

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

**November 12, 2008
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

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

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
Michael Traynor, Law Department
Jennifer Beaton, Law Department
K. Russell Adams, Department of Public Works
Jody Kennedy-Valade, Department of Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:30 PM.

APPROVAL OF MINUTES

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 approve the minutes from the October 15, 2008 meeting (Scott Cashman was not present at that meeting).

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

1. **242-242A Stafford Street (PB-2008-075) – Amendment to Definitive Site Plan:**
Attorney Robert Longden requested a continuance to December 10, 2008 and an extension of the deadline for constructive grant to January 8, 2009 to see if the Zoning Board of Appeals imposes any conditions which will result in revision of the site plan. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to extend the deadline for constructive grant to January 8, 2009 and to continue the hearing to December 10, 2008.
2. **35 Central Street (PB-2008-082) – Parking Plan:** Anne O'Connor recused herself. Attorney Robert Longden requested a continuance to January 7, 2009 and an extension of the deadline for constructive grant to January 22, 2009 to allow the applicant time to seek

a Special Permit from the Zoning Board of Appeals. 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 January 22, 2009 and to continue the hearing to January 7, 2009.

3. **49-72 Goldthwaite Road (PB-2008-077) – More Than One Building on a Lot:** The Definitive Site Plan (PB-2008-076) and 49-67 Goldthwaite Road (PB-2008-079) – More Than One Building on a Lot and Definitive Site Plan (PB-2008-078) were taken contemporaneously. Charles Scott, representative for the applicant, requested a continuance to December 10, 2009 and an extension of the deadline for constructive grant to January 8, 2009. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to extend the deadline for constructive grant to January 8, 2009 and to continue the items to December 10, 2008.
4. **49-72 Goldthwaite Road (PB-2008-076) – Definitive Site Plan:** See #3.
5. **49-72 Goldthwaite Road (PB-2008-079) – More Than One Building on a Lot:** See #3.
6. **49-72 Goldthwaite Road (PB-2008-079) – Definitive Site Plan:** See #3.
7. **22 Dean Street/53 Wachusett Street (PB-2008-066) – Parking Plan:** Dennis Rice and Michael Andrews, representing the applicant, presented the parking plan. Mr. Rice indicated that the Zoning Board of Appeals had approved a Special Permit to modify parking layout for reduced access aisle width and relief from the landscape screening requirement and a Variance for relief from the off-street parking requirement to allow 100% compact spaces conditioned upon the parking stalls being at least 9' in width and the fence along the southerly side of the property being maintained, subject to ownership by WPI. Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to approve the parking plan with the following conditions:
 - **That the relief approved by the Zoning Board of Appeals be noted on the revised plan.**
 - **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 Commissioner of Inspectional Services.**
 - **Six copies of the revised plan be submitted to the Division of Planning & Regulatory Services prior to release of the decision.**
8. **10 & 12 Boyden Street (PB-2008-072) – Definitive Site Plan Approval:** Joanna Paquin, representing the applicant, Paul Giorgio, informed the Board that the plan had been revised to add an enclosed common ingress/egress in order to meet the definition of

multi-family dwellings to construct a six unit multi-family low-rise on property with 15 % slope or more. Ms. Kennedy-Valade had requested a continuance to ensure that the revised plan did meet the definition of multi-family dwellings. She advised that Mr. Mikielian, Commissioner of Inspectional Services, had determined that the plan met the requirements. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to approve the site plan with the following conditions:

- **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 Commissioner of Inspectional Services.**

9. **35 Modoc Street (PB-2008-070) – Definitive Subdivision Plan:** John Shea recused himself and Scott Cashman could not participate since he had not been present at the last meeting when the hearing was opened. Anne O'Connor assumed the Chair. Kevin Quinn, representing the applicant, reiterated that they are proposing a five-lot subdivision to construct five single-family semi-detached dwellings (10 dwelling units) on property that is zoned RL-7 (Residence, Limited). Mr. Quinn stated the only extension of Modoc Street would be the cul-de-sac bulb. He said revised plans had been submitted in response to comments received from City departments. Mr. Adams noted that DPW&P would look favorably upon a waiver of the 500 foot road length limitation for dead end streets. He said other comments from DPW&P had been addressed, however, he did ask if the land where the detention pond would be located would be retained by the owner. Mr. Quinn answered that had not been determined yet but that an easement would be provided to allow the city to monitor and maintain the detention pond. Ms. Bold said issues in her memo dated October 10, 2008 had been satisfactorily addressed with the exception of screening around the detention pond. She said there were other options to consider such as creating a more shallow pond, screening on other parts of the property but in the sight line of new residences and existing abutting residences, surrounding it with trees and if it remains deep enough to require a fence, then the fence should be vinyl-coated rather than chain link. She further stated that, from a planning perspective, a shallower pond that doesn't require a fence with vegetative screening is desirable. Mr. Quinn said the pond had been designed to maximize efficiency and making it shallower would decrease its efficiency. He also indicated that the applicant prefers to have a fence around the detention pond for safety purposes. Mr. Traynor advised that if the detention pond remains as currently designed, fencing is a requirement that can be waived if the Board so chooses at the request of the applicant. Stephen and Janice Oles asked for mitigation measures during construction to prevent runoff onto their property. Mr. Quinn said they had a legitimate concern and the proper erosion control measures would be in place during construction including hay bales, silt fence and construction of a swale. Mr. Oles also informed the Board that when he purchased his property, he was granted a "floating easement" over Parcel A to provide access to Modoc Street from his property.

