



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

Wednesday, December 1, 2021

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at
<https://cow.webex.com/meet/planningboardwebex> and
call-in number 415-655-0001 (Access Code: 1601714991).

Board Members Present: Albert LaValley, Chair
Edward Moynihan, Vice Chair
Conor McCormack

Board Members Absent: Kevin Aguirre, Clerk

Staff Present: Marisa Lau, Division of Planning & Regulatory Services (DPRS)
Michelle Smith, DPRS
Nick Lyford, Department of Public Works – *Participated remotely*
Alexandra Kalkounis, Law – *Participated remotely*
Jody Kennedy Valade, Inspectional Services – *Participated remotely*

Call to Order

Board Chair LaValley called the meeting to order at approximately 5:30 pm.

Requests for Continuances, Extensions, Postponements, and Withdrawals

1) 573 Grafton Street (PB-2021-020)

Request to continue the public meeting to December 22, 2021 and extend the constructive grant deadline to January 13, 2022.

No Comments.

3) 47R Fourth Street (PB-2020-072)

Request to postpone the public meeting to December 22, 2021 and extend the constructive grant deadline to January 13, 2022.

No Comments.

4) 5, 7 & 9 Richards Street (PB-2021-014)

Request to postpone the public meeting to January 12, 2022 and extend the constructive grant deadline to February 3, 2022.

No Comments.

5) 4 Henschman Terrace (PB-2021-060)

Request to postpone the public meeting to December 22, 2021 and extend the constructive grant deadline to January 13, 2022.

No Comments.

6) 700 Plantation Street (PB-2021-076)

Request to postpone the public hearing to December 22, 2021 and extend the constructive grant deadline to January 13, 2022.

No Comments.

On a motion made Mr. Moynihan and seconded by Mr. McCormack, the Board voted 3-0 to grant the continuance and postponements.

New Business

2) Arboretum Village Phase IV Subdivision (PB-2020-052)

Attorney Jennifer Kurzon appeared before the Board in person on behalf of the applicant. Applicants Steve Gallo and Robert Gallo, and Zach Couture, engineer, participated in the meeting remotely.

Attorney Kurzon addressed comments and requests issued in the DPRS memo regarding the proposed plans, including a request for additional trees to be planned; for varied species to be used in the planting plan; traffic control measures; extension of erosion control measures; a request to obscure a black vinyl fence with plantings, which Attorney Kurzon stated would be near impossible to accomplish, etc.

Ms. Smith reviewed the items that the Board is being asked to consider, the first of which is a Site Plan application. She described the site plan with amendments that had been made since the last meeting, and showed it on the screen. She also reviewed the lot layout plan, an aerial view of the site, and engineered plans showing retaining walls. Ms. Smith noted that the engineered plans were not yet stamped and would need to be.

Ms. Smith noted that the Board would also be considering a number of requests related to surety, and a request to make Bittersweet Boulevard a public way. She reviewed the surety modifications.

Chair LaValley asked other members of city staff if they had any comments. Alexandra Kalkounis and Jody Kennedy Valade stated that they had no comment.

Nick Lyford of DPW reviewed a list of recommendations, including the recommendation to fully release the performance security on Bittersweet Boulevard, set the bond amount on Snowberry Circle, and to recommend a priority level 1 for the acceptance of Bittersweet Boulevard as public.

No public comment.

Board Discussion

Chair LaValley asked if the applicant would be amenable to provide plantings to screen the walls. Mr. Bob Gallo stated that wild plants and vegetation would be unmaintained to facilitate screening.

Mr. Moynihan asked who would be responsible for maintaining the walls after project completion. Applicants and staff stated that typically responsibility for maintenance is configured within the conveyance or through a deed restriction.

Mr. Bob Gallo stated that minimal maintenance would be required, and noted that the walls are erosion control walls, not retaining walls.

Mr. Couture stated that maintenance of walls falls on the homeowner.

Mr. Moynihan asked if handicap curb cuts are required to have truncated domes as well. Mr. Lyford stated that curb cuts with truncated domes are the City's standard.

