

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

**December 10, 2008  
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  
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 and Parks

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

**CALL TO ORDER**

Chair Shea called the meeting to order at 5:37 PM.

**APPROVAL OF MINUTES**

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the minutes from the November 12, 2008 meeting.

**REQUESTS FOR WITHDRAWALS OR CONTINUANCES**

- 1. 2 Barnstable Road – Amendment to Definitive Site Plan (PB-2008-044):** Attorney Jonathan Finkelstein requested Leave to Withdraw without Prejudice. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to grant the request of the applicant for Leave to Withdraw without prejudice.

Mr. Finkelstein also asked the Chair to announce that anyone interested in discussing 1 Gorham Street petition could meet with him in the hall.

- 2. 242 & 242A Stafford Street – Amendment Definitive Site Plan (PB-2008-075):** Attorney Robert Longden requested Leave to Withdraw without Prejudice. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to grant the request of the applicant for Leave to Withdraw without prejudice.

3. **34-80 Goldthwaite Road (Burncoat Gardens, Phase II) – More Than 1 Building on a Lot (PB-2008-077)**; 49-67 Goldthwaite Road (Burncoat Gardens, Phase III)– More Than 1 Building on a Lot (PB-2008-079); 34-80 Goldthwaite Road (Burncoat Gardens, Phase II)– Definitive Site Plan (PB-2008-076); and 49-67 Goldthwaite Road (Burncoat Gardens, Phase III)– Definitive Site Plan (PB-2008-078) were taken contemporaneously. Lara Bold stated that the applicant had requested a continuance of all four items to January 7, 2009 and an extension of the deadline for Constructive Grant to January 22, 2009 because the applicant had not submitted revised plans. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the four items to January 7, 2009 and to extend Constructive Grant deadlines for the two More Than 1 Building on a Lot petitions to January 22, 2009.
4. **49-67 Goldthwaite Road (Burncoat Gardens, Phase III) – More Than 1 Building on a Lot (PB-2008-079)**: See #3.
5. **34-80 Goldthwaite Road (Burncoat Gardens, Phase II) – Definitive Site Plan (PB-2008-076)**: See #3.
6. **49-67 Goldthwaite Road (Burncoat Gardens, Phase III) – Definitive Site Plan (PB-2008-078)**: See #3.

## **UNFINISHED BUSINESS**

### **Public Meetings**

7. **71 Elm Street – Definitive Site Plan (PB-2008-083)**: Steve Murphy asked the Board to postpone the item until later in the evening because the project’s engineer was not yet present. The Board granted the request.

## **NEW BUSINESS**

### **Public Hearings**

8. **58 Suffolk Street/Fay Street – Definitive Subdivision (PB-2008-088)**: Mr. Cashman recused himself. Donald O’Neil, representative for the petitioner, told the Board that the petitioner received Variances from ZBA and now seeks to create a zero lot line between a single-family semi-detached dwelling to be located on 58 Suffolk Street/Fay Street. The petitioner is also seeking a waiver of all subdivision regulations with the exception of those required for an Approval Not Required plan. Ms. Bold recommended an approval of the subdivision and the waiver of all subdivision regulations with the exception of those required for an Approval Not Required plan. 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 Anne O’Connor, the Board voted 4-0 to approve the subdivision and to grant the waiver of the City of Worcester’s Subdivision Regulations with the exception of those required for an Approval Not Required plan.
9. **Zoning Map Amendment – 7 Holt Avenue (RS-7 to BG-3.0)**: A daughter of the petitioners, William and Nancy Donahue, represented them. The petitioners propose to extend the BG-3 (Business General) zoning district from its current location at the centerline of Holt Avenue to include the entire parcel of 7

Holt Avenue. Mr. Fontane stated that staff was recommending a denial of the petition because the proposed use is significantly more intense and thus would impinge on the surrounding residential properties. He indicated that the proposed change would also create an oddly shaped zoning district that would create significant disparities in land use rights among property owners within this small residential area in a way that is not consistent with a more uniform land use planning approach. He added that although a recently approved zone change at 299 Barber Ave. extended the BG-3 zone further into the residential area, it was modified in a way that provided protection for the abutting residential properties and neighborhood. He noted that the 299 Barber Avenue zoning change has a zoning buffer that precludes access from Crierie Avenue to the use at 299 Barber Avenue; and that the 299 Barber Avenue parcel has access from Barber Avenue, a road already in a business zone. The proposed change at 7 Holt Avenue, however, has neither of these protections for the residential area.

