

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

**September 16, 2009
WORCESTER CITY HALL – LEVI LINCOLN CHAMBER**

Planning Board Members Present: John Shea, Chair
Scott Cashman, Vice Chair
Anne O'Connor, Clerk
Stephen Rolle
Andrew Truman

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Edgar Luna, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
Michael Traynor, Law Department
Jennifer Beaton, Law Department
Russell Adams, Department of Public Works & Parks

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:36 PM.

APPROVAL OF MINUTES

Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the minutes from the August 26, 2009 Planning Board meeting.

CONTINUANCES OR WITHDRAWALS

Public Meeting:

- 1. 104 Shrewsbury Street – Parking Plan (PB-2009-049):** Ms. Bold informed the Board that Jerry Azzarone, applicant for the proposed project, sent a letter requesting a continuation of this item to the October 7, 2009 meeting. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to continue the hearing this item to October 7, 2009.

UNFINISHED BUSINESS

Public Hearing:

- 2. Arboretum Phase IV – Definitive Subdivision (PB-2009-038):** Hussein Haghanizadeh and Lesley Wilson, representatives for Fox Hill Builders, Inc. petitioner, presented the project. Mr Haghanizadeh stated that the petitioner was seeking to develop Phase IV of the Arboretum

Subdivision which would include a total of 70 lots. Of these, two (2) will be designated as open space lots, and the remaining parcels will be used to build thirty-four (34) single-family semi-detached dwellings, thereby creating a total of sixty-eight (68) new units. Mr. Haghanizadeh indicated that the proposed project would include a sixteen (16) foot high retaining wall, or two eight (8) foot retaining walls which will be shown on the Cluster Development Site Plan. Mr. Adams indicated that the proposed project required a waiver to allow a street grade of not less than 0.8% for a small portion of Bittersweet Boulevard as it connects to Sarah Drive (Section IX.E.1), and indicated that DPW&P was in support of granting such waiver. He also indicated that the petitioner had submitted the metes and bounds descriptions as requested. Ms. Bold stated that the applicant submitted revised plans incorporating DPRS and DPW&P comments, and a legal description of the three (3) roads in the proposed subdivision, as requested by the Board on August 26, 2009. She also indicated that as requested, the revised plans included a note stating the following: "Lots 87 and 88, which total 26,067.8 SF, will be set aside for park or open areas suitable for playground or recreation purposes for the period of 3 years from the date of the final build-out of Bittersweet Blvd, Indigo Circle, and Snowberry Circle infrastructure". She confirmed that the easement area going through the proposed open space lots is included in the total area calculation. In addition, Ms. Bold noted a change in a previous condition of approval per the Law Department request, that if the subdivision was approved, DPRS staff recommended that properly executed easements to the City of Worcester be duly recorded in accordance to the final approved Definitive Subdivision plans, at the same time that the subdivision is recorded, and prior to construction. Mr. Kelly stated that several neighbors had expressed concerns regarding the dust and debris caused by construction on site. Mr. Haghanizadeh indicated that the petitioner would be amenable to sweeping the streets on site, and removing construction debris daily. Lori Schlesman, an abutter, expressed concern with the length, height and impact of the proposed retaining wall. Ms. Bold stated that the length, height, and impact of the proposed retaining wall on the neighborhood will be addressed during the Definitive Site Plan process. Ms. Schlesman also expressed concern regarding the accuracy of the property boundaries on site and wondered if the workers knew where such boundaries are located. Mr. Haghanizadeh stated that professional surveyors delineated the property boundaries accurately, and agreed to physically mark her property line. Ms. Schlesman expressed concern with ongoing issues with dust and construction debris. Mr. Kelly and Mr. Adams discussed how construction mats at the sites function and how the size of the mats and maintenance schedule can help control dust. Mr. Kelly stated that the Department of Inspectional Services was recommending that if the subdivision was approved, it include a condition that the property owner be responsible for cleaning all debris from site on a daily basis. Lesley Waters, an abutter, expressed concern with excessive noise emanating from construction crews. Mr. Kelly stated that City Ordinances allow regular construction noise from 7:00 am to 9:00 pm Monday through Saturday, and 9:00 am to 7:00 pm on Sundays. He also stated that any construction performed outside these hours would require special permission through an emergency work order from the Department of Inspectional Service and DPW&P. Mr. Traynor stated that the Worcester Police Department is the City entity responsible for enforcing all City ordinances, including the noise ordinance. Ms. Waters expressed concern that the roads on site appeared to have an oily surface. Mr. Haghanizadeh acknowledged that the oily surface referenced was actually a treatment applied to the surface of the road for the purpose of keeping dust down. Mr. Rolle stated that in order to address neighborhood residents' concerns regarding dust and debris during construction of the project, the petitioner should submit an operation and maintenance plan to address such issues. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the waiver to allow a street grade of not less than 0.8% for a small portion of Bittersweet Boulevard as it connects to Sarah Drive (Section IX.E.1).). Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to close the hearing. Upon a motion

