

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

**April 30, 2014**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Planning Board Members Present:** Andrew Truman, Chair  
Satya Mitra, Vice Chair  
John Vigliotti

**Planning Board Members Absent:** Robert Ochoa, Clerk

**Staff Present:** Stephen Rolle, Division of Planning & Regulatory Services  
Luba Zhaurova, Division of Planning & Regulatory Services  
Michelle Smith, Division of Planning & Regulatory Services  
Jon Gervais, Department of Public Works  
Katie Donovan, Department of Inspectional Services  
Alexandra Haralambous, Law Department

**BOARD SITE VISITS**

**APPROVAL OF THE MINUTES**

Upon a motion by Mr. Ochoa and seconded by Mr. Mitra, the Board voted 4-0 to approve the minutes for January 22, 2014 and March 5, 2014.

**CALL TO ORDER**

Chair Andrew Truman called the meeting to order at 5:30 P.M.

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

**1. 38 Toronita Avenue (Lots 1, 2 & 3) – Definitive Site Plan Approval (PB-204-008)**

Ms. Zhaurova stated that the engineer, Carl Hultgren, submitted a written request to postpone the item to the May 14, 2014 meeting.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to postpone 38 Toronita Ave to May 14, 2014.

Walter Burns, 10 Knapp Ave, submitted photographs as an exhibit depicting issues with the wetlands.

**List of Exhibits**

Exhibit A: Definitive Site Plan Application; prepared by AET Realty Trust; received March 12, 2014

Exhibit B: Definitive Site Plan; prepared by Quinn Engineering, Inc.; dated March 11, 2014.

- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 38 Toronita Avenue (Lots 1, 2 and 3); dated April 23, 2014
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 38 Toronita Avenue, Site Plan Application – PB-2014-008; dated April 17, 2014.
- Exhibit E: Photographs submitted by Walter Burns on April 30, 2014.

2. **Sarah Drive (aka 0 Sarah Drive & 86 Upland Street) – Definitive Subdivision Plan Approval (PB-2013-050) for seven lots.**

Ms. Zhaurova stated that the applicant requested a postponement to June 4, 2014 and an extension of the constructive grant deadline to June 20, 2014.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to postpone this item to June 4, 2014 and extend the constructive grant deadline to June 20, 2014.

### **UNFINISHED BUSINESS**

3. **Commercial Corridors Overlay District - Amendments to the City of Worcester Zoning Ordinance & Map (ZM-2013-005 & ZO-2013-003).** The petition seeks to amend several articles within the ordinance to create commercial corridors overlay districts, creative entrepreneur lofts, and eliminate parking overlay districts; the arts overlay district and the mixed use overlay districts.

Mr. Rolle stated that the Board continued the public hearing that was opened on January 22, 2014. He stated that the Commercial Corridors Overlay District (CCOD) is an overlay district that sits on top of the existing zoning map, adding to and superseding the underlying land use regulations. He stated that the district covers downtown and major connecting corridors (Pleasant Street, Chandler Street, Shrewsbury Street, etc.) and would replace and extend several existing overlay districts (Arts Overlay District, Mixed Use Overlay District, Parking Overlay Districts).

Mr. Rolle stated that the purpose of this overlay district is to:

- Promote re/development;
- Enhance commercial neighborhoods;
- Create mixed-use, walkable communities;
- Avoid over-dedication of land to excessive accessory parking; and
- Preserve the historical, cultural, and architectural assets of the City.

Mr. Rolle stated that when the public hearing was opened on January 22, 2014, the main concerns from the public were with regard to the parking requirements. He stated that such dialogue prompted modification to the amendment and staff have continued to meet with the community to address the concerns with the proposal. While the proposal has been modified, the overall intent has not changed.

Mr. Rolle stated that staff reviewed over 20 ordinances of peer communities in considering modifications to the original proposal.

