

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

**May 12, 2010
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

Planning Board Members Present: Anne O’Connor, Chair
Scott Cashman, Vice Chair
Andrew Truman
Satya Mitra

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
John Morawski, Department of Inspectional Services
Christopher Gagne, Department of Public Works & Parks
Michael Traynor, Law Department
Jennifer Beaton, Law Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

Chair Anne O’Connor called the meeting to order at 5:37 PM.

APPROVAL OF MINUTES:

Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 3-0-1 (Mr. Cashman abstaining because he was not present on March 31, 2010) to approve March 31, 2010 meeting minutes.

Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 3-0-1 (Chair O’Connor abstaining because she was not present on April 14, 2010) to approve April 14, 2010 meeting minutes.

POSTPONEMENTS/CONTINUATIONS:

- 1. Salisbury Street (formerly known as 727 Salisbury Street) – Amendment to Special Permit for a Continuing Care Retirement Community (PB-2010-010):** Ms. Bold stated that staff had received a letter from Bailin and Associates, Inc., the applicant, requesting postponement until June 2, 2010 to provide enough time for the applicant to respond to staff comments and provide additional information to the Planning Board. The applicant also requested an extension of the public hearing deadline to July 22, 2010. She stated that on May 12, 2010, staff had received a letter from John Kelly, Building Commissioner, stating that a crucial element of a CCRC by definition is the program of services, and that the applicant should demonstrate that the requisite CCRC services as outlined in the original approval are being provided as required. The letter further stated that without the requisite services and amenities the specially permitted CCRC does not constitute a bona fide CCRC and would be a condominium development, not a permitted use. He recommended that the current request for Amendment to Special Permit should be a date certain completion date requirement to fulfill the original conditions of approval. Also present was Attorney Todd Brodeur of Fletcher, Tilton, & Whipple, representative for the applicant. He stated that another reason for continuation is to have full Board to consider the petition.

Donald Gale of 97 Newton Avenue North stated his concern for the second postponement of the item.

James P. Vander Salm, Esq. spoke on behalf of his mother, Judith Vander Salm, at 655 Salisbury Street. Mr. Vander Salm sent a letter stating opposition to the project received on April 14, 2010. He was concerned with the fact that the item is being postponed for the second time and asked for a guarantee that the hearing will be opened at the next meeting. Chair O'Connor apologized for the inconvenience, stated that it is Board's policy to grant postponement and extensions when a full Board is not present, and stated that the Board cannot guarantee that all member will be present. Mr. Cashman expressed his sympathy for the abutters.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to postpone the hearing to June 2, 2010 and to extend the public hearing deadline to July 22, 2010.

2. **757 Salisbury Street – Special Permit for a Continuing Care Retirement Community (PB-2010-014):** Attorney Todd Brodeur of Fletcher, Tilton, & Whipple, representative for Allerton Development, LLC, the applicant, requested a postponement of the item to June 2, 2010 and extension of the public hearing deadline to July 22, 2010 in order to address abutters' concerns. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to postpone the hearing to June 2, 2010 and to extend the public hearing deadline to July 22, 2010.
3. **7, 9, 19 and 59 Tacoma Street and 60 Humes Avenue – Parking Plan (PB-2010-018):** Donna Truex of Bowditch and Dewey, LLP, representative for Great Brook Valley Health Center, Inc., petitioner, requested a postponement of the item to June 2, 2010 in order to allow the petitioner sufficient time to amend the plan in accordance with the staff comments. Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 4-0 to postpone the item to June 2, 2010.

