

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

**October 9, 2013
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

Planning Board Members Present: Stephen Rolle, Vice Chair
Satya Mitra, Clerk
John Vigliotti

Planning Board Members Absent: Andrew Truman, Chair
Robert Ochoa

Staff Present: Luba Zhaurova, Division of Planning & Regulatory Services (DPRS)
Marlyn Feliciano, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
George Saliba, Executive Office of Economic Development
Katie Donovan, Department of Inspectional Services
K. Russell Adams, Department of Public Works & Parks
John Gervais, Department of Public Works & Parks
Alexandra Haralambous, Law Department

BOARD SITE VISITS

CALL TO ORDER

Vice-Chair Stephen Rolle called the meeting to order at 5:37 P.M

APPROVAL OF THE MINUTES:

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the minutes for July 17, 2013 were approved without any edits.

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

1. 140 Goddard Memorial Drive – Definitive Site Plan Amendment (PB-2013-036)

Ms. Zhaurova stated that staff determined that the applicant was directed to apply due to an interpretation error by staff. Staff recommended that the application be granted a leave to withdraw without prejudice and a fee waiver.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to grant the leave to withdraw without prejudice and the fee waiver.

List of Exhibits.

- Exhibit A: Amendment to Definitive Site Application with the Cover Letter; received September 18, 2013; prepared by 140 Goddard Memorial Drive LLC
- Exhibit B: Definitive Site Plan Amendment – Landscaping Plan; prepared by Graves Engineering, Inc.; dated June 10, 2013; last amended 9/17/2013.
- Exhibit C: Letter from Rosemary Naughton of Worcester State University; re: Amendment Application – Definitive Site Plan (PB-2013-028); 140 Goddard Memorial Drive; dated September 25, 2013.
- Exhibit D: Leave to Withdraw Without Prejudice Request; submitted by Michael Andrade; dated October 4, 2013.
- Exhibit E: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 140 Goddard Memorial Drive – Amendment to Definitive Site Plan Approval (PB-2013-036); dated October 4, 2013.
- Exhibit F: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: RE: 140 Goddard Memorial Drive; Definitive Site Plan – PB-2013-036; dated October 4, 2013.

New Business:

Public Meeting

1. 17 Fairfield St - Definitive Site Plan Approval (PB-2013-034)

Chuck Scott, a representative from C&S Engineering, spoke on behalf of the applicants. Mr. Scott stated that the parcel is currently zoned RL-7 and that the square footage of the lot is 7,020 square feet. The project plans include a 26x46 foot single family home including a garage, full basement and a split level entry. The design approach took into account the difficult topography and to minimize the footprint on the lot.

Ms. Zhaurova stated that the trigger for the project was a slope greater than 15% on the proposed development site. She stated that the project is in compliance except for a few missing annotations on the plans. Staff needs the final plans with these annotations included.

Ms. Zhaurova stated that staff had been made aware of a discrepancy between the lot lines and lot size shown on the plans and the lot lines listed on the deed. The discrepancy resulted in 300 feet of additional lot area on the plans. This additional square footage is what would allow the proposed house to be built on the lot without the need to obtain variances. If the deed was correct with regard to the lot lines and lot size, the proposed house would not be permissible by right. Ms. Zhaurova requested that the Board inquire about this discrepancy.

Mr. Scott stated that New England Land Surveyors performed a perimeter survey of the property as well as all four surrounding streets. Mr. Scott stated that the surveyor tied into highway monuments as well as iron pin monuments. Mr. Scott further stated that the deed survey was from the 1800's and that the abutter, who brought up the discrepancy, referenced a 1947 plan which had no monuments. Mr. Scott also stated that the surveyor had a professional license that could be jeopardized if they misrepresented the survey data.

Attorney Don O'Neil presented a copy of the deed as an exhibit and stated that the deed states that the metes and bounds are "more or less" where specified and that surveying technology has improved over time.

Mr. Rolle asked Ms. Haralambous what could resolve the discrepancy issue.

Ms. Haralambous from the Law Department stated that it was her recommendation that the applicant get a letter from the surveyor supporting their work and describing where the potential discrepancy may lie. Ms. Haralambous stated that the Board could accept the evidence as presented or could continue the matter.

Mr. Mitra stated that the discrepancy in lot size based on the survey versus the deed description is considerable and that he would like to give staff more time to look into the matter.

Mr. Vigliotti requested that the applicant provide a letter from the surveyor explaining their work and why there might be a discrepancy with the deed metes and bounds.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to continue the matter.

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; prepared by CFS Engineering; received August 28, 2013.
- Exhibit B: Site Plan; prepared by CFS Engineering; dated and received August 28, 2013.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 17 Fairfield Street – Definitive Site Plan; dated October 4, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 17 Fairfield Street; Definitive Site Plan – PB-2013-034; dated October 4, 2013.
- Exhibit E: Plan of Land for 17 Fairfield from the Registry of Deeds identifying the 14 monuments used to survey the land; Submitted by Chuck Scott from Mid-Point Engineering on 10/9/13.

Exhibit F: Deed copy for 17 Fairfield Street; submitted by Attorney Donal O'Neil on 10/9/13.

