

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

**April 22, 2009
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, BANX 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
Edgar Luna, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services
Michael Traynor, Law Department
Jennifer Beaton, Law Department
Russ Adams, Department of Public Works & Parks

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:40 PM.

APPROVAL OF MINUTES

Upon a motion by Nicole Xifaras-Parella and seconded by Margaret Guzman, the Board voted 4-0 to approve the minutes from the April 1, 2009 Planning Board meeting (Scott Cashman abstained).

CONTINUANCES, WITHDRAWALS

1. **0 Tory Fort Lane, 0 Moreland Green Drive, 1 Pinewood Lane – Definitive Subdivision (PB-2009-012), Special Permit (PB-2009-014) and Definitive Site Plan (PB-2009-013):** The Board took up the Definitive Subdivision, Special Permit and Definitive Site Plan contemporaneously. Andrew Liston, representative for Hicgo Realty Trust, applicant, requested a continuation of the hearing to June 3, 2009, and extension of the Constructive Grant Deadline to July 18, 2009. Councilor William Eddy expressed concern regarding the inconvenience that further continuations cause to neighbors and abutters who have been attending the hearings. Senator Harriette Chandler expressed concern of further continuations, and encouraged staff and the applicant to resolve their concerns by the next meeting. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras-Parella, the Board voted 5-0 to approve the continuation of the hearing to June 3, 2009 and extend the constructive grant deadline to July 18, 2009.
2. **Zoning Map Amendment – Goldthwaite Road – RS-7 (Residence, Single-Family) to RG-5 (Residence, General) (ZA-2009-002):** Charles Scott, representative for Goldthwaite Holdings LLC petitioner, requested leave to withdraw without prejudice for this petition. Upon a motion by Margaret

Guzman and seconded by Anne O'Connor, the Board voted 5-0 to recommend City Council grant the petitioner leave to withdraw without prejudice.

3. 137 Greenwood Street – Parking Plan (PB-2009-016): Lara Bold informed the Board that Robert Murphy, representative for Jhonny Ortega, applicant, sent a letter requesting continuation of the hearing to May 6, 2009. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to continue the hearing to May 6, 2009.

4. 200, 206 Canterbury Street & 7 Crystal Street – Parking Plan (PB-2009-018): Robert Longden, representative for 200 Canterbury Street LLC, applicant, requested continuation of the hearing to May 6, 2009. Upon a motion by Margaret Guzman and seconded by Anne O'Conner, the Board voted 5-0 to continue the hearing to May 6, 2009.

UNFINISHED BUSINESS

Public Hearing:

5. Zoning Map Amendment – Goldthwaite Road – RS-7 (Residence, Single-Family) to RG-5 (Residence, General) to RL-7 (Residence Limited) (ZA-2009-001): Charles Scott and Lois Maraia, representatives for Goldthwaite Holdings, LLC, petitioner, presented the petition. Mr. Scott stated that the petitioner was proposing to rezone an 11.2 acre area of Goldthwaite Road to Residential Limited (RL-7) by extending the existing RL-7 zone to include the entire area that abuts the terminus of Goldthwaite Road, currently zoned RS-7, and to change a small portion of land currently zoned Residence, General (RG-5) to Residence, Limited (RL-7). Mr. Scott stated that the petitioner was seeking to rezone the area between Phase I (single-family detached dwellings) and Phases II and III (multi-family, low rise dwellings) of Burncoat Gardens to RL-7 to permit a plan for cluster townhouse development. He also stated that the area to be rezoned is accessed from Sachem Avenue and Goldthwaite Road. In addition, Mr. Scott stated that the proposed zone change would allow this parcel to be developed into a gated community that would offer three different housing alternatives: (a) cluster single-family detached dwellings, (b) multi-family low-rise dwellings and (c) cluster townhouse dwellings. He stated that if the zone change was approved, the applicant intended to amend the previously granted cluster special permit to include an additional 65 single-family attached dwellings (townhouses) along a proposed private drive extension of Goldthwaite Road. Further, Mr. Scott indicated that the petitioner was proposing to install gates at either entrance of the proposed Burncoat Gardens residential project to prevent the general public from utilizing the proposed roads to access Burncoat Street from Lincoln Street and vice-versa. Mr. Fontane stated that when adopting a zone change, City Council is permitting a collection of uses as regulated by the Zoning Ordinance, and not a specific use, design or concept plan; and that the actual feasibility of a particular concept is not known until engineered site plans have been developed, the environmental matters have been addressed, and the appropriate financing has been secured. He further indicated that the proposed change would complement existing, recently proposed and approved residential development along Goldthwaite Road, and that it would not impinge on the abutting single-family residential neighborhood, provided that the petition is amended to include a five (5) foot zoning buffer to prevent access from Pierce Avenue and Sachem Avenue, and from the northerly portion of the proposed change near Acushnet Avenue, Sachem Avenue and Hilda Street. Therefore, Mr. Fontane stated that he was recommending that the Board recommend that the City Council approve the requested zone change for the following reasons:

- 1) The proposed change provides a logical density progression from the abutting RG-5 district.

