

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

January 5, 2011

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Anne O’Connor, Chair
Stephen Rolle, Clerk
Satya Mitra
Andrew Truman

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
K. Russell Adams, Department of Public Works & Parks
Kathleen Donovan, Department of Inspectional Services
Michael Traynor, Law Department

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

APPROVAL OF THE MINUTES

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to approve October 27, 2010 minutes.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS**

Public Hearing

- 1. 195 Vernon Street – More-than-one-Building on a Lot Plan (PB-2010-077):** Items # 1 & #2 were taken contemporaneously. Ms. Bold stated that staff recommended postponement of both items because abutters were not properly notified (due to an application error) and to provide sufficient time to properly re-advertised for the January 26, 2011 meeting. She stated that the applicant indicated to staff that he is amenable to postponing both items. The applicant was not present. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to postpone 195 Vernon Street – More-than-one-Building on a Lot Plan to January 26, 2010 and to extend the Constructive Grant deadline to January 27, 2011.

Public Meeting

- 2. 195 Vernon Street – Definitive Site Plan (PB-2010-077A):** Items # 1 & #2 were taken contemporaneously. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to postpone 195 Vernon Street – Definitive Site Plan to January 26, 2011.

UNFINISHED BUSINESS

Public Hearing

- 3. Arboretum Phase V (property located at Keach Ave., Marlana Drive, Camellia Court, Forsythia Trail, and Elderberry Circle) – Definitive Subdivision (PB-2010-061):** Hossein Haghanizadeh of HS&T Group, representative for Robert Gallo, the petitioner, stated that the petitioner has provided a 5-ft sidewalk and a 3-ft grass strip on one side of Keach Avenue, as well as added 4 more catch basins in the area.

Mr. Adams asked that the petitioner provide two additional catch basins on each side of the intersection of Keach Avenue and Steele Street so that all surface water runoff from the newly paved sections be captured. He stated that DPW&P is in favor of approving the petition with the above-mentioned condition of approval. Mr. Haghanizadeh stated that he is amenable to the additional 2 catch basins. Mr. Adams reiterated that the Subdivision waivers have to be voted by the Board (as shown in the DPW&P's revised memo dated January 4, 2011).

Ms. Bold stated that the revised plans submitted December 17, 2010 addressed DPRS staff's comments and showed the requested vegetative buffer along the abutting condo development. She distributed suggested motion language from the Law Department that incorporate revised suggested conditions of approval. Mr. Traynor asked that the previous references to Sarah Drive on Sheets 2 and 4 be changed to Upland Drive and that the phasing plan on Sheet 2 be revised to show all open space areas. Mr. Haghanizadeh was amenable to the proposed changes.

Ms. Bold stated that the latest plan revisions that staff and the Board have are dated December 10, 2010. Mr. Adams stated that that plans he is referring to are dated January 4, 2011. Ms. Bold asked the Board to include the date of the latest revised plans in the motion, if it chooses to vote.

Mr. Truman stated that he is not ready to vote on the petition as not all information is shown on the plans. Mr. Rolle and Mr. Mitra concurred with Mr. Truman. Mr. Haghanizadeh asked if the Board would be amenable to receiving revised sheets only – Sheet 2, Sheet 4, Sheet 7 and Sheet 9A, and not the entire plan set. The Board members stated they were amenable to that. Ms. Bold stated that a minimum of 10 copies of those sheets in the revised plan set should be submitted.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to continue the item to January 26, 2011.

- 4. Rankin Street – Definitive Subdivision (PB-2010-072):** Hossein Haghanizadeh, of HS&T Group, representative for Luigi DiGioia, petitioner, stated that the petitioner is seeking to subdivide the lot into two parcels for the purpose of constructing two (2) single-family semi-detached dwellings (duplexes). Mr. Adams referred to DPW&P memo, revised January 4, 2011, and stated that the petitioner addressed comment #1 of the memo, but is still pending to show the following:

- 1) Provide a manhole connection for the proposed catchbasin to discharge to the existing manhole located on lot 1L.

- 2) Provide existing and proposed rim and invert elevations for the drainage main to be connected to.
- 3) Provide descriptions of the proposed Street and Drainage Easement in Microsoft Word format.

Ms. Bold stated that the revised plans meet DPRS staff's comments. Mr. Traynor distributed suggested motion language to the Board incorporating staff comments.