Mr. Rolle stated that in Section 1 minor changes were made to the stated objectives, “Purpose and Intent”; in Section 5, “Allowed Uses”, now allows conversion of existing buildings to

residential uses anywhere within the CCOD and introduces provisions allowing drive-through uses with certain restrictions.

Mr. Rolle stated that in Section 6, “Dimensional and Landscaping Requirements”, staff fine-tuned front setback requirements (minimum and maximum front setbacks), clarified what elements can be located in the front yard setback, and added flexibility to allow a deeper setback by special permit. Mr. Rolle stated that staff is still looking for buildings to be oriented towards the street and with parking to the rear or to the side to promote a more pedestrian-friendly environment.

Mr. Rolle stated that further definition of building orientation, lot layout, and active facade was added, the maximum FAR was increased to 2.0 or greater, and the maximum height was increased to 50’ or greater throughout the CCOD.

Mr. Rolle stated that Section 7, “Off-Street Parking”, is where most of the changes occurred. He stated that staff is recommending that parking subareas be established. He explained that the maximum parking limits were raised with additional considerations for reuse/rehabilitation of existing buildings, while parking adjustments were introduced, such as a bicycle parking credit and information was added regarding requirements for off-site lots.

Mr. Rolle stated that drive-throughs are prohibited on the most densely developed, pedestrian oriented corridors and will be prohibited within 150’ of residential uses to prevent nuisances related to noise, fumes, etc. He stated that where allowed, there are shorter lane storage requirements for drive-throughs within the CCOD as well as provisions for pedestrian access across drive-through lanes.

Mr. Rolle reviewed the following table.

	<b>CCOD – Shrewsbury Street subarea</b>	<b>CCOD – Canal District subarea</b>	<b>CCOD – Elsewhere</b>
<b>Residential Uses</b>			
<b>Single, two or three family; Multi-family dwelling; Loft, Creative Entrepreneur</b>	<b>1 resident space per dwelling unit (Studio, 1 BR units)</b>	<b>1 resident space per dwelling unit</b>	
	<b>1.5 resident spaces per dwelling unit (2+ BR units)</b>		
	<b>1 guest (unreserved) parking space per 10 units for dwellings with 10 or more units.</b>		
<b>All other allowed residential</b>	<b>75% of requirements in parking Table 4.4</b>		
<b>General Uses</b>			
<b>All allowed general uses</b>	<b>75% of requirements in parking Table 4.4</b>		
<b>Business Uses</b>			

Office, Professional/General; Retail Sales; Service (personal, animal, other)	1 per 500 SF
Food Service/Lounge /Nightclub	1 per 4 rated occupancy. No minimum if rated occupancy is 40 or less.
All other allowed business uses	75% of requirements in parking Table 4.4
<b>Manufacturing Uses</b>	
All allowed manufacturing uses	75% of requirements in parking Table 4.4

Mr. Rolle stated that the downtown area would continue to have no minimum parking requirement. He stated that elsewhere additional provisions for existing buildings are proposed, such as only requiring additional parking for expanded sections, but not for existing or remodeled areas when there is not a change in use. He explained that if a site is being converted to residential, then the entire development would need to meet the minimum parking requirements per the above table, but if converting to a non-residential use, additional parking would be required above pre-determined thresholds, depending upon which subarea the proposal is located in.

Mr. Rolle stated that they are also proposing a slight reduction in the area covered by the CCOD. He asked for specific input from the Board on the following: the reinstatement of minimum parking requirements, provisions for drive-through use with some restrictions, and changes to the map area.

Gary Vecchio, President of the Shrewsbury Street Neighborhood Association, stated that he has interacted with Mr. Rolle and his department over the last few months and he felt that Mr. Rolle listened to, and addressed his concerns. Mr. Vecchio stated that he was speaking for the Shrewsbury Street Neighborhood Association and for former State Representative Vincent Pedone and his issue is with the provision that restaurants with 40 seats or less do not need to provide parking. He stated that Shrewsbury Street cannot accommodate parking for a few of these smaller restaurants and asked that that provision be removed. He stated that it would be detrimental for Shrewsbury Street and that it is self-defeating making it easier for a restaurant to open than any other type of business.

