

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

April 24, 2013

WORCESTER CITY HALL – ESTHER HOWLAND CHAMBER

Planning Board Members Present: Andrew Truman, Chair
Stephen Rolle, Vice Chair
Satya Mitra, Clerk

Planning Board Members Absent: Robert Ochoa-Schutz

Staff Present: Joel Fontane, Division of Planning & Regulatory Services (DPRS)
Abby McCabe, Division of Planning & Regulatory Services
Marlyn Feliciano, Division of Planning & Regulatory Services
Katie Donovan, Department of Inspectional Services
K. Russell Adams, Department of Public Works & Parks
Alexandra Haralambous, Law Department

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Andrew Truman called the meeting to order at 5:40 P.M.

APPROVAL OF THE MINUTES:

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the March 20, 2013 minutes with the requested change to add when Andrew Truman returned to the room after the item for which he recused himself.

REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS, WITHDRAWALS

1. 70 Elm Street & 46 Cottage Street – Definitive Site Plan Approval (PB-2013-016)

Mr. Truman stated that the applicant submitted a request for postponement to the May 15, 2013 meeting. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the postponement to May 15, 2013.

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; prepared by National Association of Government Employees; received March 20, 2013
- Exhibit B: Site Redevelopment Plan; dated [date], revised [date]; prepared by [Engineering Firm Name].
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re 70 Elm Street & 46 Cottage Street – Definitive Site Plan Application; dated April 11, 2013.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 70 Elm Street; dated April 18, 2013.
- Exhibit F: Postponement form submitted by Attorney Todd Brodeur, dated April 19, 2013.

2. **501 & 509 Salisbury Street – Cluster Zoning Special Permit (PB-2013-011) and Definitive Site Plan Approval (PB-2013-011A) and More Than One Building On a Lot (PB-2013-011B)**

MR. Truman stated that there were not enough members present to hear a Special permit therefore the item would have to be postponed. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the postponement to June 5, 2013.

List of Exhibits.

- Exhibit A: Definitive Site Plan, Definitive More Than One Building on a Lot, and Special Permit Application; received February 28, 2013; prepared by Brookside Gardens, Inc.
- Exhibit B: Definitive Site Plan of Land; dated January 25, 2013, revised February 25, 2013 and March 12, 2013 and revised on April 16, 2013; prepared by Quinn Engineering.
- Exhibit C: Architectural Roof Plans, Elevations & Sections; dated June 8, 2012; and revised on April 22, 2013; prepared by Theodhosi & Michael Architecture and Design.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 501 & 509 Salisbury Street – Definitive Site Plan Approval (PB-2013-011A) and Cluster Zoning Special Permit (PB-2013-011); dated April 3, 2013; revised on April 19, 2013 and April 24, 2013.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 501 & 509 Salisbury Street Special Permit – PB-2013-011; re: 501 & 509 Salisbury Street Definitive Site Plan – PB-2013-011A; re: 501 & 509 Salisbury Street More Than One Building on a Lot – PB-2013-011B; dated March 14, 2013; and revised on April 23, 2013.
- Exhibit F: Letter from Quinn Engineering, Inc. to Planning Board; re: Special Permit/Site Plan 501 & 509 Salisbury Street; dated April 3, 2013.
- Exhibit G: Definitive Plan – More Than One Building on a Lot Application; received April 4, 2013; prepared by Brookside Gardens, Inc.

Exhibit H: Letter from Donald J. O'Neil to Andrew Truman; re: 501 & 509 Salisbury Street (1987 Order of Conditions); dated April 22, 2013.

Exhibit I: Project Review Form from the City of Worcester Fire Department; date received April 23, 2013.

NEW BUSINESS:

Public Hearing

3. Beck Street – Private Street Removal (ST-2013-008)

Attorney Robert Longden, representing the applicant Intransit container, introduced Steve Catrone, president of Intransit Container. Mr. Longden asked to consolidate the hearing for both Beck Street and Lundberg Street. The petition is to remove both Beck Street and Lundberg Street from the official city map. These are private streets extending off of Greenwood Street. They are not paved or improved and they are not through streets. Mr. Longden stated that Intransit Container and its affiliates own all of the land on either side of both streets. Mr. Longden stated that DPRS and DPW have both recommended approval but have requested that the City retain a utility easement on Lundberg Street and the petitioner is agreeable. The petitioner operates a rail terminal at 62 Wisner Avenue and wants to expand the terminal and incorporate both Beck Street and Lundberg Street in its terminal.