Charles Flannigan, the abutter, asked if the proposed drainage line will handle 500 gallons per minute flow. Mr. Adams stated that he has reviewed the calculations and that he believes it will. Mr. Flannigan asked if the 20-25 ft retaining wall will be strong enough. Mr. Adams stated that the design of the retaining wall will have to be approved by the Department of Inspectional Services. Ms. Donovan stated that a Building Permit is required for a retaining wall, and that a building inspector will have to review and approve the plans prior to the retaining wall construction. Mr. Truman stated that he frequently has concerns about retaining walls located on property lines, but trusts that the Department of Inspectional Services will review the plans. Mr. Haghanizadeh stated that a Definitive Site Plan will be required for the site, thus providing additional opportunity for the Board to review the proposal. Mr. Truman asked if a geogrid would be used behind the wall. Mr. Haghanizadeh stated that it will be designed by a structural engineer.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to approve Rankin Street – Definitive Subdivision, dated August 10, 2010, most recently revised December 16, 2010, consisting of Sheets 1 through 6, subject to the following conditions:

- 1) Waiver of the Subdivision Regulations sections listed under Item 1 of the Department of Public Works & Parks letter dated January 4, 2011, which is incorporated by reference and made a part of this decision (DPWP 1/4/11 Letter, Exhibit D).
- 2) Compliance with Items 2, 3, and 4 of the DPWP 1/4/11 Letter (Exhibit D).
- 3) Prior to endorsement of the approved plan, revise the "Waivers Requested" note on Sheet 1 to delete the word "Requested" and insert "Granted," and delete the following two lines from the note:

IX.F.1-Drainage. Mitigate the 25 Year Storm

IX.H.4-Scour Protection

- 4) Submission of six copies of final revised plan, including all sheets, with the revised mylar set for recording.

Pursuant to City of Worcester Subdivision Regulations Section VI (I) (2), the conditional approval of this subdivision consisting of two (2) lots shall automatically expire within three years from the date of January 5, 2011 on January 5, 2014 if all required improvements (i.e., construction of the way(s) and installation of municipal services) have not been completed.

Exhibits:

Exhibit A: Definitive Subdivision Application; received October 14, 2010; prepared by HS&T Group.

Exhibit B: Rankin Street Subdivision Plan; prepared by HS&T Group Inc.; dated 8/10/10; last revised November 12, 2010.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to Anne O'Connor; re: Rankin Street Definitive Subdivision; dated November 5, 2010; last revised December 30, 2010.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Anne O'Connor; re: Rankin Street Definitive Subdivision 2010-072; dated November 9, 2010; last revised January 4, 2011.

Exhibit E: Letter from HS&T Group Inc to the Department of Public Works & Parks, re: Waiver of a cultic system for a 25-yr storm; dated November 16, 2010; received November 16, 2010.

NEW BUSINESS

5. Franklin Street Area – Zoning Map Change (ZA-2010-011): To extend the MG-2.0 zone line easterly and then southerly from its current location to include a portion of the parcel (MBL: 19-004-00006), currently zoned RL-7, containing approximately 7,762 SF and to extend the MG-2.0 zone line in the same vicinity southerly to include a portion of the parcel known as Foch Avenue currently zoned BL-1.0, containing approximately 7,901 SF. Mr. Fontane stated that the concept plans specific to the area call for the creation of an employee access driveway that will connect Foch Ave. to a new maintenance building and related offices within the expanded CSX rail yard. Although the Board is considering a collection of permitted uses, not a particular concept plan or use, he stated he believes the area of the proposed change has little potential to be used for anything other than what is proposed given its delineation, the topography of the land, and the existing use of a portion of the area to be rezoned as a road (Foch Ave.). He stated that given its proximity to the existing rail yard, the proposed change is consistent with existing abutting uses and the development of additional manufacturing uses can be sufficiently buffered from the residential uses to the east. Moreover, this change provides for the development of the preferred employee access to the rail yard because it avoids the use of Atlanta Street (a residential street) to provide access to the site. He stated that staff recommends approval of the zoning map change.

