

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

May 15, 2019

LEVI LINCOLN CHAMBERS

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

Members Absent: Albert LaValley

Staff Present: Stephen S. Rolle, Division of Planning & Regulatory Services
Timothy Gilbert, Division of Planning & Regulatory Services
Nick Lyford, Department of Public Works & Parks
Jody 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 & 4/29/19 – Held

Requests for Continuances, Extensions, Postponements, and Withdrawals

1. 383 Shrewsbury Street (PB-2019-016):

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

Upon a motion by Mr. Mitra and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Amendment to Special Permit for CCOD and Definitive Site Plan to the June 5, 2019 Planning Board and to extend the Constructive Grant Deadline to June 26, 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 Meeting – Definitive Site Plan

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Definitive Subdivision Plan Amendment & Definitive Site Plan to the June 26, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to July 18, 2019.

3. 129 & 133 Granite Street (PB-2019-014):

- a. Public Hearing – Special Permit for a Common Driveway
- b. Public Meeting – Definitive Site Plan

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Special Permit for a Common Driveway & Definitive Site Plan to the June 5, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to June 26, 2019.

4. 3 & 7 Farrington Street (Private) and Warner Avenue (Public) (AN-2019-028)

Upon a motion by Ms. Gilmore and seconded by Mr. Mitra, the Board voted 4-0 to postpone the ANR to the June 5, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to June 26, 2019.

New Business

5. 143 Southwest Cutoff (PB-2019-012):

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

Attorney Mark Donahue along with a representative of Evergreen Strategies appeared on behalf of the application.

The scope of the project is as follows:

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

Presently located on the subject property in the structure, known as 141 Southwest Cutoff, is an existing registered marijuana dispensary (RMD) facility for the cultivation and product manufacturing of medical marijuana, as well as a recently permitted Adult Use - Cultivator and Product Manufacturing use. These are owned and operated by Temescal Wellness of Massachusetts, LLC, and a separate and independent entity.

The applicant seeks to establish an Adult Use – Retail Storefront for the sale of Marijuana products in the smaller building located on the western portion of 143 Southwest Cutoff.

The proposed use requires only 13 parking spaces. The plans submitted indicate that a total of 30 surface parking spaces are provided on site while the crowd control plan indicates that 19 spaces will be available for customers.

The petition states that hours of operation are anticipated to be Monday through Saturday from 9:00 a.m. to 10:00 p.m. and Sunday from 10 a.m. to 9 p.m.

Mr. Donahue gave a review of the plan and the scope of the project.

Mr. Lyford asked Mr. Donahue to review the curb cuts on the plan.

Attorney Joshua Lee Smith appeared upon behalf of Temeschal Wellness who share the property at 143 Southwest Cutoff and reviewed the parking area that his client has and stated that they have been working with Evergreen Strategies and the landlord of the property relative the lease of the parking spaces for the shared uses.

Upon a motion by Mr. Mitra and seconded by Ms. Gilmore the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Mitra and seconded by Ms. Gilmore the Board voted 4-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 ft of the subject property.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to approve the Special Permit for Adult Use Marijuana – Storefront Retailer with conditions outlined in staff's memo and accepting the petitioner's findings of facts as modified by staff and that adequate portions of the parking shown on the plan for lot #3 be constructed in useable condition prior to opening.

List of Exhibits

- Exhibit A: Special Permit Application for Adult Use Marijuana; submitted January 10 & 31, 2019; prepared by Attorney Mark L. Donahue.
- Exhibit B: Site Plan of Marijuana Retail Sales Establishment – 143 Southwest Cutoff; submitted January 18, 2019; prepared by Lakeview Engineering Associates.
- Exhibit C: Letter of Opposition to 143 SW Cutoff - Evergreen Strategies - retail marijuana; from Julia Germaine, Temescal Wellness; received 2/6/2019 & 3/7/2019.
- Exhibit D: Response to Letter of Opposition regarding Special Permit Application; from Attorney Mark L. Donahue; received 3/11/2019.

6. 500 Salisbury Street (PB-2019-023):

a. Public Meeting – Definitive Site Plan

Chris Keenan of Quinn Engineering appeared on behalf of the applicant, Assumption College.

