

**REVISED Minutes  
Worcester Planning Board  
Special Meeting  
May 27, 2004**

**Dept. Code Enforcement  
Conference Room  
25 Meade Street  
Worcester, MA**

**Proposed Zoning Ordinance (Dated November 12, 2003)**

**Planning Board Members Present:**

Joe Boynton, Chair  
Anne O'Connor  
Samuel Rosario  
John Shea

**Historical Commission Member Present:**

Dr. Michael Theerman

**Staff Present:**

Jill Dagilis, Code Enforcement  
Kathleen Donovan, Code Enforcement – Land Use Division  
Joel Fontane, EONS – Planning Division  
Edgar Luna, EONS – Planning Division  
Michael Traynor, Law Department  
Jody Kennedy-Valade, Land Use Division

**For the purposes of this meeting, the Planning Board referred to the color-coded version (Law Department version) of the November 12, 2003 Proposed Zoning Ordinance.**

**Call to order:** Joe Boynton called to the meeting to order at 5:00pm.

The Board reopened the public hearing.

1. **Article V – Site Plan Review – Discussion Relative to National Register of Historic Places Site Plan Review Trigger:** Staff indicated that the Board considered this item at its April 21, 2004 special meeting (Item # 13-B) and voted 3-0 to recommend removing Historic Properties as a trigger for site plan review. Dr. Theerman requested that the Board reconsider its position on Historic Properties as a site plan review trigger.

*Motion to reconsider by John Shea was seconded by Samuel Rosario. The vote was 4-0.*

Dr. Theerman, the Board and staff discussed the current provision that all sites listed on the National Register of Historic Places, or abutting a National Register site trigger site plan review by the Planning Board. Dr. Theerman expressed concern regarding the proposed removal of this trigger. He explained that the City of Worcester does not have an ordinance that allows the Historical Commission to do site plan review and how the Commission does not have the authority to conduct a corresponding review. Dr. Theerman suggested that it might be appropriate to conduct site plan review with the Planning Board.

Joe Boynton explained that the Planning Board's decision to recommend the proposed removal of the historic properties trigger for site plan review was premised on the assumption that it was duplicating what the Historic Commission was doing to review these plans. Currently, the ordinance states that the Planning Board consider the performance and compatibility of site design of structures listed on the State Register of Historic Places as of 1988, as amended. Dr. Theerman acknowledged that the Planning Board cannot require changes to colors or architecture since the Historical Commission is the only Board that has the authority to do so, and only in Historic Districts. His concern was that the Historical Commission does not have the authority to address issues with abutting properties and used the outlet mall as an example.

Joe Boynton explained that the Planning Board does not consider whether something can be done but, rather, how it will be done under site plan review. He further added that occasionally, the Board is able to negotiate changes that they cannot otherwise require, and that the outlet mall project, due its size, will trigger site plan review regardless of the historic considerations regarding the common. *The Board recommends that the historic site trigger for site plan review be reinserted. John Shea motioned and Samuel Rosario seconded. The vote was 4-0.*

Board member John Shea excused himself from the meeting.

2. **Article VI – Floodplain Overlay District:** Staff explained this is article is needed for the National Flood Insurance Program. Kathleen Donovan stated that because the Conservation Commission has jurisdiction under the Massachusetts Protection Act, all applications have to go to the Conservation Commission. *The Board recommends inserting definition into Section 2, deleting the site plan trigger in the last paragraph of Section 7(B) – Use Regulation. Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*
3. **Article VII – Density Bonuses to Promote Affordable Housing:** *The Board recommends as proposed, except to delete Section 3(C)6. Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*

4. **Article VIII – Cluster Zoning:** Staff explained that the proposed changes to this article increase its clarity.

**a. Section 2 – Cluster Subdivisions**

- i. **Section 2(A)(1):** The formula used to calculate the number of dwelling units now specifies that the minimum lot area is determined by the intended use. The current formula is not clear regarding which land use to assume in the calculation of the formula.

**b. Section 3 – Cluster Groups of Single-Family Dwellings**

- i. **Section 3(A)(2):** Indicates that only one Special Permit is required.
- ii. **Section 3(A)(6):** Changes to this subsection require that the open space provided be contiguous, and that open space shall not be used in any other project or calculation of units, area or setbacks.

*The Board recommends all changes to Article VIII as proposed. Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*

5. **Article IX – Mixed Use Development Overlay Zone:**

**a. Section 4 – Mixed Use Development Overlay Zone**

- i. **Section 4(A)(1):** reduces the number of uses required to be considered as a mixed-use development.

*Board recommends all changes to Article IX as proposed. Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*

6. **Article X – Continuing Care Retirement Community (CCRC)**

**a. Section 2 – Definition**

- i. **Section 2(A):** Changes to this subsection include: increasing the number of acres of land required from three to five per State Law Chapter 151B, and requiring that CCRCs provide a minimum of three residential services. The Board also recommended that the phrase “retired and aging persons” be replaced with “residents” in two places.

*The Board recommends all changes to Article X as proposed. Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*

7. **Article XI – Airport Environs:** Staff requested that the Board reconsider removing this Article from the ordinance because it is part of the City’s airport noise compatibility program. Having reconsidered its initial vote (March 3, 2004 – Item #3a) to remove this article from the ordinance, *The Board recommends that Article XI, Airport Environs, be reinserted in its entirety from the 1991 ordinance, and that subsequent articles be renumbered accordingly. Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*

**8. Article XI – Water Resources Protection Overlay District**

*The Board agreed to take this Article up at its next meeting.*

**9. Article XII – Flexible Parking Overlay District:**

*The Board recommends as proposed. Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*

**10. Article XIII – Arts Overlay District:**

**a. Section 4 – Permitted Uses in Arts Overlay District Zone**

- i.** Staff indicated that the proposed change adds the following to the first paragraph of Section 4: “Works of art or crafts may be sold from all commercial artist lofts in the Arts Overlay District, regardless of the underlying zone.”

*The Board recommends as proposed. Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*

**11. Article XIV – Adaptive Reuse Overlay District:**

**a. Section 5 – Parking Requirements**

- i.** *The Board recommends inserting the actual date of adoption (October 22, 2002) in Section 5(C). Samuel Rosario moved and Anne O'Connor seconded. The vote was 3-0.*

**Meeting Adjourned: 6:35 p.m.**