Rosemary Lindner of 3 Holt Avenue expressed several concerns with the proposed zone change including: 1) the potential reduction in the surrounding property values; 2) the potential negative impact on the recently created park; and 3) the increase in traffic on Holt Avenue which she stated was already poorly maintained. Ms. Linder said that she lives in the single-family residential neighborhood and wants to keep it that way. Ms. Donahue responded that there are already many businesses in the area, and that allowing one more property to be converted into a business would not have a negative impact on the neighborhood.

Mr. Shea said that the proposed zone change would create an irregular zoning district thus making it appear to be spot zoning. He was also concerned with the negative impact the new use might have on the neighborhood. Ms. Guzman echoed Mr. Shea's comments saying that, while she is generally in favor of using zone changes to improve properties, this change is not in keeping with the character of the neighborhood, would create an inappropriate irregularity in the zone shape, and is not an appropriate use of the zone change process.

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to recommend to the City Council denial of the zoning map amendment for the following reasons:

- **The uses allowed in the BG-3.0 zoning district could impinge on the existing character of Crierie Avenue and Holt Avenue.**
- **The zone change would create an oddly shaped zoning district that will create significant disparities in land use rights among property owners within this small residential area in a way that is not consistent with a more uniform land use planning approach.**

**10. Zoning Map Amendment – 15 Rockport Road (IN-H & RG-5 to IN-H):** Attorney Joe Boynton represented the petitioner who proposes to extend the IN-H zoning district from the abutting property to include the entire parcel of 15 Rockport Road. Mr. Boynton said that the current zoning configuration at 15 Rockport Road is one of the most unusual split-zone configurations he has ever seen. He informed the Board that the lot is currently planned to be used as a parking lot which would provide benefit to the neighborhood by taking vehicles off the street. Mr. Fontane advised the Board to recommend approval of the requested zone change on the basis that it would make the lot more compatible with the surrounding uses. He said that the current split-zone configuration could have been a mistake as its unusual shape might lead one to believe.

Benjamin Hall of 24 Brittan Lane asked what the difference between IN-H and RG-5 zone designation meant and Mr. Fontane provided a summary to him. Chair Shea added that IN-H zone designation allows more uses on the parcel as of right and concluded by stating that he believed this change would benefit the neighborhood overall by making its uses more consistent.

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to recommend to the City Council approval of the zoning map amendment for the following reasons:

- **The zone change is compatible with the surrounding uses.**
- **The zone change would help address the significant parking demand in the area.**
- **The zone change would make the delineation of this zoning district more consistent.**

**11. Zoning Map Amendment – 25 Elbridge Road (RG-5 and BL-1.0 to BL-1.0):** Attorney Mark Donahue, representative for the petitioner, said that adjacent property at 124 Highland Street is owned by Ahlquist Family LTD Partnership and is the site of the Sole Proprietor restaurant. The petitioner proposes to extend the abutting BL-1 (Business Limited) zoning district from its current location to include the entire parcel at 25 Elbridge Street. He said that the petitioner initially intends to use the existing structure at 25 Elbridge Street for general office use related to the operation of the Sole Proprietor restaurant, but is also considering demolishing the building to expand the restaurant's off-street parking. Mr. Fontane recommended that the Board recommend approval of the requested zone change to the City Council. Mr. Fontane informed the Board that one reason to recommend approval is the fact that parking on the side and rear of buildings is preferred from an urban design perspective in compact urban business corridors. He also noted that the potential addition of off-street parking would contribute to the alleviation of on-street parking congestion in the neighborhood. Additionally, while many commercial uses are allowed by right in BL-1 zones, use changes to this property would require a Special Permit for expansion/change of a pre-existing nonconforming use/structure, thus allowing the Zoning Board of Appeals to impose reasonable conditions to ensure compatibility of this property with the neighborhood.

