

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

**January 23, 2008
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

Planning Board Members Present: John Shea, Chair
Anne O'Connor, Clerk
Margaret Guzman
Nicole Xifaras Parella

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Ruth Gentile, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
Michael Traynor, Law Department
K. Russell Adams, Department of Public Works
Jody Kennedy-Valade, Department of Code Enforcement

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:45 PM.

APPROVAL OF MINUTES

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 3-0 (John Shea abstained) to approve the minutes of the January 9, 2008 meeting.

UNFINISHED BUSINESS

- 1. 128 Alvarado Avenue (PB-07-136) – Preliminary Subdivision Plan:** Anne O'Connor recused herself. Again, there were only three members available. Hossein Haghanizadeh and Ben Clark, representatives for the applicant, chose to go forward and presented the plan to construct a four-lot subdivision for one single-family semi-detached dwelling and two single-family detached dwellings. Chair Shea explained that this is only a preliminary plan and it doesn't get approved or denied in a definitive way. An application for Definitive Subdivision Approval would have to be filed and approved in order for the subdivision to be built. Mr. Adams and Ms. Gentile said all of the comments from their respective departments had been satisfied. Joseph Charpentier, an abutter, questioned the contour lines of the wetlands and said he thought the sewer connection on the plan would be physically impossible. Mr. Adams indicated to the Board that DPW's review of a preliminary subdivision plan is based on the geometry of the road and if it is feasible. He said a more detailed review would take place at the time of definitive subdivision approval. Mr. Charpentier stated his position that details on the plan are incorrect and Chair Shea said the level of scrutiny is different for a Definitive Subdivision Plan. William Bilotta reminded the Board that a previous submittal had been denied because the applicant had not proved

ownership of the way. He questioned whether the applicant had proved ownership and Mr. Traynor responded that the ownership issue had been resolved. Mr. Bilotta asked if we assume Mr. Carpentier's assertion that the plan is incorrect is true, is the Board working with incorrect facts. Chair Shea said the Board does not assume there are incorrect facts. Mr. Adams said the level of detail for a preliminary plan is not the level of detail required for a definitive plan. Carlo Morrissey said he was mystified by the processes and how many meetings they have had to attend. Mr. Shea told him that this is a volunteer board and that, sometimes, there are family obligations or work obligations that occur and must take precedence. He continued that, while Board members make every effort to attend, there are those occasions when it is impossible. He said that in this particular case, it was necessary for one Board member to be recused which complicated the scenario. Jenna Carpentier asked if the extension of the street required a waiver and Mr. Traynor said it did not because the portion of Alvarado Avenue had never been constructed but is an existing way that was never on the Official Map and that was where the confusion resulted. Ms. Carpentier said she was opposed to waiving the sidewalk requirement. Ms. Guzman said the suggestion that somehow someone submitted false plans was erroneous and the plans are certified by an engineer whose license is at stake. She reiterated that the preliminary plan is a way for a developer to discuss a plan with the Board and receive guidance from the Board. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 3-0 to approve the preliminary subdivision plan.

2. **25 Tobias Boland Way (PB-07-142) – Amendment to Definitive Site Plan:** Attorney Mark Donahue and Matthew Smith, representatives for the applicant, presented the plan for the development of the 44.4 acre site to include a Wal-Mart store, multiple restaurants, and several smaller shops. Mr. Smith explained that the project would be developed in three phases (Phase A includes a Super Wal-Mart; Phase B includes tenant space for a mix of restaurant, fast-food, retail and bank uses; and Phase C includes tenant space for a mix of retail and restaurant uses). Mr. Fontane referenced a memo dated January 23, 2008 from Robin Bartness which enumerated the proposed changes to the previously approved plan. He said he recommended approval of the amendment subject to the memo. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the amendment to definitive site plan with the following conditions which incorporate references to the following plans:

- **Definitive Site Plan for Worcester Crossing”, prepared by Bohler Engineering, P.C., dated January 5, 2007, as revised to January 10, 2008, Sheets 1 through 34, inclusive (the “Bohler Plan”);**
- **“Preliminary Layout Plan, Site Access to McKeon Road Ext.”, prepared by Greenman-Pedersen, Inc., dated January 5, 2007, Drawing 1 of 1 (the “Greenman-Pedersen Plan”);**
- **Traffic Impact and Access Study, Proposed Retail Development, Worcester Mass.” dated June, 2006 and prepared by Greenman-Pedersen, Inc.;**
- **“ALTA/ACSM Land Title Survey, Worcester Crossing”, prepared by Control Point Associates, Inc., dated October 19, 2006, revised through December 18, 2006, Drawings 1 through 6, inclusive (the “Control Point Plan”);**
- **“Wal*Mart, Worcester MA Store 4387-00”, prepared by William Parish Design Development Corporation, Inc.”, Project # WMT: 05-321, dated February 5, 2007 (the “Parish Plan”).**

1. **Location, Design, Façade and Materials for “Proposed Wal-Mart” Building (Phase A).**
 - a. **The location of the “Proposed Wal-Mart” as depicted on the Bohler Plan.**
 - b. **The elevations and physical appearance of the “Proposed Wal-Mart” building shall be consistent with the design, materials, color scheme, mural depiction and façade treatments as depicted on the Parish Plan.**
 - c. **No advertising shall be placed on, or incorporated into, the mural depicted on the western façade of the “Proposed Wal-Mart” building. The mural shall be constructed with permanent materials and maintained in good condition.**
 - d. **The parking area shown as northerly of the second most northerly driveway entrance being created off of Tobias Boland Way (Wal-Mart parking areas), as shown as “Phase A” on Sheet 13 of the Bohler Plan, shall be constructed to include a bituminous asphalt top coat and striped parking spaces prior to the issuance of a permanent occupancy permit for the “Proposed Wal-Mart” building.**
2. **Location, Design, Façade and Materials for “Proposed Retail A/B” and “Proposed Restaurant B,” and “Proposed Restaurant C” building (Phase B).**
 - a. **The location of “Proposed Retail A/B,” “Proposed Restaurant B,” and “Proposed Restaurant C” as depicted on the Bohler Plan.**
 - b. **Elevations, and physical appearance of proposed building consisting of “Proposed Retail A/B,” “Proposed Restaurant B,” and “Proposed Restaurant C” shall be consistent with the design, materials, color scheme, and façade treatments as depicted by the elevations and drawings as shown on the Cubellis plan dated January 5, 2008, as revised.**
 - c. **The conditional approval granted herein does not include approval of the proposed drive-through for the proposed “Restaurant C” as depicted on the Bohler Plan. The Applicant shall be required to obtain approval for the proposed drive-through configuration at a future date.**
3. **Location, Design, Façade and Materials for “Proposed Restaurant A,” “Proposed Fast Food,” and “Proposed Bank” buildings (Phase B).**
 - a. **The location of the buildings labeled “Proposed Restaurant A”, “Proposed Fast Food”, and “Proposed Bank” as depicted on the Bohler Plan are approved. However, the conditional approval granted herein does not include the elevations, design, materials, color scheme and façade treatments for these buildings, nor does it include the drive-through configuration for the buildings depicted on the Bohler Plan labeled “Proposed Fast Food” and “Proposed Bank.” The Applicant shall apply for approval of the same to the Planning Board prior to the commencement of construction of said buildings.**

