

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

**APRIL 18, 2007  
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

**Planning Board Members Present:** John Shea, Chair  
Scott Cashman, Vice-Chair  
Anne O'Connor, Clerk  
Margaret Guzman  
Nicole Xifaras Parella

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Robin Bartness, Division of Planning & Regulatory Services  
Lara Bold, Division of Planning & Regulatory Services  
Michael Traynor, Law Department  
K. Russell Adams, Department of Public Works  
Jody Kennedy-Valade, Code Department

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Chair Shea called the meeting to order at 5:35 PM.

**APPROVAL OF THE MINUTES**

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the March 21, 2007 and the April 4, 2007 minutes.

**REQUESTS FOR WITHDRAWALS OR CONTINUANCES**

1. **271 Mill Street (PB-07-68) – Definitive Subdivision:** Stephen O'Connell, representative for the applicant, requested a continuance to the May 16, 2007 meeting and an extension of the constructive grant deadline to May 24, 2007 to allow the applicant sufficient time to resolve pending legal issues. Upon a motion by Scott Cashman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the hearing to the May 16, 2007 meeting and to approve the extension of the constructive grant deadline to May 24, 2007.

**UNFINISHED BUSINESS**

2. **151 West Boylston Drive (PB-07-31) – Definitive Site Plan:** Todd Brodeur, representative for the applicant, presented the plan. Mr. Brodeur stated that the applicant proposes to convert a portion of the existing building into a retail furniture store. He also stated that the applicant had submitted a revised plan and would be able to make additional revisions based on Ms. Bartness' memo, dated April 13, 2007. Upon a motion

by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive Site Plan for 151 West Boylston Street with the following conditions:

- **Provide the following corrections to the zoning legend:**
  - a. **Provide one (1) loading space for Phase I.**
  - b. **Provide one (1) loading space for Phase II.**
  - c. **Label in the required column for loading spaces 2 (instead of 1 shown).**
- **On sheet 4, Note 2, correct reference to notes on page 5. The correct notes are E2-E6 instead of B1 to B6.**
- **Show erosion control devices on drainage plan.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

## **NEW BUSINESS**

### **PUBLIC MEETINGS**

3. **Lots 8-9, Sophia Drive, Lots 53-60, Holly Terrace (PB-07-34) – Definitive Site Plan:** Seth Toch, representative for the applicant, presented the plan. Mr. Toch stated that the applicant seeks to construct twenty single-family, semi-detached dwellings units. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the Definitive Site Plan for Lots 8 & 9, Sophia Drive and Lots 53-60, Holly Terrace with the following conditions:
  - **Add plan reference for Lots 8 & 9 Sophia Drive (Plan Book 853, Plan 66) on the cover sheet.**
  - **Relocate the driveway openings for lots 9L and 8R outside of the street intersection curb radius.**
  - **Provide revised plans clearly delineating utility infrastructure.**
  - **Provide a 10' separation for all water and sewer connections.**
  - **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**

- **Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
  - **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
  - **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**
4. **Lot 14S Sophia Drive (PB-07-36) – Definitive Site Plan:** Seth Toch, representative for the applicant, presented the plan. He stated that the applicant proposes to construct a single-family detached dwelling. Ms. O’Connor requested clarification regarding ownership of the proposed detention pond. Mr. Toch stated that the detention pond is located entirely on the property of Lot 14S and will serve as part of the drainage system for several lots in the Arboretum Subdivision. Mr. Traynor stated that the owner of Lot 14S will be legally responsible for the detention pond, a provision which will be noted in the deed for the property, and that through the Subdivision Approval process, the City was granted an easement to access the detention pond. Upon a motion by Anne O’Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the Definitive Site Plan for Lot 14S Sophia Drive with the following conditions:
- **Remove note on sheet 5 stating “no fencing is required around detention because pond is less than 4 feet deep”.**
  - **Label required six (6) foot chain link fence for detention pond on plan.**
  - **The plan reference of Plan Book 846, Plan 104 and Plan Book 851, Plan 121 is incorrect. Provide the correct plan reference which is Plan Book 853, Plan 66. Correct label on cover sheet.**
  - **Provide revised plans clearly delineating utility infrastructure.**
  - **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
  - **Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
  - **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
  - **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**
5. **44 West Boylston Street (PB-07-37) - Definitive Site Plan:** Mark Donahue, Matthew Wosiak, and Patrick Dunford, representatives for the applicant, presented the plan. Mr. Donahue stated that the applicant proposes to construct a CVS pharmacy with two drive-through lanes on the site. Mr. Wosiak stated that the applicant will provide additional landscaping as requested in Ms. Bold’s memo dated April 4, 2007. He also stated that the proposed snow storage areas will be removed from the required landscaped buffers

