

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

**JULY 27, 2011**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

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

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Deborah Steele, Division of Planning & Regulatory Services  
Kathleen Donovan, Department of Inspectional Services  
K. Russell Adams, Department of Public Works & Parks  
Michael Traynor, Law Department  
Jennifer Beaton, Law Department

**BOARD SITE VISITS**

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Chair Anne O’Connor called the meeting to order at 5:50 p.m.

**APPROVAL OF THE MINUTES**

There were no minutes to approve.

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

1. **74-82 Wauwinet Road – Definitive Site Plan Approval and 81-G Street Opening – (PB-2010-079)  
(PB-2011-013)**

Mr. Fontane informed the Board that applicant had requested leave to withdraw on both items. Patricia Butler, an abutter to the property, expressed concerns that the work has already begun on this site and asked what erosion control measures would be put in place to stabilize the property and asked about notification procedures for future hearings.

Ms. O’Connor stated that abutters would be notified if a new hearing is held.

Katie Donovan stated the applicant will be asked to stabilize the property so that there are no erosion problems.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to approve the request for leave to withdraw.

Exhibit A: Memorandum from City of Worcester Division of Planning & Regulatory Services to the Planning Board regarding 78, 82, 161 Wauwinet Road & 101 Natural History Drive – Definitive Site Plan Approval and 81G Street Opening Plan.

**List of Exhibits for Definitive Site Plan.**

- Exhibit A: Definitive Site Plan Application; received December 29, 2010; prepared by Joseph Record.
- Exhibit B: Definitive Site Plan; dated December 23, 2010, prepared by J.M. Grenier Associates, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Anne O'Connor; re: 74-82 Wauwinet Road; dated February 4, 2011, last revised July 22, 2011.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Anne O'Connor; re: 74-82 Wauwinet Road; dated February 9, 2011.
- Exhibit E: Letter requesting postponement of the Definitive Site Plan Application (PB-2010-079) from J.M. Grenier Associates Inc. to the Planning Board; dated February 16, 2011.
- Exhibit F: Letter requesting continuation of the Definitive Site Plan Application (PB-2010-079) to June 15, 2011 from J.M. Grenier Associates Inc. to the Planning Board; dated May 4, 2011.
- Exhibit G: Letter of concern to the Planning Board from Carol D. Graccia and Patricia A. Butler; dated April 2, 2011, received April 22, 2011.
- Exhibit H: Letter of concern to the Planning Board from Jane Cronin; re: Wigwam Hill Drive 74-82 Wauwinet Road; received February 11, 2011.
- Exhibit I: Letter of concern to the Planning Board from Jane Cronin; re: Wigwam Hill Drive; dated April 23, 2011; received May 2, 2011.

**List of Exhibits for 81 G Street Opening Plan.**

- Exhibit A: 81G Street Opening Plan Application; received February 24, 2011; prepared by Joseph Record.
- Exhibit B: 81G Street Opening Plan; dated February 25, 2011, prepared by J.M. Grenier Associates, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Anne O'Connor; re: 78, 82, 161 Wauwinet Road & 101 Natural History Drive – Definitive Site Plan Approval and 81-G Street Opening Plan; last dated June 10, 2011.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Anne O'Connor; re: WAWINET ROAD 81-G – PB-2010- 079; dated April 8, 2011; revised April 13, 2011.
- Exhibit E: Letter requesting continuation of the 81-G Street Opening Plan to June 15, 2011 from J.M. Grenier Associates Inc. to the Planning Board; dated May 4, 2011.

## **2. 9 May & 3 Silver Street (PB-2011-029) – Amendment to Definitive Site Plan**

Mr. Fontane informed the Board that the applicant, Worcester Common Ground, had requested a postponement of the item until the August 17, 2011 Planning Board meeting.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to approve the request for leave to withdraw.

- Exhibit A: Amendment to Definitive Site Plan Application; received on June 2, 2011; prepared by Stephen Patton.
- Exhibit B: Concrete Block Wall Site Plan Plan; dated May 10, 2011, revised July 27, 2011 prepared by Prime Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board regarding the proposed Amendment to Definitive Site Plan dated August 15, 2011.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board regarding the proposed Amendment to Definitive Site Plan dated August 15, 2011.
- Exhibit E: Request for Continuation from Stephen Patton, representative for Worcester Common Ground to the Planning Board dated June 29, 2011.
- Exhibit F: Request for Continuation and Extension of Constructive Grant Deadline from Stephen Patton, applicant's representative to the Planning Board dated July 20, 2011, received July 21, 2011.