4. **Location, Design, Facade and Materials for the building labeled “Proposed Retail D” and “Proposed Retail E” (Phase C).**
 - a. **If, and to the extent that loading docks are constructed for the “Proposed Retail D” / “Proposed Retail E” building as depicted on the Bohler Plan, said loading docks and their adjacent areas shall be shielded from view from the proposed bike path, Blackstone River Road and Tobias Boland Way in a manner consistent with the way the loading docks for the “Proposed Wal-Mart” building will be shielded as depicted on the Bohler Plan and Parish Plan.**
 - b. **Because of its proximity of the bike path and its prominent location at the intersection of Blackstone River Road and Tobias Boland Way, the design, materials, color scheme and façade treatments of all sides of the “Proposed Retail D” / “Proposed Retail E” building shall be of consistent quality and character as those depicted on the Parish Plan.**
 - c. **The Planning Board reserves the right to require additional landscape plantings, fencing and other visual buffers, and architectural façade features, as it relates the “Proposed Retail D” / “Proposed Retail E” building.**
5. **Location, Design, Facade and Materials for the buildings labeled “Proposed Restaurant D” and “Proposed Retail C,” and “Proposed Restaurant E” (Phase C).**
 - a. **The location of the buildings labeled “Proposed Restaurant D”, “Proposed Retail C”, and “Proposed Restaurant E” shown on the Bohler Plan are approved. However, the conditional approval granted herein does not include the elevations, design, materials, color scheme and façade treatments for these buildings. The Applicant shall apply for approval of the same to the Planning Board prior to the commencement of construction of said buildings.**
6. **Other Design Conditions.**
 - a. **All retaining walls with a height greater than or equal to four (4) feet shall include decorative fencing on top.**
 - b. **It is suggested that the Applicant work with the Massachusetts Highway Department to remove, or replace the chain link fence shown along the southern property line (adjacent to the MHD pond). If replaced, it is recommended that it be replaced with a decorative fence.**
 - c. **In addition to the conditions set forth above, the Applicant shall:**
 - i. **Promote design of the several buildings to ensure consistency of design or, if not consistency, then compatibility with neighboring properties proximate to the Blackstone River and the contemplated bike path.**

- ii. **Incorporate where practicable the use of the bike path by the public to the uses of the shopping center, such as the patios serving restaurants.**
 - iii. **Set aside an area for a link to the bike path to properties southerly and northerly of the site, and in general where located on the Bohler Plan. In this connection a passive recreation area shall be set aside for bike path users and the public, all of which is to be done consistent with the needs of the tenants of the shopping center. By way of example, strategically situated picnic tables and benches.**
 - iv. **Develop corridors/accesses to and from the bike path area by constructing sidewalks and crosswalks to and from buildings, parking area, and/or bike path areas. Where practical, reposition building to reinforce the corridors/accesses as links.**
 - v. **Provide landscape enhancement to shield the rear wall of the building and other necessary utilitarian uses such as dumpsters and loading docks from the bike path and the Blackstone River.**
 - vi. **Provide landscaping enhancement in excess of the zoning ordinance requirements to the frontage along Tobias Boland Way, and plant trees interspersed throughout the parking field to promote the parkway image.**
 - vii. **Provide decorative pedestrian lighting in combination with traditional parking field lighting; all lighting to be directed down so as to avoid shining on neighboring properties.**
- d. **The Applicant agrees that any modification to this Site Plan shall be consistent with the above design guidelines.**
7. **Historic Marker(s).** The applicant voluntarily offered to provide \$20,000 toward the design and construction of a historic marker that will capture the historical significance of this property. In addition to the City of Worcester – Planning & Regulatory Services Division, the Applicant shall consult with the Worcester Historical Museum, Preservation Worcester and the Worcester Historical Commission for feedback regarding the marker’s materials, design, content and location.
8. **Bike Path.** The bike path as shown on the Bohler Plan shall be established by a permanent easement granted by the Applicant to the entity primarily responsible for the construction, repair and maintenance of the bike path (the “Bike Path Entity”), and said easement shall be granted within 120 days of written request by the Bike Path Entity provided that the specific area of the bike path has been determined by mutual agreement between the Applicant and the Bike Path Entity prior to that time.

