

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

**October 2, 2019**

**LEVI LINCOLN CHAMBER**

**Board Members Present:** John Vigliotti, Chair  
Albert LaValley, Vice Chair  
Paul DePalo, Clerk  
Eleanor Gilmore  
Edward Moynihan

**Board Members Absent:**

**Staff Present:** Stephen Rolle, Division of Planning & Regulatory Services  
Michelle Smith, Division of Planning & Regulatory Services  
Timothy Gilbert, Division of Planning & Regulatory Services  
Jodi Kennedy Valade, Department of Inspectional Services  
Alexandra Kalkounis, Law Department  
Nick Lyford, Department of Public Works

**Approval of Minutes** – 7/17/19; 8/7/19; 8/28/19; 9/18/19 – Held

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

**1. 128, 130, 132, 134 & 136 Alvarado Avenue (PB-2019-039)**

- a. Public Meeting – Definitive Site Plan Amendment

Upon a motion by Mr. Moynihan and seconded by Ms. Gilmore, the Board voted 5-0 to allow for Leave to Withdraw Without Prejudice the Definitive Site Plan Amendment.

**2. 0 & 173 Brookline Street (Public & Developer’s Street) (AN-2019-057)**

Upon a motion by Mr. DePalo and seconded by Mr. Moynihan, the Board voted 5-0 to allow for Leave to Withdraw Without Prejudice the Public & Developer’s Street.

**3. 128, 130, 132, 134 & 136 Alvarado Avenue (PB-2019-039)**

- a. Public Hearing – Definitive Subdivision Plan Amendment

**4. 128 Alvarado Avenue Subdivision:**

- a. Request to Extend Work Completion Date and Amend Performance Agreement

**Items 3 and 4 were taken contemporaneously.**

Upon a motion by Mr. Moynihan and seconded by Ms. Gilmore, the Board voted 5-0 to postpone the Definitive Subdivision Plan Amendment and the Request to Extend Work Completion Date and Amend Performance Agreement to the October 23, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to November 14, 2019.

**5. 57 Highland Street, 33 & 35 Wachusett Street (PB-2019-043)**

- a. Public Hearing – Special Permit for CCOD

Upon a motion by Mr. Moynihan and seconded by Ms. Gilmore, the Board voted 5-0 to postpone the Special Permit for CCOD to the October 23, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to November 14, 2019.

## **Old Business**

### **6. 165 Southbridge Street (PB-2019-044)**

#### a. Public Meeting – Parking Plan Approval

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 3-0 to continue the Parking Plan approval application to the November 13, 2019 Planning Board meeting. Mr. Vigliotti and Mr. Moynihan did not vote on item.

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

- Exhibit A: Special Permit Application for CCOD; submitted June 18, 2019; prepared by Bowditch & Dewey, LLP.
- Exhibit B: Parking Plan Application; submitted June 18, 2019; prepared by Bowditch & Dewey, LLP.
- Exhibit C: Proposed Parking Lot; dated June 17, 2019; prepared by Allen Engineering & Associates, Inc.
- Exhibit D: Drainage Analysis; dated July 12, 2019; prepared by Allen Engineering & Associates, Inc.

### **7. 142 (aka 148) Southbridge Street (PB-2019-059)**

#### a. Public Hearing – Amendment to Special Permit for Adult Use Marijuana Establishment – Storefront Retailer Use

Attorney Joshua Lee Smith appeared upon behalf of the applicant, Nature's Remedy. The applicant seeks to construct a new +/- 11 space parking area on-site (for a total of +/-34 spaces) as well as seeking to allow an Adult Use Marijuana establishment – Storefront Retailer Use on the property.

Mr. Smith provided an overview of the business and the parking plan proposed for the site. Mr. Smith stated that an agreement has been made with Guertin's Graphics with regard to provide parking for their site in lieu of building a new parking lot.

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 Amendment to the Special Permit for Adult Use Marijuana Establishment – Storefront Retailer Use with conditions outlined in staff's memo, as well as the following condition:

“That a minimum of 5 off street parking spaces within 1,000 feet of the adult use marijuana retail establishment be provided and designated for customer parking, and that such parking spaces shall have adequate access, egress, and safety for pedestrians and vehicles. Lighting shall be used to illuminate any off-street parking spaces, and shall be installed so that such lighting does not cause a public nuisance to adjacent properties. All off-street parking shall be maintained by the marijuana retail establishment in good repair, neat, orderly appearance, and free from refuse and debris, and shall be sufficiently equipped with safety measures to deter and prevent unauthorized activities in and around said parking spaces.”