## **UNFINISHED BUSINESS**

### **Public Hearing**

## **3. 64-79 Beacon Street & 42 Jackson Street – Amendment to Definitive Site Plan Approval, Amendment to More than one Building on a Lot and Special Permit – Adaptive Reuse Overlay District – Items taken collectively. (PB-2011-023) (PB-2011-025) (PB-2011-024)**

Attorney Robert Longden Kathryn Szewczyk, Mark Beaudry, Kristine Lovullo and Mark Dooling represented the petitioner, Legacy Park Apartments, LLC. Mr. Longden stated the applicant is seeking an Amendment to Special Permit- Adaptive Reuse Overlay District, Amendment to More than one Building on a Lot and Amendment to Definitive Site Plan Approval. The current proposal includes the demolition of a portion of the manufacturing buildings on site , the construction of 27 dwelling units in a multi-family low rise building (garden style apartment) and rehabilitation of existing mill buildings into 133 loft style apartments ( multi-family, low-rise use) on Parcel 1, the construction of 31 single-family attached dwellings (townhouses) on Parcel 3 , construction of 227 accessory off-street parking spaces on Parcel 2 – at 42 Jackson St. and construction of a 4,600 SF amenity building which will house accessory office space and an exercise room on Parcel.

Attorney Longden further informed the Board members that City Council adopted an Adaptive Reuse Overlay District for this site in 2003, the purpose of which was to allow for industrial sites such as this one to be redeveloped into mixed use and/or residential uses. He indicated that the original approved Definitive Site Plan, More than One Building on a Lot Plan and Special Permit - AROD granted in 2004 proposed 181 dwelling units in the existing mill buildings. The current plan proposes to increase the total number of dwelling units to 191, includes dwelling units in new buildings and the

proposed number of off-street parking spaces will increase from 219 to 227. He also informed the Board that the mill buildings on site are vacant, Nationally Registered Historic properties. Due to the downturn in the economy, Attorney Longden stated that the project as approved in 2004 never went forward despite the project receiving several extensions of approvals.

Furthermore, he stated that in 2010 the applicant petitioned the Worcester Historical Commission for a waiver from the City's demolition delay ordinance. The Worcester Historical Commission denied the requested waiver and during that time the applicant attempted to sell the property and signed a purchase and sale agreement in 2010 with the current applicant, Legacy Apartments LLC.

Attorney Longden reminded the Board that the applicant had petitioned the City Council to allow townhouses in the Adaptive Reuse Overlay District and on July 19, 2011 the City Council on the recommendation of the Planning Board to approve accepted the amendment to the zoning ordinance which would permit this project to go forward with townhouse units.

He stated that the new apartment building will contain five (5) one bedroom units and twenty-two units will be two bedrooms. The townhouses will contain three bedrooms which Attorney Longden stated are rare in the market and are considered desirable. Within the mill buildings there will be 17-one bedroom apartments and 116 two-bedroom apartments. Anticipated rents for market rate apartments will range from \$980 to \$1020 for a one bedroom, \$1210 for a two-bedroom and \$1600 for a three bedroom.

Mr. Longden further stated that off-street parking will be located adjacent to the mill buildings and townhouse apartments with an additional accessory parking lot on Jackson Street. Per ordinance requirements, 1.5 off-street parking spaces are required for each of the 133 loft style units and 2 off-street parking spaces are required for each of the townhouse and garden style apartment units for a total of 316 parking spaces. Attorney Longden stated that the applicant does not feel that 316 parking spaces are necessary for the development and proposes 227 off-street parking spaces on site. He further stated that the applicant is requesting the Planning Board through the Adaptive Reuse Overlay Special Permit grant the maximum relief permitted under the AROD to allow one parking space per dwelling unit for each of the loft style apartments in the existing buildings.

Attorney Longden further informed the Board that a related petition was filed with the Zoning Board of Appeals requesting additional parking relief through a separate special permit to further reduce the parking by an additional 25 spaces (or 10%) for the new dwelling units as the Planning Board only has the authority through the AROD Special Permit to reduce parking requirements for dwelling units in existing buildings.

Access to Parcel 1 will be provided through an entrance/exit on Beacon Street and entrance/exit on Hermon Street to the existing buildings. In addition, access will be provided through the rear of the easterly residential mill building off of Hermon Street but will be one way due to the narrowness of that entrance coming off of Hermon Street.

The accessory parking lot at 42 Jackson Street will be accessed from one entrance/exit on Jackson Street only.

For the townhouse units on Beacon Street the main entrance will be from Beacon Street and there will be a one way exit from the townhouse site onto Harris Court which connects to Jackson Street.

In addition to the proposed amenity building on Parcel 1, there will also be a playground (tot lot) near the townhouses and landscaping will be provided. Attorney Longden stated that the open space provided on site exceeds the Planning Board's policy of requiring a minimum of 60 square feet of open space per dwelling unit. The estimated cost of the project is \$34 million dollars.