Mr. Truman stated that he believed that a minimum parking requirement should be set even for small restaurants.

William Breault, on behalf of Main South Alliance for Public Safety, stated that he met with Mr. Rolle and found him to be responsive to the concerns that he and a few developers in the Main South area brought up. Mr. Breault stated that his concerns about the drive-throughs were addressed, but the parking was still an issue because they have had several small restaurants in Main South that have not survived because of the lack of parking.

Councilor Michael Gaffney stated that he hoped another look would be taken on the no minimum parking requirement for the 40 seat restaurants.

Jo Hart, Worcester resident, stated that the proposal is unfair as it doesn't provide the necessary public transportation to support places that do not provide parking. She also stated that some of the fast food restaurants have parking areas that are too large and are always empty and the City should retrofit them. She stated that she was in favor for the proposal.

Bill Kitsillas stated that he, along with his partner, was trying to open a restaurant in Worcester and it will have more than 40 seats. He stated that he bought land on 266 Chandler Street and plan to open a full-service restaurant called Antonio's Pizza and had asked to be removed from the CCOD and have been.

Mr. Truman stated that maybe the proposal can include a provision that walk-in type restaurants do not require parking but sit-down restaurants do have some minimum requirement.

Mr. Rolle stated that they currently do not make that differentiation in the ordinance which is why they did not include that in the proposal but that it can be explored.

Mr. Mitra asked how they came up with a restaurant with 40 seats. Mr. Rolle stated that the ordinance currently requires a restaurant with 40 seats to provide 10 parking spaces and staff are trying to prevent the creation of various small parking lots as these break up the pedestrian environment and use up precious real estate.

Mr. Mitra stated that, while he understands the intent, he thinks there might be business owners who might be deterred by not having parking at all and believes some minimum should be set.

Mr. Rolle stated that the business owner is always free to provide parking even if the requirement is waived and the proposal is written to keep the existing parking at existing buildings. He stated that he believes that staff has reached a balance.

Mr. Truman stated that he wanted to make sure the CCOD does not cut any parcel in half but follows the lot lines.

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

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to recommend to City Council that the CCOD petition be withdrawn and re-submitted by City Manager as a new petition incorporating the modifications developed by staff and during the Public Hearing process without the minimum 40 parking space waiver for restaurant uses.

### **List of Exhibits**

- Exhibit A: City of Worcester – Proposed Commercial Corridors Overlay District Map (As originally referred to Planning Board by City Council)
- Exhibit B: Proposed Revised Commercial Corridors Overlay District Map; titled “City of Worcester - Proposed Commercial Corridors Overlay District (revised after PB hearing on January 22, 2014).”

## NEW BUSINESS

4. **Arboretum Phase IV Definitive Subdivision Approval (PB-2009-038) –Rescission Consideration pursuant to Massachusetts General Laws, Chapter 41, Section 81W.** The owner, Arboretum Village LLC c/o Fox Hill Builders, received a subdivision approval in 2009 for construction of Bittersweet Boulevard, Indigo Circle and Snowberry Circle and associated 70 lots.

Mr. Truman stated that after speaking to counsel there is little the Planning Board can do legally in regards to rescinding the petition.

Mr. Rolle stated that at the Board's previous hearing, on March 26, 2014, the Board voted to rescind the approval for Arboretum Phase IV Definitive Subdivision on the basis of failure to comply with the approved plans. He stated that M.G.L. Chapter 41, Section 81W empowers the Planning Board to modify, amend, or rescind its approval of a subdivision plan; however, when a board seeks to rescind or otherwise alter an approved subdivision plan that has been mortgaged, the consent of the mortgagee is required by statute. He stated that Spencer Savings Bank holds a mortgage in good standing on the property and the Bank submitted a letter to the Board protesting the proposed rescission.