NEW BUSINESS:

Public Hearing

4. **Jasmeen Place Subdivision (281 Clark Street) – Amendment to Definitive Subdivision (PB-2010-015):** Farooq Ansari, petitioner, is seeking to waive the provisions of the City's Subdivision Regulations Section VI (I)(2) with respect to sunset date and to extend the sunset date to May 16, 2015. Mr. Ansari stated that the project has not been completed due to the recent downturn in the economy. Ms. Bold stated that staff recommends approval of the petitioner's request. Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to close the public hearing. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to waive the provisions of Section VI (I)(2) with respect to sunset date and to extend the sunset date to May 12, 2015.
5. **Spring View Subdivision (271 Mill Street) – Amendment to Definitive Subdivision (PB-2010-016):** James Soffan, petitioner, is seeking to waive the provisions of Section VI (I) (2), Worcester Subdivision Regulations with respect to sunset date and work completion date and to establish a new sunset date of May 12, 2013. Ms. Bold stated that the subdivision consists of 5 lots and that the Board approved two waivers in the past related to sidewalk requirements and cul-de-sac street length. Mr. Cashman asked if it is unusual for staff not to receive subdivision final revised plans for extended periods of time (per staff memo). Ms. Bold responded that it does happen fairly regularly with subdivisions while developers secure funding. Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 4-0 to close the public hearing. Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted

4-0 to waive the provisions of Section VI (I) (2), Worcester Subdivision Regulations with respect to sunset date and work completion date and to establish a new sunset date of May 12, 2013.

6. 22 and 24 Governors Street – Remove a Portion of Governors Street: Robert Hagearty of 22 Oneida Avenue and Paul Doherty of 24 Oneida Avenue, petitioners, are seeking to remove a section of the Governors Street, approximately 100 feet in length, from the Official City Map directly adjacent to their properties. Mr. Hagearty stated that the road has been impassable since the last ice storm. Mr. Morawski asked if the proposal would impede emergency vehicle access. Mr. Doherty responded that the road is one third of the normal width and that all emergency vehicles use Welcome Street. Ms. Bold stated that the Planning Board has the final authority on the matter, as there are no public hearings required at the City Council. She stated that the Board should consider the petition in terms of its potential impacts on the street connectivity, frontage, and future development potential. She stated that the residential neighborhood is dominated by relatively short inter-connected blocks (e.g. 9-11 parcels on average) which promote high neighborhood connectivity. The current road is almost impassable due to its condition; therefore, the proposed removal would not constitute a serious impediment to travel in the neighborhood. She stated that with respect to frontage, 22 Oneida Avenue and 24 Oneida Avenue lots abut the portion of Governors Street petitioned for removal and that the proposed removal does not affect frontage access for any undeveloped or partially developed lots. In terms of future development potential, the proposed removal will not negatively impact further potential development of abutting lots as both 22 Oneida Avenue and 24 Oneida Avenue parcels are already developed and will retain their frontages on Oneida Avenue which are compliant with the zoning regulations. She recommended approval of the removal of the portion of Governors Street as described above for the following reasons:

- The overall neighborhood connectivity will remain unchanged.
- The proposed removal will not adversely impact further potential development of abutting lots as both 22 Oneida Avenue and 24 Oneida Avenue parcels are already developed and will retain their frontages on Oneida Avenue which are compliant with the zoning regulations.
- The proposed removal would not constitute a serious impediment to the travel in the neighborhood because the road is currently almost impassable.
- Abutting lots will retain easy vehicle access to Oneida Avenue and Garrison Avenue.

Ms. Bold recommended approval of the petition with a condition that the petitioners record at their own expense the plan of the private street removal of the portion of Governors Street between Oneida Avenue and Governors Avenue (next to 22 Oneida Avenue and 24 Oneida Avenue properties) in accordance with the Registry of Deeds Rules and Regulations.

Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 4-0 to close the public hearing. Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 4-0 to approve the petition with a condition that the petitioners record at their own expense the plan of the private street removal of the portion of Governors Street between Oneida Avenue and Governors Avenue (next to 22 Oneida Avenue and 24 Oneida Avenue properties) in accordance with the Registry of Deeds Rules and Regulations.

7. Piedmont Court – Remove a Private Way: Stephen Patton of 16 Hapgood Road, petitioner, is seeking to remove the entire length of Piedmont Court (192-foot long) which extends between Piedmont Street and Castle Street. Mr. Patton stated that the reason for the petition is that the road is narrow and poorly maintained and that the trucks on that street damage the fence on his property at 1-7 Piedmont Street.