The scope of the project is as follows:

Assumption College has applied for Definitive Site Plan Approval under the requirements of the City of Worcester Zoning Ordinance. The applicant seeks to construct a +/- 41,059 SF three-story health sciences building. The proposal also includes the expansion to an existing two-level parking garage over an area that is presently used as a surface parking lot. The proposal will create approximately 96 new parking spaces. The placement of the new health science building requires construction of a new access driveway and resurfacing of an accessible parking area presently servicing the adjacent library facility. The applicant is also proposing related site work including new traffic calming and pedestrian connectivity measures (e.g., speed humps, crosswalks, etc.) within nearby sections of existing driveways.

Mr. Lyford reminded Mr. Keenan that there is a water main line near the proposed project so they need to be careful when work is being conducting on the site.

Mr. Keenan reviewed the revised plans for the site including the erosion controls proposed.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the waiver from labeling of abutters to abutters within 300 feet of the plan.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

List of Exhibits

Exhibit A: Site Plan Application; received March 21, 2019; prepared by Assumption College.

Exhibit B: Site Plan; dated March 1, 2019; prepared by Quinn Engineering, Inc.

Exhibit C: DPW&P Comments

Exhibit D: Fire Comments

7. 645 Park Avenue (PB-2019-027):

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

Attorney Joshua Lee Smith and John Henderson from Mayflower Medicinals, Inc. appeared on behalf of the application.

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

The scope of the project is as follows:

The applicant seeks a Special Permit to allow an Adult Use Marijuana establishment – Storefront Retailer Use on the property.

Presently on the premises are two structures, one vacant structure and one multi-tenant commercial building along with associated site improvements.

The petition states that hours of operation are anticipated to be Monday through Saturday from 9 AM to 8 PM, and Sunday from 11 AM to 7 PM.

Mr. Henderson gave a brief history of his organization

Mr. Lee gave an overview of the scope including the security plan and parking for the site.

Mr. Rolle asked Mr. Smith to review how deliveries would be handled at the site.

Ms. Gilmore asked Mr. Smith to review the proposed landscaping for the project. Mr. Lee stated that applicant is not planning any landscaping for the site as the site already exists.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 feet on the plan.

Upon a motion by Mr. Mitra and seconded by Ms. Gilmore the Board voted 4-0 to approve the Special Permit for Adult Use Marijuana, Storefront Retailer with conditions outlined in staff's memo.

List of Exhibits

Exhibit A: Special Permit Application for Adult Use Marijuana; submitted April 9, 2019; prepared by Bowditch & Dewey, LLP.

Exhibit B: Site Development Plans; dated April 9, 2019; prepared by Hayes Engineering, Inc.

8. 10 Pullman Street (PB-2019-022):

a. Public Hearing – Special Permit for Adult Use Marijuana, Cultivator & Product Manufacturer

No one appeared for the item. Mr. Rolle stated that during the meeting staff had received a request to postpone the item.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to postpone the application for Special Permit for Adult Use Marijuana, Cultivator & Product Manufacturer to the June 26, 2019 Planning Board meeting.

9. 56, 58, 62, & 64 (aka 68) West Boylston Street (PB-2019-028):

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

b. Public Meeting – Parking Plan

Attorney Joshua Lee Smith, Alex Mazin of Trichome Health Corp., and a representative from Bohler Engineering appeared on behalf of the application.

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

The scope of the project is as follows:

The applicant seeks a Special Permit to allow an Adult Use Marijuana establishment – Storefront Retailer Use on the property.

Presently on the premises at 64 (aka 68) West Boylston Street is multi-tenant commercial building with associated off-street parking located at 62 West Boylston Street.

The property located at 56 & 58 West Boylston Street is presently vacant.

The petition states that hours of operation are anticipated to be Monday through Saturday from 10 AM to 8 PM, and Sunday from 10 AM to 6 PM.

The security plan states that hours of operation are Monday through Thursday from 10 AM to 7 PM, Friday through Saturday from 10 AM to 8 PM, and Sunday from 10 AM to 6 PM.

Mr. Mazin gave a history of the organization.

Attorney Smith reviewed the plan for the property including the parking, security and lighting.

The applicant and staff discussed the landscaping, fencing and snow storage for the site.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 feet on the plan.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the Special Permit for Adult Marijuana, Storefront Retailer with conditions outlined in staff's memo and to approve the Findings of Facts submitted by the petitioner and amended by staff.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the Parking Plan with conditions outlined in staff's memo with changes to 1a – delete “rear,” and to add a sixth condition to have a no left turn only sign visible at the exit, and that DPW comments be met.

List of Exhibits

Exhibit A: Special Permit Application for Adult Use Marijuana; submitted April 10, 2019; prepared by Bowditch & Dewey, LLP.