Mr. Adams stated that DPW needs to retain the utility easement on Lundberg Street but he approves the removal.

Ms. McCabe stated that the abutting properties to both streets are owned by the petitioner, both roads are unimproved and they are not thru streets, therefore they will not have any impact on frontage. Staff recommends approval with the conditions that the petitioners record at their own expense the plan depicting the street removal of the entire length of Beck Street, as petitioned, in accordance with the Registry of Deeds Rules and Regulations and that the petitioners provide evidence of such recording to the Division of Planning & Regulatory Services.

Mr. Mitra stated that he saw a house at the end of Lundberg Street and asked if it was owned by the applicant. Mr. Longden stated that it is owned by the applicant and that the future plans for it are to demolish it.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to close both public hearings.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the private street removal of Beck Street subject to the following conditions:

- That the petitioners record at their own expense the plan depicting the street removal of the entire length of Beck Street, as petitioned, in accordance with the Registry of Deeds Rules and Regulations.
- That the petitioners provide evidence of such recording to the Division of Planning & Regulatory Services.

List of Exhibits.

- Exhibit A: Removal of Beck Street Petition; dated February 22, 2013; referred to Planning Board on March 12, 2013; prepared by Robert E. Longden on behalf of Intransit Container, Inc., petitioners.
- Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to Abby McCabe; re: Beck Street – Removal From Official Map; dated March 14, 2013.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Beck Street – Removal of the Private Street from Official Map; dated April 23, 2013.

4. Lundberg Street – Private Street Removal (ST-2013-009)

Taken up contemporaneously with item #3.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the private street removal of Beck Street subject to the following conditions:

- That the petitioners record at their own expense the plan depicting the street removal of the entire length of Beck Street, as petitioned, in accordance with the Registry of Deeds Rules and Regulations.
- That the petitioners provide evidence of such recording to the Division of Planning & Regulatory Services.
- That DPW retain the utility easement for Lundberg Street.

List of Exhibits.

- Exhibit A: Removal of Beck Street Petition; dated February 22, 2013; referred to Planning Board on March 12, 2013; prepared by Robert E. Longden on behalf of Intransit Container, Inc., petitioners.
- Exhibit B: Memorandum from the City of Worcester Department of Public Works & Parks to Abby McCabe; re: Beck Street – Removal From Official Map; dated March 18, 2013.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Beck Street – Removal of the Private Street from Official Map; dated April 22, 2013.

5. Zoning Map Amendment – 169 & 179 Grand Street (ZM-2013-001)

Attorney Don O’Neil stated that he was seeking an amendment of the change the underlying zoning of the subject parcels from Manufacturing Limited ML-2.0 to Business Limited BL-1.0 by extending the existing BL-1 zone to include the entire area of the parcels at 169 and 179 Grand Street and a portion of Carson Court. Mr. O’Neil stated that there is a mix of uses in that area and it’s predominantly residential. Mr. O’Neil also stated that although plans have not been finalized the plan is to build residential units on those parcels. He stated that the lots are not very

large and he could not see how they would be used to accommodate manufacturing given their size.

Mr. Fontane stated that he respectfully recommends that the Board recommend that the City Council deny the requested zone change for the following reasons:

- The proposed zone change is not consistent with the City's concerted efforts, significant investment and long-term planning for the South Worcester Industrial Park and its abutting properties within area.
- The existing zoning district, manufacturing limited, allows for a mix of uses that are appropriate for a transition zone and consistent with the City long-term plan for that area.
- The proposed zone change would allow a collection of residential uses to occur in close proximity to the industrial park and would impinge on its successful redevelopment.

