

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

**November 20, 2013**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Planning Board Members Present:** Andrew Truman, Chair  
Stephen Rolle, Vice Chair  
John Vigliotti

**Planning Board Members Absent:** Satya Mitra, Clerk  
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  
Katie Donovan, Department of Inspectional Services  
John Gervais, Department of Public Works & Parks  
Alexandra Haralambous, Law Department

**BOARD SITE VISITS**

**CALL TO ORDER**

Chair Andrew Truman called the meeting to order at 5:37 P.M.

**APPROVAL OF THE MINUTES:**

Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, the minutes for October 30, 2013 were approved with one correction noting that it was Chair Truman who called the October 30<sup>th</sup>, 2013 meeting to order.

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

- 1. 5, 7, 25, 38 & 45 Arctic Street; 1, 4 & 13 Hygeia Street; and 290 Franklin Street – Definitive Site Plan Approval (PB-2013-040)**

The Board received a request to postpone this item. Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, this item was postponed until the December 11, 2013 meeting.

**2. Approval Not Required (ANR) Plans**  
**a. 1550-1554 Great Post Road (public street) (AN-2013-050)**

The Board also received a request to postpone the ANR for 1550-1554 Great Post Road (public street) (AN-2013-050).

Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, this item was postponed until the December 11, 2013 meeting.

**NEW BUSINESS:**

**3. 126 Southwest Cutoff – Parking Plan Approval (PB-2013-039)**

Attorney Jonathan Finkelstein stated that his client was requesting to have modified site plan approval for a 12 month trial period to see if a car sales lot would be successful at this site.

Mr. Finkelstein stated that after 12 months, pending the outcome of the trial period, the petitioner would come back before the board with updated plans that include paving, drainage, lighting, and landscaping that meet the updated regulations. He noted that the plans state that there will be asphalt gravel but wanted to note that in fact there would be asphalt grindings placed on portions of the lot where the plans indicated there would be asphalt gravel.

Mr. Finkelstein stated that the trial period was approved by the Zoning Board of Appeals (ZBA) two weeks earlier.

Ms. Zhaurova stated that the ZBA approved a 12 month delay in the construction of the lot up to City standards but that the applicant must come back before both the ZBA and the Planning Board prior to the end of the 12 month trial period to present final plans that meet City standards.

Ms. Zhaurova stated that there are several lots along this expanse of road that are not paved. She stated that if the petitioner is required to pave the lot now and then the business proves to be unsuccessful; the City will be left with a large unused impervious surface.

Ms. Zhaurova stated that the current plan is missing minor annotations but that Staff recommended approval with the conditions that six plans are provided to the City showing all necessary annotations as outlined in the Staff memo dated November 15, 2013 and revised on November 19, 2013, and that all conditions imposed by the ZBA are also met.

Chair Truman asked when the 12 month trial period would start and Ms. Zhaurova stated that the 12 month trial period would start when the ZBA decision is signed and filed with the City Clerk and that this was expected to happen at the next ZBA meeting.

Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the parking plan for the 12 month trial period with the following conditions:

- That 6 copies of revised plans are submitted to DPRS including the following annotations prior to the issuance of the building permit:
  1. In zoning classification requirements table change “ML 0.5” to correct zoning “BL- 1.0”;
  2. Label rear yard setback;
  3. Label all parking areas to be paved, showing the area to be paved around and in front of the existing building, including the accessory office parking spaces to the northeast and south of the building);
  4. Provide a legend that includes fencing.
  5. Show ZBA’s Conditions of Approval.
  6. Label minimum yard dimensions.
  7. Label location, size and arrangement of any lighting and/or signs.
  8. Label driveways and access aisles and parking areas to be paved.
  9. Provide a legend.
  10. Label location, dimensions, number and construction materials of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking spaces, loading spaces, access aisles, sidewalks, walkways and pathways.
  11. Label methods and location of erosion and sedimentation control devices for controlling erosion and sedimentation during the construction process as well as after.

The following waivers were approved:

1. Label the names of owners of properties up to abutters of abutters within 300 feet of the applicant's property lines.
2. Label distances from adjacent buildings.
3. Label the elevations and contours of the existing and finished site.
4. Label capacity and drainage (including detention/retention ponds).
5. Label any berms.
6. Label walkways and sidewalks, their dimensions and materials.

7. Label the loading space that will be used on the easterly side of the existing building.
8. Label any relief being sought from the Planning Board or Zoning Board of Appeals on the plan.

