

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

**October 28, 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  
Toni Molinari  
Edward Moynihan

**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  
Jennifer Beaton, Law Department

**Call to Order – 5:30 PM Approval of Minutes – None**

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

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to continue or postpone items 1, 2, 3, 4, 6, 12e, 12f, 12m, and 12n to the dates noted.*

**1. Country Club Acres CCRC (aka 190 Mountain Street East & fka Paradise Point) (PB-2020-034) - Continued to 11/18**

a. Public Meeting – Definitive Site Plan Amendment

*Testimony Date(s): 10/7/2020*

**New Business**

**2. 115 Northeast Cutoff (PB-2020-011) - Postponed to 11/18**

a. Public Hearings –

i. Special Permit to allow expansion, alteration, change of pre-existing non-conforming uses within the Water Resource Protection Overlay District

ii. Special Permit to allow more than 20% impervious surface within the Water Resource Protection Overlay District

b. Public Meeting – Definitive Site Plan

**New Business**

**3. 11 & 22 (aka 24) Canterbury Street (PB-2020-058) - Postponed to 11/18**

a. Public Meeting – Definitive Site Plan

#### 4. 36 & 40 Jackson Street (PB-2020-061) - Postponed to 11/18

- a. Public Hearing – Special Permit to allow an Adult Use Marijuana establishment, retailer use

#### 5. 516 Plantation Street (PB-2020-064)

- a. Public Meeting – Definitive Site Plan

Ms. Smith presented the project and outlined staff recommendations.

Mr. Carl Hultgren from Quinn Engineering appeared on behalf of the applicant and described the proposed project. He noted that the architectural plans would be updated to reflect the site plan. He noted that the applicant had no objections to the staff recommendations with a few exceptions. He noted that staff recommendations asked for details on the bollards used in the project and he stated that no bollards would be included in the project. He added further that the proposed swale was to be removed following comments from the Conservation Commission.

Ms. Smith added that the staff recommendations memo language should be updated for recommendations b and j, adding recommendations m and n, and to striking recommendation k.

Mr. LaValley asked the applicant if there was any opposition to the conditions Ms. Smith listed. Mr. Hultgren stated that he was amenable to the conditions and had no additional comments.

No further staff comments.

Ms. Jenna Hogan of Plantation Street, Worcester expressed her opposition to the project.

No further public comments.

Mr. Moynihan asked for clarification on the driveway location. He had no further comments.

Mr. DePalo had no comments

Ms. Molinari had no comments

Ms. Gilmore addressed the public commenter, noting that the project was before the Planning Board due to the slope of the lot, otherwise the project would be allowed by right. As a point of clarification, she asked if recommendation h should be struck as there would be no bollards in the project.

Ms. Smith asked that the applicant confirm there were no bollards in the project area.

Mr. Hultgren confirmed this.

Ms. Gilmore had no additional comments.

Mr. LaValley noted that an abutter submitted a letter regarding this projects asking: if this property's parking area would impact the parking areas of abutting properties and a fence could be installed, what would happen to an existing stone wall on the property, if the water shutoff in the street would be moved, if there would be disruptions to electric or internet service. The letter also asked if a proposed red oak on the property could be replaced with an evergreen to prevent acorns from falling on abutting properties, and if the applicant would make any repairs to the road caused by construction vehicles.

Mr. Hultgren noted that he has spoken with the author of the letter and conveyed to the abutter that construction would not disturb his driveway, that the stones could be removed, the water shutoff would not be disturbed, and that the applicant would be amenable to replacing the oak tree and that construction access would not impact abutting properties.

Mr. LaValley clarified that the question was whether the developer would repair the road if construction equipment impacted existing paving.

Mr. Hultgren could not say definitively adding that such a determination would likely require review from a lawyer.

Mr. LaValley address the public commenter echoing her concerns about the building design but noted that the design was beyond the purview of the Planning Board.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Definitive Site Plan, subject to conditions outlined in the staff memo, modifying condition 1b, and striking condition 1h.*

**6. 1451 Grafton Street (PB-2020-066) - Postponed to 11/18**

a. Public Hearing –Special Permit to allow an Adult Use Marijuana establishment, cultivator & product manufacturer uses

**7. 63 North Street (PB-2020-067)**

a. Public Meeting – Definitive Site Plan

Ms. Smith presented the project and outlined staff recommendations. She noted that the applicant was proposing wheel tracks in the front yard with a pervious plastic matrix onto which sod can be placed between the tracks.

Mr. Michael Andrade from Graves Engineering spoke on behalf of the applicant. He noted that the applicant was amenable to the changes noted in the staff recommendations but wanted to speak further about the materials used in the proposed wheel paths. He noted that the materials were selected to comply with bylaw restrictions on front yard impervious surfaces. He added that he has received comments from DPW and the Fire Department and does not object to their comments.

There were no further staff comments.

There were no public comments.

Ms. Gilmore praised the applicant’s use of innovative materials to reduce impervious surfaces. She supported staff’s recommendation that the wheel tracks be concrete rather than asphalt.

Ms. Molinari had no additional comments.