by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to approve the definitive subdivision with the following conditions:

- **Construction mats shall be lengthened and cleaned as needed to achieve dust reduction.**
- **Submit properly executed easements to the City of Worcester in all ways shown on the Definitive Plan for all purposes for which ways are commonly used in the City and properly executed easements to the City of Worcester in and over all lands not included within the ways which are shown on the plan to be devoted to drainage or other common use. Wherever a drainage easement is shown, there shall also be an easement to discharge and dispose of said drainage whether within or without the subdivision. A sum of money sufficient to pay recording fees shall accompany the easements. Said easements to be duly recorded prior to the plan being recorded.**
- **Submit an operation and maintenance plan to address dust and debris created by the construction on site, for the complete duration of the construction period of the project. Such plan should include the following: (a) daily pick up of construction debris, and (b), sweeping the streets on site daily.**
- **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.**

3. **146-150 Moreland Street – Amendment to Special Permit for Cluster Subdivision (PB-2009-040), and Definitive Site Plan (PB-2009-041):** The Board took up the Amendment to Special Permit for Cluster Subdivision and Definitive Site Plan contemporaneously. Donald O'Neil and Chris Keenan, representatives for the petitioner, and Michael Hannon, petitioner, presented the project. Mr. O'Neil stated that the petitioner was seeking approval for a second amendment to the Special Permit for Cluster Development, and indicated that the hearing had been continued from the August 26, 2009 meeting at the request of the Board to clarify remaining legal questions. Mr. O'Neil indicated that Mr. Traynor had informed him that upon further review, it was determined that the Board, as part of the Special Permit review in addition to having the ability to waive frontage requirements, could also waive lot regularity requirements. Mr. O'Neil further indicated that the cluster subdivision had been re-designed to provide access to lot 4a and lot 4b via two (2) ten-foot driveways, consequently, both lots will provide limited frontage on Moreland Street, 35.58' and 17.22' respectively, and one lot will be irregular. Mr. O'Neil reminded the Board that the present amendment was sought to create a new lot by subdividing lot # 4 into two (2) lots (lots 4a & 4b); creating a total of five (5) lots instead of the four (4) lots previously approved. Ms. Bold stated that the petitioner had submitted revised plans; however, she indicated that such plans were submitted the same day of the meeting. Consequently, members of the Planning Board did not have an opportunity to review such plans prior to the meeting. Mr. Shea stated that the Board would benefit from reviewing the revised plans prior to rendering a vote. Mr. O'Neil apologized for not submitting the revised plans on time to allow members of the Board an opportunity to review them prior to the meeting. Ms. Bold stated that the revised plans were available at DPRS, if anyone wished to see them. Richard Wolfe, an abutter, expressed opposition to the project. Mr. O'Neil requested the

Board to continue the hearing for the Special Permit Amendment and Definitive Site Plan to October 7, 2009 to allow the Board additional time to review the revised plans. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to continue the public hearing to October 7, 2009.

Public Meeting:

4. **46, 48, 52, 54, and 56 Granite Street – Definitive Site Plan (PB-2009-055):** Shelly Hammond, representative for the petitioner and Michael O'Rourke, petitioner, presented the plan. Ms. Hammond stated that the petitioner was seeking Definitive Site Plan approval to reconfigure and repave an existing parking lot containing eleven (11) spaces associated with residential, retail and personal service uses located on site, which includes the following parcels: 46, 48, 52, 54, and 56 Granite Street. Ms. Hammond acknowledged that the petitioner began expanding the parking lot without approval from the Planning Board and without a Building Permit from the Department of Inspectional Services. Consequently, on June 23, 2009, the Department of Inspectional Services issued a Cease and Desist Order to stop the building expansion of the parking lot, which triggered the present application. Mr. O'Rourke stated that the site currently has six (6) residential units and one barbershop. Ms. Hammond stated that revised plans had been submitted addressing drainage from site, showing a two (2) feet high retaining wall, proposed landscaping and stockade fencing. She also indicated that as requested by the Board, Mass Electric wires were lifted minimally; however, she acknowledged that additional lifting would be needed but indicated that it could only be done by Verizon. Mr. Cashman expressed concern with the utility cables hanging too close to the ground and expressed frustration with the process and length of time. He encouraged Mr. O'Rourke to contact the City Councilor for this area on this matter. Mr. O'Rourke stated that while requesting Verizon and Mass Electric to lift their wires to the appropriate height, he became informed that one of the poles needed to be replaced, and indicated that Mass. Electric refused to do it, and although Verizon agreed to look into it, indicated that it would take them up to three (3) months to address. Mr. Adams expressed concern with the width of the aisle in the parking lot. Ms. Kennedy-Valade stated that after consulting with the Law Department, it was determined that additional relief was not necessary for the access aisle width. Ms. Bold stated that the revised plans addressed all concerns identified by DPRS previously. David Eramo, an abutter, expressed concern regarding snow storage on site and the footing type of the retaining wall. Ms. Hammond stated that the retaining wall was built utilizing modular cement blocks; therefore, the retaining wall did not need a foundation. Mr. Eramo also expressed concern with the rip-rap on site. Mr. Adams stated that the placement of rip-rap was appropriate to site, as long as it had a 90-95% compaction; however, he indicated that this was an enforcement issue during construction, and stated that the applicant could have the rip-rap compaction tested. Ms. Hammond stated that the petitioner agreed to test the rip-rap on site to verify that it has been compacted as required, in the event that it was not, Mr. O'Rourke would agree to have it re-done. Mr. Rolle asked if the parking lot would be re-stripped, and Ms. Hammond responded the parking lot would be re-stripped. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions.

- **Install a six (6) foot stockade fence on top of the retaining wall.**
- **Plant additional arborvitae 20-25 feet on center on all sides where the parking abuts residential properties.**
- **Plant additional trees behind the proposed retaining wall to augment buffering and provide additional mitigation for stormwater.**
- **Re-stripe the parking lot, and indicate it in the site plan.**

- **Verify if the rip-rap on site has 90-95 % compaction. If it does not, the petitioner will be responsible to hire a professional to implement such compaction.**
- **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.**

5. 2 Barnstable Road (PB-2009-042) – Definitive Site Plan: Jonathan Finkelstein, representative for the petitioner, and Stephen Hopkins, petitioner, presented the project. Mr. Finkelstein stated that the petitioner was seeking Definitive Site Plan approval to construct a single family detached dwelling on property with 15% or more slope on site, and indicated that the proposed building would have two stories. Ms. Bold reminded the Board that this item was continued to allow staff additional time to review Exhibit “A” with respect to landscaping and the proposed renderings and photos of landscaping alternatives. She stated that upon further review of the plans prepared by Green House, staff agreed that it was the intent of the Zoning Board of Appeals to condition the approval on the landscape plantings in substantially in accordance with Exhibit “A” of the Meridian plan, but also the alternative landscaping elements prepared by Green House Development. Upon a motion by Anne O’Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Indicate the methods and locations of the erosion and sedimentation control devices for controlling erosion and sedimentation during the construction process and after.**
- **Re-label “leach basin” areas to “water runoff recharge basins” on the plan.**
- **Amend the landscaping table to substitute the Asian Longhorned Beetle (ALB) susceptible species, such as maples, elms, and birches, with ALB resistant species.**
- **Add label to the site plan indicating the June 8, 2009 ZBA meeting approvals.**
- **Build the proposed structure in accordance to the final Definitive Site Plan, the structural drawings approved by the Inspectional Services Division, and substantially in accordance with the landscape wall screening shown in Exhibit A, including the Meridian Associates Plan dated March 2009, and the additional planting options prepared by Green House.**
- **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.**

Public Hearing:

6. 0-9 Hemans Street – More than One Building on a Lot (PB-2009-055), and 0-9 Hemans Street – Definitive Site Plan (PB-2009-054): The Board took up the More than One Building on a Lot and the Definitive Site Plan contemporaneously. Robert Longden, Hussein Haghanizadeh and Lesley Wilson, representatives for Joseph Evangelista, petitioner, presented the project. Mr. Longden stated that the petitioner was seeking approval for Definitive Site Plan and More than One Building on a Lot to construct thirty (30) multi-family low rise dwelling units on property with 15% slope or more, located in RG-5 and MG-2 zoning districts. He indicated that the applicant previously sought to remove Hemans Court, a private way but the petition was denied. Additionally, he indicated that the Board had approved a request to withdraw the previously submitted Definitive Site Plan because it had been determined that the plan submitted showed curbing and other site design elements in Hemans Court which must remain accessible to abutters and allow them the right to pass and re-pass. Mr. Longden stated that the present plan included the following changes: (a) the stormwater detention pond will be located in the MG-2.0 zoning district section of the parcel, and (2) a strip of land has been added to the site to create one contiguous parcel in order to qualify under the more than one building on a lot' requirements. He further stated that the applicant will record a perimeter plan to demonstrate that this is one contiguous/single parcel. Mr. Shea asked Mr. Longden if the land added to the site was owned by the applicant. Mr. Longden responded that the strip of land referenced was owned by the applicant and also indicated that although the proposed project encircled a parcel owned by John Murdock on three sides, Mr. Murdock would retain the ability to rights to pass and re-pass. In addition, Mr. Longden indicated that two (2) entrances will be provided to access and egress to the site, and stated that one of them would be a paved private way which will connect the surrounding parcels with the project. Mr. Adams inquired whether grading would occur off-site and whether easements to do so had been provided. In addition, Mr. Adams indicated that if the project was approved, DPW&P was recommending the following conditions of approval: (a) provide an outlet structure for the "drop" between subsurface detention systems, (b) provide a 2' radius returns for the driveway openings, and (c), and provide City of Worcester manhole detail. Ms. Kennedy stated that DIS staff had reviewed the proposed structures and determined that they meet the requirements for a multi-family low rise dwelling with a common entrance and egress. However, she expressed concern with snow being stored on the right of way. Mr. Longden indicated that all excess snow will be removed from site, including snow stored on the right of way. Ms. Bold stated that Gerald Robinson, a neighborhood resident, submitted a letter expressing his opposition to the project because of the potential traffic increase on Milton Street. She also indicated that DPRS staff had reviewed the proposed project and determined that the plan appeared approvable; however, she stated that additional information would be needed, regarding landscaping and recreation areas. In addition, she stated that DPRS was recommending that the petitioner address the issues identified in Ms. Gentile's memorandum. Mr. Haghanizadeh stated that the petitioner was aware of the issues identified in the DPRS memorandum, and would agree to implement them all. He also added that the proposed project would not include a dumpster. Mr. Traynor stated that if the project was approved, it should be conditioned that an ANR be created, submitted and deeded as one single lot, under one ownership. Gail Laboide, a neighborhood resident expressed concern regarding accessibility to the proposed project. Wayne Leblanc, representative for John Murdock, indicated that the proposed changes in grade would make it extremely difficult to access his client's property, and prohibitively expensive to improve the way in the future. He further expressed concern that the proposed retaining

wall would create a 26% grade slope on the westerly side of the project, which in his opinion, would have a negative impact on Mr. Murdock's property. He also expressed concern that on the easterly side, the proposed five (5) foot high retaining wall will be located three (3) feet away from his client's land, and the sewer main will be located 12 feet underground. He further indicated that the proposed detention pond will be located five (5) feet away from his clients land, and indicated that in his opinion, the proposed detention pond may not hold and/or function safely and effectively as envisioned by the petitioner. In addition, he stated that the access/egress of the proposed private way posed a safety concern due to its pronounced turning radius. Mr. Shea asked Mr. Adams if he had any comments regarding the proposed grading on site. Mr. Adams indicated that he agreed that the proposed grading would alter current conditions and stated that the retaining walls are necessary. Mr. Leblanc questioned how future improvements could be made to Hemans Court without affecting the proposed driveway locations and front lawns. Mr. Shea stated that the concerns expressed by the applicant and Mr. Murdock appear to be legal matters. Mr. Traynor indicated that both the petitioner and Mr. Leblanc's client have rights to access Hemans Court. Mr. Truman asked if the Worcester Fire Department (WFD) had reviewed the proposed project and had commented on it. Ms. Bold stated that the WFD receives copies of all Planning Board submittals and indicated that in this case, WFD had signed off indicating that they had no comments. Ms. O'Connor stated that the petitioner should demonstrate that the parcels are owned in common ownership. Mr. Traynor stated that all easements must be executed and deeded prior to filing this plan. Mr. Longden stated that the requests and comments from the Planning Board members and staff were acceptable. Mr. Haghazadeh stated that the revised plans would also address ownership of the site. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the More than One Building on a Lot with the following conditions:

- **Provide a final revised plan with the title "Definitive Plan – More Than One Building on a Lot".**
- **Provide an outlet structure for the "drop" between subsurface detention systems.**
- **Provide the location of permanent monuments.**
- **Reference 2 public highways monuments outside the project.**

Mr. Traynor reminded the Board that they had discussed the submission of a perimeter plan as a condition of approval. Upon a motion by Anne O'Connor and seconded by Steve Cashman, the Board voted 5-0 to reconsider the approval of the More than One Building on a Lot. Upon a motion by Anne O'Connor and seconded by Scott Cashman the Board voted 5-0 to approve the More than One Building on a Lot Plan with the following additional condition of approval:

- **The applicant must submit an ANR demonstrating that the site has been deeded as one single lot under one ownership.**

Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **All easements must be executed and deeded to the city of Worcester prior to filing the ANR plan.**
- **Provide an outlet structure for the "drop" between subsurface detention systems.**
- **Provide a 2' radius returns for the driveway openings.**
- **Provide the City of Worcester manhole' detail.**

- **Add a note to the site plan indicating that all snow will be removed from site.**
- **Label total floor area of proposed buildings.**
- **Label exterior materials of proposed buildings.**
- **Signs must be 5 feet from the property line.**
- **Trees must be at least 3 inch caliper; the proposed trees are 2 to 2-1/2 inch caliper trees.**
- **Provide a mix of trees and shrubs be provided as screening where parking areas abut the existing residential areas.**
- **Provide a landscape table.**
- **Label open space areas.**
- **Label recreation areas. Applicant should delineate at least 1800 SF (40 – 60 SF of open space per dwelling unit) to be used as passive/active recreation/open space in a common area. As is the Board’s policy, said open space should be level or near level.**
- **Provide stockade fencing on retaining walls.**
- **All parking areas must be set back 5 feet from the lot line.**
- **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.**

Public Meetings

7. **34 Wrentham Road – Definitive Site Plan – (PB-2009-045):** Hussein Haghanizadeh and Lesley Wilson, representative for James Spahiu, applicant, presented the plan. Mr. Haghanizadeh stated that the applicant was seeking Definitive Site Plan approval to construct a single-family detached dwelling on land with 15% or more slope, located in an RS-10 zoning district. Ms. Bold stated that DPRS staff reviewed the proposed project and was recommending that the Definitive Site Plan be approved; however, she indicated that staff prepared and submitted a memorandum identifying important information that should be provided and/or corrected by the applicant, if the Definitive Site Plan was approved. Mr. Adams stated that DPW&P had reviewed the proposed project and was recommending that the applicant provide a 6” PVC drain connection. William Dussault, an abutter, expressed concern with stormwater drainage. Mr. Adams indicated that the 6” PVC drain connection requested would mitigate drainage on site. Upon a motion by Anne O’Connor and seconded by Scott Cashman the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Label the Site Plan “Definitive Site Plan”.**
- **Label the proposed structure single-family detached dwelling.**
- **Provide total square footage of the parcel.**
- **Indicate the proposed number of bedrooms.**
- **Provide Zoning Analysis indicating requirements and what is proposed.**
- **Identify the correct name of the owner on the application and Site Plan (the City Assessor’s records identify the owner as Edlira Spahiu).**

- **Submit page # 12 of the Definitive Site application that includes the signature of the applicant, and/or, provide the complete information of the authorized representative (if different from the applicant).**
- **Label garage as two (2) car garage, or, show how two off-street parking spaces will be provided outside of the required front yard setback.**
- **Label location of any proposed walkways to the house from Wrentham Road.**
- **Indicate proposed paving material for the driveway.**
- **Indicate location of hay bales or erosion control devised to address erosion and sedimentation during construction.**
- **Label width of driveways and entrances.**
- **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.**