Phase I of the proposed construction schedule, which includes the new townhouse & garden apartments, will commence before the end of 2011 with an anticipated completion date of 2013. Phase II which includes the rehabilitation of the existing mill buildings is expected to begin in 2012 and be completed in 2014.

In addition to the parking relief requested for the existing buildings, Attorney Longden informed the Board that the applicant is requesting the following additional relief through the Special Permit:

- 1.) Reduce the number of required loading spaces from two to one. Building A (existing building on Parcel 1) requires two loading spaces and the applicant is requesting to provide one.
- 2.) Relief from front and rear yard setbacks for the proposed buildings on Parcel 3 (townhouse units).
- 3.) Relief of the required five foot landscaped parking setback in various locations as noted on the plan.
- 4.) Relief of 1.7 feet from the required exterior side yard setback for the proposed 27 unit apartment building on Parcel 1

Attorney Longden stated that the applicant had received comments from the Division of Planning & Regulatory Services (DPRS), the Fire Department and the Department of Public Works and Parks (DPWP) and had met with the Fire Chief and several deputy chiefs to review the comments related to fire access and safety. He stated that all the recommended conditions of approval noted in the DPRS staff memorandum are acceptable to the applicant including the Fire Department's comments – Exhibit I, which include numerous fire safety items to address. He further stated that items in the memorandum dated July 27, 2011 from Chief Thomas (Exhibit J) requiring adjustments to the plan are acceptable and have been incorporated into the latest revision of the site plan. Attorney Longden noted that Chief Thomas approved of the 15' access from Hermon St. to the site and other access aisle widths connecting to Beacon St. and to Harris Court were widened and curb cut radii were widened. He reiterated that to the Board that in the applicant's opinion, this substantial reinvestment may be the last chance to save the historic buildings and convert the site from a blighted area to a community and city benefit and catalyst for further development.

Mr. Adams referred to DPWP's letter dated July 25<sup>th</sup> requesting an updated traffic study to capture changed traffic counts and also pointing out that four spaces in the parking lot located at 42 Jackson St. do not meet the required access aisle width, and that pipe sizes and drain connections should be revised.

Attorney Longden stated that the DPWP's conditions of approval are acceptable to the applicant with the exception of the recommendation to provide a 24 foot aisle width for the parking lot at 42 Jackson St. for which the applicant is requesting relief to allow an 18 foot access aisle width. Mr. Adams stated that DPWP had no further comment but had wanted to bring it to the Board's attention that the access aisle did not meet ordinance requirements.

Mr. Fontane stated that staff recommends approval of the three petitions with the previously reviewed conditions of approval. He pointed out staff's recommended additions to the Special Permit findings of fact which he felt were addressed in Mr. Longden's presentation and should be included in the Board's findings if approved. He also stated that the proposed development is a way to save the existing buildings as was the intent of the original 2003 Adaptive Reuse Overlay adopted by Council and recommended by the Planning Board for this area. Mr. Fontane further agreed that select demolition, and the proposed mix of new construction as recommended by the Planning Board and adopted by Council is the best option to save these significant historic buildings.

Jo Hart stated she is grateful that the buildings are being saved but she is concerned about the increased in truck traffic in area and wonders if applicant could install some type of sound proof glass in the buildings. Ms. Hart stated that all the entrance/exits should be on side streets and no entrances on Beacon St to retain the streetscape. She further stated that she thought a better layout would be to have front entrances of the townhouses face an inner courtyard instead of coming out onto Beacon St. with its truck traffic.

David Bogoian stated he was in the audience for another buildings and expressed support of the project and would suggest the developer to keep the building on Jackson Street which he sees as an anchor and hopes the City can work with developer to save the building as he would hate to see more buildings torn down.

Rob Harar representing Preservation Worcester stated he supports the adaptive reuse of the project but are a little disappointed that the building on the corner [of Jackson/Beacon Streets] has to be torn down but understand the economic hardships. We would like to see some more green space and would like to see the parking further away from the building. He stated Preservation Worcester supports the relief of the parking. He felt that Hermon St. could be emergency access only, perhaps green. He felt that the City should add trees to the streetscape of Beacon St.

Susan Ceccaci, an architectural historian, stated she is happy to see project moving forward but would like to see if building on corner could be partially saved. She supported the provision of the townhouses close to the street which restores the urban industrial character.

Mr. Fontane suggested relative to the dumpster along Jackson Street that additional landscaping be provided to screen that from the public way. Mr. Longden stated that where dumpster will be located below street level about 12' and will not be visible from the street. He stated that response to DPRS comments, that the applicant had proposed a tree adjacent to that location.

Mr. Fontane indicated that he had not realized the size of the drop and asked what type of fencing would be installed on the retaining wall along Jackson St.