Mr. McCormick asked for clarification from the applicant on the technical definition of erosion control walls, given that Mr. Bob Gallo stated that the walls in question are not retaining walls. Mr. Bob Gallo stated that there is very little pressure on the walls in question given the mild slope, and they simply exist to control erosion.

There was some discussion about building code among the applicants, staff, and board members. There was further discussion on why the type of wall chosen was chosen.

Mr. Steven Gallo commented on the erosion control walls in question, and told the Board that the cross section of walls that had been shown on the screen was not representative of the whole project, and was instead the worst case scenario, where four walls would be needed.

The Board stated that they would like to wait to see stamped engineered plans prior to voting, given how steep the slope is.

Ms. Kennedy-Valade stated that city staff is well aware that the retaining walls require stamped engineered plans, and that no building permits would be issued for them until the stamped plans were obtained. That satisfied the Board.

Upon a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 3-0 to approve the Definitive Site Plan for Arboretum Village Phase IV Subdivision as recommended by staff on pages 3 and 4 of 7 of the proposal, with the clarification on note (1b), the minimum length be labeled as 20 feet, and that on note (1h), 4 corners be amended to 2 corners, and also to approve the site plan waivers listed on page 4 of 7.

Upon a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 3-0 to approve the following surety modifications:

- i. To set a new work completion date of July 16, 2023, reflect the updated sunset date of September 16, 2023, and amend all restrictive covenants and performance agreements accordingly;
- ii. To amend the performance agreements to fully release surety (\$289,000 total) for Bittersweet Boulevard (stations 0+15 to 8+71);

iii. To set the amount of \$135,000 and form of surety as a letter of credit for the entire length of Snowberry Circle (stations 0+00 to 3+48); and

iv. To release lots 87, 88, 89L&R-96L&R from the Restrictive Covenant.

Upon a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 3-0 to recommend that City Council approve the conversion of Bittersweet Boulevard from station 0+15 to station 8+71 to public and to label it as a level 1 conversion.

7) Hemans Court (Hemans Street North +/- 400 feet) (ST-2021-001)

Attorney Donald O'Neill appeared in person to request the removal of Hemans Court from the official map. He stated that there is no structure on it, and that the hope is to consolidate the land surrounding Hemans Court.

Ms. Smith noted that the road does not serve any structures.

The law department, zoning, and DPW had no comment.

No public comment.

Board Discussion

Mr. Moynihan asked why the street was in the official map in the first place. Mr. O'Neil stated that there was once a house that it served, but it has been demolished.

There was brief discussion on why the street is proposed for removal, which is proposed in order to combine multiple lots and develop them.

On a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 3-0 to close the public hearing.

On a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 3-0 to approve the removal of Hemans Court from the official map.

Other Business

8) Approval Not Required (ANR) Plans(s)

- a. 85 Fales Street (Public) (AN-2021-067)
- b. 286 Lincoln Street & Norton Street (Public) (AN-2021-074)
- c. 666A & 666B Burncoat Street (Public) (AN-2021-075)

Ms. Lau gave an overview of the ANRs.

On a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 3-0 to endorse above ANRs.

9) Communication(s)

- a. Notice of a "virtual" community outreach meeting regarding a proposed Adult Use Marijuana Cultivator, Product Manufacturer, and Research Facility at 640 Lincoln Street; from Core Technologies; received November 12, 2021.

- b. Notice of a “virtual” community outreach meeting regarding a proposed Adult Use Marijuana Cultivator, Product Manufacturer and Research Facility at 640 Lincoln Street; from WeeDeliver LLC; received November 12, 2021.
- c. Notice of determination of eligibility for the National Register - 2 Main Street (former Worcester County Courthouse); from Massachusetts Historical Commission; received November 15, 2021.

10) Discussion of Board Policies and Procedures

No comment.

11) Approval of Minutes – 9/29/2021 & 11/15/2021

On a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 3-0 to approve the minutes of September 29, 2021.

Adjournment

On a motion by Mr. Moynihan and seconded by Mr. McCormick, the Board voted 3-0 to adjourn at approximately 6:55 p.m.