Theresa Putnam, the owner of 125 Highland Street (also known as 2 Ormond Street) said that parking is an ongoing problem in the area. She stated that her tenants at Unique Boutique and Futon Company, have complained that employees of the Sole Proprietor restaurant park on the street in front of their businesses eight hours at a time. She stated that she was in favor of the petition as she hoped that it would alleviate the area's parking problems. Chair Shea said that resolving parking conflicts is beyond the scope of the Planning Board's authority. Mr. Fontane added that he is working on a more holistic approach with City staff to improve parking in the neighborhood.

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to recommend to the City Council approval of the zoning map amendment for the following reasons:

- **The existing lot is currently spit-zoned RG-5 and BL-1.0 and is therefore a transition area.**
- **The potential addition of off-street parking would contribute to the alleviation of on-street parking congestion in the neighborhood.**

- **From a design perspective, it is preferred that parking be located to the side and rear of buildings within this compact urban business corridor.**
- **While many commercial uses are allowed by-right in BL-1.0 zones, use changes to this property would require a Special Permit for expansion/change of a pre-existing nonconforming use, allowing the Zoning Board of Appeals to consider reasonable conditions to help ensure compatibility of this property should its use change.**

## **Public Meetings**

### **12. 8-9 Sophia Drive & 53-60 Holly Terrace – Amendment to Definitive Site Plan (PB-2008-084):**

Hossein Haghazadeh, representative for the applicant, Fox Hill Builders, said that the amended site plan shows 10 lots with single-family detached houses and that this plan reduces the amount of parking required and decreases imperviousness in comparison to the previous plan. Ms. Bold said that the staff initially had a question regarding a discrepancy in the proposed lot area between previous plans and the amended site plan. Ms. Bold informed the Board that after confirming with the Law Department the discrepancy in the lot area is not an issue and is due to the fact that some land area in the subdivision is located in the abutting town of Auburn. Mr. Cashman asked if all driveways would be paved. Mr. Haghazadeh said that all roads and driveways leading to the garages will be paved.

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

- **That L&R labels are removed from the site plan.**
- **That the applicant adds a note to the plan stating that all driveways will be paved.**
- **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.**

**13. 400 Park Avenue – Amendment Definitive Site Plan (PB-2008-085):** Patrick Doherty, an engineer and representative for the applicant, stated that he had met with DPW&P that morning to discuss additional proposed changes to the plan with respect to sanitary connections, drainage, and utilities. Mr. Adams said that minor changes to the utilities will need to be made and that he recommends the Board approve the petition per DPW&P approval of utility changes. He said that he had not seen the revised plans yet, only a sketch. Mr. Traynor said that he does not recommend the Board approve the petition per DPW&P approval because it would be delegating the Board's review. Chair Shea concurred with Mr. Traynor by saying that he does not want to set such a precedent. Ms. Guzman said that since these changes do not seem to be de minimus, she also defers to Mr. Traynor's opinion. Anthony Bono, an attorney for Vassiliki Drallios of 392 Park Avenue, an abutter, expressed concern with the drainage from the site.

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the item to January 7, 2009 to allow the applicant sufficient time to make revisions and review the final changes with DPW&P.

**14. 386 Shrewsbury Street – Definitive Site Plan (PB-2008-086):** Robert Oliva, an engineer from Hamwey Engineering and representative for the applicant, said that the lot was previously occupied by a motor vehicle sales display lot and was completely paved. He said the site's loading area will be accessible from Prentice Street. He indicated that the site plan also includes a dumpster and a landscaped buffer between the business and residential area. Mr. Oliva said that comments from staff's December 3<sup>rd</sup> letter had already been incorporated into the plan and that a few minor comments from DPRS and DPW&P staff will soon be incorporated as well. Ms. Bold responded that she has not seen the revised plans yet. She indicated that the main concern for the site was the location of access through the residential district to a business use. Mr. Oliva informed the Board that the access from Granby Road had been removed and there is only a sidewalk in the back of the property providing pedestrian access to the site.