Mr. Moynihan asked if the Fire Department’s recommendation that the building include sprinklers was being included in the plan. Ms. Smith confirmed this.

Mr. Moynihan stated that in regards to the wheel tracks, concrete has a longer lifespan than asphalt and is preferable aesthetically.

Mr. DePalo echoed Mr. Moynihan’s comments in re: concrete.

Mr. LaValley expressed his strong support for concrete into asphalt both from an aesthetic and environmental standpoint.

Mr. Rolle noted that staff supported concrete.

Mr. Andrade noted that the applicant accepted the condition of including concrete wheel tracks.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Definitive Site Plan, subject to conditions outlined in the staff memo and grant a waiver for labelling trees in excess of 9” in diameter.*

**8. 370-372 Pleasant Street & 30 Russell Street (PB-2020-068)**

a. Public Meeting – Parking Plan

Ms. Smith presented the proposal and staff recommendations. She noted that the applicant was amenable to those recommendations and that the proposal would require two waivers as detailed in the staff memo. She added that neither DPW nor WFD had additional comments.

Mr. Matt Bombaci from Bohler Engineering spoke on behalf of the applicant. He stated that the applicant was amenable to the recommendations Ms. Smith laid out and that the applicant received two additional comments from DPW regarding drainage connections, to which the applicant is also amenable.

Mr. Lyford noted the drainage connection conditions and had no further comments.

There were no public comments.

Mr. DePalo had no comments.

Ms. Gilmore stated that she would like to have seen a more robust landscaping plan and asked if the applicant could speak to that. Mr. Bombaci noted that staff comments had requested additional street trees and the applicant was amenable to that and would maintain existing vegetation to remain within the applicant's budget. Ms. Gilmore had no further comments.

Ms. Molinari had no comments.

Mr. Moynihan noted the inclusion of bike racks in the plan and asked if there would be any electric vehicle charging infrastructure. Mr. Bombaci said there were no plans for electric vehicle charging locations. Mr. Moynihan noted that funding was available for electric vehicle charging infrastructure and encouraged the applicant to discuss that with National Grid. Mr. Moynihan had no further comments.

Mr. LaValley asked for clarification on the scope of the project. Mr. Bombaci stated that the existing parking lot is largely degraded and gravel in some places. The project would formalize the existing parking by paving the lot and installing curbs and catch basins to channel stormwater to drainage infrastructure. Mr. LaValley echoed Mr. Moynihan's comments regarding electric vehicle infrastructure.

Mr. Moynihan added that future uses of the property may be desire electric vehicle charging infrastructure.

Ms. Gilmore asked if the applicant would be requesting the two waivers. Mr. Bombaci confirmed.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Parking Plan, subject to conditions outlined in the staff memo and DPW comments, and grant two waivers as outlines in the staff memo.*

#### **9. Kettlebrook Way (aka part of 264 Stafford Street) (ST-2020-013)**

a. Public Hearing – To Remove a Private Way from the City's Official Map

Mr. LaValley recused himself from this item and handed the gavel to Mr. DePalo.

Ms. Smith presented the proposal and staff recommendations.

There were no additional staff comments.

There were no public comments.

Ms. Gilmore had no comments.

Mr. Moynihan had no comments.

Ms. Molinari had no comments.

*Upon a motion by Ms. Gilmore and seconded by Mr. Moynihan, the Board voted 4-0, with Mr. LaValley recused, to close the Public Hearing on this item.*

*Upon a motion by Ms. Gilmore and seconded by Mr. Moynihan, the Board voted 4-0, with Mr. LaValley recused, to remove the entire length of Kettlebrook Way from the City's Official Map subject to the staff recommendation outlined in the memo.*

#### **10. Zoning Ordinance Amendment (ZA-2020-010)**

a. Public Hearing – To modify and/or establish zoning requirements relative to self-storage facilities

Mr. LaValley resumed control of the gavel.

Mr. Rolle described the proposed amendment to the City Zoning Ordinance. He noted that self-storage facilities were not currently classified differently than commercial storage facilities. He stated that the proposed amendment would treat self-storage as a distinct use, allowing for self-storage facilities in BG and ML districts, with a special permit. He noted that a new parking requirement would be created for this use, adding that self-storage facilities generally have few employees and a few customers at a time.

He added that the vote taken by the Planning Board would be to recommend the Zoning Ordinance Amendment to the City Council.

There were no public comments.

Ms. Molinari had no comments.

Mr. Moynihan had no comments.

MS. Gilmore asked if a parking maximum had been considered by staff. Mr. Rolle stated that for any businesses within the CCOD a parking maximum would already apply. He added that staff did not propose a parking maximum outside of the CCOD due to the lack of a good mechanism for that within the existing ordinance.

Ms. Gilmore had not further comments.

Mr. DePalo expressed his support of the amendment.

Mr. LaValley also expressed support for the amendment.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to close the Public Hearing on this item.*

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to favorably recommend the Zoning Ordinance Amendment relative to Self-Storage Facilities the petition to City Council.*

## **Other Business**

### **11. Subdivisions**

#### **a. 35 Modoc Street (Anthony Circle)**

i. Request to set a bond amount and work completion date for a performance agreement

ii. Request for release of restrictive covenant

Ms. Smith presented the proposal and staff recommendation noting that DPW recommends a bond of \$176,000 as outlined in the staff memo.