8. 19 Hancock Hill Drive – Definitive Site Plan (PB-2009-047): Michael Andrade, representative for David and Monica Gow, petitioners, presented the project. Mr. Andrade stated that that the applicants were seeking Definitive Site Plan approval to construct a single-family detached dwelling on land with 15% or more slope, located in an RS-10 zoning district. Ms. Bold stated that DPRS staff reviewed the proposed project and was recommending approval; however, she indicated that staff prepared and submitted a memorandum requesting the following (a) label the height of the proposed garage in stories and feet, (b) label the relief granted by the Zoning Board of Appeals on the final revised plan and (c), consider using solid board fencing on retaining walls in residential areas. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Label the height of the proposed garage in stories and feet.**
- **Label relief granted by the Zoning Board of Appeals on the final revised plan.**
- **Install solid board fencing on retaining walls in residential areas.**
- **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.**

9. Rankin Street – 81-G Street Opening (PB-2009-048): Hussein Haghanizadeh and Lesley Wilson, representatives for Luigi Digioia, applicant, presented the plan. Mr. Haghanizadeh stated that the applicant was seeking approval of 81-G Street Opening to provide frontage for two lots located at the end of Rankin Street, which are currently land-locked, to construct single-family detached dwellings on each lot. Mr. Adams stated while reviewing the petition, DPW&P staff identified conflicting information regarding which portions of Rankin Street are public and/or private; therefore, he requested continuation of the hearing to October 7, 2009 to allow staff additional time to check the official City map and determine accurately which portions of Rankin Street are public and/or private, and to consult with the Law Department and DPRS on the matter. Charles Flanagan, an abutter, expressed concern with drainage into his property. Mr. Shea informed the neighbors present that the hearing would be continued to October 7, 2009, and that at such meeting they would have another opportunity to be heard on this matter. Upon a motion by Steve Rolle and seconded by Andrew Truman, the Board voted 5-0 to continue the hearing to October 7, 2009.

10. 1181 West Boylston Street – Parking Plan (PB-2009-050): Charles Keenan, representative for Drake Petroleum, petitioner, presented the petition. Mr. Keenan stated that the applicant was seeking Parking Plan approval to demolish the existing buildings on site and construct an automobile refueling station with a 3,050 SF convenience store, a fuel canopy with six (6) fuel pumps and twenty-two (22) parking spaces. He also stated that the applicant was proposing a drive-through food service use on site, and indicated that the drive through service lane meets dimensional all requirements, including the provision of an escape lane. Ms Bold informed the Board that the applicant had submitted revised plans earlier that day addressing some concerns identified by DPRS staff; however, she indicated that the revised plans were not be sent to Board members for their review due to the lateness of the delivery. She also informed the Board that the proposed project would be before the Zoning Board of Appeals on September 21, 2009. Ms. Bold further stated that DPRS staff was concerned with the location, usefulness and pedestrian safety of the proposed parking spaces located in the rear of the site. In addition, she asked Mr. Keenan if the applicant had considered reorienting the building to facilitate parallel parking and provide additional space. Mr. Keenan stated that several design options were considered, but indicated that the proposed orientation of the building would best serve the needs of the proposed uses. Franklin Daigneau, an abutter, expressed concern regarding traffic, signage, snow storage, trash removal and the noise caused by garbage truck collectors. He also stated that this area of the City is prone to vehicular accidents, and indicated that the proposed uses will exacerbate this condition, which in his opinion, would require police intervention from West Boylston due to its proximity to the city/town border limits, which in turn becomes a burden for the tax payers of West Boylston. Mr. Shea asked Mr. Adams if the location of the site impeded easy vehicular access/egress. Mr. Adams stated that accessing the site northbound from Route 12 (a.k.a. West Boylston Street), would be difficult, and exiting the site northbound would also be difficult; however, he indicated that the Route 12 was a major artery in the area and is located in close proximity to the entrance/exit to the I-190 Highway. Mr. Keenan stated that all trash derived from the proposed uses would be stored safely in the proposed dumpster and indicated that the garbage truck collectors come only once a day in the morning. Mr. Keenan stated that the proposed sign will be 20 feet high, and will be internally lit. He also added that the canopy will be 20-25 feet high. Ms. Bold asked Mr. Keenan to describe the hours of operation and if the sign would be lit 24 for hours. Mr. Keenan stated that the proposed uses would be open 24 hours, 7 days a week, and indicated that the sign would automatically illuminate itself when dark. Mr. Keenan stated that in response to the feedback received, the dumpster would be moved to a different location. Mr. Truman requested clarification on the proposed retaining wall.

Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Label streets as public or private.**
- **Show zoning district lines on sheet C-4.**
- **Remove zoning districts on the cover sheet that are not applicable to this project in the zoning table.**
- **Provide a parking summary indicating the number of parking spaces proposed and required for this site. Indicate how many spaces will be compact and how many will be standard spaces and include the number of handicap accessible parking spaces. This table can be included with the dimensional requirements table on C-4 or be a separate table.**
- **In the zoning analysis summary on Sheet C-4, include the total proposed area and percentage of impervious and pervious area.**
- **On Sheet C-4, label setback of closest fuel pump to the street right of way. Per the Zoning Ordinance, fuel pumps shall be at least fifteen (15) feet from the street right of way.**
- **Label existing sidewalks, their dimensions and materials.**
- **Replace proposed maple trees with a different species of shade tree that is Asian longhorn beetle resistant.**
- **Replace winged euonymus shrub with a non-invasive species.**
- **Label width of driveway access aisle.**
- **Access aisle widths for two way traffic must be 24'.**
- **Final revised plans should include the date of Zoning Board of Approval of the requested Special Permits and any conditions of approval.**
- **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.**
- **Eight copies of the revised plan must be submitted to the Division of Planning and Regulatory Services prior to release of the decision demonstrating compliance with the ZBA conditions of approval.**

11. 110, 112 and 120 Gold Star Boulevard – Amendment to Definitive Site Plan (PB-2009-051):

Robert Longden and Greg Roy representatives for EJR Real Estate Trust, petitioner, presented the project. Mr. Longden stated that the applicant was seeking approval to amend the Definitive Site Plan granted by the Planning Board on September 29, 2004. Mr. Longden stated that EJR Real Estate Trust was proposing to lease 4,000 square feet in the building at 120 Goldstar Boulevard, formerly a Dodge vehicle dealership, to Panera Bread for a food service establishment. He indicated that the applicant was proposing to amend the approved site plan to reconfigure the parking areas adjacent to the building at 120 Gold Star Boulevard. In addition, Mr. Longden stated that the applicant was requesting a waiver from the interior landscaping requirements of the Zoning Ordinance in connection with the changes shown on the amended site plan. Mr. Adams stated that

DPW&P staff had reviewed the proposed project and was recommending the following: (a) provide 2' radius returns for the proposed driveway entrance, (b) the driveway opening shall have a maximum width of 30', measured at the street and (c), the 90 degree two-way parking aisles shall have a minimum width of 24'. Upon a motion by Anne O'Connor and seconded by Steve Rolle, the Board voted 5-0 to waive the interior landscaping requirements. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- **Provide a locus plan.**
- **Label width of Gold Star Blvd and private access road.**
- **Label width of entrance / exit and show proposed two-way circulation.**
- **Show proposed curb cuts.**
- **Provide a 24' access aisle width between the handicap spaces and the abutting building and display extension (display space surrounded by stone), shown on the original plan as a grass area. One or more of the off-street parking spaces could be removed as they are not necessary to meet minimum off-street parking requirements.**
- **Show location of proposed freestanding signs, if any.**
- **Place a minimum of two planter boxes between the building and the property line.**
- **Indicate that the dumpster will be screened by a six (6) foot stockade fence.**
- **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.**

12. 110, 112 and 120 Gold Star Boulevard – Extension of Time for Definitive Site Plan (PB-2009-052): Robert Longden and Greg Roy representatives for EJR Real Estate Trust, petitioner, presented the project. Mr. Longden stated that the applicant was seeking a one (1) year extension of time to the Definitive Site Plan granted by the Planning Board on September 29, 2004 in order to accommodate their continued growth and be prepared for future growth. Mr. Longden stated that the applicant had not been able to commence work on the project as originally intended due to current economic recession that severely affected the sale of vehicles. He indicated that economic recession specially affected the automobile industry and in turn became a severe loss not only for the petitioner but for the City's tax revenue collection as well. Ms. Bold stated that while the submitted plans met minimum requirements of the Zoning Ordinance, the original condition of approval with respect to landscaping had not been completed as a result of the proposed phasing which includes additional construction. She also indicated that since the Board approved the original Site Plan with the condition of landscaping along Millbrook Street, the Board may want to consider a phased landscaping plan along Millbrook Street which could not only accommodate construction vehicles for future phasing, but would also require planting some of the trees along Millbrook Street prior to construction of those phases. Mr. Longden indicated that it would be a financial hardship for the petitioner to implement the landscaping plan at this time due to the current economic downturn.