Mr. Shea asked if the applicant considered a different location for the dumpster. Ms. Bold asked if there is a real need for the outside dumpster and if it could possibly be substituted by an internal one. Mr. Oliva responded that the building is planned for three tenants, and therefore, in his opinion, there is a real need for the outside dumpster.

Diane Biancheria, the owner of 8 Ventura Road, asked the Board if it knew who the future tenants will be. Chair Shea said that is not a consideration for the Board. Ms. Bold answered that the BG-2.0 zone allowed uses include: personal services and a variety of commercial, retail and office uses. Ms. Biancheria then confirmed that the patrons will be able to exit and enter the site both from Shrewsbury Street and Granby Road. She expressed concern with the traffic flow. Mr. Adams responded that the DPW&P traffic engineer had looked at the site and was satisfied with the traffic circulation. He noted that one of the DPW&P's conditions of approval was that a right turn would only be allowed when exiting the site onto Shrewsbury Street. Ms. Biancheria then requested confirmation that there would be three tenants in the building and that the wall separating the parcel and residential area would have vegetation on the top.

Andrew Sbrogna then spoke on behalf of his grandmother living at 7 Prentice Street expressing concern that the 7 Prentice Street house would be affected the most by the development as the view from the house would overlook the dumpster and would be negatively impacted. He also expressed concern with the possible odors coming from the dumpster and vermin. He proposed eliminating the loading space and dumpster in the back of the building. Lastly, he was concerned with possible reduced value to 7 Prentice Street. Chair Shea stated that private property rights allow changes to the land as long as it is consistent with the local laws. While acknowledging Mr. Sbrogna's concerns, Chair Shea said that plan is consistent with the Zoning Ordinance, that the Board wants the business to have a loading dock, and that it cannot take property values into consideration. Mr. Fontane added that code violations can be reported to the City's Health Department.

Ms. Bold asked the applicant to surround the dumpster with a six-foot stockade fence. Mr. Sbrogna noted that from the second floor of the building where his grandmother lives, the fence will not shield the dumpster. Ms. Guzman inquired if the dumpster could be located inside a shed or have a top cover. Mr. Miller, the architect, responded that this construction would make it difficult to remove and empty the dumpster. Mr. Oliva said his client would be willing to do that if it were a suitable solution to the

neighbors. Mr. Sbrogna asked if he will be notified of the identity of the tenants in the proposed building. Chair Shea responded that as long as the business is a use allowed by the Zoning Ordinance, the abutters will not be notified. He added that the abutters will receive notification only if the proposed use requires a Special Permit. Mr. Sbrogna asked about the lighting, to which Mr. Oliva responded that there are already several light posts in the front of the property providing some light. He also referred to the staff's request that proposed lighting will have no more than one-foot candle width spillover to residential properties. Finally, he said that he will provide more information on lighting on the final revised plan.

Philip P. Palmieri, District 2 City Councilor, expressed concern with access to the site from Prentice Street and suggested eliminating any right turns. Chair Shea stated that Prentice Street will only be used to access the loading area. Mr. Palmieri suggested a right turn only when entering the site and left turn only when exiting it on Granby Road in order to minimize an increase in traffic in the residential neighborhood. Chair Shea responded that the DPW&P traffic engineer had already reviewed and commented on the site plan. Mr. Palmieri urged the Board to continue the item thus giving the applicant time to sit down and talk to the neighbors. Chair Shea asked the applicant if he wanted to continue the item. After consulting with his clients, Mr. Oliva said that he wanted to hear the rest of the Board's comments before making this decision.

Mr. Palmieri asked what type of wall will be built in the back of the building. Mr. Miller responded that it would be split-face concrete block.

Mr. Cashman asked the applicant if placing the parking lot in the rear of the building was considered. Mr. Oliva responded that this option was considered, but that the elevation grade presented an issue.