and will be provided in other green space on the site as well as in extra parking space areas abutting Woodbury Street. He informed the Board that the site has an excess of 30 parking spaces. Chair Shea asked if snow melting from the newly proposed snow storage areas and specifically the parking area near Woodbury Street would cause runoff issues for vehicles on Woodbury Street. Mr. Wosiak informed the Board that on-site catch basins, an off-site catch basin on Woodbury Street and a pavement swale would capture excess snow run-off and would not pose a problem to the vehicles on Woodbury Street. Ms. Bold stated that staff recommended an additional pedestrian access at the northern portion of the site because that portion of the site closest to the intersection of West Boylston Street and Millbrook Street would be the most accessible entry point for the surrounding residential areas and would be more pedestrian-friendly than the current layout which requires pedestrians to walk the full length of the site to access the entrance. Mr. Dunford stated that an additional pedestrian access would eliminate a portion of the proposed landscaped corner for the site. Ms. Bartness clarified that staff was recommending that the additional pedestrian access be located in place of one proposed parking space abutting the corner landscaped area, which would not cut through it. Margaret Guzman stated that there is not much pedestrian traffic in the neighborhood. Mr. Donahue also stated that an additional pedestrian access would have to meet ADA (American Disabilities Act) requirements. Chair Shea inquired about the line shown on the plan between the two drive-through lanes. Mr. Wosiak stated that there will be no raised curb between the two drive-through lanes. Chad Brown stated that there have been several accidents at the corner of Millbrook Street and Goldstar Boulevard and inquired if the plan proposed a traffic light. Mr. Shea stated that placement of a traffic light is not within the purview of the Board and suggested that Mr. Brown contact the Traffic Engineering Division at the Department of Public Works and Parks. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the Definitive Site Plan to the May 2, 2007 meeting to allow the applicant time to make additional revisions to the plan.

6. **13, 17, 19, 21, 23, & 27 Kilby Street and 216 & 218 Beacon Street (PB-07-38) – Definitive Site Plan:** The Board took up the Definitive Site Plan and the More than One Building on a Lot petitions contemporaneously. Todd Rodman, Stephen Teasdale, and Matthew Brassard, representatives for the applicant, presented the plans. Mr. Rodman stated that the applicant seeks to construct a total of fourteen dwelling units with three single-family attached dwellings each with three units and a two-family detached dwelling. In addition, he stated that the applicant seeks to construct an accessory parking lot to provide parking for some of the dwelling units. He also informed the Board that the proposed residential uses will comply with zoning setback and area requirements. In addition, he stated that the applicant is applying for a Special Permit from the Zoning Board of Appeals to allow an accessory parking lot in an RG-5 zone as well as a Variance for relief of off-street parking requirements because the proposed parking spaces will be located on a separate lot. Ms. Bartness stated that staff recommends approval of the project; however, the applicant must submit an additional plan that meets the More than One Building on a Lot requirements. Mr. Cashman asked for clarification regarding the comments in Ms. Bartness's memo, dated April 17, 2007 regarding the site's open space. Ms. Bartness stated that the project exceeds open space area normally required by the Board's general policy of 40-60 square feet of open space per dwelling unit. Chair Shea and Mr. Cashman commended the applicant on the architectural

integrity and landscaping for the project and stated that they wished all developers would put in the same effort into their developments.

Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Label street numbers of lots on sheet 1 (13, 17, 19, 21, 22, 23 & 27 Kilby Street / 216 & 218 Beacon Street).**
  - **Label exterior side yard setback for Lot 2 in dimensional requirement table.**
  - **Label height in stories and feet in the dimensional requirement table.**
  - **Label number of bedrooms for each unit.**
  - **Label construction materials for parking on Lots 1 & 3.**
  - **Label the area calculations for each “exclusive use area” on the site plan.**
  - **Utilize a minimum 12” RCP pipe for the drainage main line connections into the public street.**
  - **Use DR 18 PVC pipe for all catch basin connections.**
  - **The drainage system must connect to the City main through a manhole structure.**
  - **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
  - **Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
  - **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
  - **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**
7. **Lots 8-9 Ockway Street (PB-07-39) –Definitive Site Plan:** Seth Toch, representative for the applicant, presented the plan. He stated that the applicant seeks to construct two single-family, semi-detached dwelling on property with 15% or more slope. Chair Shea requested clarification regarding the possibility of accessing the lots from Rural Street. Mr. Traynor stated that the lots cannot be accessed from Rural Street unless and until such time that the Planning Board approves an 81-G for that portion of Rural Street. Chair Shea stated that he would like to see such a note labeled on the plan. Mr. Toch indicated that the existing driveway for the Zukowski property will be relocated and that the applicant has offered to assist with the driveway relocation costs. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the plan with the following conditions:
- **The legal address for this site plan is Lots 8 & 9 Ockway Street. Correct title block address on sheets 1 & 2.**
  - **David Arcuri & Mario Romeo are the applicants with the address of 63 Plantation Street, Worcester.**

- **John Magliaro Jr. & Magliaro Brothers are the owners with an address of 23 Pine Hill Road, Worcester.**
- **Separate applicants & owners with their respective addresses in the title block.**
- **Update plan reference once ANR that creates these lots is filed.**
- **Clarify the width for the driveways for 8L & 8R. There is a note that labels driveways as 24 feet wide, but 8L & 8R appear to be 10 feet wide each and 9L & 9R appear to be less than 24 feet wide also.**
- **Clarify location of driveway for 9L & 9R. The opening for 9L appears to either be only 5 feet wide or it only has access from 9R. The first scenario does not seem an adequate width for a driveway and the second scenario would require a cross access easement.**
- **Add a note to the plan that states that there will be no access from Rural Street to the rear of the lots unless and until such time Rural Street is improved through a street opening process (81-G) to the satisfaction of the Planning Board.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

## **PUBLIC HEARINGS**

8. **13, 17, 19, 21, 23, & 27 Kilby Street and 216 & 218 Beacon Street (PB-07-38A) More than One (1) Building on a Lot:** The application for More than One Building on a Lot was taken up contemporaneously with item #6 Definitive Site Plan. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to close the public hearing. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the More than One Building on a Lot with the following conditions:
- **The applicant shall provide a separate sheet in plan set, labeled "Definitive Plan-More than One Building on a Lot" that will meet the following:**
    1. Prepared by a Registered Professional Civil Engineer and/or Professional Land Surveyor, shall be drawn to a scale of 1" = 40' or larger as to permit a clear comprehension of the details to be considered.
    2. Title, Definitive Plan-More than One Building on a Lot;

3. Subdivision name, boundaries, north point-basis of bearing, date, scale and legend.
4. Name and address of the record owner, of the subdivider, and of the engineer and/or surveyor, and architect and/or designer if applicable.
5. Location and names of adjacent subdivisions and names of owners of adjacent lots or tracts, as disclosed by the most recent records of the City Assessor.
6. Locations, names, dimensions of streets and other ways or areas (including sidewalks) for public use, of lots and of any reservations or easements within the proposed subdivision.
7. Location, names, dimensions of all adjacent public and private ways that are within five hundred (500) feet of the proposed subdivision, as disclosed by the records of the Worcester Department of Public Works;
8. Total area of subdivision, including recreation and wetland areas;
9. Exact data to readily determine the location, direction and length of every street line, lot line, and boundary line and to permit the convenient location of these lines upon the ground. Wherever practicable the survey of subdivision shall be connected to the Massachusetts State Plane Coordinate System on the NAD-83 datum and such connection shall be shown by stating on the plan the coordinates of two (2) or more permanent monuments.
10. The location, by appropriate symbols, of all permanent monuments, street lights and street signs as required per Section IX – General Requirements and Design Standards.
11. Reference to at least two (2) permanent public highway monuments outside the project.
12. Locations and outlines of all existing buildings and site features such as stone walls, fences, large trees (12” caliper) or wooded areas, rock ridges and outcroppings, swamps/wetlands and water bodies within or adjacent to the proposed project.
13. Park or open areas suitable located for playground or recreation purposes within the subdivision, if any.
14. Proposed storm drainage system, including existing natural waterways and the proposed disposition of water from the proposed subdivision to adequate natural drainage channels or to artificial means of disposal.
15. Easements at least twenty (20) feet wide over adjoining property for the maintenance of street drains and sewers where necessary.
16. Location and species of proposed street trees and/or individual trees or wooded areas to be retained.
17. Proposed system of stream drainage, sanitary sewer system and water supply including all appurtenances.
18. Existing and proposed topography at two (2) foot contour intervals or as required by the Board.
19. Existing topography shall be the result of an actual survey acceptable to the Department of Public Works and the plans shall contain a statement to this effect signed by a registered professional land surveyor.
20. The layout plan shall also show the size, type, location of all storm drains, sanitary sewers and water mains and their appurtenances existing in or proposed for each street including natural waterways.

