

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

May 15, 2013

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Andrew Truman, Chair
Satya Mitra, Clerk
Robert Ochoa-Schutz

Planning Board Members Absent: Stephen Rolle

Staff Present: Abigail 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
Michael Traynor, Law Department
Alexandra Haralambous, Law Department

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Andrew Truman called the meeting to order at 5:39 P.M.

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

1. 428 Shrewsbury Street - Parking Plan Approval (PB-2013-018)

Ms. McCabe stated that the applicant submitted a postponement request to the June 5, 2013 meeting. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted 3-0 to postpone the matter to the June 5, 2013 meeting.

List of Exhibits.

- Exhibit A: Parking Plan Application; received March 21, 2013; prepared by Frank Fechner.
- Exhibit B: Parking Plan; dated March 20, 2013; Landscaping Sheet revised May 10, 2013; prepared by Quinn Engineering, Inc; titled “Definitive Site Plan”.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 428 Shrewsbury Street (PB-2013-018) – Parking Plan Approval; dated May 14, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 428 SHREWSBURY STREET, Parking Plan – PB-2013-018; dated May 13, 2013.

2. **1413 Grafton Street - Definitive Site Plan Approval (PB-2013-014)**

Carl Hultgren, Quinn Engineering, stated that this property crosses 3 separate zoning districts. This is a definitive site plan application to construct a 14,000 SF retail property. Currently the site is vacant. They are proposing 48 parking spaces (3 are ADA accessible). There is a loading space and a dumpster in the back of the building. Utilities and public water and sewer will be connected from Grafton Street. Mr. Hultgren stated that the project received Conservation Commission approval. There is a sign proposed on the eastern side of the property and tree plantings along Grafton Street.

This project is scheduled to go before the Zoning Board of Appeals on May 20, 2013 for several special permits: to allow retail sales, to allow drive-thru, and to modify the escape length.

Ms. McCabe stated that the staff memo states the following conditions:

That eight (8) copies¹ of final revised plans be submitted to the Division of Planning & Regulatory Services addressing the following:

- Correct the BL-1.0 zoning summary table (sheet 2 of 8) – Required front yard setback should state 10’;
- Provide note indicating total square feet of ground coverage, square feet of impervious/pervious surfaces, and exterior materials to be used for the proposed building;
- Provide signs indicating temporary loading and no parking around the drive-through and escape lanes;
- Update the plans to show the drive-through and escape lanes;
- Provide lighting detail;
- Provide an additional 1 (one) interior tree for the 17 parking spaces that do not abut the landscape setback buffer. The Zoning Ordinance requires that “At least one (1) tree shall be planted within the parking lot interior for every ten (10) proposed and existing spaces... and shall be located in such a manner as to provide shade over the greatest number of parking spaces practicable.” Article IV, Section 7, Table 4.4, Note 6;
- Provide more than one Asian Longhorned Beetle tree species on site (only Northern Red Oak is currently proposed); and
- Provide a note summarizing Zoning Board relief requested.

James May, 1369 Grafton Street resident, stated he was not against the development but he was concerned with how fast traffic moves through the area and pedestrian safety.

Jo Hart, Worcester resident, stated that all the merchants in the area should get together to petition to City Council that a light be installed in the area and she stated that she wished the building was closer to the street so that it was more pedestrian friendly.

¹ Total of 8 copies to be distributed between Conservation Commission, Zoning and Planning Board files and staff

Ms. McCabe stated that the fire department has some comments regarding the fire lane therefore she recommended that no parking signs be posted along the driveway.

Mr. Richard stated that he is amenable to all the conditions.

Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the item was continued to June 5, 2013 to allow the applicants to go to the ZBA and obtain approval.

List of Exhibits.

Exhibit A: Definitive Site Plan Application; received March 19, 2013; prepared by 1413 Grafton Street Realty Trust.

Exhibit B: Definitive Site Plan; dated March 15, 2013; prepared by Quinn Engineering, Inc.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 1413 Grafton Street – Definitive Site Plan Approval; dated May 14, 2013.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 1413 Grafton Street – Definitive Site Plan - Revised– PB-2013-014; dated May 8, 2013.