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the petition with the following conditions:

- **Provide 8" DR18 PVC pipe for all catch basin connections.**
- **Provide a City of Worcester trap for all of the catch basins in paved areas.**
- **Provide a "Right-Turn Only" sign for the proposed exit onto Shrewsbury Street.**
- **On the plan, include the scale on each sheet of the Definitive Site Plan.**
- **On the plan, label Prentice Road and Granby Road public and include street width.**
- **Close the driveway access to the rear of the site from Granby Road as the uses not permitted in the RG-5 zoning district cannot be *accessed* through the RG-5 zoning district.**
- **Relocate the dumpster to a location on the site so that it can only be accessed from the Prentice Road (i.e. the BG-2.0 zoning district).**
- **Provide a six foot stockade fence around the dumpster and a roof screen.**
- **Relocate pedestrian sidewalk on the western side of the driveway entrance from Shrewsbury Street to its eastern side in order to improve pedestrian connectivity by bringing the sidewalk closer to the Shrewsbury Street crosswalk.**
- **In the parking summary, include total number of allowable compact parking spaces (8) and the number provided (2).**
- **Provide a note indicating that proposed lighting will have no more than one-foot candle width spillover to residential properties.**
- **A monument sign with landscaping is preferred to a free-standing pylon sign.**

- **Provide a street tree in the lawn area along Granby Street to provide landscape screening for the loading and dumpster area.**
- **Specify species to be planted in landscaping table.**
- **Add a combination of perennials and annuals to match median plantings along Shrewsbury Street.**
- **Modify note #20 to state that snow shall not be stored in required landscape screening buffers or required parking spaces. If there are no viable alternatives to snow storage on site, indicate that all excess snow will be removed from site.**
- **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.**

Chair Shear left the meeting and Mr. Cashman assumed the Chair.

**15. 67 Temple Street – Definitive Site Plan (PB-2008-087):** Attorney Jonathan Finkelstein, representative for the applicant, John G. Giangregorio, Inc., presented the plan. He said the site plan was necessitated by the parcel's proximity to a MACRIS listed property. Ms. Bold referred to the staff memo listing a few minor corrections to the site plan and then asked the applicant about the exterior lighting on the building and if there was a proposed roof deck. Mr. Finkelstein responded that no lighting is indicated on the plan, but that most likely the retail area and the side of the building facing Burt Street will be lit and that both residential units will have a roof deck. Ms. Bold then indicated that she would like to see the revised plans showing the lighting and the roof decks as well as a note listing the four Variances granted by the ZBA.

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the petition with the following conditions:

- **Provide owners' names for abutting properties.**
- **Provide a summary of zoning for required property dimensions.**
- **Label square footage of proposed building.**
- **Label height in feet of proposed building.**
- **Label floor to area ratio of proposed building.**
- **Label total floor area of proposed building.**
- **Label number of bedrooms of proposed building.**
- **Label exterior materials of proposed building.**
- **Provide location of signs and lighting, if any. It is recommended that blade signs be used at the entrances.**
- **Show the roof decks and label them as open space.**
- **Label total area in square feet.**
- **Provide a note that there will be no external dumpster on the site.**

- **Provide a note on the plan stating date, relief granted and conditions of approval by the Zoning Board of Appeals.**
- **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.**

**16. 75 East Mountain Street – Definitive Site Plan (PB-2008-089):** John Grenier of J.M. Grenier Associates, represented A. Lorusso Development, LLC, applicant. He said that the structure on the 1.5 acre parcel is slated for demolition to allow for the construction of three single family semi-detached dwellings on three lots with a common driveway. The drainage would be treated in a detention basin while roof run-off would be treated in a dry well. Mr. Grenier noted that the Conservation Commission approved the plan as the stormwater management requirements were met. Lastly, he said that the lot lines will be revised in order to bring the three lots into compliance with the irregularity factor by reconfiguring the lot lines. Ms. Bold informed the Board that the proposed development also requires a Special Permit for the common driveway and said that she recommends a continuance of the item to the next meeting so that the applicant can submit revised plans in response to the staff memo. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to continue the item to January 7, 2009 so that the applicant can submit revised plans for staff review.

