

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

May 7, 2008

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

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

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Russ Adams, Department of Public Works
Jody Kennedy-Valade, Department of Code Enforcement
Michael Traynor, Law Department
Jennifer Healey, Law Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:50 PM.

APPROVAL OF MINUTES

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 3-0 (Anne O'Connor was not present at that meeting) to approve the minutes of the April 2, 2008 meeting. The minutes from the April 16, 2008 meeting were held because Chair Shea and Anne O'Connor were the only members present who attended the April 16, 2008 meeting.

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

- 1. 65 Elm Street (PB-2008-036) – Definitive Site Plan:** Akram Rafla requested Leave to Withdraw the Definitive Site Plan to establish a dental office. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 4-0 to approve the request of the applicant for Leave to Withdraw.
- 2. Katie Circle Subdivision (PB-2008-012) – Definitive Subdivision:** Attorney Donald O'Neil requested a continuance to June 4, 2008 because the revised plan was not completed in time for the abutters to review it prior to the hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to continue the hearing to June 4, 2008.
- 3. Meadowbrook Road Subdivision (PB-2008-022) – Amendment to Definitive Subdivision:** Attorney Jonathan Finkelstein requested a continuance to June 4, 2008 and an

extension of the constructive grant deadline to June 25, 2008. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to extend the deadline for constructive grant to June 25, 2008 and continued the item to June 4, 2008.

4. **Rondeau Court (SC-2008-002) – Private Street Removal:** Jefferson Mararian requested a continuance to May 21, 2008. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 3-0 to continue the item to May 21, 2008.
5. **425 Salisbury Street (PB-2008-030) – Definitive Site Plan:** Kevin Quinn, representative for the applicant, requested a continuance to May 21, 2008 in order to meet with and address the concerns of neighbors. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 3-0 to continue the item to May 21, 2008.

UNFINISHED BUSINESS

6. **687 Millbury Street (PB-2008-001) – Amendment to Definitive Site Plan:** This item was held until the end of the meeting because Huy Nguyen was not present when it was called. Chair Shea asked Mr. Nguyen if he had submitted revised plans to the Planning and Regulatory Services office with the changes the Board had requested. Mr. Nguyen said he had not but he had them with him. Chair Shea told Mr. Nguyen that he had ignored the Zoning Ordinance and had done everything he could to circumvent the required processes. He continued that construction on the site had not been in compliance with the previously approved plan. Ms. Guzman said Mr. Nguyen's only option is to comply with the approved plan. At this point Chair Shea stepped down from the Chair and Ms. Guzman assumed the Chair. A motion was made by Mr. Shea to deny the Amendment to Definitive Site Plan and was seconded by Anne O'Connor. Mr. Shea and Ms. O'Connor voted yes and Ms. Guzman and Ms. Xifaras Parella voted no. The motion failed. Mr. Shea assumed the Chair. Ms. Guzman advised Mr. Nguyen that he must submit the requisite number of copies of the revised plan to the Planning and Regulatory Services office one week prior to the meeting for distribution and review by staff and that he should bring the engineer with him to the meeting should the Board vote to continue the matter. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, it was voted 3-1 (John Shea voted no) to extend the constructive grant deadline to June 1, 2008 and to continue the Amendment to Definitive Site Plan to May 21, 2008.

NEW BUSINESS

7. **1 College Street (PB-2008-029) – Special Permit:** Stephen Wiehe, representative for the petitioner, Holy Cross College, is seeking a Special Permit to construct a Meteorological Tower as part of a wind turbine feasibility study being conducted at the site. He said data would be collected for one year following which the tower will be disassembled and the site restored to conditions existing at the time of the installation of the tower. Mr. Fontane informed the Board that the criteria for approval of a Special Permit had been changed by the City Council relating to how the social, economic or community needs are served by the proposal; traffic flow and safety to include access, parking and loading areas; adequacy of utilities and other public services; neighborhood character and social structure; impacts on the natural environment; and potential fiscal impact to include city services needed, tax base and employment. He indicated that the proposed tower meets all of the dimensional

requirements for the IN-S zoning district. City Councilor Barbara Haller spoke in support of the project and alluded to the city's commitment to the Climate Action Plan and energy conservation. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, it was voted 4-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, it was voted 4-0 by John Shea, Anne O'Connor, Margaret Guzman and Nicole Xifaras Parella to approve the following waivers under subsection (Q)(2)(q) of Section 13 of the Zoning Ordinance pertaining to Wind Energy Conversion Facilities:

- (1) Vicinity Plan requirements per Section 13(Q) (2) (b)**
- (2) Wind Map per Section 13(Q) (2) (d)**
- (3) Site Line Analysis per Section 13(Q) (2) (e)**
- (4) Balloon/crane test per Section 13(Q) (2) (f)**
- (5) Sound Assessment from an Acoustical Engineer per Section 13(Q) (2) (j)**
- (6) Shadow Flicker per Section 13(Q) (2) (k)**
- (7) Environmental and wildlife assessment per Section 12(Q) (2) (l)**