Exhibit E: Comments from the Fire Department; re: 1413 Grafton Street – Definitive Site Plan - Revised– PB-2013-014; dated May 8, 2013.

3. 70 Elm Street & 46 Cottage Street – Definitive Site Plan Approval (PB-2013-016)

Attorney Todd Brodeur, Fletcher Tilton, introduced Architect Michelle Tuck and Land Planning engineer Brian Hill. He stated that the project proposes to demolish an existing office building and garage in order to construct a 12,315 SF professional office building, 59 parking spaces and associated site improvements. 70 Elm St and 46 Cottage St parcels are held in common ownership.

On April 29, 2013, the Zoning Board of Appeals granted three special permit requests with conditions submitted by 70 Elm Street Property, LLC. The Board approved modification of the parking layout with respect to waiving a required loading space, reducing access aisle width to 22’ and allowing up to 50% compact parking spaces.

Ms. Tuck stated that when designing the building they wanted to pull the parking back and better address Elm Street. The new building will have 2 stories and an attic and will complement the historic neighborhood its part of by using features from the surrounding buildings. She also stated that the building will have three main entrances from the parking lot and a ceremonial entrance from Elm Street.

Mr. Adams stated that the catchbasin connections to manhole pipe should be DR18 PVC and the applicants needs to provide City of Worcester standard details.

Ms. McCabe stated that DPRS staff respectfully recommends approval of the Definitive Site Plan for 70 Elm Street and 46 Cottage Street with the condition that eight (8) copies² of final revised plans be submitted to the Division of Planning & Regulatory Services addressing the following:

- Identify the plan set as ‘Definitive Site Plan’ in the title block;

² Total of 8 copies to be distributed between Zoning and Planning Board files and staff

- Label right-of-way width and whether it is public or private;
- Correct the BO-1.0 zoning summary table (sheet 1) – required front yard setback should state 15’ and rear yard should state 10’;
- Provide parking table listing number of required, existing and proposed parking by type (i.e., standard, compact and handicap)
- Provide note indicating: height in stories and feet, floor area ratio, total square feet in ground area coverage and exterior materials;
- Label height of proposed segmental retaining wall (retaining walls over 4’ require a fence on top);
- Label construction materials to be used for parking lot, walkways, curb cuts, etc.;
- Per DPW&P memo:
 - Catchbasin to manhole pipe should be DR18 PVC
 - Provide City of Worcester standard details;
- Provide two interior trees for parking spaces that do not abut landscape setback areas along edges of the lot;
- Provide a note summarizing relief granted by Zoning Board of Appeals on April 29, 2013; and
- Provide Zoning Board conditions of approval from its April 29, 2013 meeting.³

Karen Carrero, 16 West Street resident, stated that she was concerned about the area because the site is currently trashed. She asked where the dumpster will be placed and where the entrances and exits to the site will be.

Ms. Tuck stated that there will be a fence around the dumpster screening it from view. They also plan to replace the existing fence on the property with a 4 ft. chain-link fence to match the existing. Ms. Tuck also stated that the curb cut will be on West Street.

Mr. Ochoa-Schutz stated he liked the plans and that they were respectful of the historic area.

Mr. Truman stated that he would just place a condition that the dumpster pickups be after 7 am and that the compact spaces should be clearly marked.

Mr. Mitra asked if the area will be fenced off while the existing building is demolished and the applicant stated that it will be.

Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to approve the definitive site plan application with the conditions as noted in the DPRS and DPW memos and adding that compact spaces shall be identified with signage and that Dumpster scheduled pick-ups shall not occur before 7:00 am.

