

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

September 23, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 1601714991), which was publicized on the posted meeting agenda and during the video broadcast.

Planning Board Members Participating: Albert LaValley, Chair
Paul DePalo, Vice-Chair
Eleanor Gilmore, Clerk
Edward Moynihan
John Vigliotti

Planning Board Members Not Participating:

Staff present: Stephen Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Joanne Valade, Inspectional Services Division
Nicholas Lyford, Department of Public Works & Parks
Alexandra Kalkounis, Law Department

Call to Order – Mr. LaValley called the meeting to order at 5:30 PM. Mr. Rolle noted that this would be Mr. Vigliotti's last meeting as a Board member and thanked him for his service.

Approval of Minutes- None

Requests for Continuances, Extensions, Postponements, and Withdrawals

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to extend, postpone, and withdraw the following items at noted:

1. **Ballpark Area Parcels** - Madison Street, Gold Street, Canal Street, Summit Street, Washington Street, and Ash Street (Public) (AN-2020-039)

Postpone to 10/7/2020, Extend Constructive Grant Deadline to 10/29/2020

Old Business

1. **185 Madison Street (PB-2019-079)**

Previous Testimony Date(s): 9/16/2020

- a. Public Hearings –

Mr. Rolle presented the project noting that this use would ordinarily not be allowed in the CCOD but it is a pre-existing use. He added that provisions in the CCOD ordinance allow for the expansion and

alteration of pre-existing non-conforming uses. He described the proposed changes to the site and staff recommended conditions for the site plan and special permit as detailed in the staff memo.

Robert Bronca spoke on behalf of the applicant J&K Gas. He noted that the applicant was amenable to the recommended conditions. He added that he felt the proposed design made the site less non-conforming than before by moving the drive-thru further from the buffer zone of multiple residences. He discussed the services offered by the proposed convenience store tenant and added that a significant portion of the property was taken during the Kelley Square redevelopment.

Mr. LaValley asked about the staff recommendation to change the corner of the building to allow better visibility in the Kelley Square roundabout. Mr. Bronca said the applicant was amendable to that recommendation.

DPW&P submitted comments supporting staff's recommended condition to ban left turns from the property onto Madison Street.

There were no additional staff comments.

There were no public comments.

Mr. DePalo had no additional comments.

Ms. Gilmore emphasized that she felt the crosswalk on the property be a raised crosswalk and the importance of left turn prohibition. She had no additional comments.

Patrick Healey of Thompson-Liston Associates spoke on behalf of the applicant and raised concerns that a raised crosswalk would impact drainage on the property. Mr. Bronca reiterated those concerns.

Mr. Moynihan asked about parking calculations and if any of the parking stations had EV charging stations.

Mr. Healey noted that the parking calculations were based on CCOD ordinances. Mr. Bronca noted that the lot would be EV ready.

Mr. Moynihan expressed his support for an option for a raised crosswalk.

Mr. LaValley asked staff for clarification as to which sidewalk was being discussed. Mr. Rolle clarified.

Mr. Vigliotti had no additional comments.

Mr. Rolle asked the applicant if they were using the existing driveways as constructed on Madison Street. Mr. Bronca confirmed. Mr. Rolle suggested adding a condition of approval the east Madison Street driveway be reconciled with field conditions. Mr. Bronca was amenable.

- i. Special Permit for CCOD to allow drive-through facilities and services
- ii. Special Permit for CCOD for relief from the maximum front-yard setback dimensional requirement

b. Public Meeting – Definitive Site Plan

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to approve the Special Permits and Definitive Site Plan including the Finding of Facts as noted in the staff memo, and with staff Condition of Approval 1.i. modified to state "Use of a tabled crosswalk if drainage design can accommodate, or if not a colored/textured asphalt, within the crosswalk at the entrance to the drive-thru;" & to Add a Condition of Approval that the E. Madison St. Driveway location be reconciled with field conditions.

New Business

2. Malden Woods Subdivision (aka 0 Whipoorwill Drive & 0 Danielle's Way, Castine Street, Danielle's Way and Whipoorwill Drive Right of Ways) (PB-2018-026)

Ms. Smith provided a summary of the project as detailed in the staff memo.

Mr. Mark Donahue spoke on behalf of the applicant. He noted some of the comments made by Ms. Smith regarding the history of the project and noted that there is a wetland crossing in the project area and that the applicant is working with the Conservation Commission. He added that the applicant appeared before the Conservation Commission earlier in the week and were given a list of conditions of approval similar to those laid out by staff in the memo. He added that the Conservation Commission voted to close the public hearing and would be voting on the site plan at their next meeting. He added that if the Planning Board were to approve the site plan, the applicant could develop one plan revision that satisfied the conditions of approval for both the Conservation Commission and the Planning Board.

