

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

**April 14, 2010
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

Planning Board Members Present: Scott Cashman, Chair
Andrew Truman
Satya Mitra

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

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Approval of the April 31, 2010 Planning Board meetings were held.

POSTPONEMENTS/CONTINUATIONS:

- 1. Salisbury Street (formerly known as 727 Salisbury Street) – Amendment to Special Permit for a Continuing Care Retirement Community (PB-2010-010):** Mr. Luna informed the Board that Mark Donahue, representative for Allerton Development Group, LLC had sent a letter requesting continuation of the hearing to May 12, 2010. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 3-0 to postpone the hearing to May 12, 2010. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 3-0 to approve the extension of the Constructive Grant deadline to May 28, 2010.

UNFINISHED BUSINESS:

Public Hearing

- 2. Zoning Map Amendment – 7 Tacoma Street, 9 Tacoma Street, 59 Tacoma Street, 60 Humes Avenue, and a portion of 19 Tacoma Street (ZA-2010-003):** Hussein Haghanizadeh and Donna Truex, representatives for Great Brook Valley Health Center, Inc., petitioner, and John Hess, Director of the Clinic, presented the petition. Mr. Haghanizadeh stated that the petitioner was seeking to expand the medical facilities by adding treatment rooms, and expanding the parking lots. He also indicated that parking lots known as Parking lot # 1 and parking lot # 5 never received parking plan approvals, and portions of parking lot # 3 exist but are located in a residential zoning district (RS-7). He also indicated

that in order to implement the proposed expansion, the area would need to be rezoned to allow Great Brook Valley Health Clinic the additional off-street parking spaces needed. He further stated that if approved, the petitioner would submit a Parking Plan, which in his opinion, would improve the site and neighborhood, as it would include improved landscaping and additional off-street parking spaces. Mr. Haghanizadeh also stated that the petitioner recently held a meeting with neighborhood residents to inform them of the proposed project, and indicated that the residents expressed their support for the zone change amendment. Mr. Fontane stated that the parcels at 7, 9, 19, and 59 Tacoma Street and 60 Humes Ave are located near the intersection of Tacoma and Boylston Streets, and indicated that the petitioner was proposing to extend the existing BL-1 zoning district, from its current location, in three directions: northwesterly, southeasterly and southwesterly to include an additional 31,070 SF. He also indicated that the northwesterly proposal included the entire area of 60 Humes Ave. and 59 Tacoma St., ~17,892SF; the southeasterly proposal included the entire area of 7 and 9 Tacoma Street, 10,172 SF; and the southwesterly change included a 3,300SF area of 19 Tacoma St., the remaining portion of which is already zoned BL-1. If approved, he stated that concept plans call for parking areas to be located on each of these parcels and currently used for the Great Brook Valley Health Clinic. Mr. Fontane further indicated that the parcel at 19 Tacoma is already occupied by the Great Brook Valley Health Clinic, and indicated that the parcels at 7, 9, and 59 Tacoma Street and 60 Humes Ave. are currently used as accessory parking for the health center located at 19 Tacoma Street. Mr. Fontane indicated that the neighborhood area across the street is multi-family dwellings (MFD). Mr. Fontane also indicated that the Zoning Board of Appeals and the Planning Board had reviewed multiple petitions related to the use of this property as a medical clinic. He also stated that BL-1 zones are less restrictive than RG-5 and RS-7 zones, allowing for a wide variety of business uses not permitted in these residential zones, and indicated that the BL-1 zoning district allows, among other others, the following uses by right: clinic, private club or lodge, museum, non-residential parking facility, bank, food service, for-profit health clubs. He further indicated that additional uses are allowed by special permit in the BL-1 zoning district, and indicated that a landscape buffer is required by the Zoning Ordinance for all parking areas and service areas where they abut residential properties. Mr. Fontane also stated that it was important to note that when considering a zone change that the Board is considering a collection of permitted uses not a particular concept plan or use. In addition, Mr. Fontane stated he respectfully recommended that the Board recommend that the City Council approve the requested zone change for the following reasons:

- The uses allowed in the BL-1 zoning district would be compatible with abutting parcels' use and would provide for much needed parking so as not to overwhelm the neighborhood with on street parking for existing general and business uses. Without this zone change, the use of these parcels for accessory parking for the clinic would not be allowed.
- The vast majority of the parcels at 7, 9, 19 and 59 Tacoma Street, and 60 Humes Ave. already consist of accessory parking for the by-right health clinic located in the BL-1 zone.
- This zone change would formally recognize the use of these areas for accessory parking and enable the legal expansion of the abutting clinic.