9. **Traffic Circulation Improvements.** The Applicant has submitted a report entitled “Traffic Impact and Access Study, Proposed Retail Development, Worcester Mass.” dated June, 2006 and prepared by Greenman-Pedersen, Inc. (the “Report”). The Report identifies certain mitigation measures desirable to improve roadway system deficiencies. The proposed mitigation measures found in this report are located outside of the boundaries of the Applicant’s property and are generally within areas under the control of the City of Worcester Department of Public Works and Parks & Parks (DPWP) and/or the Massachusetts Highway Department. The Applicant shall work with those agencies to implement the following mitigation measures:
- a. **Blackstone River Road at McKeon Road and McKeon Road Extension.**
 - i. **Re-stripe McKeon Road eastbound approach to provide a through lane and an exclusive right turn lane.**
 - ii. **Add right turn overlap phase to the McKeon Road eastbound approach.**
 - iii. **Optimize signal time coordination to alleviate queuing.**
 - b. **McKeon Road Extension at Dryden Access Road and proposed site Egress driveway.**
 - i. **Coordinate signal timing controllers at this intersection with the intersection of Blackstone River Road, McKeon Road and McKeon Road Extension.**
 - c. **McKeon Road Extension at Route 146 Southbound ramp.**
 - i. **Optimize signal time coordination to reduce queuing and delays, particularly as it relates to the Route 146 southbound off ramp approach.**
 - d. **Blackstone River Road at Steppen Street and Church of the Pentecost driveway.**
 - i. **Optimize signal timings and coordination to reduce Blackstone River Road southbound queuing.**
 - ii. **Modify Mass Highway signal plan to allow eastbound and westbound approaches to run concurrently rather than split phase.**
10. **Water Infrastructure.** Prior to the commencement of construction, the plan shall be modified and additional specifications provided by the Applicant to address the comment letter dated January 31, 2007 from Andrew C. Murch, P.E., Sr. Civil Engineer – DPWP Water Operations. Specifically:
- a. **Applicant shall have a pre-construction meeting(s) with DPWP Engineering and Water Operations to ensure that proper planning, design, installation, and testing occur to protect potable water quality. This may require, but is**

not limited to, the use of special permeation-proof gaskets, and extra precautions taken during pipe installation subject to DPWP approval.

- b. DPWP shall supply, install and set water meters at Applicant's cost. Service lines shall meet Water Operations standards, but shall be installed by Applicant's contractor.**
- c. Existing water services shall not be used, and shall be abandoned in accordance with DPWP Water Operation's standards.**
- d. The two (2) 8"x 8" full size taps into Tobias Boland Way shall be allowed.**
- e. All 3" or greater diameter pipes shall be ductile iron cement-lined class 52.**
- f. All 1" taps shall be made by direct means. All 2" taps shall be made using approved service saddles. All 1" – 2" service lines shall be Type K copper.**
- g. All materials and methods used shall meet DPWP Water Operation's standards.**
- h. The design of the lift stations shall be reviewed and approved by the DPW&P prior to the issuance of any building permit.**

11. Other Standard Conditions.

- a. All work must conform to the standards contained in the City of Worcester, Department of Public Works and Parks and Parks - Construction Management Section's STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- b. Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- c. 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.**

NEW BUSINESS

- 3. Zoning Map Amendment – 35 State Road:** Paul Lenkarski, petitioner, explained that the parcel was split-zoned BL-1.0 (Business, Limited) and RL-7 (Residence, Limited) in 2003 at his request, but he now wants the entire parcel to be zoned BL-1.0. Mr. Fontane said the current use is a retail use within a residential structure. He recommended approval of the zone change because the uses that would be allowed are consistent with the business uses on Route 12. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, it was voted 4-0 to recommend approval of the zone change.