21. All elevations and benchmarks shall refer to the NAD-83 datum.
22. Any other information listed under the Preliminary Plan requirements not previously submitted.
  - The zoning classification shall be included in the legend provided that, if the land shown on the plan encompasses more than one zoning district, all zoning boundaries shall be shown and the districts designed accordingly
  - Title reference, date of deed, the Book and Page number or Land Court Certificate number, where applicable, should be included in the legend.
23. A locus map showing the proposed project, scale 1" = 1,000', or other suitable scale, shall be shown on the title sheet. If the plan is on multiple sheets, a key map shall be included.
24. A statement on the plan that the applicant will provide, at no cost to the City, all facilities shown on the plan including but not limited to roadways, curbs, bounds, drainage systems, earthworks, except as otherwise noted.

- **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

9. **Zoning Ordinance Amendment – Wind Energy Conversion Facilities:** Mr. Fontane presented the ordinance amendment. He stated that the purpose of the proposed Wind Energy Conversion Facilities (WECFs) ordinance amendment is to remove an existing regulatory barrier to development of wind energy and to provide reasonable regulations that seek to mitigate potential negative impacts and protect quality of life. He also stated that the proposed ordinance amendment empowers the Planning Board to consider wind turbines throughout the City through a Special Permit process.

Mr. Fontane then explained the proposed setback and siting requirements for wind turbines and described the application requirements and how the requirements were determined (See attached presentation).

He also stated that if the Planning Board finishes its deliberations on the matter, that the Land Use Subcommittee will likely hear the proposed zoning ordinance amendment on May 23, 2007. Chair Shea informed the audience that the Planning Board is a recommending body and will not make the final decision regarding the proposed ordinance amendment.

Dante Comparetto, representative for Grace Ross, presented a letter to the Board expressing support for the proposed ordinance amendment and suggesting that the proposed WECF ordinance should permit larger wind turbines.

Samuel Rosario stated that the proposed amendment was too restrictive particularly the setback requirements for wind turbines. He suggested that section C (Use Regulations) 1a, which regulates multiple turbines on one parcel, and section 1b, that requires the applicant to notify the electric utility company of the applicant's intent to install an interconnected customer-owner generator, be removed from the proposed ordinance amendment. He also stated that the proposed amendment should allow smaller residential wind turbines to be installed. He also requested clarification for why someone would only want to erect a meteorological tower.

Mr. Fontane stated that the proposed setbacks are based on how sound degrades over distance and research regarding human perception of sound. Theoretically a person located at a distance of 650ft. away from a wind turbine would experience sound levels comparable to a typical quiet suburban residential neighborhood, about ~45dBA. He also stated that the proposed ordinance amendment allows flexibility by giving property owners the ability to waive certain setback requirements if they agree. As for the meteorological towers, Mr. Fontane explained that prior to making a significant investment in wind turbine facilities; potential investors need actual measurements of wind speed and direction to determine the suitability of a particular site. As such it is important that the ordinance permit the use of meteorological towers.

Chair Shea requested clarification regarding the need to report the installation of a WECF to utility companies. Mr. Fontane stated that the provision will ensure communication between utility companies and those generating electricity. He also stated that applicants are only required to notify utility companies but are not required to seek their approval.