Mr. Truman asked if the petitioner would be required to apply for Parking Plan approval, and Mr. Fontane confirmed that the petitioner had already submitted a Parking Plan application. Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 3-0 to close the hearing. Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 3-0 to recommend to City Council to approve the requested zone change for the reasons stated above.

Public Meeting

3. Lot 3 Paine Street (aka 122 Paine Street) Definitive Site Plan (PB-2010-010): Hussein Haghazadeh and Crystal Carr representatives for Britton Square Realty, LLC, presented the petition. Mr. Haghazadeh stated that the petitioner was seeking Definitive Site Plan approval to construct a single-family detached dwelling with a two-car garage for each dwelling, and clarified that single-family detached dwellings are commonly known as duplexes. Lawrence Halley, a neighborhood resident, expressed concern regarding the amounts of ledge that may be found on site, and the possibility that the construction of the proposed structure would require blasting, which in his opinion could damage to the seven surrounding dwelling structures in the area. He also expressed concern regarding as to whether or not the petitioner had sufficient liability insurance to cover any potential damages caused by the blasting of ledge. Mr. Halley asked if the petitioner had done any pre-blast testing on site or not. Mr. Haghazadeh responded that the petitioner was planning to pre-test the site to determine the existence of ledge, and indicated that any possible damage caused by any blasting that may, or may not be required, would be covered by the owner's insurance policy. He also added that if in fact, ledge was detected the owner would implement a pre-blast testing on site. Mr. Adams stated that pre-blast testing are monitored and regulated by the Worcester Fire Department. Mr. Cashman stated that any possible damage caused by blasting would be a private matter between the petitioner and the individuals affected. He also indicated that landowners have the right to develop their land. Mr. Cashman also stated that concerned individuals may consider seeking legal advice on this matter. In addition, Mr. Cashman stated that the Worcester Fire Department had received a copy of the application and had reviewed the site plans submitted. Mr. Halley also expressed concern regarding storm water management. Mr. Adams stated that while not required, the petitioner voluntarily proposed to install an 11'x 18' cul tec unit on site to effectively mitigate the stormwater on site; however, he added that that any possible stormwater spillage would be absorbed by the nearest catch basin. In addition, Mr. Adams indicated that Paine Street is a Public Street; therefore, it contains the infrastructure necessary to absorb excess stormwater. Mr. Halley asked if the neighbors would be notified when an inspector from the Division of Inspectional Services was scheduled to visit the site for compliance. Ms. Kennedy-Valade stated that the neighbors would not be notified of the inspector's visit; however, she indicated that once the final approved plans had been submitted, they could review them at the Division of Inspectional Services. Mr. Halley expressed concern that the Planning Board did not seem to understand his concerns regarding the proposed project, and indicated that in his opinion, he had presented legitimate concerns to the Board. Mr. Cashman stated that while his concerns were valid, they were not within the purview of the Planning Board; therefore, he encouraged him to consult an attorney to address these matters. Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to approve the Definitive Site Plan with the following conditions:

- Six copies of the revised plans be submitted reflecting the following changes:
- Add a note to the Site Plan indicating that the front yard, excluding the driveway, remain as open space.
- Plant one Asian Longhorn Beetle-resistant tree on each side of the driveway.

Standard 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.
- All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

NEW BUSINESS:

Public Meeting

100 Front Street – Amendment to Definitive Site Plan (PB-2010-017): Johanna Schneider, Donald Birch and David Bois, representatives for CitySquare II Development Co. LLC, petitioner, presented the project. Also present was Robert Longden, representative for Worcester Renaissance LLC, Worcester Renaissance Towers, LLC and Worcester Renaissance C&D LLC, current owner of the site. Ms. Schneider stated that the petitioner was proposing to amend the Definitive Site Plan approved by the Board on July 28, 2005, and subsequently extended on July 20, 2006, July 26, 2007, July 25, 2008, and July 2, 2009. She also indicated that the proposed amendment would reflect the separation of the site into two ownerships, and propose changes to Parcel “H” and Building “H”. Ms. Schneider also indicated that the petitioner had signed a pre-purchase and sale agreement with the current owner, and indicated that the petitioner was planning to continue developing the site in conjunction with the City. Ms. Schneider indicated that the proposed amendment to the Definitive Site Plan included reducing the size of Building “H” and changing the location of its main entrance. In addition, she stated that the sidewalks and landscaping would comply with the previously approved plans, including planting ALB-resistant trees. Mr. Birch stated that the proposed plan was to change the original purpose of the building as medical offices to commercial uses. Mr. Birch further stated that the overall size of the building would be reduced from 300,000 SF to 214,000 SF. In fulfillment of the original Site Plan approval, Mr. Birch indicated that the sidewalks and landscaping of the proposed plan would comply with City regulations as well as current City plans for Foster Street, and indicated that the proposed plan would include handicapped accessibility to the building. Mr. Birch indicated the new plan included revisions to the building utilities, and relocation of the main entrance and secondary entrances to coincide with pedestrian traffic created by the new streets, elimination of curb cuts and amendments to the parking plan. In addition, Mr. Birch stated that the utilities will be relocated to Mercantile Street and indicated that the size will be changed due to the reduction of the square footage. In addition, Mr. Birch indicated that the proposed landscaping plan would comply with current City regulations, specifically, the selection of ALB-resistant trees, and stated that he would meet with the City Forester to address these matters. Mr. Bois stated that the proposed plan would add natural light to the lower levels of the building by utilizing glass, and indicated that the plan also called for the utilization of high-quality materials for the exterior architectural features of the building. Mr. Bois also indicated that in order to be consistent with the City’s streetscape guidelines to create active street fronts, the proposed plan called for the relocation of the main and secondary entrances to promote active street fronts. In regards to the architecture of the building, Mr. Bois indicated that proposed architecture will integrate stone bases, pre-cast concrete in light colors, glass and metal to create light and give the appearance of a modernistic, up-scale building. Mr. Bois further stated that trees will be added to the courtyard to provide natural sun-screen, enhance the site, and create a distinctive look. Mr. Adams stated that the Department of Public Works and Parks was recommending that the proposed plans provide details based on City standards and regulations. Mr. Fontane stated that he was recommending approval of the amended plan upon resolution of all the items identified in his memo dated April 13, 2010, which included labeling changes required, parcels shown per the recently approved ANR plan. Mr. Cashman asked Ms. Schneider if she had read the memorandum from Mr. Fontane and whether or not she was in agreement with the issues outlined in the memo. Ms. Schneider responded that she was

satisfied with the conditions of approval as outlined by Mr. Fontane and indicated that she was looking forward to their implementation. Mr. Fontane provided Mr. Cashman a letter written by Atty. Robert Longden, on behalf of Worcester Renaissance LLC, addressed to Ms. Schneider. Ms. Schneider stated that she had read the letter. Ms. Beaton stated that basically the letter indicated that it was her understanding from reading the letter that the owner of the site did not have any issues with the proposed plan, but indicated that the letter spoke for itself. Mr. Truman asked how the public will know that the handicapped accessible entrance is located in the back of the building. Mr. Birch indicated that a handicapped entrance will also be located through the East garage, and indicated that from a design perspective, would be difficult to place a ramp on the front of the building. He also indicated that that the proposed structure was scheduled to be a LEED silver certified building. Mr. Cashman stated that some of the recommendations identified by Mr. Fontane appeared to be more than just labeling. Mr. Fontane emphasized the importance of showing the street layouts previously approved and that the plan set clearly indicates that the Board is only reviewing the changes proposed to parcel "H" and Building "H" regardless of other changes shown on plan from the August 24, 2005 Definitive Site Plan approval. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 3-0 to approve the Amended Definitive Site Plan with the following conditions:

- Submit a set of six copies of revised plans prior to the issuance of Building Permits for Parcel "H"/Building "H", and provide a complete set of the Amendment to Definitive Site Plan reflecting the following changes:
- Label Plan Set: "Amendment to Definitive Site Plan".
- Label Title Sheet "AO".
- Include revision information in appropriate title block location on all sheets.
- Label owners of all parcels in CitySquare and CitySquare II in the title block.
- Provide all applicable deed references. Plans show a *proposed* lot line; however, most up to date Registry of Deeds records do not show this as current property boundaries. References should be updated to reflect March 31, 2010 ANR once recorded.
- Revise note on the CitySquare II portion of the development found in the Title Sheet to reference August 24, 2005 (the date the Planning Board voted to approve the initial site plan) instead of September 14, 2005 (the date of the Planning Board memorialized its decision in writing).
- Sheet A1 has an error in the legend; only one of the property owners should be listed as CitySquare II.
- Include an annotation on Parcel H and Building H throughout the plan set with the parcel area and gross floor area of proposed building as appropriate.
- Verify that all legend key matches symbols used throughout plan set, make corrections as needed.
- Provide "existing conditions" sheet.
- Zoning Classification table should include a note referencing Section Article XVI, subsection 3L, (Exceptions) which states that: "In districts of a 2.0 or greater floor area, where a rear lot line abuts a public street, private street or a way at least ten feet wide, no rear yard setback is required."
- Provide parking summary for the entire site.