The Board also voted to accept the amended 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 August 23, 2019; prepared by Bowditch & Dewey, LLP.
- Exhibit B: Site Plans; dated June 18, 2019; prepared by Allen Engineering & Associates, Inc.
- Exhibit C: DPW&P Comments
- Exhibit D: Fire Comments

## **New Business**

### **8. 700 Plantation Street (PB-2019-036)**

Public Hearings –

- a. Special Permit to allow expansion, alteration, change of pre-existing non-conforming uses within the Water Resource Protection Overlay District
- b. Special Permit to allow more than 20% impervious surface within the Water Resource Protection Overlay District

Dan Hazen representing Wagner Motor Sports appeared upon behalf of the applications. The applicant seeks to expand the existing non-conforming parking lot used in association with the non-conforming motor-vehicle use, and to conduct associated site work.

Mr. Hazen provided an overview of the proposal and the erosion controls and the Stormwater plan for the site.

Mr. LaValley stated that he would not be in support of the proposal.

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 4-1 (Mr. LaValley voting in opposition) to approve the following:

1. Special Permit to allow expansion, alteration, change of pre-existing non-conforming uses within the Water Resource Protection Overlay District
2. Special Permit to allow more than 20% impervious surface within the Water Resource Protection Overlay District with conditions outlined in staff's memo as well as accepting the Findings of Facts as proposed by the applicant and modified by staff.

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

- Exhibit A: Special Permit Application; received May 21, 2019; revised September 10, 2019; prepared by Ronald Wagner.
- Exhibit B: Site Plan; dated May 8, 2019, last revised September 10, 2019; prepared by Guerriere & Halnon, Inc.
- Exhibit C: Stormwater Report; dated August 12, 2019; revised September 10, 2019; prepared by Guerriere & Halnon, Inc.

### **9. Higgins Farm (fka 727 Salisbury Street) or Salisbury Hill CCRC (PB-2019-047)**

- a. Public Hearing – Special Permit Amendment – To allow a Continuing Care Retirement Community (CCRC)
- b. Public Meeting – Definitive Site Plan Approval

John Kucich from Bohler Engineering along with representatives for Premier Property LLC appeared upon behalf of the application.

Presently on the premises is a partially constructed (+/- 84 units completed) Continuing Care Retirement Community (CCRC), known as Salisbury Hill, and related driveway networks and site improvements on acres of land located off Salisbury Street and Barrows Road.

The applicant is seeking to amend the previous CCRC Special Permit (as most recently Amended in 2016) by:

1. Decreasing the overall number of units by **82**, from 280 units to 198 units, by re-configuring the construction style of the proposed dwelling units to single-family density via a combination of single-family detached and semi-detached (i.e. duplex) dwellings (in lieu of single-family attached dwellings and multi-family low-rise dwellings). See Table 1.

Table 1: Comparison of Unit Count by Construction Type

Construction Style	Units Approved	Units Proposed	Units Constructed	Proposed Change
Single-Family (Detached)	0	94	0	+94
Duplexes (Semi-Detached)	4	20	38	+16
Townhouse (Attached)	90	0	46	-90
Multi-Family Low-Rise	102	0	0	-102
<b>Total Dwelling Units</b>	<b>196</b>	<b>114</b>	<b>84</b>	<b>-82</b>

2. Modify the proposed driveway network to accommodate the change to the proposed dwellings. *Note: the dead-end length increases for Salisbury Hill Boulevard and the width decreases.*
3. Modify the phasing plans (i.e. construction sequence) and limit of work (i.e. clearing & grading), update the existing natural features present on-site to reflect an expanded wetland network on the southern and western portion of the site.
4. Revise the proposed stormwater infrastructure to meet the current stormwater requirements.
5. Re-configuring the location of the proposed sewer pump station and updating the proposed sewer system design to accommodate revised project.
6. Revised grading, layout, and materials (including open space area) proposed to reflect and accommodate the above changes.

Mr. Lyford stated that for the pump station that DPW would like to see an operation and maintenance plan.

Andrew Freilich questioned whether this item should be before the Board, positing that the project does not meet the requirements to qualify as a Continuing Care Retirement Community.

James White stated that expressed concern about the project, particularly regarding the fence being maintained and determination of the property lines.

Ben Bruneau expressed his concern regarding buffers, noise, and light.

Hal Schneider spoke in support of the application.