Mr. Fontane stated that in summary, based on a detailed comparison of the permitted uses in both districts, the rezoning would promote less intense uses on the site, by allowing, or reducing restrictions on, many residential and general uses, while prohibiting or increasing restrictions for a number of business and manufacturing uses. This would not be consistent with long standing policy in this area nor with the City's concerted efforts to redevelop the South Worcester Industrial Park. The City of Worcester has invested over \$6 million of federal, state, and local funds in the conversion of approximately 8-acres of brownfield to five pad-ready parcels for light manufacturing/industrial use. The City has completed infrastructure improvements within the project area, demolished vacant and blighted buildings and completed environmental assessment work. The City has also developed a Tax Increment Financing Plan for this priority development project area, and will be updating its master plan for the area. The city-owned parcels will be advertised for disposition some time in 2013.

The area to be rezoned and its surrounding area have been zoned manufacturing since at least 1973. The petitioned area is zoned ML-2.0, which from the land use perspective, serves as a transitional zone between a more intense MG-2.0 zoning district to the east, and Business and Residential zones to the west. The existing transition zone, manufacturing limited, is consistent with long-term efforts and plans of the City related to the South Worcester Industrial Park. Staff believes that the proposed zone change would allow residential uses encroach close to and impinge on the industrial park area and will not be consistent with the City's investments and long-term plans for this area.

An abutter who resides on Carson Court stated that he is concerned with safety because there is only one way in and one way out. He stated that cars park on both sides all the way down the street making it impossible for emergency vehicles to make it through. He was also concerned with parking and stated that there was illegal dumping of trash in the area that he felt would only get worse with more residences.

Mr. O'Neil stated that there were existing properties there that were razed in the past. He stated that the business zone could also work as a transitional zone and that it wouldn't be inconsistent zoning.

Mr. Rolle stated that he was undecided because it has been zoned manufacturing for more than 40 years.

Mr. Mitra asked the applicant how many units he was planning to build.

Mr. O'Neil stated approximately 5 units.

Mr. Mitra asked if the petition was approved whether the applicant would be allowed both business and residential uses. Mr. Fontane stated that down zoning reduces the number of uses but essentially the Board is considering a collection of uses but residential is the most important because it's not allowed under the current zoning. Mr. Fontane also stated that the current zoning is consistent with what the City wants to do in the South Worcester Industrial Park and the City has invested over \$6 million in that area.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to recommend to City Council to deny the zoning change for the following reasons:

- The proposed zone change is not consistent with the City's concerted efforts, significant investment and long-term planning for the South Worcester Industrial Park and its abutting properties within area.
- The existing zoning district, manufacturing limited, allows for a mix of uses that are appropriate for a transition zone and consistent with the City long-term plan for that area.
- The proposed zone change would allow a collection of residential uses to occur in close proximity to the industrial park and would impinge on its successful redevelopment.

List of Exhibits.

- Exhibit A: Petition to Amend the Zoning Map for 169 and 179 Grand Street; submitted by Goldstar Builders, Inc; undated.
- Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 169 and 179 Grand Street – Zoning Map rezoning petition; April 23, 2013.
- Exhibit C: Map - Proposed Zone Change from ML-2.- to BL-1.0 - 169 and 179 Grand Street; 1" = 100 ft and 1" = 300 ft; dated March 5, 2013.
- Exhibit D: Zoning Maps of the area going back 1973.
- Exhibit E: Excerpts from Business Development Division South Worcester Industrial Park presentation.

Public Meeting

6. 37 Fruit Street & 59 William Street – Amendment to Definitive Site Plan Approval (PB-2013-015)

Carl Hultgren introduced the applicant, Christopher Bruce, and stated that this property has been before the Board back in 2012. The Zoning Board granted relief of 11 parking spaces and a Special Permit for alteration of a pre-existing non-conforming structure or use. Part of the approval last year included that the two parking spaces off of Fruit Street be upgraded from a dirt finish to a crushed stone finish. Mr. Hultgren also stated that the previous approval also called for the reconstruction of the larger parking area and they are before the Board seeking an amendment because the costs to reconstruct it as depicted on the final approved plans are cost prohibitive to the applicant.

