

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

**August 7, 2019**

**ESTHER HOWLAND CHAMBERS**

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

**Planning Board Members Absent:** John Vigliotti, Chair

**Staff Present:** Stephen S. Rolle, Division of Planning & Regulatory Services  
Michelle Smith, Division of Planning & Regulatory Services  
Jody Kennedy Valade, Department of Inspectional Services  
Jennifer Beaton, Law Department  
Nick Lyford, Department of Public Works

**Approval of Minutes** – 7/17/19 – Held to August 28, 2019

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

**1. Malden Woods (aka 0 Whippoorwill Drive & 0 Danielle’s Way, Whippoorwill 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 Mr. Mitra and seconded by Ms. Gilmore, the Board voted 4-0 to postpone the Definitive Subdivision Plan & Definitive Site Plan to the August 28, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to September 19, 2019.

**2. 67 West Boylston Street (PB-2019-038)**

- a. 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 Site Plan application to the August 28, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to September 19, 2019.

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

- a. Public Hearing – Definitive Subdivision Plan Amendment
- b. Public Meeting – Definitive Site Plan Amendment
- c. 128 Alvarado Avenue Subdivision: Request to Extend Work Completion Date and Amend Performance Agreement

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Definitive Subdivision Plan, Definitive Site Plan Amendment and the Extension of the Work Completion Date and Amendment of the Performance Agreement to the August 28, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to September 19, 2019.

**4. 57 Highland Street, 33 & 35 Wachusett Street (PB-2019-043)**

- a. Public Hearing – Special Permit for CCOD

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Special Permit for CCOD to the August 28, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to September 19, 2019.

## 5. Planning Board Rules & Regulations Amendment

- a. Public Hearing – To require the use of the most current precipitation data (i.e. NOAA Atlas 14 or Cornell Data, in lieu of TP40 data) when preparing required stormwater (i.e. hydraulic/hydrologic) calculations

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 4-0 to postpone the Planning Board Rules & Regulations Amendment to the August 28, 2019 Planning Board meeting.

## New Business

### 6. 142 (aka 148) Southbridge Street (PB-2019-045)

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

Attorney Joshua Lee Smith appeared upon behalf of the applicant, Natures Remedy of Massachusetts, Inc. The petitioner seeks to allow an Adult Use Marijuana establishment – Storefront Retailer Use on the property.

Mr. Lee provided a brief history of the company and presented a slide show of the proposal.

Ms. Beaton asked if the parking proposed across the street was solely for the marijuana facility. Mr. Smith stated that the spaces are dedicated to the establishment.

John Guertin from Guertin Graphics, abutter to the property, expressed concern about the lack of parking currently, and stated this business will increase the parking problem.

Mr. Lee stated that there is no minimum parking requirement in the Downtown District, but an additional 14 parking spaces will be provided.

Bob Carr of Nature’s Remedy reviewed how deliveries would be made to the establishment.

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

Upon a motion by Ms. Gilmore and seconded by Mr. Mitra, the Board voted 4-0 to approve the Special Permit for Adult Use Marijuana Establishment-Storefront Retailer Use with conditions outlined in staff’s memo, with the additional conditions that deliveries are to be limited to non-business hours, and that potential operating business hours be extended to 11:00 p.m.

#### *List of Exhibits*

Exhibit A: Special Permit Application for Adult Use Marijuana; submitted June 18, 2019; prepared by Bowditch & Dewey, LLP.

Exhibit B: Site Plans; dated June 17, 2019; prepared by Allen Engineering & Associates, Inc.

### 7. 165 Southbridge Street (PB-2019-044)

- a. Public Hearing – Special Permit for CCOD
- b. Public Meeting – Parking Plan Approval

Attorney Joshua Lee Smith appeared upon behalf of the applicant, Natures Remedy of Massachusetts, Inc. The petitioner seeks the following:

**Special Permit:** To modify the dimensional requirements for off-street parking within the Commercial Corridors Overlay District (Article IX, Section 7)

**Parking Plan:** The applicant seeks to construct a new +/- 11 space parking area on-site (for a total of +/-34 spaces)

Mr. Lee reviewed the proposal for the site and the proposed parking and stated that they will add one additional ADA space as requested by staff.

Ms. Gilmore asked the applicant to review the signage, lighting, and the crosswalk proposed for the site. Mr. Smith stated no new lighting is proposed as street lighting is sufficient, and existing crosswalks serve existing businesses.

Mr. LaValley stated that he supports Ms. Gilmore comments about concerns for pedestrian safety. He also stated that other stores in the area are open during the day, but this establishment will have later hours so he did have a concern about lighting in the parking lot at night.

The Board suggested that continuing the Parking Plan review to another meeting so concerns about lighting could be explored.

*The Board took a 15 minute recess.*

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 Special Permit with conditions outlined in staff's memo as well as approving the Findings of Fact as proposed by the applicant and modified by staff.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 to continue the Parking Lot Plan application to the August 28, 2019 Planning Board meeting.

*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.