Mark Beaudry from Meridian Associates stated that proposed fencing will be a wrought iron type of fence and around the dumpster itself, vinyl stockade fence would provide screening in the lower part of the site. He said that the applicants had considered a six foot high stockade fence from Jackson St but felt it may obscure visibility and, therefore, chose the option of a tree along Jackson St. and a wrought iron fence.

Mr. Fontane stated that the division has no opposition to the wrought iron fence being a condition of approval and the proposed 6' vinyl enclosure of the dumpster as shown on the plan is acceptable. Mark Beaudry requested that the Board permit wrought iron fencing or a similar type of fencing as there are less expensive aluminum options that are still attractive which would allow more decorative fencing to be installed. Mr. Fontane stated that the fencing options would be acceptable as long as it is decorative and strong enough to prevent someone from breaking through and falling given the drop in height from street level to the parking area.

Mr. Truman stated he is happy about the project but has concerns about the parking and asked if there would be designated parking spaces per unit. He felt that some of the parking may be far from the units.

Mr. Longden stated that the project will not have designated parking spaces..

Mr. Truman asked if there are any plans to include crosswalks between the parcels.

Mr. Beaudry stated there will be plans for crosswalks. Mr. Truman requested that the crosswalks be added to plans and Mr. Beaudry agreed that would be acceptable.

Ms. O'Connor asked about the on-street parking in the area.

Mr. Longden stated there is available on-street parking on Beacon Street and also on southerly side of Jackson Street. Mr. Truman asked how wide Beacon St is and if there will only be parking on both sides. Mr. Longden stated that on-street parking is only permitted on one side. Mr. Rolle said that the width of Beacon St. is 40'. Mr. Truman suggested that street signs be added indicating that parking can only occur on one side of the street. Mr. Longden stated that there are no signs on Beacon St.

Mr. Rolle asked for clarification on authority to grant parking signs.

Mr. Adams stated that the no parking signs would have to be approved through City Council and indicated that the applicant could not designate one side of street no parking.

Mr. Fontane stated that a condition of approval could be that the applicant submit a petition for certain parking configurations on Beacon Street but that it would be up to the City Council to approve. Mr. Longden presented a plan to the Board showing where on-street parking was available in the area (Exhibit O)

Mr. Fontane clarified that the on street parking was a previous exhibit presented to the Board in 2004 and that he could not verify if on-street parking requirements are the same now but indicated that they are fairly stable. Mr. Longden stated that the exhibit demonstrates that there are 58 on street parking spaces within a one minute walk of the site. Mr. Rolle stated this is a great project and was encouraged that someone is seeking to rehabilitate the buildings. He stated that in his professional experience many large sites provide too much parking. He further stated he believes there is plenty of parking with the on-street and off-street parking and given the project's proximity to downtown. He felt that on-street parking would provide traffic calming for Beacon St. and encouraged the City to think about allowing on-street parking on the other side.

Ms. O'Connor asked if applicant had any input regarding the ability to retain the building at the corner of Jackson and Beacon Streets instead of demolishing it.

Attorney Longden stated that the applicant had reviewed that option to retain that portion of the building but was determined to not be economically feasible.

Mr. Mitra stated it is great project and will improve the neighborhood and asked if the projected \$34 million cost is for Phase I and II of project and if funding is in place. Mr. Longden stated it the cost estimate includes both phases and that the applicant has a choice of funding but has not chosen yet. Mr. Longden further stated that Federated Companies has several sources of funding that they have used for other similar projects throughout Massachusetts and New England.

Mr. Mitra asked if the units would be for sale or rental and asked whether a feasibility study was conducted. Mr. Longden stated all 191 units would be rental market-rate apartments and pointed out that the applicant's feasibility and market studies show that entry level buyers have a difficult time obtaining financing and there are fewer buyers in the market and a greater demand for rental units. .

Jo Hart stated that there is no truck route and that developer should work with city and that applicant should try his best not to tear down the building on corner. Ms. Hart also asked if developer could look into maybe adding some studio apartments or artist type of apartments.

Mr. Truman asked why the 24 foot aisle width mentioned in DPW memo was not acceptable to the applicant. He stated that it appeared as if the 24' access aisle width could be achieved by moving the parking spaces closer to Jackson St. Mr. Rolle agreed.

Mr. Longden stated that applicant could accommodate the 24 foot aisle width would show on a revised plan.

Mr. Truman made motion to close the public hearing and seconded Mr. Rolle, the Board voted 4-0 to close the public hearing.

Attorney Longden requested the Board allow a four foot metal fence along Jackson St instead of six foot because it was part of the streetscape.

Upon a motion by Mr. Truman and seconded by Mr. Rolle the Board voted 4-0 to approve the Amendment to Special Permit granting the following relief under Article XV of the Zoning Ordinance:

***Parking Relief.***

- Relief from the AROD parking requirements to provide 1.5 spaces per dwelling unit to allow one (1) parking space per each of the proposed 133 loft-style dwelling units.
- Relief of one loading space for Building A (two are required; one is proposed).
- Relief from the requirement to provide a five (5) foot landscaped setback buffer for all parking areas on several portions of the site as annotated on the site plan.