Upon a motion by Margaret Guzman and seconded by Anne O'Connor, it was voted 4-0 by John Shea, Anne O'Connor, Margaret Guzman and Nicole Xifaras Parella to approve the Special Permit with the following findings:

- 1. The proposed MET serves the economic and community needs by enabling the applicant to test and determine whether the proposed location has enough wind power to economically justify a wind turbine installation. It serves the community needs by providing information needed to pursue the installation of a clean renewable energy source as intended by Article IV, Section 13 of the Zoning Ordinance through its provision for Meteorological Towers. The college's large and relatively stable electrical load, the presumed wind resources characteristic of the site and the ability to readily integrate the power supplied from a wind turbine into existing electrical infrastructure within the vicinity makes this site a potentially favorable location for a wind turbine and, therefore, a site worth testing using a MET.**
- 2. There will be minimal traffic caused by the facility. The location proposed is in an open area of the campus with adequate access. Existing parking and loading areas on campus, including the open area of the location itself, will adequately provide for these needs. The tower is sufficiently disassembled upon delivery that no special transportation considerations, such as a use of roads plan, are needed. No crane will be required or used to assemble this structure.**
- 3. No public utilities or services will be needed for the installation and maintenance of this facility. Applicant has received a "determination of no hazard" from the FAA for the proposed location. Applicant will notify the local electric utility of its intent to install a MET and the possibility of installing a Wind Turbine at a later date.**
- 4. The MET proposed will not adversely affect the neighborhood character of College Hill because it meets the setback requirements of the Zoning Ordinance and does not generate sound above ambient levels, radio frequency emissions or cause shadow flicker. The proposed MET tower will not transmit electromagnetic signals**

or produce electromagnetic radiation of any significance and should, therefore, not interfere with radio or television reception. The only structure in relatively close proximity is a warehouse which is not considered an occupied building and, therefore, does not require a setback.

- 5. The proposed temporary MET is not anticipated to cause any significant impact to wildlife or the natural environment. This installation will be no more detrimental than the existing built environment on the college campus. It will not require the removal of a substantial number of trees with diameters greater than nine inches.**
- 6. This project will not require any city services and will not affect the city's tax base, but will help support "green" technologies and their associated workforce.**

The Special Permit was approved with the following conditions:

- 1. Special Permit shall be valid for eighteen (18) months from the date the decision is filed in the City Clerk's office which is considered to be final action by the Planning Board;**
 - 2. The MET will be fully disassembled so that no part of the tower shall be left standing and all guy wires are fully removed within the term of the Special Permit.**
 - 3. All disassembled parts from the MET shall be secured to prevent unexpected movement and stored at a location that is not viewable from a public way.**
 - 4. Evidence that the electric utility company has been notified must be provided.**
 - 5. Site plan will be submitted to the Planning and Regulatory Services Office with above comments being addressed.**
- 8. Lachapelle Street Subdivision (PB-2008-031) – Amendment to Definitive Subdivision:** Ben Clark, representative for the applicant, said an amendment is being sought to establish a new sunset date, to change the slope of Lachapelle Street and to change the utilities to allow a sanitary line to be ten feet away from the water main. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, it was voted 4-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, it was voted 4-0 to approve the Amendment to Definitive Subdivision Plan dated April 2, 2008 and to establish a new sunset date of June 8, 2011.
- 9. 1393 Grafton Street Subdivision (PB-2008-035) – Amendment to Definitive Subdivision:** John Shea recused himself. Stephen Petro, representative for the applicant, explained that a new sunset date is being sought. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, it was voted 3-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, it was voted 4-0 to approve the Amendment to Definitive Subdivision Plan to retroactively waive the provisions of Section VI(1)(2) of the Worcester Subdivision Regulations to establish a new sunset date of April 27, 2009 and a work completion date of August 1, 2008.
- 10. Parking Overlay (ZA-2008-005) – Zoning Ordinance and Zoning Map Amendment:** Chair Shea disclosed, pursuant to G.L.c268A, s.23(b)(3) to dispel any appearance of potential conflict of interest, that he has a client who is a property owner on Water Street and he is Chairman of the Board for Community Healthlink which is located in the proposed

Chandler Street overlay area. Mr. Fontane explained the petition of the City Council seeks to amend the City of Worcester Zoning Ordinance to create additional parking overlay zones and amend the City of Worcester Zoning Map to establish parking overlay zones as follows:

Delete Article XIII Flexible Parking Overlay District in its entirety and insert a new Article XIII Parking Overlay Districts.

Delete “FLP Flexible Parking” from Section 1 of Article III, and insert the following designations at the end of the list:

SPOD	Shrewsbury Street Parking Overlay District
BCPOD	Blackstone Canal Parking Overlay District
CPOD	Chandler Street Parking Overlay District

Amend Section 2 of Article III of the Worcester Zoning Ordinance to alter the Zoning Map by designating the area within the boundaries hereinafter described as the Blackstone Canal Parking Overlay District in the area of Millbury, Grafton, Water and Washington Streets.