**17. 71 Elm Street – Definitive Site Plan (PB-2008-083):** Brian MacEwen from Graz Engineering represented the applicant who 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 Definitive Site Plan Approval rather than Parking Plan Approval because it abuts a property that is on the National Register of Historic Places. Mr. MacEwen said that he revised the site plan which now shows a partially paved lot (allowing for striping of the spaces) surrounded by crushed stone medium. He said that this low impact stormwater detention stone bed would also allow for the retention of the 70" beech tree. Ms. Bold said that the proposed site plan meets all Zoning Ordinance requirements, and that she defers to DPW&P with regard to the civil engineering aspects of the site plan. Mr. Adams said that the City must show compliance with the Massachusetts' DEP Stormwater Management Standards since the City only has a limited number of non-point source pollution credits. While the proposed permeable surface would successfully drain out the water, he argued, it would not filter out the impurities. He suggested that a different surface, such as permeable pavers, be used since it acts as a filter and thus would satisfy DPW&P requirements. He indicated that permeable pavers would be acceptable to DPW&P. Alternatively, pavement grindings that act more like an engineered surface without stormwater system would also be acceptable.

Mr. MacEwen said that he was led to believe during the Internal Review Team meeting with the City staff that the overarching goal from the City's point of view was to reduce imperviousness and to have aesthetically pleasing developments. From talking to DPW&P, he continued, he was led to believe that the goal behind recommending paved surface for the parking lot was for mobility and safety reasons,

and not runoff issues. Mr. Adams responded that he is as concerned with the water quality of the stormwater runoff, as with the water quantity of the runoff.

A major concern for the applicant was the cost of the permeable pavers which he stated cost 2.5 times more than the crushed stone and asphalt surface alternatives. John Altomare, the owner, said that the existing parking lot is made of gravel, a material that seemed to be working well for the site in terms of the drainage. Mr. MacEwen distributed two pictures to the Board showing examples of parking lots with the proposed crushed stone surfaces which he stated he believes to be aesthetically pleasing. Mr. Adams countered that the issue at hand was not the aesthetics, but the ability of the proposed surface to filter out water impurities. He said that gravel is not one of the surfaces approved by the Massachusetts' DEP Stormwater Management Standards. He noted that it would be acceptable to the DPW&P to have an alternative where no runoff is leaving the parcel by grading the site so that its shape is concave. Mr. Adams said that DPW&P was satisfied with the drainage system proposed to the Conservation Commission.

Mr. Adams explained further to the Board the DPW&P's position. The City of Worcester needs to comply with the Massachusetts' DEP Stormwater Management Standards. Therefore, while there seem to be two competing environmental goals, approving a parking lot expansion without requiring mitigation of nonpoint source pollution would send the wrong message to the development community, would not be compliant with current regulations, and would impose the cost of non-compliance on all tax payers.

Chair Cashman expressed his preference for saving the tree, but said that it might not be possible here given the water quality concerns. He also added that the Board's potential approval of the site would not be consistent with its previous decisions where applicants were required to pave their lots. Ms. Guzman expressed concern that the requirements placed on the applicant by the City in order for him to save the tree are too onerous. Mr. Fontane stated that the applicant had expressed the desire to maintain the tree during preliminary meetings which staff supported. He added that while the tree is an important consideration and a significant planning objective and a shared value, he felt the issue at hand is that the applicant prefers the least expensive alternative for the site. He then summarized what he believed were the applicant's three alternatives – 1) to abide by standard Zoning Ordinance regulations by paving the parking lot thus eliminating the tree; 2) to provide pervious pavement acceptable to DPW&P aligned with its stormwater management policy (i.e. pervious pavers, not processed stone) which would cost approximately \$50,000 more; and 3) to pave areas where cars will be parked and to use processed stone elsewhere. Mr. Fontane argued that while the third option would save the tree and is the most affordable one of the three alternatives for the applicant, it does not achieve DPW&P goals.