***Dimensional Relief.***

- Front and rear yard setbacks for proposed residential units on Parcel 3 as shown on the plan.
- Exterior side yard setback for the proposed multi-family dwelling – 1.7’ on Parcel 1.

The Board voted to adopt the findings of facts submitted by the applicant in the application dated May 12, 2011, revised July 19, 2011 (Exhibit A) with the following additional findings of fact:

- The relief requested for off-street parking and loading under the Special Permit – AROD is reasonable for the proposed site including unit type and location. The proposed housing development is located close to public transportation, downtown and major employment centers. There is sufficient on-street parking space available in the area to accommodate this development.
- The proposed development, in addition, to being located in the Adaptive Reuse Overlay District is located in one of Worcester’s Neighborhood Revitalization Strategic Areas (NRSA), a program administered through the Department of Housing and Urban Development to strategically focus resources and build partnerships in distressed urban areas guided by local community stakeholder input. The development of housing in this area at varying density levels, removal and/or rehabilitation of blighted and abandoned buildings, and creation of associated open space on site supports other revitalization efforts in this NRSA area as outlined in the City’s Consolidated Plan (2010) and the Beacon / Federal Neighborhood Revitalization Plan (2009).
- Urban infill projects such as the proposed one are an important strategy in providing various types of housing while reducing demand in greenfield areas. The project will increase open space on site by creating landscaped buffers and open space areas for residents.
- The development proposes the reuse of historic structures listed in the National Register of Historic Places as NRDIS (National Register District), and NRMRA (National Register Multiple Resource Area). See Exhibit L.
- The proposed new buildings complement the existing structures on site proposed for rehabilitation with respect to location and massing. The location of the buildings at street level



with minimal setbacks and the location of associated parking in the rear of the buildings and on side lots follows urban design best practices. The project also proposes strategically located open space that exceeds the Planning Board's policy of a minimum of 60 SF per dwelling unit and includes a "tot lot".

The Board approved the Special Permit with the following conditions of approval:

- 1.) Concurrent with Phase I of the development as described in Exhibit K, the following recommendations from the Fire Department shall be implemented :
  - The sprinkler system shall be maintained and electronically supervised.
  - All unnecessary utilities to this building shall be shut off. This includes electricity, natural gas and water. Electrical power or heat shall only be provided to maintain a fire suppression system and if necessary a security alarm system.
  - A floor plan of the entire structure shall be provided to this office.
  - A daily inspection of the premises documented with a name, date and time of the inspection.
  - The entire complex shall be boarded up in accordance with the United States Fire Administration National Arson Initiative Board up Procedure.
  - Post "No Trespassing" signs on the property.
  - Provide this office with at least 3 names, addresses, and phone numbers of responsible people who may be contacted in case of emergency. Also, a contact number for all responsible persons shall be posted on the main entrance.
  - All hazardous or combustible materials as designated by a Fire Inspector are to be removed from the property.
  - Post "No Trespassing Signs" on the property.
  - Complete all requirements by the Director of Health and Housing Inspection.
  - Obtain a Certificate of Building Closure.
- 2.) The site shall be constructed in substantial accordance with the final revised Definitive Site Plan.
- 3.) The Special Permit is subject to the following conditions as agreed to by the developer:
  - a. The proposed new townhouse units, new apartment units and their accessory parking, as shown on the Site Plan, will be built as part of Phase 1 of the project and the rehabilitation of the existing mill buildings will occur as a later phase of the project.
  - b. Legacy Park will not demolish the existing mill buildings on site except for a) select demolition of a portion of the building depicted in the final revised approved special permit/site plan that occurs as part of the construction of the new apartment building at the corner of Beacon and Jackson Streets; and b) incidental demolition necessary to rehabilitate and convert the existing mill buildings into loft-style apartments.
  - c. Legacy Park will, consistent with the City of Worcester adaptive reuse overlay district zoning, rehabilitate and convert the existing mill buildings into loft style

apartments in accordance with the final revised special permit/site plan approved by the Planning Board.