4. **Lots A-K Carriage House Lane (PB-07-144) – Definitive Site Plan Approval:** Kevin Quinn, representative for the applicant, Highland North Corporation, said that the applicant is requesting Definitive Site Plan Approval for the construction of ten single-family detached dwellings and one existing dwelling in a subdivision known as Carriage House Lane Subdivision. Paul and Michelle Brown were concerned about the traffic in the area and, particularly, the intersection of Brattle and Ararat Streets. Mr. Adams informed the Board that the Traffic Engineering Division of the Department of Public Works did not require any mitigation for the intersection at the time of the approval of the subdivision. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the site plan with the following conditions:

- **In addition to the proposed street name, the official address of the property should be labeled on the plan.**
- **Boundary lines and area of four lots (Lots A, B, C & H) on the proposed site plan do not match the approved Definitive Subdivision Plan signed on January 25, 2007. Applicant must submit an Approval Not Required Plan to change interior lot lines, amend the Definitive Subdivision Plan or change the Definitive Site Plan to match the approved subdivision.**
- **Final revised plan set should include an existing conditions sheet with existing structure, contours, etc., as shown in the Definitive Subdivision Plan, Sheet 2 of 7.**
- **Plan must show drain connection for each proposed dwelling.**
- **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. **277 Providence Street (PB-07-147) – Definitive Site Plan Approval:** Attorney Mark Donahue, representative for the applicant, Liberty Investment Properties, said that the applicant is requesting Definitive Site Plan Approval for the construction of a four-story 45,052 square foot +/- hotel. Mr. Adams said the Traffic Engineering Division of the Department of Public Works would like to see accident data for the previous year. Ms. Gentile referred to some labeling issues in her memo dated January 17, 2008. Marshall Farmin concerned about the traffic impact in the area. Mr. Fontane recommended high pressure sodium lighting in the parking area. Ms. Guzman said given the location is not close to residential abutters, she would rather the Board defer to the developer relative to the parking lot lighting. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the site plan with the following conditions:

- **Applicant must provide a zoning summary for the RG-5 and BL-1.0 zoning districts in addition to the BG-2.0 district.**

- **Providence Street, McKeon Road and Millbury Street must be labeled as public.**
- **Dimensions of Providence Street, McKeon Road and Millbury Street must be labeled on the plan.**
- **The notation “Potential future connection to Providence Street” must be removed from the plan.**
- **Applicant must provide 3 inch caliper trees not 2.5 inch caliper trees.**
- **Applicant must provide a mix of shrubs and plantings along the landscape buffer on the northeast boundary of the property abutting the parking lot.**
- **Retention of existing trees is preferred. Additional landscaping on the easterly boundary near the residential properties be provided.**
- **Type of fencing on retaining wall must be labeled; solid board fencing is preferred abutting residential zones.**
- **Screening for dumpster must be labeled; wood or chain link with slats for fencing is preferred.**
- **Notation must be placed on the plan that snow is to be removed from the site.**
- **Applicant must use two foot curb returns for the driveway.**
- **Applicant must use 8 inch DR18 PVC for all of the catch basin connections.**
- **Applicant must relocate DMH J to within the property boundary.**
- **Applicant must use 12 inch RCP for the drain pipe connection into Millbury Street.**
- **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.**

OTHER BUSINESS

Fenton Drive – To Make Public: Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 4-0 to recommend the petition be assigned a Priority 1 designation based on the recommendation of the Department of Public Works.

Wheeler Avenue – Install Sewer: Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 4-0 to recommend the petition be assigned a Priority 1 designation based on the recommendation of the Department of Public Works.

Tillbury Street – Take Over Private Sewer: Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 4-0 to recommend the petition be assigned a Priority 1 designation based on the recommendation of the Department of Public Works.

APPROVAL NOT REQUIRED (ANR) PLANS:

1. **ANR 6611:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to deny endorsement of ANR #6611, Goldthwaite Road/Acushnet Avenue/Pompano Road because the plan fails to show sufficient frontage on a way.
2. **ANR 6612:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR # 6612, Rosamond Street.
3. **ANR 6613:** Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR # 6613 Nutall Lane/Salford Street.

ADJOURNMENT

Chair Shea adjourned the meeting at 7:25 PM.