Exhibit B: Site Development Plans; dated April 9, 2019; prepared by Bohler Engineering

10. 90 Barber Avenue (PB-2019-029):

a. Public Meeting – Definitive Site Plan

Matthew Bombacci from Bohler Engineering appeared on behalf of the applicant,

Banner Worcester Storage, LLC. The applicant has applied for a Definitive Site Plan under the requirements of the City of Worcester Zoning Ordinance. The applicant seeks to construct a four-story self-storage facility (~127,000 SF) with related off-street parking,

A review of the proposal was presented.

Mr. Lyford stated that the proposed driveway must have a two-foot radius corner stones and maintain the grade of the sidewalk through the driveway.

Mr. Rolle stated that the applicant will need relief from the Zoning Board of Appeals on some of the parking.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the following waivers;

1. Providing information regarding soil types.
2. Providing information on trees over 9” in diameter.

3. A waiver from labeling all abutters and abutters thereto within 300 feet on the plan or provide additional references to abutters on the plan.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

List of Exhibits

- Exhibit A: Definitive Site Plan Application; received April 10, 2019; prepared by Bohler Engineering.
- Exhibit B: Site Development Plans; last revised October 24, 2017; prepared by Bohler Engineering.
- Exhibit C: Conceptual Elevations; dated September 1, 2017; prepared by ARCO Murray & GMA Architects.

11. 25 Boston Avenue (PB-2019-030):

- a. Public Hearing – Definitive Frontage Subdivision

Cole DiRoberto appeared on behalf of the application. The applicant seeks to divide the existing lot at 25 Boston Avenue into two – Lot 1 and Lot 2 – and construct a single-family dwelling on the newly created lot.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the following waivers;

1. A waiver from all requirements of the Subdivision Regulations, with the exception of those that apply to an Approval Not Required (ANR) plan;
2. A waiver of Sections IX and X of the Subdivision Regulations, because no new street is being constructed and no improvements to the existing way is required;
3. A waiver of the minimum frontage requirements for each lot otherwise mandated by the Worcester Zoning Ordinance;
4. A waiver from labeling all abutters and abutters thereto within 300 feet on the plan or provide additional references to abutters on the plan.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the Definitive Frontage Subdivision Plan with conditions outlined in staff's memo.

List of Exhibits

- Exhibit A: Definitive Frontage Subdivision Plan Application; received April 10, 2019; prepared by David Cole DiRoberto.
- Exhibit B: Definitive Frontage Subdivision Plan; dated July 7, 2018; prepared by Jarvis Land Survey, Inc.

12. 30 Pullman Street (PB-2019-031):

b. Public Hearing – Special Permit for Adult Use Marijuana, Cultivator & Product Manufacturer

Attorney Mark Donahue presented on behalf of the applicant, The Monroe Partnership. The applicant seeks to allow an Adult Use Marijuana establishment with both product manufacturer & cultivator uses on the property.

The scope of the project is as follows:

- Presently on the premises is a warehouse with associated site improvements.
- The applicant seeks to allow an Adult Use Marijuana establishment with both product manufacturer & cultivator uses on the property.
- The petition states that hours of operation are anticipated to be from 8 AM to 11 PM Monday through Saturday, and 10 AM to 11 PM Sunday.
- Parking will be provided by an existing, semi-improved parking area to the west of the building. The applicant has depicted this area on the submitted plan of land, but does not intend to strip or otherwise improve the parking area, except to provide ADA accessible spaces.
- Because the cultivation use has the same parking requirement as the prior manufacturing use, no additional parking is required by the zoning ordinance

Mr. Donahue gave an over of the plan for the operation.

Lois Bourget asked if there be a fence around the perimeter. Mr. Donahue stated not the entire area but in certain parts there will be fencing.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. DePalo and seconded Ms. Gilmore the Board voted 4-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 ft. of the subject property on the plan.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to approve the Special Permit for Adult Use Marijuana, Cultivator & Product Manufacturer with conditions outlined in staff's memo including the 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 April 16, 2019; prepared by Attorney Mark L. Donahue.

Exhibit B: Site Plan; dated March 25, 2019; prepared by HS&T Group, Inc.

Exhibit C: Floor Plan; dated March 28, 2019; prepared by The Monroe Partnership LLC.