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

1. An updated traffic study shall be submitted.
2. Ten (10) copies of revised plans be submitted to update all three submitted filings revising the following annotations and incorporating the following conditions of approval:
  - Revise cover sheet to correct spelling of “Amendment”.
  - Access aisle width in the Jackson St. parking lot shall be 24’.
  - A four (4) foot decorative metal fence shall be installed along Jackson St. in the area of the dumpster to provide visual screening from the street level.
  - Show installation of crosswalks on the plans at the corners of Beacon and Jackson Streets between the three parcels.
  - Show a DR18 PVC (8” or 12”) pipe for all catchbasin to manhole connections.
  - Revise plans to show a minimum pipe size of 12 inch RCP pipe when connecting a manhole into the Right-of-Way.
  - Per NFPA 1 Fire Code: 18.2.3.4.6.2. The angle of approach and departure for any means of fire department access road shall not exceed a one (1) foot. drop in 20 feet for all access points with the exception of the access entrance from Beacon St. into the Parcel 1 Parking lot.
  - Per NFPA 1 Fire Code:18.2.3.5.1. & 1818.2.3.4.1.1. All exits and entrances shall be designated as fire lanes and shall have a clear and unobstructed minimum width of 20 feet.
    - The one way exit onto Harris Court. shall be widened to a minimum of 20 feet.
    - The 12 compact parking space area shall have a minimum width of 20 feet.
    - The one way entrance on Hermon St. may remain at the current width of approximately 15.0’.
  - Per NFPA Fire Code 18.2.3.4.6.3. Fire Department access roads connecting to roadways shall be provided with curb cuts extending at least 2 feet. beyond each edge of the fire lane.
  - 18.2.3.4.3.1 The turning radius of a fire department access road shall be as approved by the AHJ.
  - Remove one parking spot on the left side entrance from Beacon St. into the Parcel 3 parking area to provide suitable paved access to one side of the townhouses near Harris Court.

Upon motion by Mr. Truman and seconded by Mr. Rolle the Board voted 4-0 to approve the Amendment to More than One Building on a Lot Plan.

- Exhibit A: 64-79 Beacon St; 42 Jackson St – Amendment to Special Permit Application; received May 12, 2011; revised July 19, 2011; prepared Atty. Robert Longden.
- Exhibit B: 64-79 Beacon St; 42 Jackson St – Amendment to Definitive Site Plan Application; received May 12, 2011; prepared Atty. Robert Longden.
- Exhibit C: 64-79 Beacon St; 42 Jackson St – Amendment to More than One Building on a Lot Application; received May 12, 2011; prepared Atty. Robert Longden.

- Exhibit D: 64-79 Beacon St; 42 Jackson St; Amendment to Definitive Site Plan, More than One Building on a Lot, Special Permit Plan Set; dated May 12, 2011; revised July 15, 2011 and July 26, 2011; prepared by Meridian Associates.
- Exhibit E: Letter from Building Commissioner John Kelly to Atty. Robert Longden, re: Permits in Effect; dated June 24, 2010.
- Exhibit F: Rendering / Floor Plan – 64-79 Beacon Street, prepared by Woodbrier Architects, received July 19, 2011.
- Exhibit G: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Worcester Planning Board; re: 64-79 Beacon / 42 Jackson St Amendment to Special Permit, Definitive Site Plan, More than One Building on a Lot; dated July 26, 2011, revised July 27, 2011.
- Exhibit H: Memorandum from the City of Worcester Department of Public Works & Parks to the Worcester Planning Board; re: 64-79 Beacon Street dated July 25, 2011.
- Exhibit I: Memorandum from the City of Worcester Fire Department to the Worcester Planning Board; re: 64-79 Beacon Street – Fire Prevention Recommendations; revised July 26, 2011
- Exhibit J: Memorandum from the City of Worcester Fire Department to the Worcester Planning Board; re: 64-79 Beacon Street – Site Plan Review Comments; revised July 26, 2011
- Exhibit K: Letter from Legacy Park Apartments LLC to Worcester City Council, re: Federated Companies - Multi-family Dwelling Development Experience, dated July 15, 2011.
- Exhibit L: Massachusetts Historical Commission -Form A – MACRIS – Junction Shops / Beacon and Hermon St. Manufacturing Districts; prepared by Worcester Heritage Preservation Society; dated March 1979.
- Exhibit M: Letter from Meridian Associates to Lara Bold, Chief Planner, Division of Planning & Regulatory Services; re: Response to Worcester Fire Department Memorandum; dated July 27, 2011.
- Exhibit N: Letter from Attorney Longden to Worcester Planning Board: re: postponement request to July 27, 2011 Planning Board Meeting.
- Exhibit O: On Street Parking Site Vicinity Plan from Attorney Longden, received at the meeting July 27, 2011.

**4. 63 & 69 Downing Street – Definitive Site Plan Approval (PB-2011-020A)**

Leonard Vairo, petitioner, and applicant, apologized to the Board for not appearing at the last hearing. Mr. Vairo stated he is seeking Definitive Site Plan approval for a proposed lodging house. He stated that in his opinion there is a housing need for graduate & international students attending Clark University and while nine (9) people could live in the existing dwelling at 63 Downing St, he sought approval of a lodging house license for 12. The building has been remodeled and has four bedrooms, two baths, and common areas.

He further informed the Board that the use has been granted a Special Permit by the Zoning Board of Appeals on June 6, 2011 and that renovations are complete.