William Eddy expressed concern about how buffers would be implemented for Barrows Road considering the size of the project.

Donald Dogun asked the Board to consider what was approved in 2002 prior to voting on this item.

Patrick Cherry stated that he was concern that Barrows Road would become an access road for this expansion.

Doug Farmer stated that Salisbury Hill residents are not asking for access to Barrows Road.

Kristopher Beckman stated that he wants as little impact on Barrows Road as possible.

The Board and the applicant discussed the parking, access for the site, and the type of amenities to be available on the site.

Mr. Vigliotti stated his concern regarding the degree of change from the original plan and the outstanding issues regarding services to be provided.

Jo Hart expressed concern about the walkability to the site and in the area.

Bob DiPetrie of Capital Group Properties stated that in 2002 this project was approved with set of conditions and they are in compliance with the original conditions and that they would work with the residents of Barrows Road.

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

1. Public Hearing – Special Permit Amendment – To allow a Continuing Care Retirement Community (CCRC)
2. Public Meeting – Definitive Site Plan Approval

to the November 13, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to December 5, 2019.

**List of Exhibits**

- Exhibit A: Amendment to Special Permit – CCRC Application; received July 7, 2019; prepared by Premier Property Group, LLC.
- Exhibit B: Site Plan; received July 7, 2019, dated July 3, 2019; prepared by Bohler Engineering.
- Exhibit C: Drainage Report; received July 7, 2019, dated July 3, 2019; prepared by Bohler Engineering.
- Exhibit D: Architectural Elevations; received July 7, 2019; prepared by Bohler Engineering.

**The Board took a ten minute recess**

**10. 49 Arlington Street (PB-2019-052)**

- a. Public Meeting – Definitive Site Plan Approval

Attorney James Vevone appeared upon behalf of the applicant, Fortin Investments, LLC. The applicant seeks to construct a three-family detached dwelling on the lot, with associated retaining walls, and requisite off-street parking being provided via a three car garage with two tandem spaces proposed for each dwelling unit.

Tony Stella, the engineer for the site reviewed the proposed plans for location.

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

**List of Exhibits**

- Exhibit A: Site Plan Application; received July 24, 2019; Fortin Investments, LLC.
- Exhibit B: Site Plan; dated June 17, 2019; prepared by Site Engineering Consultants, Inc.

**11. 757 Salisbury Street (PB-2019-053)**

- a. Public Hearing – Special Permit to allow a Continuing Care Retirement Community (CCRC)
- b. Public Meeting – Definitive Site Plan Approval

Attorney Mark Donahue appeared upon behalf of the applicant, HP Acquisitions. The applicant seeks to construct a Continuing Care Retirement Community consisting of three multi-family, low-rise buildings with a total of +/- 123 dwelling units, an associated driveway network, and related site work on approximately 17 acres of land (located off Salisbury Street

Mr. Donahue provided a history of the organization and reviewed how the proposal is to meet the criteria of a Continuing Care Retirement Community.

The engineer for the project reviewed the plans for the site.

Andrew Freilich stated that with regard to the applicant if you look at their organization they build apartment complexes and stated that he does not agree that this proposal meets the intent of the definition of Continuing Care Retirement Community.

Kristopher Beckman expressed concern that the existing vegetative buffer for Barrows Road would disappear if the project were to move forward.

Doug Farmer asked the engineer to review the berm proposed.

Kelly Rawlston expressed her concern regarding the project.

The Board and the applicant discussed the criteria for a Continuing Care Retirement Community.

Hal Schiender stated that the residents of Salisbury Hills object to the road connection.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 5-0 to continue the

- 1. Public Hearing – Special Permit to allow a Continuing Care Retirement Community (CCRC)
- 2. Public Meeting – Definitive Site Plan Approval

to the October 23, 2019 Planning Board meeting and extend the Constructive Grant Deadline to November 14, 2019.

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

- Exhibit A: Special Permit and Definitive Site Plans Applications; received July 24, 2019; prepared by Attorney Mark L. Donahue.
- Exhibit B: Existing & Proposed Site Plans; dated July 25, 2019; received July 24, 2019; prepared by Marchionda & Associates, L.P.

### **The Board took a five minute recess**

#### **12. 1023 & 1029 (aka 1025) Southbridge Street (PB-2019-054)**

- a. Public Hearing – Special Permit for Adult Use Marijuana Establishment – Storefront Retailer Use
- b. Public Meeting – Parking Plan Approval

Patrick Healy appeared upon behalf of the petitioner, Cultivate Holdings, LLC. The petitioner seeks to allow an Adult Use Marijuana establishment – Storefront Retailer Use on the property. Mr. Healy provided an overview of the proposal and history of the organization.