**8. 29 Genesee Street & 29, 33, 39 & 49 James Street (PB-2019-048)**

a. Public Meeting – Definitive Site Plan

Patrick Doherty of MidPoint Engineering appeared upon behalf of the applicant, James Street Plaza, LLC.

Mr. Doherty reviewed the proposal.

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 with the following amendments:

- Amend item 1C to read "Provide rip-rap detail."
- Eliminate item 1J.
- Amend item 1K to read "Reconstruct the sidewalk along James Street to be 7 feet wide to accommodate the existing utility pole intrusions."

*List of Exhibits*

- Exhibit A: Definitive Site Plan Application; received July 3, 2019; prepared by MidPoint Engineering + Construction, LLC.
- Exhibit B: Definitive Site Plan; dated August 1, 2018 and revised on August 2, 2019; prepared by MidPoint Engineering + Construction, LLC.
- Exhibit C: Elevations; dated January 1, 2013; prepared by Designhaus Architecture.
- Exhibit D: Fire Department Comments

**9. 56 (aka 62) Millbrook Street (PB-2019-050)**

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

Attorney Joshua Lee Smith appeared upon behalf of the applicant, Suns Mass II, LLC.

The applicant seeks to allow an Adult Use Marijuana establishment – Storefront Retailer Use on the property and to re-configure and expand the existing parking area into a +/- 41 space parking lot.

Mr. Smith provided a history of the company and the proposal 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 re-open the Public Hearing to see if there was any public comment.

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 Ms. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Special Permit for Adult Use Marijuana Establishment – Storefront Retailer Use with conditions outlined in staff's memo, to accept the Findings of Facts as proposed by the applicant and modified by staff, and to approve the hours of:

- Monday thru Saturday, 8:00 a.m. – 11:00 p.m.
- Sunday, 8:00 a.m. – 11:00 p.m.

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

1. Distances from adjacent buildings
2. Percentage of the lot covered by the principal and accessory buildings, proposed and existing
3. Requirement to provide 1 interior tree per 10 interior parking spaces. The applicant is proposing one tree, in excess of what exists today, while one additional tree is otherwise required.

Upon a motion by Ms. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Parking Plan approval with conditions outlined in staff's memo deleting item 1B.

*List of Exhibits*

- Exhibit A: Special Permit Application for Adult Use Marijuana; submitted July 10, 2019; prepared by Bowditch & Dewey, LLP.
- Exhibit B: Site Development Plans; dated June 11, 2019; prepared by Bohler Engineering.

**10. 70 (aka 76, 76B & 78), 80, 86, 88 (aka 88A & 88B) Webster Street & 91 (aka 75 & 6 & 6A Jacques Street) Webster Street (ZA-2019-006)**

- a. Public Hearing – Zoning Map Amendment

Attorney Donald O'Neil appeared upon behalf of the applicant, Worcester Affordable Housing, LLC.

Worcester Affordable Housing, LLC seeks to amend the City of Worcester Zoning Map by including the properties located at 70, 80, 86, 88, and 91 Webster Street within the Adaptive Reuse Overlay District. The properties are presently located solely within the MG-2.0 (Manufacturing, General) zoning district.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo, the Board voted 4-0 to recommend the Zoning Map Amendment to City Council.

*List of Exhibits*

## **Other Business**

### **11. Street Petition(s)**

- a. Request to Discontinue, Abandon, and Remove from the Official Map a portion of Foster Street (Public) (ST-2019-012)

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted to recommend 4-0 to recommend the item favorably to City Council the request to Discontinue, Abandon, and Remove from the Official Map a portion of Foster Street.

- b. Requests to Discontinue, Abandon, and Remove from the Official Map (ST-2019-013):
  - i. A Public portion of Assonet Street
  - ii. A Public portion of Plymouth Street
  - iii. Two Public portions of Gold Street
  - iv. A Public portion of Washington Street

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Requests to Discontinue, Abandon and Remove from the Official Map aforementioned streets.

- c. Requests to Layout new public ways to be added to the Official Map (ST-2019-013):
  - i. Canal Street
  - ii. Green Island Boulevard
  - iii. Summit Street

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Request to Layout new public ways to be added to the Official Map the aforementioned streets.

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

- a. 310 Highland Street (Public) and Suburban Road (Public) (AN-2019-040)

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

- b. 73-75 Townsend Street (Public) (AN-2019-037)

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

### **13. 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)
- c. Items 14a and 14b held to the August 28, 2019 Planning Board meeting.

### **14. Communication(s)**

- a. Final Environmental Impact Report (EIR) for Worcester Downtown Urban Revitalization Plan Amendment #1 (Triple A Ballpark/Mixed Use Development).No comment.

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

Upon a motion by DePalo and seconded by Ms. Gilmore, the Board voted 4-0 that a discussion be held at the August 28, 2019 Planning Board meeting to discuss the distribution of Planning Board documents to the public.

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

Mr. Rolle presented a certificate of appreciation to Mr. Mitra thanking him for his years of service to the Planning Board.

**Adjournment**

Upon a motion by Mr. Mitra and seconded by Ms. Gilmore, the Board voted 4-0 to adjourn the meeting at 7:45 p.m.