**List of Exhibits.**

- Exhibit A: Carworld, Inc. Application; received 10/16/2013; prepared by Carworld Inc.
- Exhibit B: Carworld, Inc. Plan; dated 10/09/2013; revised plan received November 18, 2013; prepared by HS&T Group, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 126 Southwest Cutoff – Parking Plan; dated November 14, 2013, revised November 19, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 126 Southwest Cutoff; dated November 15, 2013.
- Exhibit E: Emails from the applicant’s Attorney, Jonathan Finkelstein, to DPRS staff; re: 126 Southwest Cutoff; November 14, 2013.
- Exhibit F: Letter from DPW&P to the Zoning Board of Appeals; re: 126 Southwest Cutoff Special Permit Petition; dated November 1, 2013.
- Exhibit G: Request for Waiver of Plan Requirements; re 126 southwest Cutoff; dated November 15, 2013.
- Exhibit H: Memorandum from the City of Worcester Department of Public Works & Parks to the Zoning Board of Appeals; re: 126 Southwest Cutoff; dated November 1, 2013.

**OTHER BUSINESS:**

**4. 61 Lafayette Street (ZB-2013-046) – Request for determination on whether or not the petition is repetitive per M.G.L., Ch. 40A § 16**

Hussein Haghanizadeh, a civil engineer present on behalf of the applicant, stated that he was before the Planning Board asking that they find the new application submitted for this project as substantially different from the original one that was denied by the Zoning Board. There was previously a proposal to put a 2-family duplex on the lot. This application was before the Zoning Board and the Board determined that the 2-family side by side duplex did not fit with the character of the neighborhood. The applicant has resubmitted the application and changed the design to have a 2 family structure built on the lot.

Mr. Haghanizadeh stated that the ZBA had determined that this application was substantially different from the previous application and that he was now seeking review from the Planning Board to determine if the new application was substantially different.

Ms. Zhaurova stated that in accordance with Massachusetts General Law, Chapter 40A, section 16, MGL, Chapter 40 A, Section 16:

*Final unfavorable decisions by permit granting authorities; reconsideration; withdrawal of petitions for variance or applications for special permit: "No appeal, application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority shall be acted favorably upon within two years after the date of final unfavorable action unless said special permit granting authority or permit granting authority finds, by a unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the planning board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered. Any petition for a variance or application for a special permit which has been transmitted to the permit granting authority or special permit granting authority may be withdrawn, without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the special permit granting authority or permit granting authority."*

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Ms. Zhaurova stated that the ZBA did determine this application was substantially different and that the Staff memo dated November 14, 2013 outlines the difference between a duplex and a 2 family structure and the differences in relief that are required from the first application and this current application before the Board. Essentially the nature and density is similar but the dimensional relief would be different.

Upon a motion by Mr. Vigliotti and seconded by Mr. Rolle, the Board voted 3-0 that the application is substantially different from the previous plans.

### **List of Exhibits.**

- Exhibit A: Email, plan, and rendering from HS&T Group, Inc., the applicant's engineer, to Michelle Smith; re: repetitive petition – request to proceed; dated October 13, 2013.
- Exhibit B: Zoning Board of Appeals Decision; dated May 17, 2013.

**5. 335-355 Granite Street – Sewer Petition (ST-2013-028)**

John Gervais, Department of Public Works and Parks, stated that DPW&P recommended approval of the petition and that it be designated a Priority 4.

Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, the Board voted 3-0 to recommend a Priority 4 designation to City Council.

**6. Nixon Avenue – Street Petition Convert to Public (ST-2013-029)**

John Gervais stated that DPW&P recommended approval of the petition and that it be designated a Priority 1.

Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, the Board voted 3-0 to recommend a Priority 1 designation to City Council.

**7. Millbury Street – Petition to Discontinue a portion of the street (ST-2013-030)**

Upon a motion by Mr. Vigliotti and seconded by Mr. Rolle, the Board voted 3-0 to approve the petition that the City discontinue a portion of the Millbury Street public street layout from its intersection with McKeon Road northerly a distance of ~140 ft. and abandon the City's interest therein with the exception that the city reserve the rights to its utility easements.

**8. Election of Officers**

This item was tabled until the December 11, 2013 meeting.

**9. Approval Not Required (ANR) Plans**

**a. 115-117 Apricot Street (public street) (AN-2013-051)**

Ms. Zhaurova stated that the ANR was looking to create a single lot line for the 2 single-family semi-attached dwellings on the lot. Both lots met frontage requirements.

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

**b. 10 Rosemary Street (public street) (AN-2013-052)**

Ms. Zhaurova requested that this item be postponed so as to further examine the matter since the lot is conveying a parcel to a non-conforming lot.

Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, the Board voted 3-0 to postpone this item.

**c. 276 Mill Street (public street) (AN-2013-053)**

Mr. Hussein Haghanizadeh requested that this item be postponed.

Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, the Board voted 3-0 to postpone this item until the December 11, 2013 meeting.

**10. Signing of Decisions from prior meetings – no decision were signed.**

**ADJOURNMENT:**

Upon a motion by Mr. Rolle and seconded by Mr. Vigliotti, the Board voted 3-0 to adjourn the meeting at 6:17 p.m.