The Board had no comments.

Mr. Lyford had no additional comments.

Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the board voted 5-0 to grant release of all 17 lots from the restrictive covenant, establish security in the amount of \$176,000 and set a work completion date of December 13, 2022 for performance agreement with Anthony Circle aka 35 Modoc Street Subdivision.

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

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

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

#### **b. 63 Norfolk Street & 432 Franklin Street (Public) (AN-2020-046)**

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

#### **c. 41 & 45 Montague Street (Public & Private) (AN-2020-051)**

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

#### **d. 9-15 Ridge Street (Public) (AN-2020-052)**

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

- e. 857 Main Street & 19 Ripley Street (Public) (AN-2020-054) - Postponed to 11/18
- f. 19 Hilda Street (Public) & 112 Osceola Avenue (Public) (AN-2020-055) - Postponed to 11/18
- g. 394-396 Lake Avenue (Public) (AN-2020-058)  
*Upon a motion by Ms. Gilmore seconded by Mr. DePalo, the Board voted 5-0 to endorse.*
- h. 24-26 Bullard Avenue (Public) (AN-2020-060)  
*Upon a motion by Ms. Gilmore seconded by Mr. DePalo, the Board voted 5-0 to endorse.*
- i. 53-55 Wilbur Street (Public) (AN-2020-061)  
*Upon a motion by Ms. Gilmore seconded by Mr. DePalo, the Board voted 5-0 to endorse.*
- j. 101-105 Piedmont Street (Public) (AN-2020-062)  
*Upon a motion by Mr. DePalo seconded by Mr. Moynihan, the Board voted 4-0 to endorse with Ms. Gilmore recused.*
- k. 173 Ludlow Street (Public) (AN-2020-063)  
*Upon a motion by Ms. Gilmore seconded by Mr. DePalo, the Board voted 5-0 to endorse.*
- l. 12 Laurier Street & 230 Clover Street (Public) (AN-2020-064)  
*Upon a motion by Ms. Gilmore seconded by Mr. DePalo, the Board voted 5-0 to endorse.*
- m. 134 Ararat Street (Public) (AN-2020-065) - Postponed to 11/18
- n. 5 Chino Avenue & 21 Seattle Street (Public) (AN-2020-066) - Postponed to 11/18
- o. 79 Valmor Street (Public) (AN-2020-067)  
*Upon a motion by Ms. Gilmore seconded by Mr. DePalo, the Board voted 5-0 to endorse.*

## **Other Business**

### **13. Communication(s)**

None

### **14. Discussion Regarding Zoning Ordinance Provisions for:**

a. Affordable Housing

b. Continuing Care Retirement Communities (CCRCs)

Ms. Smith noted that the Board had requested to speak on this topic at the last meeting.

Ms. Gilmore noted that there were provisions in the Zoning Ordinance relative to affordable housing that are optional and infrequently used. She added that the Ordinance CCRC requirements don't always serve the CCRC population in terms of the distance from amenities.

Mr. Moynihan noted that at an upcoming meeting the Board would be looking at a CCRC. He added that in the past the Board has wanted more specificity in CCRC ordinances.

Mr. Rolle and Ms. Beaton discussed the appropriate ways for Board members to work on these topics and present research and ideas to the Board and staff.

Mr. LaValley asked about the process for amending the Zoning Ordinance.

Mr. Rolle stated that the Board has the authority to initiate amendments but he would prefer to consult with the Law Department and report back to the Board.

Ms. Beaton note that there were detailed statutory requirements for amendments and briefly described the process.

Mr. LaValley raised some of the Board's concerns regarding CCRCs and asked if examples of inclusionary zoning elsewhere in the Commonwealth might be helpful for Mr. Moynihan.

Ms. Gilmore expressed support for Mr. LaValley's comments and suggested allowing accessory dwelling units, reducing single-family zoning and eliminating parking minimums to promote affordable housing.

Mr. Moynihan suggested that the Board should focus on CCRC ordinance first.

Mr. DePalo agreed that revising the CCRC ordinance made sense in the short term but mentioned that looking at the Zoning Ordinance as a whole is preferable.

Mr. LaValley asked if staff could address the Zoning Ordinance.

Mr. Rolle noted that current staffing levels would not allow for this but he expected vacancies to be filled soon. He added that the immediate priority is to launch the Long Range Plan.

Ms. Gilmore asked that the Board continue this discussion.

Mr. LaValley asked of other boards that have administrative meetings.

Mr. Rolle said that Mr. LaValley could schedule a meeting and set an agenda for discussions.

Mr. LaValley asked the Board if they supported that idea.

Mr. Moynihan supported the idea but noted that as volunteers, the Board should have substantive issues to discuss to make it worthwhile.

Mr. Rolle noted that staff would look into times for these meetings.

Ms. Gilmore expressed her support for these meetings.

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

### **Adjournment**

*Upon a motion by Ms. Gilmore seconded by Mr. DePalo, the Board voted 5-0 to adjourn at 7:40 pm.*