2. 755-759 West Boylston St – Definitive Site Plan Amendment (PB-2013-035)

Mr. Patrick Doherty, from Mid-Point Engineering representing Galaxy Development (the applicant), stated that during construction it was found that additional building demolition needed to occur. That and a few other minor changes prompted this Amendment to the Definitive Site Plan. Mr. Doherty presented the revised plan and explained the differences from the originally approved plan:

- ~13,202 SF demolition to the portion of an existing building¹;
- Nine additional parking spaces (for a total of 79 off-street spaces on site); and
- Additional dumpster and dumpster enclosure adjacent to the northeast corner of the existing building.

Ms. Zhaurova stated that staff recommended approval of the site plan amendment.

Mr. Joseph Flagg, an abutter, stated that he had an issue with a previously approved dumpster enclosure because it blocked the view of his business. He stated that the dumpster enclosure was built 24 feet in length, not the 16 feet in length that was originally approved. Mr. Flagg also stated his objection to the approval of a dumpster enclosure that was visible from Route 12 and stated that he had long term maintenance concerns regarding how the applicant would maintain the dumpster area.

Mr. Doherty stated that the dumpster enclosure has a nice fence around it and that the owner is obligated to maintain the property. He also stated that the dumpster enclosure is an operational need for the applicant.

Mr. Mitra stated that the staff has reviewed the amended plan and it meets legal and code requirements, therefore he would support approving the amended site plan.

Mr. Flagg requested that the Board require the applicant to reduce the size of the dumpster enclosure to what was originally approved.

Mr. Rolle stated that he agreed with Mr. Mitra, and that despite the fact that the Board generally prefers dumpster locations that are less visible, existing conditions in this case warrant the site plan amendment.

Mr. Vigliotti asked Ms. Donovan from Inspectional Services if there was an issue with the setback distance of the dumpster enclosure from Route 12.

Ms. Donovan stated that in the ML-0.5 there are no setback requirements.

¹ Original building was 22,700 SF; Planning Board previously approved ~11,900 SF demolition

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the site plan amendment.

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; received September 11, 2013; prepared by 755-759 West Boylston Street.
- Exhibit B: Site Plan; dated July 24, 2012, revised August 13, 2012 and September 17, 2012; prepared by MidPoint Engineering.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 755-759 West Boylston Street – Definitive Site Plan Amendment; dated October 4, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 755-759 West Boylston Street; Definitive Site Plan – PB-2013-035; dated October 4, 2013.
- Exhibit E: Email from Patrick Doherty, MidPoint Engineering to Nancy Tran, DPRS; re: 755-759 West Boylston Street – Square Footage; dated October 3, 2013.

Other Business:

- 4. Chambers Street – Street Petition Convert to Public (ST-2013-024)**
Mr. Adams from DPW requested that this item be held until the next meeting.
- 5. Candlewood Street – Street Petition Convert to Public (ST-2013-025)**
Mr. Adams from DPW recommended Priority#1 designation for this private street conversion. Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to recommend Priority 1 back to City Council.
- 6. 33 Havana Road – Sewer Petition (ST-2013-026)**
Mr. Adams from DPW recommended Priority#1 designation for this sewer petition. Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to recommend Priority 1 back to City Council.
- 7. 115 McKeon Road - alteration of the official City map (Millbury Street)**
Ms. Haralambous from the Law Department requested that this item be tabled. Mr. Rolle stated that the item will be held to the next meeting on October 30, 2013.
- 8. Approval Not Required (ANR) Plans**
 - a. Sarah Drive (private street) (AN-2013-041)**
Ms. Zhaurova stated that this item had previously been postponed to allow staff to research a discrepancy between the layout of Bittersweet Boulevard and the approved street layout as shown on the latest approved Arboretum Subdivision – Phase IV plans.

Staff recommended a denial due to a discrepancy on the plans. Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to not endorse these plans.

b. 35 Natural History Drive (private street) (AN-2013-044)

Ms. Zhaurova stated that the applicant proposes to subdivide the lot into two lots providing sufficient frontage for each, therefore, staff recommended endorsing these plans. Mr. Rolle stated that the commissioner had visited the site and that the plans were passable. Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to endorse the plans.

c. 109 Pocasset Ave (private street) (AN-2013-045)

Ms. Zhaurova stated that the applicant proposes to subdivide the lot but the new parcel is not a buildable lot and staff recommended endorsing these plans. Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plans.

d. 51 Rowena Street (AN-2013-046)

Ms. Zhaurova stated that staff recommended endorsing these plans. Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plans.

9. Communication Received:

a. Letter from John LeGrand & Associates, P.C.; dated September 23, 2013 and received September 26, 2013.

b. Letter from City of Worcester Law Department to John P. LeGrand & Associates; Denner Pellegrino, LLP; dated and received September 26, 2013.

No commission action was required for these communications.

10. Signing of Decisions from prior meetings

The decisions for Hygeia St, 1097 Pleasant St, 1 Tiverton, RG-5 to RG-4, 690 Grafton, and Washington Square Rotary were signed

ADJOURNMENT:

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted to adjourn the meeting at 6:38 p.m.