Mr. Rolle stated that since the last Board meeting staff met with the developer and he believes that positive progress is being made in identifying steps to move forward. He stated that going forward, we will start discussing Slope A (rock slope) and Slope B (unfinished ledge face) separately. Because the Board does not have any options before them, staff will continue to work on a resolution and the Board's involvement will be in approving future site plans or subdivision plans.

Mr. Truman stated that legally the Board's hands are tied until the developer comes back with other site plans.

Jim Bisceglia, 54 Honeysuckle Road, stated that he called Spencer Savings Bank and they stated they were willing to negotiate something between Gallo, the neighbors, and the Board. Mr. Bisceglia stated that there is still damage occurring at his property from the fallen rocks and mud; he wants to know who is responsible for it. He stated that he waited patiently for something to be done by the Board and now it cannot be done; he asked what else he could do.

Mr. Truman stated that the situation was frustrating for the Board as well, but legally they couldn't move forward with the rescission.

Mark Donahue, representing the developer, stated that his office had provided several correspondences in regards to this rescission of the plan's approval and compliance with the subdivision plans. He stated that the developer has been involved and had a second structural engineer evaluate Slope A, along with DPW&P, and has come up with specific plans to stabilize a small area that needs stabilization. He stated that for Slope B, changes will be made and revisions will be submitted to staff during the month of May.

Timothy Viele, 46 Honeysuckle Road, asked if Honeysuckle Road was part of the approval that is under discussion today. Mr. Rolle stated that it wasn't, Honeysuckle Road was constructed under Phase III of the project. Mr. Viele asked what will be done to stabilize Slope A. Mr. Rolle stated that there is not an application before the Board that addresses the construction of Slope A and, as mentioned previously, staff has continued discussions with the developer about what can be done but an agreement has not yet been reached.

Mr. Viele asked why the Board does not discipline the developer for not providing the revised site plans as demanded back in March. Mr. Truman explained that the rescission was the Board's way to discipline the developer but they are unable to do so legally. Mr. Viele stated that the City is negligent because they allowed Gallo to build that slope not in accordance to the plans approved. He stated that the Honeysuckle Road residents will file a class action suit against the City for negligence, pain and suffering, and the devaluation of their homes due to the slope.

Mr. Viele also stated that there is no swale for the water and slope B is not stable since the grass is falling down and he can only see more issues if Mr. Gallo is allowed to build more homes along Bittersweet Boulevard.

Mr. Truman explained that the Board has no option but to take up the petitions before the Board and vote on them.

Tripti Gaur, 56 Sophia Drive, stated that Phase IV is proposed right behind his property and when he moved in it was a nice slope with plenty of trees. He stated that now it's a parking lot for construction equipment and unknown individuals and potential illicit activity. He stated that he has had to call 911 a couple of times because there are people parking behind his property, late at night, and he was unsure if illicit activity was taking place. He also stated that he asked Mr. Gallo to move his construction equipment, which he has kept behind his property for two years, and Mr. Gallo allegedly responded that he can keep his equipment there since it is on his property. Mr. Gaur stated that Mr. Gallo should have to remove his equipment or close the street off because it is scary having illicit activity occurring at night.

Ebenezer Obeng-Nyarkoh, 38 Honeysuckle Road, stated that he was concerned about landslides or the mountain collapsing. He stated that he has lived there for three years and each year the slope has gotten progressively worse and more debris ends up in his backyard. He stated that the value of his property is falling and he is losing part of his property as the rocks encroach on his lot. Mr. Obeng-Nyarkoh asked the Board to do whatever they could to prevent Gallo from continuing to build and make the matter worse.