Amend Section 2 of Article III of the Worcester Zoning Ordinance to alter the Zoning Map by designating the area within the boundaries hereinafter described as the Chandler Street Parking Overlay District in the area of Chandler Street.

Chair Shea asked how the boundaries for the Chandler Street area were established as it appears that in some places the district encompasses more than one lot deep off of Chandler Street and in others only one lot. Mr. Fontane said they looked at all properties that fronted on Chandler Street, and then they looked at the zoning for the area and attempted to make the overlay coincide with the zoning districts. He indicated that meetings with the Chandler Street Business Association had been helpful in establishing the overlay district. He said they matched the boundaries of the Commercial Area Revitalization District (CARD) as well. City Councilor Philip Palmieri spoke in support of both overlays and said it was a positive step that would spur business development. City Councilor Barbara Haller said the Chandler Street Business Association fully supports the establishment of the Chandler Street parking overlay district. Stephen Patton said he was very impressed with the work of the Planning staff and said it was clear they had taken into account the land uses in the area when establishing the Chandler Street overlay. John Giangregorio, owner of five properties in the Blackstone Canal District, stated he was in favor of the overlay. Allen Fletcher, a member of the Canal District Alliance and a resident, property owner and business owner in the area, said the Alliance fully supports the Canal District overlay. Lorraine Laurie, a Green Island resident, was concerned about the possible burden on residential streets in that area, saying that portion of Millbury Street has more residential uses that could be adversely affected if too much parking relief is granted. Mr. Fontane said parking needs would be need to be periodically assessed. He said there were mitigation measures to protect residential neighborhoods which could be employed, i.e. resident only parking. He said to require parking in the Millbury Street area would basically eliminate all the businesses. Richard Asadorian spoke in favor and said it would help business development. Chair Shea thanked Mr. Fontane for his efforts. Mr. Fontane, in turn, thanked Mr. Traynor for his valuable input. Chair Shea recused himself from the vote. Upon a motion by Nicole Xifaras Parella and seconded by Anne O’Connor, it was voted 3-0 to close the hearing. Upon a motion by Anne O’Connor and seconded by Nicole Xifaras Parella, it was voted 3-0 to recommend approval of the petition to amend the Zoning Ordinance to create additional parking overlay zones and

amend the City of Worcester Zoning Map to establish parking overlay zones as described above.

11. 345 Greenwood Street (PB-2008-028) – Parking Plan: Donna Gallo and Tony Gallo presented the plan for the construction of 14 additional parking spaces in a parking area that presently has 33 parking spaces. Ms. Gallo said the engineer had been unable to attend the meeting. Mr. Adams said the applicant needs to provide a narrative regarding the existing drainage system and the increased stormwater flows from the proposed parking area. Ms. Bold referenced her memo dated April 30, 2008 and the labeling issues that need to be addressed. Upon a motion by Anne O’Connor and seconded by Nicole Xifaras Parella, it was voted 4-0 to continue the parking plan to May 21, 2008 to allow the applicant to address the issues raised by staff.

12. Wyola Drive – Avery Estates Subdivision (PB-2008-034) – Amendment to Definitive Site Plan: Ben Clark presented the plan to amend the previously approved Definitive Site Plan to lower the elevation of Wyola Drive, Avery Path and Brookline Street thereby changing the grade of the lots. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, it was voted 4-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- **Drainage and construction easements are required for the parcels abutting the detention basin.**
- **Provide a detail of the “curb stop” for the sanitary connections.**

OTHER BUSINESS

13. Proposed Rules and Regulations Change – Expedited Permitting: Ms. Bold informed the Board that some changes to the Planning Board’s Rules and Regulations as a result of the recent ordinance change relative to Priority Development Site designation by the City Council and expedited permitting relative to such sites. She indicated that the changes would be advertised and included on the June 4, 2008 agenda.

14. Board Meeting Schedule – July, 2008 – January, 2009: Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the following meeting schedule for the period July, 2008 through January, 2009:

July 16, 2008
August 6, 2008
August 20, 2008
September 3, 2008
September 17, 2008
October 1, 2008
October 15, 2008
November 12, 2008
December 10, 2008
January 7, 2009
January 21, 2009

15. APROVAL NOT REQUIRED (ANR) PLANS:

- 1. AN-2008-031:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 3-0 to endorse ANR # AN-2008-031 Belcourt Road/Taconic Road.
- 2. AN-2008-032:** Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 3-0 to endorse ANR # AN-2008-032 Lorenzo Street.
- 3. AN-2008-033:** Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 3-0 to endorse ANR # AN-2008-033 Commonwealth Avenue.
- 4. AN-2008-034:** Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 3-0 to endorse ANR # AN-2008-034 Wildwood Avenue.

ADJOURNMENT

Chair Shea adjourned the meeting at 7:30 PM.