John Altomare, the owner, responded that the least expensive option would be to remove the beech tree removal (which would cost around \$6,000) and pave the entire parking lot. He said that the asphalt and drainage system would cost around \$130,000, and permeable pavers would cost \$180,000 for this site. Chair Cashman said that the cost of the project is not part of the Board's consideration. Mr. Altomare reiterated that there may have been some confusion regarding stormwater management stating that he, too, felt concerns about traffic circulation was the major reason behind requiring a paved lot. He said that if the painted lines were the issue, then the asphalt was needed. Mr. Adams responded that DPW&P is not requiring painted lines per se, and is willing to consider concrete headers to delineate parking spaces. He also noted that, at the last meeting, he recommended the applicant meet with DPW&P to discuss alternatives for the site, but that the applicant had not contacted DPW&P. He suggested again that the applicant meet with DPW&P for that purpose.

Ms. O'Connor asked if the plan can be approved without meeting the stormwater management regulations. Mr. Traynor responded that the Board has the authority to approve the plan, however its decision would increase City's overall stormwater management non-compliance which is not advisable given the fact that the City is already in the pre-litigation stage with the EPA on the matter.

Chair Cashman asked the applicant if he wanted to request a continuance, to which Mr. Murphy and Mr. Altomare answered affirmatively. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to continue the item to January 7, 2009 in order to give the applicant time to meet with the DPW&P to discuss alternatives for the site.

**18.1 Gorham Street – Parking Plan (PB-2008-090):** Jonathan Finkelstein, attorney, and Brian MacEwen, engineer, represented the applicant. Mr. MacEwen presented the plan for the construction of a 40-space parking lot associated with an educational use in an RS-7 zone. He said that the applicant proposed to change the parking lot, to move drainage, and to reconfigure existing parking. Ms. Bold informed the Board that the plan had a couple of minor labeling issues to address and that the future 83.9 x 19 foot addition shown on the plan should be removed from the Parking Plan; otherwise it would trigger a Definitive Site Plan review.

Joseph Ricciardi of 21 Buckingham Street expressed concern with the reduction of the vegetative buffer by 25-30 feet between the expanded parking and his abutting residential property. He claimed that this change would reduce his property value. Chair Cashman responded that the Board does not consider developments' effects on property values. He then asked the applicant if construction of all 40 parking spaces in the back of the building was considered. Mr. MacEwen answered that it is less desirable to build a full parking lot in the back due to the grade of the land, and additionally would necessitate cutting down several trees, thus, making the project less aesthetically pleasing. He added that to further minimize the impact on the abutters, the applicant proposed a stockade fence and densely vegetative buffer.

Daniel Terpollari of 19 Buckingham Street said that he filed with the Worcester Superior Court for an injunction against The Joy of Music Program, Inc. when his fence was taken down, some trees were cut down, and other infringements on his property took place. He said that he used the fence between his and applicant's property continuously for 33 years and that his and the applicant's plot plans are conflicting. Mr. Terpollari said that the parking plan interferes with him using and enjoying his own property. The abutter was also concerned with the drainage issues and how the parking lot's water runoff could affect his property. Mr. Adams responded that the proposed drainage system will not increase the amount of runoff and meets the stormwater policy of the City. Mr. Terpollari then respectfully recommended the Board deny the parking plan. Chair Cashman asked if the DPRS checks the boundaries of parcels. Mr. Fontane responded that DPRS does not independently verify property boundaries because all site plans are required to have a professional engineering stamp and signature that confirm that they are true and accurate.

Susan Clifford of 29 Buckingham Street expressed concern with the potential future expansion. Chair Cashman responded that the applicant would then need to seek a further Amendment to Definitive Site Plan which would trigger a public meeting. Ms. Clifford then said that she would be able to see the parking lot from her back yard. Ms. Bold responded that educational uses are allowed in all zones.

Barbara Scanlon of 15 Buckingham Street referred to the lawsuit filed by Mr. Terpollari and said that she was concerned that the project will be approved and the parking lot will be constructed before the decision is made on whether or not the applicant can build on the land. Mr. Traynor responded that the Board's duty and role is to ensure that the plan complies with the City's Zoning Ordinance, and not to resolve legal claims. He concluded that, by record, the applicant owns the land and that legal claims need to be resolved in a court of law.