Ms. Bold stated that in the consideration of the removal of private streets, the Planning Board has the final authority provided that there is no objection at a public hearing by any person in interest.

Alvin Edison of 796 Main Street, an abutter, stated his opposition to the proposal because it would impact his property which has its only vehicular access to its parking area from Piedmont Court. He also presented 16 signed letters of the opposition from the neighbors who stated that the proposal would adversely affect customer access to their businesses. He also stated that there is a right of way deeded on this street. Mr. Traynor responded that the right of way has no effect on the decision of the Board and that the rights to pass and repass are a private issue. Mr. Patton asked if he can petition for a smaller portion of Piedmont Court to be removed. Mr. Traynor stated that the Board can either grant a Leave to Withdraw or deny the petition, but cannot continue and allow the petitioner to modify the existing petition. Mr. Patton stated his preference for a leave to withdraw. Mr. Truman asked what street abandonment would mean. Mr. Gagne responded that the street would not be maintained, but that the vehicles could still use it. Mr. Mitra stated that he is favor of denying the petition because a valid objection was voiced. Mr. Cashman stated that he is in favor of granting a Leave to Withdraw as a courtesy to the petitioner. Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 3-1 (with Chair O'Connor, Mr. Mitra and Mr. Truman voting yes and Mr. Cashman voting no) to deny the petition. The petition was denied.

Public Meeting

- 8. 440 West Boylston Street – Parking Plan (PB-2010-012):** Kevin Quinn of Quinn Engineering, representative for Greendale Liquors and Package, Inc., applicant, is seeking to construct two additional parking spaces and add a 440 SF redemption/recycling building adjacent to Greendale Liquors. Ms. Bold stated that the parcel now is located in BL-1.0 in its entirety, as it was recently rezoned. Ms. Bold recommended that revised plans are submitted that label lighting and a stockade fence to serve as a visual and sound barrier. Mr. Quinn stated that he was amenable to this recommended revision. Mr. Mitra asked what was in the rear of the parcel. Mr. Quinn responded that there was a garden. Upon a motion by Mr. Mitra and seconded by Mr. Cashman, the Board voted 4-0 to approve the parking plan with the following conditions:

Eight (8) copies of a revised plan be submitted showing the following:

- Date of approval of Zoning Board of Appeals relief, if granted;
- Any conditions of approval of the Special Permits, if granted;
- Location and type of proposed lighting, if any and a note indicating that said lighting will be shielded and directed downward;
- A note stating that any proposed lighting will not result in more than one candle foot of light spillover onto abutting properties;
- A stockade fence in the rear of 440 West Boylston Street where parking lots abut residential properties.

- 9. 184 Austin Street – Parking Plan (PB-2010-019):** Arthur Mooradian, petitioner, is seeking to construct a 14-space parking lot associated with non-accessory residential dwelling. Mr. Gagne stated that he recommends to increase the driveway width to a minimum of 20 feet and to extend parallel parking spaces to a length of 22 feet. Mr. Mooradian stated that he does not anticipate a lot of traffic on site because of the existing conditions, its proposed non-accessory use for residential uses, and the urban context. Mr. Morawski asked if there will be any changes to the drainage. Mr. Mooradian responded that

the lot was already paved. Ms. Bold presented staff's memo listing annotations and other information missing from the plan. Mr. Fontane stated that a 20-foot driveway width is not a Zoning Ordinance requirement and consideration and that this dimension is subject to functionality of the site. Mr. Gagne stated that it was not a requirement and that the DPW&P was amenable to the proposal and that the applicant could widen the driveway width if the tenants complained. Mr. Truman stated that a 10-foot driveway width would be too tight, but, in his opinion, a 15-foot driveway is ok for this lot. Ms. Bold stated that the submitted plan does not have the professional engineer stamp which is required by the Zoning Ordinance and that the applicant has an option of submitting waiver request letter for this requirement. Mr. Mitra stated that he would like to see an engineer-stamped plan.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to continue the item to June 2, 2010.