Mr. Traynor opined that a private easement provides a right of passage and must be located outside of any easement granted to the city for maintenance purposes. He said any such easement must be recorded by the developer prior to or simultaneously with the recording of the Definitive Subdivision Plan and easement to the City and that all three parties must be in agreement as to the location of the easements. Mrs. Oles asked if the clear cutting of trees can continue. Mr. Traynor said trees may be cut if not in a wetlands area, however, any earth removal would require a Special Permit unless done in conjunction with an approved subdivision. Mr. Oles asserted that there had been illegal dumping on Saturdays and Sundays and improper fill was brought to the site. He said he had called the police and the dumping had ceased. Antonio Rena asked if there would be a road to access Modoc Street and was told by Mr. Quinn that there would not. Mr. Adams said no new public way will be created but rather the existing Modoc Street will be extended with no grade changes. Angela Demake expressed concern about the depth of the detention pond because children play in the area. She also questioned the sequence of construction and wondered if there would be vacant dwellings awaiting sale in this depressed economy. Mr. Quinn stated he did not know what the exact construction schedule would be but indicated that construction may be done in phases. Nicholas D'Andrea asked if the slope of his property which abuts directly the proposed subdivision, would be affected. Mr. Quinn assured him the slope will not be disturbed. George Reed was concerned about what material had already been used for fill and was informed it was an enforcement issue. Ms. Bold indicated that the most recently updated Inspectional Services report stated that all complaints had been addressed. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, it was voted 3-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, it was voted 3-0 to approve a waiver from Section IX, C8 Dead Ends (Cul-de-sacs) to allow a dead end street with a length of 1000 feet. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, it was voted 3-0 to approve the Definitive Subdivision Plan with the following conditions:

- **That prior to the endorsement of the Definitive Subdivision Plan, the Applicant shall locate on the plan, for the approval of the Planning Board, the easement granted to Stephen and Janice Oles in the deed recorded at the Worcester District Registry of Deeds in Book 17359, Page 84.**
- **That the required fencing around the detention pond be vinyl-coated not chain link and shown on a revised plan.**
- **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 Commissioner of Inspectional Services.**

- **Six copies of the revised plan and a new mylar must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**
- **Pursuant to City of Worcester Subdivision Regulations Section VI (1)(2), the approval or conditional approval of the subdivision shall automatically expire within three years from the date of November 12, 2008 on November 12, 2011 if all required improvements have not been completed.**

10. **35 Modoc Street (PB-2008-071) – Definitive Site Plan:** Mr. Cashman participated because it was not a public hearing. Kevin Quinn said the applicant proposed to construct 5 single-family semi-detached dwellings in the subdivision located at 35 Modoc Street. Janice Oles asked if a double row of hay bales as well as a silt fence could be installed during construction to make certain her property is not damaged by runoff. Mr. Adams said because they are providing a swale, a double row of hay bales is not necessary. She then asked when the swale would be constructed. Mr. Quinn said the swale would be constructed initially. Upon a motion by Scott Cashman and seconded by Margaret Guzman, it was voted 4-0 to approve the Definitive Site Plan with the following conditions:

- **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 Commissioner of Inspectional Services.**

John Shea assumed the chair.