Evis Terpollari of 19 Buckingham Street said that the neighborhood area used to be a wetland and that there has always been a problem with water drainage. Chair Cashman responded that per DPW&P review, there should be no impact on the overall drainage.

Chair Cashman asked if there is lighting present on the site. Ms. Bold pointed to an "Existing Site Lighting Schedule" on the site plan. Mr. Fontane asked if additional lighting is proposed for the site. Mr. MacEwen informed the Board that the existing building has sufficient site lighting and no additional lighting is proposed at this time.

Ms. Xifaras Parella addressed the abutters by saying that the Board understands how the proposed expansion of parking affects the abutters. She told them that the Board does not take its responsibilities lightly but that it is bound by what it is allowed to do.

Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to approve the parking plan with the following conditions:

- **Label distances to adjacent buildings.**
- **Label percentage of lot covered by principal and accessory buildings.**
- **Provide lighting detail. It is recommended that high pressure sodium lighting be used for residential areas, shielded and directed downward with no more than 1-foot candle of light spillage onto abutting residential properties.**
- **Remove the future 83.9 x 19 foot addition from the Parking 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.**

## **OTHER BUSINESS**

**Acushnet Avenue – Private Street Conversion:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to recommend a Priority 5.

**Corrine Street – Private Street Conversion:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to recommend a Priority 1.

**Sarah Drive/Sophia Drive – Release of Covenant:** Mr. Traynor said that the applicant requested that a portion of land located westerly of Sarah Drive, now known as Sophia Drive, as shown on Sheet 4 of Plan recorded at Book 567, Plan No. 49 as the property of Goldstein & Gurwitz in the Arboretum Subdivision, be released from the covenant recorded at 10782, Page 166. The applicant further requested that the covenant recorded at Book 11464, Page 176 be released in its entirety.

The Law Department recommended that the Board grant the applicant's request for a partial release from the covenant recorded at Book 10782, Page 166 because the portion of land being released is secured by a subdivision performance agreement. The law department further advised the Board that the covenant recorded at Book 11464, Page 176 is a duplicate of the covenant recorded at 10782, Page 166 and could be released in its entirety.

Upon motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to grant the applicant's request for a partial release of the covenant recorded at Book 10782, Page 166 in the Worcester District Registry of Deeds and a full release of the covenant recorded at Book 11464, Page 176 in the Worcester District Registry of Deeds.

**Carriage House Lane Subdivision - Set Bond, Release Covenant:** Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 4-0 to set a bond in the amount of \$85,000.00 with a work completion date of August 1, 2009 and bond expiration date of November 1, 2009 and to release the restrictive covenant to include Lots 1-10 upon receipt of security.

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

- **AN-2008-079: Canterbury Street (public):** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan AN-2008-079.
- **AN-2008-080: 10 New Bond Street Lot A (private):** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan AN-2008-080.
- **AN-2008-081: 10 New Bond Street Lot B (private):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-081.
- **AN-2008-082: 10 New Bond Street Lot C (private):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-082.
- **AN-2008-083: 10 New Bond Street Lot D (private):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-083.
- **AN-2008-084: Moreland Street (public):** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to endorse ANR Plan AN-2008-084.
- **AN-2008-085: Harrington Way (public):** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan AN-2008-085.
- **AN-2008-086: May Street (public):** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan AN-2008-086.
- **AN-2008-087: Kittery/Fletcher Streets (public/private):** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan AN-2008-087.
- **AN-2008-088: Rodi Circle (private):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-088.
- **AN-2008-089: Pratt Street (public):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-089.
- **AN-2008-090: Fourth Street (public):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-090.

- **AN-2008-091: Dell Avenue (Public):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-091.
- **AN-2008-092: Ronald Drive/Lake Avenue (private):** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan AN-2008-092.
- **AN-2008-093: Keach Avenue (private):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-093.
- **AN-2008-094: Copley Road (public):** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan AN-2008-094.

### **ADJOURNMENT**

Chair Cashman adjourned the meeting at 8:35 pm.