13. Zoning Map Amendment – 222 Brooks Street (ZA-2019-004):

c. Public Hearing – Zoning Map Amendment to extend the RL-7 (Residence, Limited) zoning district to include the northeast portion of the property at 222 Brooks Street

Harold Reeder of Zero Point Development and Tore Services Inc. appeared upon behalf of the petitioner. The petitioner seeks to amend the City of Worcester Zoning Map by extending the RL-7 (Residence, Limited) zoning district to include the northeast portion of the property (+/- 2 acres) located at 222 Brooks Street. The property is presently located within the MG-0.5 (Manufacturing, General) zoning district. Mr. Reeder gave an overview of the proposal.

John Page, abutter to the property, expressed concern about the proposal and how it would impact the area including additional traffic.

Another abutter expressed concerns about traffic and trees being removed.

David Connolly, abutter to the property, stated he was not happy that a solar company is cutting down trees to a build a new building and spoke in opposition to the proposal as it would impact the neighborhood.

Louis Bourget expressed concern about increased traffic and removal of trees to put in duplexes.

Mr. Vigliotti explained that the Board's purview tonight was only making a recommendation to City Council to whether to allow a zone change and that would be then be heard by the City Council who would make the decision.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. DePalo and seconded by Mr. Mitra the Board voted 3-1 (Mr. Vigliotti voting against) recommending the Zoning Map Amendment to City Council.

Mr. Vigliotti stated that he voted in opposition as he is opposed to splitting parcels among differing zones.

List of Exhibits

Exhibit A: Petition – Zero Point Development & Tore Services Inc.; referred to Planning Board on April 9, 2019.

14. Zoning Map Amendment - BG-6.0 Extension (ZA-2019-005):

d. Public Hearing – Zoning Map Amendment to extend the BG-6.0 (Business, General) zoning district to encompass land generally located southeast of the CSX/P&W railroad corridor, east of property held by Wyman Gordon Company at 80 Hermon Street, north of Lamartine Street, and west of Washington Street. Also included is the entirety of the Pickett Street municipal parking lot located at 45 Green Street, and those portions of land south of the CSX/P&W railroad corridor, east of Washington Street, north of Madison Street, and west of Green Street that are currently zoned MG-2.0.

Mr. Rolle stated that the subject area is located in the Canal District and Green Island neighborhoods. The proposed map amendment would extend the BG-6.0 zoning district south of the CSX/P&W rail corridor, generally encompassing land east of the existing Wyman Gordon facility, north of Lamartine Street, and west of the existing BG-4.0/MG-2.0 zoning district boundary located

between Green Street and Washington Street. It additionally encompasses the municipal parking lot as well as portions of the CSX/P&W railroad corridor.

Attorney Mark Donahue, representing Madison WG Holdings, LLC, the current holder of the property, spoke in favor of the project.

Upon a motion by Mr. Mitra and seconded by Ms. Gilmore the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Mitra and seconded by Ms. Gilmore the Board voted 4-0 to approve the Zoning Map Amendment – BG – 6.0 Extension.

List of Exhibits

Exhibit A: Petition – Worcester City Council; referred to Planning Board on April 23, 2019.

15. Planning Board Rules & Regulations Amendment:

- e. Public Hearing – To eliminate the application requirement to label abutters and abutters to abutters within 300 feet on plans from all Planning Board Rules & Regulations

Upon a motion by Mr. Mitra and seconded by Ms. Gilmore the Board voted 4-0 to continue the Planning Board Rules & Regulations Amendment to the June 5, 2019 Planning Board meeting.

Other Business

Ms. Gilmore recused herself from item #16 and left the meeting room.

16. Street Petition(s)

- a. Request to rename Wellington Street or Jacques Avenue (ST-2019-006)

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 3-0 to refer the item back to City Council.

Ms. Gilmore returned to the meeting room.

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

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

Upon a motion by Mitra and seconded by Mr. DePalo the Board voted 4-0 to endorse the ANR.

18. Indian Hill Subdivision – Request for Release of Covenant for Lot 128-129

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to release Lot 128-129.

19. Communication(s)

- a. MEPA (Draft) Environmental Impact Report (EIR) – Worcester Downtown Urban Revitalization Plan, Amendment #1 – Triple A Ballpark/Mixed-Use Development Project (EEA #15637). No comment.

20. Discussion of Board Policies and Procedures

21. Acceptance of the Meeting Schedule and Filing Deadlines for 2020

Upon a motion by Ms. Gilmore and seconded by Mr. Mitra the Board voted 4-0 to approve the Meeting Schedule and Filing Deadlines for 2020.

22. Signing of Decisions from prior meetings

Adjournment

Upon a motion the Board voted 4-0 to adjourn the meeting at 8:50 p.m.