Jo Hart, resident, stated her opposition to Putnam Lane closing. She asked if the proposal deals with creating an entrance to the maintenance facility. Mr. Fontane confirmed that the proposal is to create an entrance for the employees and maintenance staff, not an access point for tractor trailers, etc. He stated that initially, Atlanta Street was planned to be used for entrance, but after public input, it was changed to Foch Avenue entrance. Mr. Hart stated that she believes there is a better way to provide access to the site, than closing the street. She made these comments in reference to the entire CSX project.

Attn. Robert Longden of Bowditch & Dewey, representative for CSX, petitioner, stated that the decision to use Foch Ave as means of access was a product of extended discussions with City officials, CSX and Department of Transportation. He referenced a Memorandum of Agreement, dated November 15, 2010, between the City, CSX, and DOT, that addressed the issues of provision and funding of streetscape improvements, mitigation, access to facility, and more. He stated that in this memo, CSX agreed to avoid using Atlanta and Tampa St for access (Exhibit E).

Chair O'Connor asked if assessment parcels #15 & #17 Putnam Lane are now owned by CSX. Mr. Longden responded yes, and stated that the closing took place at the end of November, 2010. Mr. Fontane stated that the zoning map changes for these parcels were ordained by the City Council on December 21, 2010.

George Chekani of 338 Coburn Avenue, an abutter, reminded the Board that the discussion of Atlanta Street is not relevant to this item.

Mr. Rolle stated that he believed the proposal made sense and the proposed zoning district seems to be more consistent with the abutting uses. Chair O'Connor concurred.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 recommend approval of the zone change petition for the following reasons:

- The uses allowed in the MG-2 district are consistent with the abutting manufacturing and business uses and can be appropriately buffered from the nearest residential zone.
- It provides access to existing and proposed manufacturing uses that minimizes their impact on nearby residential neighborhoods.
- The change will support regional rail transportation and commuter rail access to Worcester – important economic development goals of the State and City.

Exhibits:

Exhibit A: Memorandum from the City of Worcester Division of Planning & Regulatory Services to Anne O'Connor; re: Foch Avenue - Zone Change; dated December 16, 2010.

Exhibit B: Map of the Proposed Zone Change RL-7 & BL-1 to MG-2, Foch Avenue.

Exhibit C: Letter from the City Manager to the City Council; re: Request to review, deliberate, and approve the anticipated action items associated with the expansion plans of CSX; dated December 14, 2010.

Exhibit D: EMHT concept plans. Proposed CSX Transportation & CSX Intermodal Project. Dated July 2, 2010, revised November 10, 2010.

Exhibit E: Memorandum of Agreement CSX Transportation, City of Worcester, Massachusetts Department of Transportation. November 15, 2010.

- 6. 0 Atlanta Street – Zoning Map Change (ZA-2010-012):** To extend the MG-2.0 zone line easterly from its current location to include a portion of the parcel (MBL: 19-006-00056), currently zoned RL-7, containing approximately 718 SF. Mr. Fontane stated that the parcel is currently vacant and that the area to the north, east and the area to the south consists of a mix of single-family and multi-family residential uses. He stated that the parcel is located close to the existing rail line and that it has steep topography. He stated that MG-2.0 zones allow a wide variety of manufacturing uses, including rail freight terminal and accessory storage, not permitted in the residential or business zones. Mr. Fontane stated that given its proximity to the existing rail yard, the proposed change is consistent with existing abutting manufacturing uses and the development of additional manufacturing uses can be sufficiently buffered from the residential uses to the north, east and south. Mr. Fontane stated that the Zoning Ordinance requires buffering for new buildings, additions or substantial renovations of buildings bordering a residential zone and that this aspect of the development will be addressed at the Site Plan review stage.

Leonard Ciuffredo from 281 Harrington Street, an abutter, asked to confirm that the Board is considering a zoning change, and not a site plan. The Board confirmed that. Mr. Ciuffredo stated that he is in favor of CSX's proposal not to use Atlanta Street for access to the railroad, and stated that as he understands it, Atlanta Street will not be used as a roadway. Mr. Fontane stated that the zoning change in front of the Board is not connected to roadway changes. Mr. Ciuffredo expressed hope that during the

Site Plan Review of the project, reasonable conditions will be imposed such as providing vegetative buffers. He asked if staff has received the Definitive Site Plans for the project. Mr. Fontane said no. Mr. Ciuffredo stated that he would appreciate knowing when the Definitive Site Plan is to be submitted, in order to provide sufficient time for all the abutters to review and develop mitigation proposals.