³ Zoning Board conditions of approval from April 29, 2013

- Provide seven (7) additional trees
 - Two trees by the westerly property line, immediately south of the proposed building
 - Two trees by the southwesterly property line, along the 12 proposed parking spaces and dumpster
 - One tree near the southerly property line, along the 10 proposed parking spaces parallel to Cottage Street
 - Two trees near the easterly property line, along the 11 proposed parking spaces parallel to West Street
- Update landscaping table to reflect quantity and species change
- Provide parking table listing number of required, existing and proposed parking by type (i.e., standard, compact and handicap)
- Provide dimensions of the existing sign to be redone
- Provide lighting detail regarding location, size and arrangement

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; received March 20, 2013; prepared by 70 Elm Street Property, LLC.
- Exhibit B: Site Redevelopment Plan; dated March 12, 2013; prepared by Land Planning, Inc.
- Exhibit C: Floor Plans, Elevations, Perspective & Model; dated March 12, 2013; prepared by Tuck + Tuck Architects.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 70 Elm Street – Definitive Site Plan Approval; dated May 14, 2013.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 70 Elm Street, Definite Site Plan – PB-2013-011; dated April 18, 2013, revised May 8, 2013.
- Exhibit F: Request for Postponement from Atty. Todd Brodeur to the Planning Board; dated April 19, 2013.

4. 75 Grove Street – Insubstantial modification to Definitive Site Plan Approval (Priority Site Development - Article XVIII, Section (2)(B)) (PB-2013-020)

Attorney Todd Brodeur asked for a postponement to the June 5, 2013 meeting. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted 3-0 to postpone to the June 5, 2013 meeting.

List of Exhibits.

- Exhibit A: Definitive Site Plan Amendment Application; received May 10, 2013; prepared by Worcester Polytechnic Institute.
- Exhibit B: Definitive Site Plan Amendment; dated April 18, 2012; prepared by Daniel O’Connell’s Sons, Inc. and Beals & Thomas.
- Exhibit C: Planning Board’s Report to the City Council regarding Removal of a Portion of Lancaster Street; dated September 26, 2013.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 75 Grove Street (PB-2013-020) - Definitive Site Plan Amendment (Priority Site Development - Article XVIII, Section (2)(B)); dated May 14, 2013.

5. 230 Park Avenue - Definitive Site Plan Approval (PB-2013-019)

Attorney John Spillane stated he was representing Spencer Bank and introduced Greg O’Connor and Jim Madigan, and Donald Graves from Graves Engineering.

Mr. Spillane stated that presently located on the premises is a 6,735 SF two-story vacant building formerly owned by the City and used as the Fire Alarm and Telegraph Building. The applicant proposes to construct a 1,828 SF two-story addition onto the rear of the existing building for use

of the building as a bank (operated by Spencer Savings Bank) and community meeting / function room to be operated by Preservation Worcester. Project work includes construction of two retaining walls, a 40 space off-street parking lot, free-standing drive up ATM structure, site grading, new drainage, sewer and water utilities, and landscaping improvements.

Additional functionality and improvements will be made to the traffic light at the intersection of Elm Street and Park Ave. as required in coordination with DPW&P. The applicant has also agreed to use lighting within the parking area that meets DPW&P lighting standards and specifications. The applicant has also agreed to replace, on a one-for-one basis, the caliper of the trees (9" caliper or more) removed from this site in a manner acceptable to the City of Worcester. Based on the plans provided this will result in (~37 trees 2.5" caliper trees) being made available for planting elsewhere in the City. Mr. Spillane reviewed the background of the project as follows:

The property upon which the project is proposed was initially acquired by the City in 1888 for park purposes (Elm Park) and the building was constructed in 1925 under Chapter 574 of the Acts of 1914 that authorized the City to construct and maintain a fire alarm station in Elm Park, which was used by the Fire Department before it discontinued using the building many years ago.

In 2009, the City determined that a complete historic restoration of the Fire Alarm & Telegraph building for municipal purposes was too great a burden for the City to undertake. As such, the City issued two requests for proposals for the sale and development of the historic building in an effort to save it and return it to productive use. These attempts were unsuccessful.

November 2011 – a Memorandum of Agreement was executed between the City, Spencer Savings Bank and Preservation Worcester for the disposition of the Fire Alarm & Telegraph building as well as a long-term lease of adjacent city park land. The agreement included the use and management of a community meeting room on the first floor of the building to be managed by Preservation Worcester.

December 2011 – the City Council voted to file Special Legislation with the Great and General Court of the Commonwealth of Massachusetts to allow the City to directly dispose of the Fire Alarm & Telegraph building and, under Article 97, to remove a to be designated area of the surrounding land from park use, as well as to authorize a long-term lease of land to Spencer Savings Bank.