Mr. Vairo informed the Board that working with DPRS staff he had an addendum to the original application which contained a waste management plan.

He indicated that the building originally had three parking spaces that backed out directly onto Florence St which was dangerous and impacted traffic flow. He stated that the current plan proposes to relocate the three spaces backing out onto Florence St to 69 Downing St. and add additional conforming spaces for a total of five (5) conforming spaces on 69 Downing St. which he owns as well.

Mr. Fontane stated DPRS recommends approval of the plan and indicated that staff had done a review of the Definitive Site Plan at the same time it had reviewed the Zoning Board of Appeals Special Permit and the applicant had addressed staff's comments. He reminded the Board members that the Zoning Board of Appeals had left the location of the waste facilities to the Planning Board's discretion and stated staff is not opposed. Mr. Vario stated the location of garbage facility is now shown on the Definitive Site Plan submitted and agrees that screening the dumpster area with arborvitae is a good idea.

Jo Hart stated she went to look at the property and property looks very nice but she expressed concern that the trees will be taken down for parking and recommended that the trees be retained and additional parking relief be granted or construct underground parking.

Mr. Fontane stated that staff does lament the reduction in trees, particularly large trees. He stated that the Zoning Board of Appeals considered that. He stated that the City does allow owners to cut down trees on their own property. The number of required spaces is 0.5 per bed and applicant was granted relief for one space by special permit. He stated the applicant did not seek further relief through Variances. He cautioned that the Board would not be able to deny the plan. Ms. O'Connor pointed out that some trees will be retained. Mr. Rolle stated that the protection measures around the landscaping appears good and agrees that some off-street parking is necessary.

Upon motion by Mr. Rolle and seconded by Mr. Mitra the Board 4-0 to approve the Definitive Site Plan.

#### **List of Exhibits.**

- Exhibit A: Definitive Site Plan Application; received May 18, 2011; prepared by VF Properties, LLC.
- Exhibit B: Definitive Site Plan; dated May 12, 2011, revised July 21, 2011; received July 22, 2011 prepared by Graves Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 63 & 69 Downing Street; dated June 1, 2011.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 63 & 69 Downing Street; dated June 10, 2011, revised July 1 and July 22, 2011.
- Exhibit E: Email from Leonard Vairo to the Zoning Board of Appeals, re: Trash Planning, received by Lara Bold June 24, 2011

### **NEW BUSINESS**

#### **Public Hearing**

##### **5. 799 West Boylston Street – Amendment to Definitive Site Plan Approval (PB-2011-033)**

James Tetreault from Thompson Liston Associates, Inc. representing Seven Hills Family Services presented the petition. Mr. Tetreault indicated that Seven Hills purchased a parcel of 6,150 SF

abutting land to the rear of the property in order to add extra parking. He stated that, at this time, there are no proposed changes to the building or use of the property; however the proposed grading will disturb slopes in excess of 15% the finished grade will include some slopes in excess of 15%. He informed the Board that the applicant is requesting an amendment to the Definitive Site Plan approved in 2002 and modified and approved by the Planning Board on of June 23, 2011. The project will create 17 new spaces, lose 4 spaces for a net increase of 13 spaces on site. The site will also provide a 24' access aisle width.

Mr. Tetrault stated that the site will handle the additional drainage through the installation of 105 pre-cast porous concrete panels with stones underneath which will allow for storage of four and half inches of rain below the panels which is sufficient to capture water for a 100 year storm.

Mr. Tetreault stated he had attended an IRT meeting to discuss what landscaping would be required for the site and based on that feedback had proposed five different varieties of ornamental grasses in the rear of the parking area. He also stated that a new six foot chain link fence will be installed at the rear of the property. Beyond the chain link fence, erosion control matting that will allow grasses to grow through will be installed to stabilize the slope. He stated that less water will flow onto the abutting railroad property than currently. Mr. Tetrault also explained that one advantage of the chosen porous concrete panels is that there is no mixing of materials on site and hence uncertainty that the correct mix is occurring since the panels arrive pre-cast the panels can also be easily removed.

Mr. Tetrault stated that the applicant accepts the conditions as stated in Division of Planning & Regulatory Services memo of July 22, 2011.

Mr. Adams recommended the applicant moves space #13 to next #14 and the applicant was amenable. Mr. Fontane stated his department recommends approval.

Mr. Truman stated that he knows there is no specific regulation for parallel spaces but indicated that the 18' parallel parking spaces seemed a bit tight. Mr. Tetrault stated that some of the parallel parking spaces are 22' and the other parallel parking spaces would be compact. Mr. Rolle asked if relocation of space #13 would that provide enough space between fire escape and the relocated space #13. Mr. Tetreault stated it would.