- 2) The area is large enough to adequately buffer future development from abutting lower-density neighborhoods.
- 3) By-right alternatives available with the proposed change are limited greatly by the site's frontage and wetlands.
- 4) Higher density development, in the form of townhouses or multi-family low-rise buildings, would require a special permit, which provides the City, through its land use boards, the oversight to address development impacts through appropriate mitigation measures, if needed.

Scott Cashman expressed concern that the proposed zone change did not appear to fit well in the neighborhood. Margaret Guzman spoke in favor of the proposed zone change. Mary Duffy, an abutter, expressed concern regarding added traffic in the neighborhood and gate placement. Natale Losapio, an abutter, expressed concern regarding the density of the proposed project. Ralph Thompson, an abutter, expressed concern regarding traffic increase in the neighborhood. Jennifer Conte, an abutter, expressed concern regarding housing density and the protection of wetlands. She also asked if a by-right development would be more environmentally friendly. Mr. Fontane responded that cluster developments have less environmental impact by reducing road width and having increasing open space when compared with traditional subdivision development. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-1 (Scott Cashman opposed) to recommend that the City Council approve the zone change petition as amended to include a five (5) foot buffer -northerly/westerly- as depicted in the amended map.

Public Meetings

6. 71 Elm Street – Definitive Site Plan (PB-2008-083): Brian MacEwen, representative for 71 Elm Street Nominee Realty Trust, applicant, presented the petition. Mr. MacEwen stated that the applicant proposes to add 18 new parking spaces to an existing parking lot on site, for a total of 49 parking spaces to be accessed from West Street. Ms. Bold stated that on April 13, 2009, the applicant submitted revised plans to the Division of Planning and Regulatory Services showing the following changes:

- a) The applicant proposes to pave the newly created portion of the parking lot with bituminous concrete, while retaining gravel for the existing parking spaces.
- b) Relocation of three proposed compact parking spaces adjacent to the building.
- c) Provision of 18 standard spaces on the northern portion of the property.
- d) Removal of an existing beech tree which results in an increase in the access aisle width.
- e) Shows species of trees resistant to ALB.
- f) Relocation of the dumpster to the northwestern corner of the site.
- g) The applicant did not provide a revised utilities sheet.
- h) The revised plans show relocation of the proposed catch basin and removal of the previously proposed infiltration trench.

Mr. Adams stated that the revised plans submitted on April 13, 2009, were a step back from the plans submitted previously, especially as it relates to storm water management, and indicated DPW&P would not be comfortable recommending approval because such plans are considered inefficient and poor. Therefore, he indicated that DPW&P was not recommending approval of the proposed project. Nevertheless, Mr. Adams indicated that DPW&P would be amenable to consider recommending approval of a previously approved plan by the Conservation Commission. In

addition, Mr. Adams stated that staff from DPW&P had several conversations with the applicant's representative in order to address concerns with the project. Mr. Cashman asked who promulgates storm-water management regulations. Mr. Adams responded that such regulations are within the purview of the Massachusetts Department of Environmental Protection. Ms. Bold stated that based on the comments provided by DPW&P staff, and the numerous opportunities that had been given to the applicant to address Board's concerns with the plan as proposed, the project was not approvable. Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board vote 5-0 to deny the Definitive Site Plan.

NEW BUSINESS:

Public Meetings:

7. **922 Grafton Street – Parking Plan Amendment (PB-2009-004):** Hossein Haghanizadeh, representative for Winter Village, LLC, the applicant, presented the plan. Mr. Haghanizadeh stated that the applicant was seeking to amend a ten (10) space parking plan previously approved by the Board by reducing the number of parking spaces to nine (9) spaces, relocating the entrance sign, and relocating the dumpster. Mr. Haghanizadeh also indicated that the owners of the abutting property had indicated that they did not want a fence along the property lines. Mr. Cashman expressed concern with the proposed snow storage along Grafton Street. Ms. Bold stated that the snow storage was shown outside the required buffer and that the site was constrained by the existing building location. Ms. Bold also stated that the proposed amendment met minimum Zoning Ordinance requirements as an accessory parking lot for the 2,926 SF retail building located on site. She further indicated that the amendment included additional landscaping along the side and rear lot lines and in the landscape-island, and elimination of the stockade fence. In addition, Ms. Bold stated that since it appeared that the previous landscaping on site failed to grow due to placement of fill from building construction in the landscaping buffer, DPRS staff was recommending to add an appropriate amount of new topsoil and mulching to the proposed areas to be landscaped. Ms. Bold stated that DPRS staff was recommending that the applicant provide a City of Worcester standard detail for tree planting on the plan. Mr. Adams stated that DPW&P was recommending approval of the Parking Plan with the following condition: (1) Provide one stop sign on each side of the proposed exit location. Mr. Adams also stated that the parking table should be updated as it stated that there would be 8 parking spaces. He further indicated the he had revised the comments from the April 15, 2009 DPW&P memo. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, it was voted 5-0 to approve the Parking Plan Amendment with the following conditions:

- **Provide recharge cultec unit shown on the original approved Definitive Site Plan dated September 15, 2005.**
- **Keep the proposed drainage structures on private property.**
- **Provide one stop sign on each side of the proposed exit location.**
- **Add an appropriate amount of new topsoil and mulching to the proposed areas to be landscaped.**
- **Provide a City of Worcester standard detail for tree planting on the plan.**
- **Amend parking table on plan to reflect provision of nine (9) parking spaces.**
- **Add a note to the plan indicating that all 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 Division of Planning and Regulatory Services prior to release of the decision.**

8. **5A & 5B Wigwam Hill Drive (aka 5 Wigwam Hill Drive) – Definitive Site Plan Amendment (PB-2009-015):** Kevin Parvin, owner and petitioner, presented the plan. Mr. Parvin stated that he was seeking to amend the previously approved Definitive Site Plan to relocate the retaining walls on the rear sides of the property to improve the usefulness of the land and reduce water runoff. Ms. Bold stated that the previously approved Definitive Site Plan included a retaining wall as part of the overall project; however, such retaining wall was built further back on the rear of the property than indicated in the Site Plan. She also indicated that due to the steepness (slope) of the property, some sections of the retaining walls exceed thirteen (13) feet in height; thereby triggering an amendment to the Definitive Site Plan, and relief (variances) from the Zoning Board of Appeals. In addition, Ms. Bold stated that although the petitioner had already built the retaining wall, the plan submitted did not indicate the height of the retaining wall. Mr. Adams stated that DPW&P had reviewed the plan, and requested that the petitioner provide a connection from the storm sewer main. Chair Shea stated that in order to render a decision, he needed to see a large-size copy of the previously approved site plan, in order to see the difference between the approved location and where the retaining wall was actually built. Therefore, he requested the applicant submit large-size copies, to scale, of the previously approved plan and large-size copies to scale of the current site plan. Ms. Guzman stated that the amended site plan submitted was incomplete as it failed to clearly demonstrate the difference between what was previously approved and what is currently proposed. George Maringo, an abutter, expressed concern that the applicant had submitted one site plan to be approved, yet built it accordingly to a different site plan. Jane Logan, an abutter, expressed concern that the disturbance of the land while the residential dwelling and retaining wall were being built caused major erosion in her property at 293 Lake Avenue North. Mr. Kelly stated that any erosion issues should be reported to the Division of Inspectional Services. Chair Shea requested DPRS staff to review the final approved Definitive Site Plan and compare it with the plan submitted by the applicant. Mr. Parvin requested a continuation of the hearing to the May 6, 2009 Planning Board meeting to allow him sufficient time to submit 15 copies of large-size plans to scale of the previously approved and proposed site plans. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, it was voted 5-0 to continue the hearing to May 6, 2009.
9. **26 Harvard Street – Definitive Site Plan (PB-2009-017):** Steve Madaus, Helena Silva, John Ciaccariello, and Andrew Truman, representatives for the Lutheran Home of Worcester, Inc, applicant, presented the plan. Mr. Madaus indicated that the site has a MACRIS-registered residential building and an integrated newer structure, both of which are used as a nursing home containing 123 beds, and an accessory parking lot. Mr. Madaus stated that the building will be renovated, and an approximately 10,700 square foot addition will be constructed to increase the capacity of the nursing home by eleven (11) beds. In addition, he indicated that although the applicant was proposing to reduce the number of accessory parking spaces from 77 to 55 spaces, it still met the 43 off-street parking spaces required for the current use. Ms. Bold requested clarification regarding whether or not the dumpster will be viewable from the new addition to the building and from George Street. Mr. Truman stated the proposed extension does not include