July 17, 2012 – the City Council ordained a zoning change from RL-7 (Residence, limited) to BG-3 (Business, General) for a 1.79 acre (74,437 SF) area that would later be authorized to be removed from Elm Park through Special Legislation.

August 3, 2012 – the Special Legislation filed by the City Council was approved and enacted as Chapter 203, Section 1 of the Acts of 2012 Special Legislation to remove the parcel from Park Land as the building and project site is located in Elm Park. The Special Legislation allows:

1. The City to sell the building to Spencer Savings Bank, lease surrounding land, and construct an independent structure for a remote teller station and automated teller machine (ATM).
2. Spencer Savings Bank to house a community meeting room managed by Preservation Worcester on the first floor of the building (and that this community space shall consist of at least 51% of the first floor space).

3. Six (6) parking spaces to be dedicated for the sole purpose of parking for Elm Park users and the community room and the remaining parking spaces shall be available to users of Elm Park and the community room after bank hours.
4. The lease to be an initial term for 70 years, with the option for three (3) - 10 year extensions to be exercised by the bank.

The Special Legislation also includes the following safeguard conditions regarding the lease to the bank:

- i) The property will revert back to park land should the building ever be demolished;
- ii) The authority granted by this act shall expire and the lease shall terminate unless renovations to the building are commenced within 3 years from the effective date of this act;
- iii) In the event that the bank shall cease operations in the building for any 12 consecutive months, the lease shall terminate and the property shall revert to park land without any further action by the city, the city council or the general court; provided, however, that the city shall file a notice of lease termination and reversion to park land and such notice shall be recorded in the Worcester District Registry of Deeds; and
- iv) In the event that Preservation Worcester shall cease to operate or exist, the bank shall attempt to find another not-for-profit acceptable to the city with a mission of parks, open space, recreation and preservation to use and manage the community room for the remainder of the term.

November 14, 2012 – the ANR plan establishing the parcel based on the approved Zone Change and authorized by the Special Legislation was endorsed by the Planning Board and recorded at the Registry of Deeds in Book 897, Page 75.

January 2013 – the City Council voted to convey ownership of the former Fire Alarm & Telegraph building to Spencer Savings Bank and to execute a ground lease with the Bank for a parcel created by the above mentioned ANR and per the Special Legislation signed in 2012.

February 7, 2013 – the applicant met with the Parks, Youth and Recreation Commission, to provide an overview of the project. The Commission voted to approve the preliminary plans before them and allow the Assistant Commissioner of Parks the authority to require changes based on administrative needs.

April 22, 2013 – the Notice of Intent application was approved by the Conservation Commission (5-0-2) and an Order of Conditions was issued with conditions⁴.

April 29, 2013 – the Zoning Board of Appeals voted to grant four special permits and a variance submitted by Spencer Bank. The relief requested were: (1) To allow a bank with a drive-through; (2) To modify the parking layout with respect to the drive-through and escape lane length and width; (3) To modify number of required parking spaces up to a maximum of 10%; (4) To

⁴ Conservation Commission conditions: That all trees to be retained and the limit of work area be clearly marked prior to construction and before any clearing takes place to ensure tree protection and survival. All proposed trees and plantings be ALB (Asian Longhorned Beetle) resistant. That the catch basins be cleaned at least four (4) times a year and as needed during construction per City standards.

modify landscape screening requirements for parking and loading areas; and (5) Relief of the minimum five property line setback for 2 free-standing signs.

Mr. O'Connor stated that there were three factors to consider while coming up with the proposed plan and that was grading, minimizing the impact on the environment, and providing the access at the intersection of Park Avenue and Elm Street. He stated that the two retaining walls proposed will have landscaping planted in the front and on top and over time they will be camouflaged. He also stated that the addition at the rear allowed them to make the building ADA accessible.

He also stated that the project needs to go before the Historical Commission for approval to the exterior changes and also to request a letter of support to apply for the Massachusetts rehabilitation Tax credits. Mr. O'Connor stated that they will add a structure that will serve as the drive up window and it will be built to resemble a greenhouse since historically there used to be a greenhouse at that location.