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

Six (6) copies of a revised plan be submitted to DPRS incorporating the following modifications and recommended changes to annotations:

- Relocate space #13 north next to space #14 to provide a minimum 15' access aisle.
- Provide the zoning classification summary shown in the 2007 approved amendment to Def. Site Plan.
- Label access aisle widths and width of curb cuts for driveway openings on Layout Plan (sheet C2).
- Provide an updated parking table.
- Label all van accessible / handicap accessible parking spaces.
- Show location of dumpster and screening of dumpster.
- Provide note that all excess snow shall be removed from site.
- Provide notes of ZBA approvals on plan set.

- Exhibit A: 799 West Boylston Street - Definitive Site Plan Amendment Application; received June 23, 2011, prepared by James Tetrault, Thompson Liston Associates.
- Exhibit B: 799 West Boylston – Amendment to Definitive Plan; dated June 17, 2011, received June 23, 2011; prepared by James Tetrault, Thompson Liston Associates.

## **OTHER BUSINESS**

### **6. Phoenix Street – To Make Public (ST-2011-017)**

Mr. Adams stated that DPWP was not prepared that evening to go forward and requested item be postponed until the next meeting.

### **7. ANR Plans**

AN-2011-030 – Taconic Road/Wigwam Hill Road:

Mr. Fontane informed the Board that the applicant had consented to an extension of the constructive grant deadline (Exhibit ) to allow the Board members additional time to review the plan. He stated that the ANR plan shows requisite frontage but the Board members were considering adequacy of the way related to surfacing, drainage. The Board members stated that they all had the opportunity to view the location. They indicated that there were concerns about the location.

Ms. O'Connor stated she was concerned about the frontage as it cannot be determined where seventy (70) feet of frontage is located and stated that the Board felt it would be helpful to have the applicant stake the area so it can be clear.

Mr. Fontane asked the Law Department if the Board could accept an extension of the constructive grant deadline since the Board is obligated to make a decision within a specific time frame but would like to continue the item to allow the applicant time to stake the area.

Mr. Traynor stated that Board should deny unless the applicant consents to the continuance and extension of the constructive grant deadline.

Mr. Fontane stated applicant will be informed that application will be denied unless the applicant consents to an extension of the constructive grant deadline. He also stated that applicant will be informed that the Board requested the area be staked or marked more clearly for Board to see where the seventy feet is located.

Mr. Truman asked Law Department regarding the adequacy of way and whether it was just adequacy of way on the street where the frontage is located or is adequacy of the way from where the first public street is located.

Mr. Traynor stated in his opinion the Board should be looking at adequate frontage in front of the lot as well as a continuous path of adequate access *to* the lot. He gave the example that you cannot access a newly paved portion of street on a path through the woods.

Mr. Rolle stated that he felt the Board members had concerns about Wigwam Hill Drive as the access to Wauwinet in that it is narrow, winding, long and rutted and stated in particular that the west portion of Wigwam Hill Drive is washed out in part where there is not adequate drainage. Mr. Fontane reminded the Board that they should consider the development potential in the RL-7 zoned area and if the access is adequate to handle additional development. Mr. Mitra stated that it does not look adequate to him and worried about putting people in jeopardy due to the existing long, winding way and the ditches and how winter conditions may exacerbate the situation.

Mr. Traynor clarified that Board can look at adequacy of private access not public since public street maintenance is the City's obligation.

Ms. O'Connor asked if there were any previous court decisions discussing adequacy of the way that would be helpful to the Board.

Mr. Traynor stated a seminar had been held relative to that for the Board and he would review his records and could update those training materials. Mr. Truman stated he had received some materials in his new member packet. Mr. Traynor stated that the Board cannot consider the steepness of the way but should consider adequacy of the physical way itself for the proposed use (i.e. residential or commercial development).

Mr. Fontane stated he believe Ms. O'Connor was referring to a case where there was technically enough frontage but no practical way to get to the lot.

Mr. Mitra stated it does not seem passable in his opinion until the roads are improved.

Mr. Rolle stated his concern is the frontage. Ms. O'Connor stated that the Board will request the applicant stake the area.

Upon a motion by Mr. Truman and seconded by Mr. Rolle the Board voted 4-0 to deny the ANR due to inadequacy of the way unless the applicant agrees to;; an extension of the constructive grant deadline. The time will allow the Board to stake out the two corners of the lot at Taconic Road.

The Board voted 4-0 not to endorse the ANR Plan – AN-2011-030.

Exhibit A: Letter from Sage Investors, applicant, requesting item to be continued until July 27, 2011 to allow all Planning Board members to view the site again and requesting to extend the constructive approval date to August 22, 2011.

**ADJOURNMENT:** Upon a motion by Mr. Steven Rolle and seconded by Andrew Truman, the Board voted 4-0 to adjourn the meeting at 7:40 p.m.