Mr. Hultgren presented two options to the Board; the first was for the Board to consider a gravel surface on the larger parking area. Mr. Hultgren stated that DPW had commented that the

parking surface must be constructed of a rigid material, not subject to erosion. Therefore, he prepared another option for the Board which involves maintaining the existing pavement, they would re-pave the handicapped parking to ensure the slope complies with ADA requirements, and infill certain areas to ensure the shape meets what was approved last year. They are also proposing to keep the gravel surface that was previously approved, on the two parking spaces off of Fruit Street.

Ms. Donovan stated that the applicant had gone back before the Zoning Board to revisit the Special Permit granted and some of the conditions of approval had not been met, the paving of the parking was amongst those conditions. She stated that was the reason why Mr. Bruce was looking for an amendment.

Mr. Fontane stated that the pavement on the larger parking area was proposed by the applicant and it was only a condition of approval because the project must be built to the final approved plans. The Zoning Board heard the item and decided to continue it to give the applicant an opportunity to amend their Planning Board approval because the applicant expressed that building it to plan was cost prohibitive.

Mr. Adams stated that since the applicant will be upgrading the dirt finish from the spaces off of fruit Street to crushed gravel, then he would be in agreement with keeping it as originally approved but normally they would have been required to pave those spaces as well.

Mr. Rolle stated that he was concerned about patch working the pavement that's there and about future maintenance. Mr. Hultgren stated that the existing pavement is in decent condition and that's why they want to maintain it.

Mr. Truman stated that getting the crew and the machine there is the biggest expense. He asked the applicant why he will not pave over what's currently there since the extra tar should not be a significant additional expense. Mr. Bruce stated he would look into the price difference but the main reason they are proposing to do it the way they are proposing is to keep the cost down.

Ms. Donovan stated that she wanted to clarify that the circular driveway needs to be landscaped as shown on the plans and not left bare.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to approve the amendment to the definitive site plan with the condition that the main driveway be entirely paved for the area originally proposed through infill and patching.

List of Exhibits.

- Exhibit A: Amendment to Definitive Site Plan Application; received March 20, 2013; prepared by Christopher Bruce.
- Exhibit B: Proposed Amendment to a Definitive Parking Plan and More Than 1 Building on a Lot Plan for 37 Fruit Street and 59 William Street; revised 3/18/2013; prepared by Quinn Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 37 Fruit Street / 59 William Street - Amendment to Definitive Site Plan; dated April 23, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 37 FRUIT STREET & 59 WILLIAM STREET, Definitive Site Plan Amendment– PB-2013- 010 ; dated 4/18/2013.

7. **5 & 7 Forbes Street – Definitive Site Plan Approval (PB-2013-017)**

Chris Keenan, Quinn Engineering, introduced Steve Green from West Side Community Development Corporation. Mr. Keenan stated that the applicant is proposing to tear down two existing three-family structures on Forbes Street, which have been damaged by fire, and replace them with two two-family homes. There will be one structure per lot, one driveway per lot with four parking spaces and city services from Forbes Street.

Mr. Adams asked if the properties were on one lot. Mr. Keenan responded that an ANR plan had already been approved by the Board to divide the one parcel into two lots.

Ms. McCabe stated that staff recommends approval of the Definitive Site Plan for 5-7 Forbes Street, provided that a stockade or similar fence is placed on top of the retaining wall where it exceeds 4-ft in height, in conformance with the Zoning Ordinance and the MA State Building code.

Mr. Keenan stated they have no objection to that condition.

Mr. Mitra stated that he was glad that the existing buildings are being torn down.

Upon a motion by Mr. Mitra and seconded by Mr. Rolle, the Board voted 3-0 to approve the definitive site plan with the condition in the DPRS memo.

List of Exhibits.

Exhibit A: Definitive Site Plan Application; received March 21, 2013; prepared by Quinn Engineering, Inc.

Exhibit B: Definitive Site Plan; dated March 18, 2013; prepared by Quinn Engineering.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 5 & 7 Forbes Street – Definitive Site Plan; April 23, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks; re: 5-7 FORBES STREET Definitive Site Plan – PB-2013- 012; dated April 18, 2013.