Mr. Graves stated that there will be 40 parking spaces on site and they will be maintaining the existing curb cut. They will have an underground detention system and install new sewer/water/gas service.

Mr. Fontane stated that the City recommends approval of the Definitive Site Plan for 230 Park Avenue with the condition that ten (10) copies of final revised plans be submitted to the Division of Planning & Regulatory Services addressing the following:

- Revise parking schedule to identify number of parking spaces by type (i.e., standard, compact and handicap)
- Zoning Board of Appeals' conditions of approval
- Revise site plans to show the free-standing signs setback 5' from the property line.

Mr. Fontane also stated that since the City owns the property we can work directly with the applicant to ensure the correct lighting is installed.

Deborah Packard, Preservation Worcester, stated that this site has been in the annual most endangered structures list since 1999. She believes that this project will be good for the city and the park.

Jo Hart, Worcester resident, stated that she believed that this was a bad plan and did not agree with how they were doing the parking.

Bill Bernhard, 54 Morningside Road resident, stated that he was representing the friends of Newton Hill, which has been in existence since 2002, and believes this is a good project because the building will be beautified, the trails will be used, and this will open up Newton Hill.

Mr. Mitra stated that he likes that the modifications proposed will keep the integrity of the building.

Mr. Truman asked about the accessibility from the street. Mr. O'Connor stated that the accessibility will be through the driveway. Since they are applying for federal tax credit they will not be allowed to change the grade in the front of the building but will try to make the community room accessible from the front.

Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted 3-0 to approve the definitive site plan with the conditions discussed above.

OTHER BUSINESS:

6. Baltic Road (ST-2013-013) – Convert to Public

Mr. Adams stated that DPW recommends a Priority #1 for this private street conversion. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to recommend priority #1 back to City Council.

7. Approval Not Required (ANR) Plans

a) Pocasset Street (AN-2013-023) (private)

Ms. McCabe stated that the property owner is proposing to split the existing 8,000 SF lot into 2 lots for a single-family semi-detached dwelling in the RL-7 zone. Lot 2A has 62.45 ft. of frontage and lot 2B has 62.55 ft. of frontage when 35 per DU is required in RL-7 zone.

Mr. Adams stated that the road needs to be constructed to standards before the lot can be split. Mr. Traynor stated that the 81G approval must occur first.

Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to deny.

b) 16-18 Fales Street (AN-2013-024) (public)

Ms. McCabe stated that the existing 10,851 SF lot contains a single-family semi-detached with 2 dwellings in the RL-7 zone. The RL-7 zone requires 35 ft. per dwelling unit in the RL-7 zone. The owner is proposing to create the lot line to divide the existing lot to create 16 Fales with 70.39 ft. of frontage and 18 Fales St with 64.61 ft.

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

c) Warner Ave / Revere Street (AN-2013-025) (public)

Ms. McCabe stated that the existing lot (63 Warner Ave) contains a single family semi-detached dwelling and is 16,500 SF. The owner is proposing to subdivide the lot into 4 lots for duplexes (single family semi-detached). Lot 1 will have 60 ft. of frontage, Lot 2 is proposed to have 50 ft. frontage, Lot 3A will have 35.03 ft., and Lot 3B will have 35.03 ft. of frontage in the RG-5 zone which requires 30 ft. per dwelling unit for single-family semi-detached and 50 ft. for single-family detached.

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

d) Mount Avenue / Boxford Street (AN-2013-026) (private)

Ms. McCabe stated that An ANR plan for this lot was signed in October 2011 with a note that Lots F & D were unbuildable. The owner is not proposing any changes to the lot lines but has removed the non-buildable plan note. The lot is in the RL-7 zone which requires 65 ft. of frontage and the lot has 182 ft. on Boxford Street. Mr. Mitra stated that he saw the site and it looked like it had the sufficient frontage and access it needed.

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

8. **Review and approval of the 2014 Board Meeting Schedule**

Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted 3-0 to approve the 2014 meeting schedule.

9. **Decisions from prior meetings** – the decisions for 39 Belcourt Rd, Baltic Road, and the zoning map amendment for 169-179 Grand Street.

ADJOURNMENT:

Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted to adjourn the meeting at 7:11 p.m.