Mr. Mitra stated that it is unfortunate that the Board's hands are tied due to the law. He stated that he recognized this was a difficult and dangerous situation for the residents. Mr. Mitra asked what Mr. Gallo thought about all of the resident's concerns.

Mr. Donahue stated that they have submitted the evidence requested by the Board from a structural engineer proving that slope A is stable and safe. He stated that Slope B can be constructed in accordance with the approved plans with the modifications City staff deems necessary. He stated that the plan before the Board is to proceed with the development and completion of Bittersweet Boulevard and plan to operate it in a safe manner for all.

Barbara Kallin, 54 Sophia Drive, stated that the area behind her house is paved and she has seen deep uncovered pot holes. She expressed concerns about a child or small animal falling into the hole and that someone might attempt suicide by jumping off of the slope.

Mr. Rolle stated that if there are specific issues that need to be addressed right away, such as a large hole in the ground left uncovered, residents can contact either the Department of Public Works or Inspectional Services.

Ms. Donovan stated that if it's a problem on the road then the Department of Public Works needs to be contacted but if it's on a lot, then Inspectional Services needs to be notified.

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

Mr. Bisceglia asked if the Board was going to do something about the slope and that he has brought proof that the slope is falling.

Mt. Truman stated that the public hearing was closed and he could not take any more public testimony.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 not to rescind the subdivision approval per MGL Ch. 41, 81W and the letter received from Spencer Savings Bank in opposition of rescission.

### **List of Exhibits**

Exhibit A: Letter from Spencer Savings Bank; dated April 18, 2014.

#### **5. Bittersweet Boulevard – Definitive Site Plan Approval (PB-2013-048)**

Attorney Mark Donahue, representing the applicant, stated that this definitive site plan has been held since 2013. He stated that the proposal is for 5 duplexes built on 5 lots on the east side of Bittersweet Boulevard and that DPRS staff shared their suggested conditions of approval and revised plans addressing those conditions were submitted. Mr. Donahue introduced Patrick Burke, engineer from HS&T Group.

Mr. Burke stated that the applicant is seeking to construct 5 semi-detached dwellings (duplexes) and that each dwelling is compliant with area, setbacks, parking, and frontage requirements. He explained that the main challenge was the grading. He explained that for the proposal water will drain to the back of the homes and the swales will redirect water into yard drains, located between the buildings, to collect the water and such drains will tie to the drainage in the street connecting to the subdivision drainage.

Mr. Gervais stated that his questions were answered by the proposal of the area drains and he has already discussed with the engineer how this needs to be tied into the existing system. He stated that the area drains should be tied into the system but not through the foundation drains and that he had not received updated plans.

Ms. Smith stated that this item has been postponed for some time to allow for resolution of the applicant's compliance with the approved Phase IV subdivision plans and that staff have received only electronic copies of the revised plans, not hardcopies. She stated that the slope will be graded behind the proposed homes to be no greater than 2.5:1. Staff is recommending the following conditions of approval:

- Label hydrant located on Bittersweet Boulevard to say "existing hydrant";
- Correct the table provided on Sheet 7. Lot 18R side yard setback should be 17.5 ft. not 21.7 ft.; and
- Address all Department of Public Works comments to the satisfaction of the DPW.

She stated that the Fire Department comments have been addressed in the revisions.

Mr. Truman stated that he wants to review the hardcopy of the plan with the detail for grading, since the contours are too tight in the copy he received. He asked how they plan to stabilize the slope.

Mr. Burke stated that they plan to loam and seed it. Mr. Truman stated that the stabilization methods should be detailed on the plans and how it will be maintained.

Mr. Mitra stated that a more detailed plan on stabilization is needed due to the issues with other slopes in the subdivision.

Mr. Vigliotti stated that he would also like to see the revisions made, due to DPW's comments, before approving the plan.

Ms. Truman asked if the plan was to build the homes this year. Mr. Donahue stated that it was and the slope will be stabilized before winter sets in.