- Show location of existing trees to be removed.
- On all sheets, label all proposed street layouts (i.e. Mercantile Street) as “proposed”. See: Document entitled, Order of Taking, Layout of Public Streets, Establishment of Street Names and Authorization to Accept and Convey Land by Deed recorded at Book 41047, Page 372; page 379 addresses the street names.
- On all sheets, label street width and indicate whether it is public or private.
- Distinguish between existing and proposed crosswalks.
- The proposed plans do not depict the agreed upon banding along Foster Street (see memo from Economic Development Division for details).
- Label locations for construction signs providing a summary of the project.
- Include landscaping table that shows total number of proposed trees by tree type.
- Show methods of erosion and sedimentation control with respect to Building H.
- Include the note found on sheet AO (Title Sheet), regarding the scope of this amendment, on Sheet A1, CO, C1, C2, C3, L1 and L3.
- Remove “General Note” from Sheets regarding CitySquare construction documents site work Phase 1 from all sheets (C1, C2, C3, L1, & L3).
- The page, book, plan and deed references along with ownership information for all parcels shown within CitySquare and CitySquare II portions of the site.
- The proposed layout of all streets within the entire CitySquare development be shown and fully annotated (dimensions, public or private designation etc).
- All labeling and annotation changes recommended above.
- A paving scheme in accordance with the CitySquare Streetscape and Architectural Guidelines specifically as outlined on page 21 of those guidelines.
- Bicycle rack(s) located within the front plaza or surrounding sidewalks along Building H, or both.

Standard 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.
- All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

Additional conditions, not tied to the issuance of a building permit for Parcel H, Building H, be that:

- Shortly after construction commences, install a temporary sign that describes the development underway at Parcel H.
- Future site plan amendments for the CitySquare II portion of the site include all approved amendments presented here as a unified plan set.
- The diversity and type of plant species for parcel H be Asian Longhorn Beetle resistant and to the satisfaction of the City Forester in consultation with appropriate review staff.
- Per the City Forester's recommendation, tree species diversity should strive to include a diverse set of tree species for large developments.
- Staff recommends, at minimum, that no more than 25% of the trees be from any one species.

4. Arboretum Subdivision – Request to release Lots H & J (aka Lots 32 L&R – 40 L&R, and 41 L&R – 52 L&R): Ms. Beaton stated that the petitioner had been before the Board on several occasions to address different issues related to this development and indicated that they were now beginning to sell off some properties. She also indicated that DPW&P was satisfied with the current status of the project; therefore, she stated that she was recommending approval the release of the covenant for Lots H & J (aka Lots 32 L&R – 40 L&R, and 41 L&R – 52 L&R). Upon a motion by Andrew Truman and seconded Mr. Mitra, the Board voted 3-0 to approve the release of the covenant for Lots H & J (aka Lots 32 L&R – 40 L&R, and 41 L&R – 52 L&R).

5. Beverly Cove – To Make Public. Mr. Luna informed the Board that DPRS received a memorandum from DPW&P, dated February 23, 2010 to recommend making Beverly Cove from Grafton Street to Cul-de-sac a public street; and further recommending a Priority Level 1. Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to accept DPW&P recommendation to make Beverly Cove a public street, and to recommend a Priority Level 1.

6. Hecla Street – To Make Public. Mr. Luna informed the Board that DPRS received a memorandum from DPW&P, dated February 24, 2010 to recommend making Beverly Cove a public street from Shrewsbury Street to end; and further recommending a Priority Level 1. Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to accept DPW&P recommendation to make Hecla Street a public street, and to recommend a Priority Level 1.

7. Christine Drive – To Make Public. Mr. Luna informed the Board that DPRS received a memorandum from DPW&P, dated February 23, 2010 to recommend making Christine Drive a public street from Franklin Street to Cul-de-sac; and further recommending a Priority Level 1. Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to accept DPW&P recommendation to make Christine Drive a public street, and to recommend a Priority Level 1.

8. ANR Plans:

- **AN-2010-012, Mount Avenue/Boxford Street:** Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to endorse ANR Plan AN-2010-012.
- **AN-2010-015, 8 & 10 Navajo Road:** Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to endorse ANR Plan AN-2010-015.

- **AN-2010-0016, 545 Salisbury Street/Flower Hill Drive:** Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to endorse ANR Plan AN-2010-016.
- **AN-2010-0017, Glezen Street:** Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to endorse ANR Plan AN-2010-017.

ADJOURNMENT:

Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 3-0 to adjourn the meeting at 6:50 pm.