Upon a motion by Anne O'Connor and seconded by Steve Rolle, the Board voted 5-0 to approve the Extension of time for Definitive Site Plan for twelve (12) months.

13. 15 Putnam Lane – Extension of Time of a Definitive Site Plan (PB-2009-053): Robert Longden, representative for Princeton Development LLC, and Andrew Chapin and Daniel Endyke petitioners, presented the project. Mr. Longden stated that the applicant was seeking a one (1) year extension of time to the Definitive Site Plan granted by the Planning Board on September 24, 2003. Mr. Longden stated that the applicant had not been able to commence work as originally intended due to current economic recession which severely affected the housing market. However, he indicated that a reputable prospective buyer has contacted the owners with the intent to purchase and build the project according to the approved plans, but indicated that the potential sale would only occur if the site remains fully permitted. Mr. Cashman expressed concern with repetitive requests for extensions of time for Definitive Site Plans for projects that had been approved several years prior to the current Planning Board membership. Mr. Longden acknowledged the concerns expressed by Mr. Cashman, but indicated that the current economic down turn had a significant negative effect on the housing market. Mr Longden stated that prior to Princeton Development LLC purchase of the land, the site had been used as a golf driving range that paid approximately \$14,000.00 per year to the City in real estate taxes. By 2005, the golf driving range ceased operations; therefore, the taxes paid were reduced to approximately \$8,200.00. However, after Princeton Development LLC purchased the site for a total of \$2,075,000.00 in 2005, based upon the fact that the site was fully permitted for a 160 unit apartment complex with a four level parking garage, the assessed valuation of the property and the real estate taxes paid increased significantly. Mr. Longden stated from 2006 to 2009, the City received a significant tax revenue increase as a result of the increased valuation of the property due to the issuance of permits by the Planning Board and the Zoning Board of Appeals. Specifically, he indicated that the increased tax revenue to the City during 2006 to 2009 is approximately \$113,456.31 when compared to 2003, and approximately \$136,754.15 when compared to 2005. Mr. Longden further stated that that petitioner has never applied for real estate abatements for any year since it acquired ownership of the property, despite the fact that construction of the project has been delayed due to a severe economic downturn and environmental issues that required mitigation. He also stated that if the extension of time was denied and the Definitive Site Plan expires, the value of the property would be reduced, the petitioner would be entitled to abatements, and the increased tax revenue that the City has been receiving as a result of the increased valuation of the property would be lost. Mr. Longden further indicated that any adverse impact to the City resulting from the further extension of the Site Plan approval would be far outweighed and offset by the amount on increased tax revenue that the City has been receiving as a result of the Site Plan approval remaining in effect. Ms. Bold stated that since the project was approved, the residential parking requirements have changed; therefore, the future construction of the project will require a Special Permit from the Zoning Board of Appeals to request 49% of the parking spaces to be compact, in order to build in accordance to the currently proposed housing development, and/or, the parking would need to be re-configured. In addition, she indicated that any changes to the approved Site Plan would trigger an Amendment to Site Plan. Mr. Cashman stated that Mr. Longden had provided a reasonable and justifiable explanation for the proposed Definitive Site Plan Extension of Time. Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to approve the extension of time for twelve (12) months.

Other Business:

14. ANR Plans:

- **AN-2009-043, West Boylston Street:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-043.
- **AN-2009-044, Acadia Street:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-044.
- **AN-2009-045, Wilkinson Street:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-045.
- **AN-2009-046, Bancroft Tower:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-046.
- **AN-2009-047, 6 Bjorklund Street:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-047.
- **AN-2009-048, Camden & Greenfield Streets:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-048.
- **AN-2009-049, Kilby Street:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-049.

15. Arboretum II – Work Completion: Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to set the work completion date to July 21, 2010, based on the recommendation received from DPW&P.

16. Arboretum III – Work Completion: Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to set the work completion date to July 21, 2010, based on the recommendation received from DPW&P.

17. Pineland Avenue – To Make Public: Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to recommend Priority level #1, based on the recommendation received from the Department of Public Works & Parks.

ADJOURNMENT:

Chair Shea adjourned the meeting at 8:30 pm.