windows facing the location of the dumpster, and indicated that the dumpster will not be viewable from George Street because it is shielded by a high retaining wall. Nevertheless, he stated that the applicant would be amenable to installing a new dumpster that is completely covered. Mr. Madaus stated that the applicant would prefer to not screen the dumpster due to the tight parking layout and because the dumpster is not visible from a public way. Mark Israel, an abutter, expressed concern regarding snow storage since his company owns the lot below. Mr. Cashman requested clarification regarding snow storage and excess snow removal. Mr. Truman stated that snow will be stored in the easterly side of the site as indicated on the site plan, and that excess snow, which they do not anticipate, will be removed from site. Mr. Truman stated that planting a tree in the 5' setback along George Street would be difficult due to its small size and poor soil condition. Mr. Adams stated that DPW&P had reviewed the application and was requesting the following: (a) Provide City of Worcester details of the proposed drainage infrastructure, (b) double catch basin grates are to be placed with individual catchbasins, and (c) catch basin connections are to be 8" DR18 PVC. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, it was voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Provide a covered dumpster.**
- **Provide one additional 3" caliper shade tree in the 5' setback along State Street.**
- **Provide densely planted shrubs (i.e. arborvitae, forsythia, or rhododendrons) along the easterly driveway into the site that abuts the residential structure on George Street.**
- **Label plan Definitive Site Plan.**
- **Provide a locus plan.**
- **Provide a zoning summary.**
- **Clarify legend on Sheet D1:1; the legend symbols do not appear to match proposed changes on site plan. (Note: copies of plan may not accurately reflect shading).**
- **Label height of retaining wall. Note: Retaining walls in excess of four feet require a fence.**
- **Clarify exact square footage of proposed addition. Written application states 10,764SF on one page and 10,743 SF in another section and the plan itself states 10,745.1 SF.**
- **Provide height of stories and feet of existing buildings.**
- **Provide existing and proposed total square footage of pervious and impervious area.**
- **Provide rendering/elevation of proposed addition.**
- **Provide an off-street parking table with existing and proposed parking spaces, whether the spaces are standard or compact and number of required off-street parking spaces.**
- **On Sheet C1:1, number remaining two parking spaces on northern side of parking area.**
- **Show proposed traffic circulation on site plan with directional arrows.**
- **Remove existing conditions from layout plan.**
- **Label total square footage of usable open space.**
- **Provide City of Worcester details of the proposed drainage infrastructure.**
- **Double catchbasin grates are to be placed with individual catchbasins.**
- **The catchbasin connections are to be 8" DR18 PVC.**
- **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 Division of Planning and Regulatory Services prior to release of the decision.**

OTHER BUSINESS

10. Ronald Drive – To Make Public: Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to recommend a Priority 1 based on a recommendation from the Department of Public Works & Parks.

11. APPROVAL NOT REQUIRED (ANR) PLANS:

AN-2009-014, Lilac Lane: Upon a motion by Nicole Xifaras Parella and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR Plan AN-2009-014

AN-2009-016, 34 Mount Avenue: Upon a motion by Nicole Xifaras Parella and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR Plan AN-2009-016.

AN-2009-017, Wildwood Avenue: Upon a motion by Nicole Xifaras Parella and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR Plan AN-2009-017.

AN-2009-018, Foster Street: Upon a motion by Nicole Xifaras Parella and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR Plan AN-2009-018.

12. Board Meeting Schedule: Mr. Fontane informed the Board that in light of recent budget cuts, the administration implemented a lay off plan that affected every City Department, including the Departments that staff the Board. As part of the City’s budget process, staff recommended a number of operational changes related to Board administration including, but not limited to, reducing the number of Board meetings from 22 to 17 per year. Mr. Fontane presented the Board a revised schedule of meeting dates. The Board reviewed, discussed and voted to adopt the following meeting schedule:

- May 6**
- Jun 3**
- Jun 24**
- Jul 15**
- Aug 5**
- Aug 26**
- Sep 16**
- Oct 7**
- Oct 28**
- Nov 18**
- Dec 16**
- Jan 13**
- Feb 3**
- Feb 24**

13. Board Training: Mr. Fontane informed the Board that the Levi Lincoln Chamber at City Hall has been completely renovated, and that all Planning Board meetings will be held there permanently effective this summer. Mr. Fontane indicated that this transition period offered the Board a good opportunity to attend a training session regarding this change and other Planning Board matters. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to approve a Board training which will take place on May 20, 2009.

ADJOURNMENT

Chair Shea adjourned the meeting at 8:45pm.