Chair Shea asked Mr. Fontane to address the question of smaller residential wind turbines. Mr. Fontane stated that the current proposed ordinance amendment does not address smaller residential wind turbines, but future amendments to the ordinance could incorporate provisions for smaller facilities. He informed the Board that insufficient resources needed to research and develop appropriate regulations for small-scale wind turbines are the reasons smaller residential turbines were not included in the proposed ordinance amendment.

Chair Shea asked if the Department of Public Works and Parks reviewed the ordinance and if Mr. Fontane had interviewed experts in the field. Mr. Fontane stated that Commissioner Moylan review the Use of Public Roads section of the ordinance amendment. Mr. Fontane also stated that he consulted with industry experts as part of his research.

Mr. Rosario asked if staff had researched how many parcels in the City of Worcester would meet the proposed setback requirements for wind turbines. Mr. Fontane stated that the number of eligible sites will vary depending on various factors, including the presence of occupied buildings and possibility of waiver agreements. Mr. Traynor stated that any waivers granted for WECFs would become part of the deed record. Mr. Rosario expressed concern with the limited number of potential sites, indicating that there may be too few.

William Picard stated that the proposed amendment will allow wind turbines to be placed in the City, allowing the City to reduce its carbon footprint. He also stated that despite the proposed setback requirements, economics of energy will drive cooperation between landowners.

Kevin Shulte stated that his company is working with Holy Name High School and their potential WECF and stated that the school wants to be a good neighbor and will propose an 850' buffer.

Thomas Goram asked if there were any more current studies regarding sound than the March 1974 study Mr. Fontane referenced in his presentation. Mr. Fontane stated that he believes the 1974 Environmental Protection Agency study referenced in the presentation is still relevant. He informed the Board that the study provides categorizations of sound levels measured in decibels based on human sensitivity using vernacular neighborhood types such as suburban, urban, or dense urban neighborhoods. He stated that the research has been used to assess the impact of airport sound, and encouraged residents to present other relevant data they may have, if any, regarding human sound sensitivity.

Councilor Haller stated that there is a hunger for wind power in the City and stated that proposed amendment is a step in the right direction.

Mr. Cashman asked for clarification on how high 265 feet is in comparison to other permitted structures and why 265 feet is important. Mr. Fontane stated that, as an example, the chimney at the Millbury Wheelabrator facility is 290 feet tall. As for why the proposed 265 ft. limitation is proposed, Mr. Fontane stated that Worcester has a wind power class of 3 at 50 meters (165 ft.). Since wind power class 3 is considered the threshold below which wind power is not economically feasible it is an important to permit tower height to reach 165 ft. Moreover, a typical wind turbine mounted on a 165-foot tower would have a total turbine height (measured from the surface of the tower foundation to the tip of the blade at its highest point) of 265 feet.

Mr. Cashman also inquired if applicants are required to conduct a preliminary economic feasibility study. Mr. Fontane stated that applicants are required to submit a cost-benefit analysis as part of the application.

Mr. Cashman also asked Mr. Fontane to clarify sections of the proposed amendment that ask the Board to consider whether "reasonable efforts" have been made as in the case of efforts to minimize shadow flicker or address complaints. Mr. Fontane stated that the United Kingdom Dept. of Environmental Protection studies indicate that shadow flicker is generally not a large concern with wind turbines. He also stated that applicants are required to show where proposed shadow flicker may occur and that the Board, at its discretion, could ask the applicant to consider alternative locations to minimize shadow flicker.

Chair Shea asked if the Division of Code Enforcement staff was qualified to review the technical details of the proposed ordinance amendment. Mr. Fontane stated that Joseph Mikielian, the Director of Code Enforcement, is a certified building officer. He also stated that the ordinance requires the submission of an affidavit verifying that proposed facilities meet or exceed international certification program standards.

Mr. Cashman inquired whether Section M (1b) "Notification", which requires applicants to submit a report, on a quarterly basis, stating the total electricity generated by each wind turbine, was onerous. Mr. Fontane informed the Board that such a report would demonstrate that the turbine was still operational and stated that such report could be submitted less frequently than quarterly, but that the report should still provide information by month of service.