Staff Comments

There were no additional staff comments.

Public Comments

Mr. David Dileo of Worcester commented that the street was private and noted that the abutters did not agree to the improvements on the street. Mr. Donahue noted that all of the improvements are the sole obligation of the developer and existing residents would not be expected to contribute. Mr. Dielo asked who would maintain the catch basin after construction. Mr. Rolle noted that the Conservation Commission did not have a definitive answer but subsequent discussions with DPW&P have determined that when a private street is improved the residents all share in the responsibility for maintenance of the street (paving, resurfacing, etc.) but in Worcester the City assumes the responsibility for maintain utilities including stormwater. He noted that no costs would be borne by the abutting property owners and they could petition the City Council to make the street public which would absolve the property owners from any future improvement costs. Mr. LaValley asked if one of the conditions of approval was to petition the City Council to make the street public. Mr. Rolle clarified that the suggestion for the applicant to petition to make all new streets public. Ms. Smith clarified the extent of the improvements to be completed by the applicant.

Mr. Dileo asked if there was a way to petition against the project. Mr. LaValley said he was unaware of one and noted the narrow and focused purview of the Planning Board. Mr. Dileo expressed his concerns about the catch basin in the proposed plan.

Mr. Dileo expressed concerns about the proposed additional road width. Mr. Rolle noted that the improvements on Whipoorwill would be entirely within the right of way. There was a discussion of the rights and responsibilities related to private ways within the City. Mr. Donahue said he believed the proposed roadway width was an appropriate compromise between public safety and environmental concerns.

Ms. Lesley Wilson of HS&T Group added that the proposed roadway width would be 28 feet.

Ms. Carolyn Troy of Worcester expressed concerns with the catch basin in the plan. She also raised concerns about drainage on the street. Ms. Smith summarized DPW's responses to those issues.

Ms. Wilson summarized her conversations with DPW regarding the drainage and sewer lines and noted that the project would not connect into the existing sewer line.

Mr. Donahue added that a proposed condition of approval was a preconstruction planning with DPW&P.

Ms. Troy expressed concern about runoff into the brook.

Ms. Wilson described the water flow on the property.

Mr. Dileo expressed concerns with runoff into the brook and retention pond.

Mr. LaValley summarized the engineer's comments as to how the proposed drainage system will function.

Ms. Smith summarized how stormwater retention requirements are determined.

Mr. Ken Jordan of Worcester expressed concerns about existing and proposed stormwater runoff.

Board Comments

Mr. Vigliotti had no additional comments.

Mr. Moynihan noted the abutters' concerns but added that many of those concerns were beyond the purview of the Planning Board and recommended the abutters reach out to their district councilors.

Ms. Gilmore echoed Mr. Moynihan and Mr. Vigliotti's comments. Noted that residents often come to the Planning Board with concerns beyond the purview of the Board and this indicated a breakdown in public outreach elsewhere. She asked for clarification from the applicant if they would be asking for all of the waivers laid out in the staff memo. Mr. Donahue confirmed.

Ms. Smith described the staff recommended conditions of approval.

- a. Public Hearing – Definitive Subdivision Plan Amendment
- b. Public Meeting- Definitive Site Plan

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

Upon a motion by Ms. Gilmore and seconded by Mr. Moynihan, the Board voted 4-0 to approve the Definitive Site Plan Amendment and the Definitive Site Plan with the staff recommended Conditions of Approval, striking Condition 1.K from the Plan revision and adding a waiver of elevations for all buildings within the Definitive Site Plan.

Other Business

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

- a. 13 & 15 Keach Avenue (Private) (AN-2020-045)

No action

4. Request for Acceptance of (Open Space) Restrictive Covenant(s)

- a. Worcester Country Club Acres (CCRC) (PB-2018-042)

Upon a motion by Ms. Gilmore and seconded by Mr. Moynihan, the Board voted 4-0 to accept the restrictive covenant for open space.

5. Discussion of Board Policies and Procedures

Mr. Moynihan thanked Mr. Vigliotti for his service on the Board.

Adjournment

Upon a motion by Mr. Vigliotti and seconded by Mr. Moynihan, the Board voted by unanimous consent to adjourn at 7:53 p.m.