMENT:

Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 5-0 to adjourn the meeting at 9:25 pm.