Chair Shea inquired whether a bond should be required in case the City would have to complete the decommissioning of a wind energy conversion facility and whether there were specialty insurers. Mr. Fontane stated that some other cities' ordinances that he researched require bonds or other funds for decommissioning. He noted that bonds provision would increase staff's administrative duties and indicated that the carrying costs associated with a bond may be better spent on maintenance and repair costs. Chair Shea added that cell phone towers are required to post a bond if required by the Zoning Board of Appeals.

William Mulford stated that he is in favor of the proposed project and indicated that he believes that wind turbines can be insured through a basic liability plan.

Mr. Cashman asked about what the fee would be to apply for a Special Permit for a WECF. Mr. Fontane stated that staff is still researching future revisions to the fee schedule but that under the current fee structure, the fee for the Special Permit would be \$125.00.

Mr. Rosario asked if there are any frontage requirements for lots with proposed WECFs and expressed concern regarding possible problems with lack of adequate access for the installation of these large structures. Mr. Fontane stated that while there are no frontage requirements for lots with a wind energy conversion facility, applicants must submit a maintenance plan and Use of Public Streets plan as part of the application that would include information about how the WECF will be transported and serviced.

Chair Shea asked for clarification regarding the need for the Use of Public Streets plan. Mr. Fontane noted that the plan provides additional communication to the Department of Public Works and Parks and provides assurances in the event of any damage to public streets.

Joan Hart asked if the proposed WECF amendment considers possible damage to birds and other wildlife. Mr. Fontane stated that research shows that clean window glass, such as the glass tower in downtown Worcester, is typically more detrimental to birds than single wind turbines. He also stated that the concern related to the avian impact of wind turbine facilities is primarily related to wind farms located within a migratory path, not single wind turbine installations. He also stated that the ordinance does request that applicants submit an Environmental and Wildlife Impact Assessment which requires them to consult with the local chapter of the Audubon Society prior to application. Ms. Hart also expressed concern that wind turbines could be located next to public parks. Mr. Fontane stated that the proposed ordinance amendment does not define public parks or other open space as "occupied buildings" therefore wind turbines could be located in a park.

Upon a motion by Scott Cashman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing.

Upon a motion by Scott Cashman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to recommend that the City Council amend the Worcester Zoning Ordinance as follows: 1.) insert Section 13 – Wind Energy Conversion Facilities at the end of Article IV, 2.) amend the Table of Uses (Article IV, Table 4.1, General Uses) to authorize such facilities by Special Permit, and 3.) designate the Planning Board as the Special Permit Granting Authority (Article IV, Section 8F) with the following amendments and/or corrections:

- **Article IV, Section 13 (B) – Definitions:**

- Recommend to insert the definition of the term “meteorological tower” in between the definitions of terms “hub height” and “nacelle”.

- **Article IV, Section 13 (D)(1)(b)– Setbacks:**

- Subsection (i)(cc)(iii) recommend to insert at the end of the fourth line “and from the nearest utility transmission lines” after “from the nearest property line”.

- **Article IV, Section 13 (M) – Abandonment, Discontinuation of Use or Repair:**

- Subsection 2 (Decommissioning) recommend to develop a provision relative to the ability of the Special Permit Granting Authority to require the applicant to post a bond or contribute to a fund at the time of construction/erection to pay for decommissioning costs in the event the City of Worcester must remove the Wind Energy Conversion Facility.

#### **APPROVAL NOT REQUIRED (ANR) PLANS:**

1. **ANR-6498:** Upon a motion by Scott Cashman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to take no action on ANR # 6498, Ockway Street, until a statement is placed on the plan indicating that endorsement of the Planning Board is based on adequate access from Ockway Street and not Rural Street.
2. **ANR-6506:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR # 6506, Dominion/Mohican Streets.
3. **ANR-6507:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to endorse ANR #6507, Bowker Street.
4. **ANR-6508:** Upon a motion by Anne O’Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to endorse ANR #6508, 53-55 Gates Street.

#### **OTHER BUSINESS**

**Gateway Park Street – To Make Public:** Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 5-0 to recommend a Priority 1.

**Meeting Schedule (June 2007-January 2008):** The Board continued approval of the June 2007-January 2008 meeting schedule to the May 2, 2007 meeting to allow staff time to make suggested changes.

**ADJOURNMENT**

Chair Shea adjourned the meeting at 8:10 PM.