11. **72 Sophia Drive a.k.a. 16R and 16S Sophia Drive (PB-2008-080) – Amendment to Definitive Site Plan:** Hussein Haghazadeh, representing Fox Hill Builders, owner of the property, stated an amendment to a previously approved site plan is being sought to change a lot line, grading and the location of the semi-detached dwelling unit 5 feet east of the original placement on a property with 15% or more slope. He said the plan includes rip rap on the westerly side close to the fence as well as the new location of the building incorporating changes on the as built plan. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to approve the Amendment to Definitive Site Plan with the following condition:

- **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 Commissioner of Inspectional Services.**
- **Six full sets of the final approved plan for the Amendment to Definitive Site Plan be provided to the Planning and Regulatory Services Office prior to release of the decision.**

12. **1 College Street (PB-2008-081) – Definitive Site Plan:** Attorney Robert Longden, representative for College of the Holy Cross, explained that the applicant is proposing the construction of 39 student suites for a total of 156 bedrooms, one staff apartment and 15 new parking spaces on property with 15 % or more slope on the campus. He indicated that the housing would be for students who currently live off-campus. Ms. Bold stated that staff had received a plan signed by a Registered Professional Engineer and the issue relative to the unobstructed access aisle for fire apparatus had been addressed to the satisfaction of the Fire Department. She noted that there were items in Ruth Gentile's memo dated November, 6, 2008 that should be incorporated as conditions of approval. Mr. Cashman said the construction of this housing on campus would relieve some of the burden of off-campus student housing on the surrounding neighborhood. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **That a north arrow be provided on the plan.**
- **That a zoning table for dimensional requirements showing what is required, existing and proposed for the IN-S zone be shown on the plan.**
- **That the height of retaining walls be labeled on the plan.**
- **That the total floor area of proposed and existing buildings be labeled on the plan.**
- **That a rendering be provided.**
- **That the height, in feet, be provided on the plan.**
- **That the exterior materials of the proposed building be labeled on the plan.**
- **That the dimensions of the parking spaces be labeled on the plan.**
- **That the locations of all signs and lighting be provided on the plan.**
- **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 Commissioner of Inspectional Services.**

- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

13. **71 Elm Street (PB-2008-083) – Definitive Site Plan:** Brian MacEwan, representative from Graz Engineering, explained that the applicant is proposing to add 18 new parking spaces to an existing parking lot for a total of 49 parking spaces with grading and drainage modifications. The project requires site plan approval rather than parking plan approval because it abuts a property that is on the National Register of Historic Places. Mr. MacEwan said the parking lot will be upgraded and a mixture of recycled asphalt, processed gravel and concrete known as “pugmill” would be used for the surface. Mr. Adams said he was unfamiliar with this type of surface and would be hesitant to recommend approval of it without further review. Ms. Kennedy-Valade asked how the proposed parking spaces would be delineated since striping was not an option. Mr. MacEwan responded that concrete head berms would be used. Mr. Cashman asked about the mature beech tree on the site and whether it will be saved. Mr. MacEwan said that an arborist had looked at the tree and said it is already compromised. John Altamari, one of the owners, said the beech tree is over 120 years old and he would like to save it. However, he told the Board that the arborist who had looked at it said one leader must come down and the base of the tree has some rot. He said the arborist could not guarantee the longevity of the tree. Ms. Bold stated that DPRS encourages the retention of mature trees and supports lower impact stormwater management designs as an alternative to asphalt paving where feasible. She said staff recommends permeable pavers as an alternative which would eliminate the need for the underground retention system. She said staff also would like to see the beech tree remain on the site. When asked how many spaces would be gained by removing the tree, Mr. MacEwan answered that there would be 49 parking spaces if the tree were removed and 44 if the tree remains. The Board wanted to have more information on the proposed “pugmill” material as well as pervious pavers. Ms. Guzman said the beech tree was a beautiful tree and hoped it could be saved. Mr. Fontane asked Mr. Altamari if he would save the tree with the information he had. Mr. Altamari answered affirmatively. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the item to December 10, 2008 in order for the applicant to provide additional information to the Board.

OTHER BUSINESS

APPROVAL NOT REQUIRED (ANR) PLANS:

1. **AN-2008-076:** Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR #2008-076, Butler Street.
2. **AN-2008-077:** Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to deny endorsement of ANR #2008-077, Pearlsh Path because it is not legally permissible to extend a private way by an ANR plan.
3. **AN-2008-078:** Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR #2008-078, Vernon Street.

Proposed 2009 Meeting Schedule: Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the following meeting schedule for 2009:

4-Feb
18-Feb
4-Mar
18-Mar
1-Apr
22-Apr
6-May
20-May
3-Jun
17-Jun
15-Jul
5-Aug
19-Aug
2-Sep
23-Sep
14-Oct
28-Oct
18-Nov
2-Dec
16-Dec
6-Jan
20-Jan

ADJOURNMENT

Chair Shea adjourned the meeting at 7:50 PM.