Maureen Debois, Auburn, MA, expressed concern that she was not notified about this hearing despite being an abutter, and expressed concern about an increase in traffic in the area as the result of this business.

Mr. Rolle stated that Ms. Debois may not meet the criteria under the law to be notified as an abutter.

Dave Harding, representing Polar Beverages, expressed opposition to the change to retail and his preference that the use remain manufacturing.

Kevin Ladin, representing 1017-1021 Southbridge Street, stated that the Board should examine traffic in the area and the potential impact of this proposal.

The Board requested the applicant review how the delivery are to be made, on-site parking, and requested staff to review the setbacks that would be required for the location.

The Board stated that they would like to see a traffic study. Mr. Healy stated that a traffic study will be provided.

Upon a motion by Ms. Gilmore and seconded by Mr. LaValley, the Board voted 5-0 to continue the Special Permit for Adult Use Marijuana Establishment – Storefront Retailer Use to the October 23, 2019 Planning Board meeting.

Upon a motion by Mr. LaValley and seconded by Mr. Moynihan, the Board voted 5-0 to approve the requested waiver for labeling adjacent buildings on the plan.

Upon a motion by Mr. LaValley and seconded by Mr. Moynihan, the Board voted 5-0 to approve the Parking Plan application with conditions outlined in staff's memo striking condition one from staff's memo.

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

- Exhibit A: Special Permit Application for Adult Use Marijuana; submitted August 23, 2019; prepared by Bowditch & Dewey, LLP.
- Exhibit B: Site Plans; dated June 18, 2019; prepared by Allen Engineering & Associates, Inc.
- Exhibit C: DPW&P Comments
- Exhibit D: Fire Comments

#### **13. 100 Institute Road (WPI) (PB-2019-062)**

- a. Public Meeting – Definitive Site Plan Approval

Jared Gentilucci of Nitsche Engineering, as well as representatives from Worcester Polytechnic Institute, appeared upon behalf of the application. The applicant seeks to construct a +/- 6-story academic building (+/- 103,000 SF) with a +/-107 space surface parking lot and conduct related site work on property off Boynton Street. The applicant also proposes new building utility services, new pedestrian access and plaza areas, landscaping, and new connections to existing drainage systems.

A review of the plan was presented to the Board.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 5-0 to approve the waiver from labeling soil types on the plan.

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

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

- Exhibit A: Site Plan Application; received August 28, 2019; prepared by Nitsch Engineering, Inc.
- Exhibit B: Site Plan; dated August 27, 2019; prepared by Nitsch Engineering, Inc.
- Exhibit C: DPW&P Comments
- Exhibit D: Fire Comments

### **Other Business**

#### **14. Approval Not Required (ANR) Plan(s)**

- a. 30 & 32 Chiltern Hill Drive (Public) (AN-2019-055)

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

- b. 5 Benham Street (Public), 7 Enid Street (Public), and 6, 8, & 10 Phoenix Street (Private) (AN-2019-056)

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

#### **15. Subdivision(s)**

- a. 305 Belmont Street (aka Hospital Drive) Definitive Subdivision
- b. Request to Accept Restrictive Covenant as form of Security

Endorsement of Plan – Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 5-0 to postpone the item to the October 9, 2019 Planning Board meeting.

#### **16. Request for Acceptance of (Open Space) Restrictive Covenant(s)**

- a. Worcester Country Club Acres (CCRC) (PB-2018-042)
- b. 407 Cambridge Street (Cluster Special Permit) (PB-2018-021)

Item was postponed to October 9, 2019 Planning Board meeting.

#### **17. Communication(s)**

- a. Invitation to Green Worcester Public Workshop (to be held on 10/16/19); received 9/26/19. No comment.
- b. Acceptance of Listing for the Duprey Building (16 Norwich Street) on the National Register of Historic Places; received 9/23/19. No comment.

#### **18. Discussion of Board Policies and Procedures**

- a. Public Accessibility of Applications/Information-Item postponed to October 23, 2019 Planning Board meeting.
- b. CMRPC Delegate – Mr. DePalo stated that he would like to be the delegate. Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to appoint Mr. DePalo as the CMRPC delegate.

#### **19. Signing of Decisions (from prior meetings)**

### **Adjournment**

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 5-0 to adjourn the meeting at 9:36 p.m.