Upon a motion by Mr. Mitra and seconded by Mr. Rolle, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Mitra and seconded by Mr. Rolle, the Board voted 4-0 to recommend approval of the zone change petition for the following reasons:

- This zone change would formally recognize the railroad use in this area and allow for appropriate expansion.
- The uses allowed in the MG-2 district are consistent with the abutting manufacturing uses and can be appropriately buffered from the nearest residential zone.
- The change will improve regional rail transportation and commuter rail access to Worcester – important economic development goals of the State and City.

Exhibits:

Exhibit A: Memorandum from the City of Worcester Division of Planning & Regulatory Services to Anne O'Connor; re: 0 Atlanta Street - Zone Change; dated December 16, 2010.

Exhibit B: Map of the Proposed Zone Change from RL-7 to MG-2.0, 0 Atlanta Avenue.

Exhibit C: Letter from the City Manager to the City Council; re: Request to review, deliberate, and approve the anticipated action items associated with the expansion plans of CSX; dated December 14, 2010.

Exhibit D: EMHT concept plans. Proposed CSX Transportation & CSX Intermodal Project. Dated July 2, 2010, revised November 10, 2010.

Exhibit E: Memorandum of Agreement CSX Transportation, City of Worcester, Massachusetts Department of Transportation. November 15, 2010.

As an aside, Mr. Ciuffredo thanked the Board and staff for researching, considering, and recommending the Sign Ordinance amendment to the City Council.

- 7. Proposed Amendment to the Subdivision Regulations of the City of Worcester and Amendment to the Planning Rules & Regulations (Special Permit) of the City of Worcester related to consultant review fees:** Mr. Fontane stated that the amendment would enable the Board to retain outside consultants to assist in reviewing any application for a special permit or subdivision where the Board determines that the assistance of a consultant is warranted to analyze and evaluate a project to ensure compliance with all relevant laws, ordinances and regulations. He stated that the ability to hire outside consultants is particularly important for technical matters beyond the in-house capabilities of the City such as those pertaining to personal wireless communications, for example. Although the Planning Board does not review Special Permits for personal wireless facilities, it does have purview over other technical reviews such as wind energy facilities and considerations in the Water Protection Overlay District that may require assistance from an outside consultant. He stated that the Zoning Board of Appeals at its November 8, 2010 meeting, voted to approve a similar amendment to their rules and regulations, and that staff recommends that the Planning Board adopt this amendment for regulatory consistency as well, as advised by the Law Department. Mr. Truman asked if it would be possible to add

to the amendment Definitive Site Plan Review as well, so that a peer review could be called on a complicated matter. Mr. Traynor stated that State statute does not extend to Definitive Site Plan Review, and that this review is created by a Zoning Ordinance. He stated that some municipalities might have allocated a municipal appropriation fund for such purpose. Mr. Mitra was in favor of the amendment.

Upon a motion by Mr. Truman 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. Rolle, the Board voted 4-0 to approve the proposed Amendment to the Subdivision Regulations of the City of Worcester related to consultant review fees.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to approve the proposed Amendment to the Planning Rules & Regulations (Special Permit) of the City of Worcester related to consultant review fees.

- 8. 10 Egan Avenue – Definitive Site Plan (PB-2010-078):** Jeffrey Howland of JH Engineering Group, LLC, representative for Richard Black III, petitioner, stated that the petitioner is seeking to construct a single-family detached dwelling on a property with 15% slope or more, which is in a RS-7 zoning district. Mr. Howland stated that the petitioner seeks to demolish the existing house and construct a new one with a frontage on Egan Avenue, and in the future, possibly, construct another home with the frontage on Broome Avenue. Mr. Howland stated that there is an intermittent stream on the property. He stated that the Conservation Commission asked the petitioner to move the driveway further north - away from the 30-ft wetland buffer zone, and that the DPW&P comment with respect to providing a 6” PVC surface connection from the drain main to the property will be addressed in the revised plans. Ms. Bold recommended approval of the petition with a condition that 6 copies of final revised plans are submitted showing proposed parking spaces outside of the front yard setback. Mr. Howland stated that the dwelling will have a two car garage that will be located outside of the front yard setback.