10. 24 Yukon Avenue – Definitive Site Plan (PB-2010-020): Kevin Quinn of Quinn Engineering, representative for Homeland Group, LLC., applicant, is seeking to construct a single-family detached dwelling and garage on property with 15% or more slope. Mr. Gagne stated that the applicant should 1) connect the sewer service to the main, not the manhole and 2) provide a surface connection. Mr. Quinn stated his client would be amenable to that. Mr. Morawski asked about the proposed drainage on site. Mr. Quinn explained that the front of the lot will be leveled thus absorbing more water post-construction as compared to pre-construction, and that the applicant will do as much mitigation as possible in the rear of the lot. Ms. Bold presented staff's memo listing missing annotations from the plan. She also added that retaining walls over four feet require a fence, and that staff would prefer a stockade fence given the residential character of the area. She also stated that staff recommends, if a mature tree will be removed from the front yard setback, to plant an Asian Longhorned Beetle resistant shade tree.

William Burgoyne of 37 Humes Street stated that he lives downhill from the proposed site and that it is the second time someone is trying to develop it and that he has concerns with how the runoff from the site will affect his backyard because most of trees will be taken down as a result of construction. He stated that the site has become a target of illegal dumping. The Board clarified that Mr. Burgoyne was talking about a different lot, and not the 24 Yukon Avenue lot. Mr. Quinn stated that soils on site are permeable but the area is generally wet. He stated that the street was recently improved. Mr. Cashman stated that it is a challenging site and asked where the runoff will go during construction. Mr. Quinn stated that the runoff direction will be the same during the construction. Mr. Morawski suggested that the applicant uses silt fences and hay bales during construction.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to approve the Definitive Site Plan with the following conditions:

- Six (6) copies of a revised plan be submitted showing the following:
 - Label and differentiate between existing and proposed contours.
 - Label proposed landscaping.
 - Label methods and locations of erosion and sedimentation control devices for controlling erosion and sedimentation during the construction process as well as after.
 - Label the height of the proposed retaining wall. Retaining walls over four feet shall have a stockade fence.

- Label mature trees (i.e. in excess of nine (9) inches in diameter) to be removed, if any.
- Remove general notes #20 and #21 as they do not seem applicable.
- Correct Zoning Data table, proposed dimensions column, to demonstrate zoning compliance.
- Connect the sewer service to the main, not the manhole.
- Provide a surface connection.
- Add a note that the front yard setback area, excluding the proposed driveway, is not paved and that if mature trees are removed from the front yard setback area, at least one Asian Longhorned Beetle resistant shade tree is planted in their place.

OTHER BUSINESS:

11. Jasmine Place Subdivision (281 Clark Street) – Work Completion Date: Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to extend the work completion date to June 1, 2011.

12. Spring View Subdivision (271 Mill Street) – Work Completion Date: Upon a motion by Mr. Truman and seconded by Mr. Cashman, the Board voted 4-0 to extend the work completion date to June 1, 2011. Mr. Traynor stated that the surety was not yet approved. Upon a motion by Mr. Truman and seconded by Mr. Cashman, the Board voted 4-0 to rescind its vote.

13. Swan Avenue – To Make Public: Per DPW&P recommendation, upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 4-0 assign priority level #1 for a private street conversion of Swan Avenue from Mill Street to Outlook Drive.

14. ANR Plans:

- **AN-2010-017, Glezen Street:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-017.
- **AN-2010-018, 845 Main Street:** Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2010-018.
- **AN-2010-019, Massasoit Road:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-019.
- **AN-2010-020, Maravista Road/Wendover Road:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-020.
- **AN-2010-021, Egan Avenue/Balis Avenue:** Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-021.
- **AN-2010-022, Salisbury Street/Meadowbrook Road:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-022.

15. Quaboag Subdivision: Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to endorse the Quaboag Subdivision plan.

ADJOURNMENT:

Upon a motion by Andrew Truman and seconded by Satya Mitra, the Board voted 4-0 to adjourn the meeting at 7:25 pm.