8. **Planning Board Rules and Regulations Amendment**

Mr. Fontane stated that staff had presented this to the Board informally in the past and this is meant to amend the Board’s rules and regulations. He stated that staff would be adding a few things to the requirements for the applications. The proposed change is: “That all applications, plans and materials be submitted on one (1) CD-ROM, DVD-ROM, or other media acceptable to the Division of Planning & Regulatory Services and that all electronic files be in the following format:

- Portable Document Format .pdf, readable by Adobe Acrobat v.7.0 and later, named by project address and application type
- Minimum resolution of 200 dpi

- No single file should be greater than 10 MB (collections may be broken into separate files)

Exceptions:

- Any application items not produced electronically such as hand drawn plans, drawings or hand written applications are not required to be submitted electronically.
- Plans, drawings and applications created prior to March 2013 that are not available to the applicant in electronic format.”

Mr. Fontane explained the exceptions were created because the Zoning Board had some concerns for those situations.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to close the hearing.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to amend the rules and regulations for Site Plan approvals, Special Permits, Parking Plans, Subdivision Regulations, Preliminary and Definitive Subdivision Plans, Preliminary & Definitive More than One Building on a Lot as suggested.

OTHER BUSINESS:

9. Ideal Terrace – Convert to Public (ST-2013-010)

Mr. Adams stated that DPW recommends a Priority 1 for their conversion. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to recommend a Priority 1.

10. Viking Terrace – Convert to Public (ST-2013-011)

Mr. Adams stated that DPW recommends a Priority 1 for their conversion. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to recommend a Priority 1.

11. Ek Court – Convert to Public (ST-2013-012)

Mr. Adams stated that DPW recommends a Priority 1 for their conversion. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to recommend a Priority 1.

12. Approval Not Required (ANR) Plans

- **15 Prentice Street (AN-2013-018)**

Ms. McCabe stated that the existing lot is 13,800 with a single-family house & the owner is proposing to subdivide the lot to create 2 lots. The existing house will remain & the new lot is proposed for a single-family detached unit in the RG-5 zone. Lot 1 has 74.78’ of frontage proposed (50 ft required). Lot 2 has 75.22 (60’ required for DU).

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

- **0 Apthorp Street (AN-2013-019)**

Ms. McCabe stated that the existing 8,298 SF lot is currently vacant. The owner is proposing to subdivide into 2 lots to build a single family semi -detached house in the RL-7 zone. Lot A is proposed with 44.45 ft of frontage and lot B is proposed with 43.53 ft of frontage when 35 ft is required.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

- **0 Airport Drive (AN-2013-020)**

Ms. McCabe stated that the plan proposes to give Parcel 2 to Parcel 1 & 3 to be held in common ownership in the RS-7 and A-1 zone. RS-7 zone requires 65' frontage and there is no frontage required in the A1 zone.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

- **25 Lantern Lane (AN-2013-021)**

Ms. McCabe stated that there is an existing single family house at 25 Lantern Lane and the owner is proposing to subdivide the existing lot into two in the RS-10 zone. Lot 1 has 116 ft frontage and Lot 2 has 95 ft. Single family detached houses require 80 ft frontage in RS-10.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

- **Greenhalge Street and 321 Massasoit Road (AN-2013-022)**

Ms. McCabe stated that the owner of 321 Massasoit Rd is proposing to subdivide the back of the lot to create 3 separate lots along Greenhalge Street in the RS-7 zone. 65 ft of frontage is required in the RS-7 for single-family detached and lot 1 has 107 ft, lot 2 is 70 ft, lot 3 is 72 ft.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

13. **Review 2014 Board Meeting Schedule** - Ms. McCabe asked that this item be postponed to May 15, 2013 to allow staff more time to finalize it. The Board voted to postpone it to May 15, 2013.
14. **Planning Board signatures for Registry record** – The signatures for Mr. Truman, Mr. Rolle, and Mr. Mitra were obtained. Mr. Ochoa-Schultz's signature is still missing.
15. **Decisions from prior meetings were signed.**

ADJOURNMENT:

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted to adjourn the meeting at 6:48 p.m.