Robert Murdock, former owner of the property, stated that he was not allowed to build a house on the portion of the parcel with a frontage on Broome Avenue. Mr. Howland stated that Conservation Commission meeting was continued so that the Commission can do a site visit. He stated that the proposed house would be located 30 ft outside the wetland buffer, and that while the proposed driveway (considered by the Conservation Commission a structure) is partially within the buffer, it might be possible to move it outside. He stated that the existing driveway is closer than 15 ft to the wetland. Mr. Murdock asked if the petitioner is proposing to fill in the brook. Mr. Howland said no. Mr. Murdock asked questions about drainage and sewer connections on the lot.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the 10 Egan Avenue – Definitive Site Plan for one single-family detached dwelling with the following condition of approval - that six copies of final revised plans are submitted to the Division of Planning & Regulatory Services with the following changes:

- Demonstrate that off-street parking will be in compliance with Article IV, Section 7, Note 5 to Table 4.4 of the Zoning Ordinance which states, in part, that “For all uses within residential zones, no off-street parking shall be located within the required minimum front yard depth...”
- Provide a 6” PVC surface connection from the drain main to the property (overflow for the drywell).
- Relocate the driveway location so that it is not within a 30-ft wetland buffer zone.

List of Exhibits.

- Exhibit A: Definitive Site Plan Application – 10 Egan Avenue; received December 2, 2010; prepared by Richard Black.
- Exhibit B: Definitive Site Plan – 10 Egan Avenue; dated November 30, 2010; Received December 2, 2010; prepared by JH Engineering Group.
- Exhibit C: Memorandum to Worcester Planning Board from Division of Planning & Regulatory Services, dated December 29, 2010.
- Exhibit D: Memorandum to Worcester Planning Board from Joseph Borbone, Department of Public Works and Parks, dated December 30, 2010.

- 9. Street Petition - Request the City Council lay out and decree public the existing Foch Avenue:** Items #9, #10, & #11 were taken contemporaneously. Mr. Traynor explained that by state statute, official map changes have to be referred to the Planning Board by the City Council. Mr. Adams stated that the DPW&P does not have any objections. Jo Hart asked what the name of the new portion of the street will be called (item #11). Mr. Traynor stated that the City will name the street when the street is actually laid out. Ms. Hart asked if the new portion of the street will provide access to the David Clark Property. Mr. Traynor said yes.

Existing Foch Avenue – Lay Out & Decree Public: Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to a recommend approval of the petition of the City Manager to lay out and decree public the existing Foch Avenue.

- 10. Street Petition - Request City Council authorization to accept a deed of easement for street purposes from CSX Transportation Inc. or its nominee over a parcel of land at the terminus of Foch Avenue, and layout and decree the parcel public, as part of the Foch Avenue public street layout:** Items #9, #10, & #11 were taken contemporaneously.

Extension Of Foch Ave – Layout & Decree Public: Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to recommend approval of the petition of the City Manager to accept a deed of easement for street purposes from CSX Transportation Inc. or its nominee over a parcel of land at the terminus of Foch Avenue, and layout and decree the parcel public, as part of the Foch Avenue public street layout.

- 11. Street Petition - Request City Council authorization to accept a deed of easement for street purposes from CSX Transportation Inc. in and over a certain parcel of land extending northerly from Grafton Street as shown on the attached Exhibit C and layout and decree the parcel a public way:** Items #9, #10, & #11 were taken contemporaneously.

Parcel Of Land Extending Northerly From Grafton Street - Lay Out & Decree Public: Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to recommend approval of the petition of the City Manager to accept a deed of easement for street purposes from CSX Transportation Inc. in and over a certain parcel of land extending northerly from Grafton Street as shown on the attached Exhibit C and layout and decree the parcel a public way.

- 12. Avery Estates Subdivision – Bond Reduction Request:** Ms. Bold stated that she has spoken to Mr. Avery who was aware of DPW&P comments indicating that additional work to the detention pond must

be completed. Upon DPW&P recommendation and upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to deny the Bond Reduction Request.

13. ANR Plans:

- **AN-2010-070, Farrar Avenue:** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2010-070.
- **AN-2010-071, 86-88 Ernest Avenue:** Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2010-071.
- **AN-2010-072, 24 Joppa Road:** Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to endorse ANR Plan AN-2010-072.

14. Elections of officers: Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to elect Mr. Truman as the Board's Vice-Chair.

ADJOURNMENT: Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to adjourn the meeting at 7:06 pm.