Mr. Donahue stated that he would prefer to continue the matter to June 14, 2014 and would make sure that the plans are received by staff with plenty of time for them to be reviewed.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to continue the item to the June 14, 2014 meeting to allow for submittal of full-size revised plans by May 14, 2014.

**List of Exhibits:**

Exhibit A: Bittersweet Boulevard Application; received November 27, 2013; prepared by HS&T Group, Inc.

Exhibit B: Bittersweet Boulevard Plan; dated November 27, 2013; prepared by HS&T Group, Inc; revised 2/26/2014 & 3/28/14.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Bittersweet Boulevard; dated January 22, 2014, revised March 21, 2014 & April 23, 2014.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Bittersweet Boulevard Definitive Site Plan Approval; January 16, 2014; revised March 21, 2013.

Exhibit E: Comments from the City of Worcester Fire Department; re: Bittersweet Boulevard Definitive Site Plan Approval; January 17, 2014, revised via e-mail dated March 26, 2014.

Exhibit F: Enforcement Order for Arboretum Subdivision (Phase IV) Bittersweet Boulevard off Sophia Drive issued by Conservation Commission 7/26/2013.

Exhibit G: Request for Postponement form to allow the applicant time to revise plans, dated and received 1/22/2014.

Exhibit H: Transmittal from H S & T Group; re: Bittersweet Boulevard Definitive Site Plan; dated February 26, 2014; Revised March 26, 2014.

**6. 0 Pullman Street (aka 71A Pullman St) – Definitive Site Plan Approval (PB-2014-010)**

Mike Andrade, Graves Engineering, stated that the applicant is asking for site plan approval for 0 Pullman Street and indicated that the trigger was 15% slope. He stated that the site is narrow and long, approximately 0.5 acres in size and the proposal is for a 3,000 SF, 100 seat, restaurant with an associated parking lot. He stated that all new site utilities will be installed and the current curb cut will be maintained as the curb cut is used by the abutting car wash and must continue that way given an easement on the property. He stated that the project proposed landscaping and lighting. Mr. Andrade stated that they have applied to the Zoning Board for relief of 22 parking

spaces and is amenable to all the conditions of approval suggested by staff and will revise the plans accordingly.

Ms. Smith stated that the applicant is aware that if the Zoning Board does not grant the requested relief, then it would trigger an amendment to the Definitive Site Plan before the Board.

Ms. Smith stated that this petition was for the construction of a ~3,000 SF building for restaurant use which, with 100 seats, requires a minimum of 50 parking spaces to be provided. She stated that the applicant is proposing 28 parking spaces or 56% of the required parking and reiterated that the applicant is requesting relief from the Zoning Board of Appeals regarding the required number of parking spaces in the form of both a Variance and a Special Permit but has yet to be heard by the Board. She stated that the applicant has agreed to provide two trees along Pullman Street in addition to the two required on Brooks Street and that the project will also go before the Conservation Commission.

Ms. Smith stated that the following are the suggested conditions of approval that:

- 1) The applicant comply with the Landscaping requirements of the Ordinance and provide a minimum of two (2) min. 3” caliper shade trees along Pullman Street every 20-25 ft. on center;
- 2) 6 copies of final revised plans are submitted to the Division of Planning & Regulatory Services prior to the release of the decision with the addition of the missing information, as stated below:
  - a) Provide and annotate the book and page number of the access easement abutting Pullman Street;
  - b) Provide a rendering showing exterior materials and elevations of the proposed building including the height in stories;
  - c) Provide specifications for, and locations of, any proposed lighting, or indicate that no lighting is proposed;

Ms. Smith stated that the applicant provided a rendering; therefore they did not need the waiver.

Mr. Andrade stated that such details will be added to the renderings but the building will have white vinyl siding, black asphalt shingled roof, columns by the entrance of the building and by the outdoor patio.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to approve with the following conditions of approval:

1. Provide an additional two (2) min. 3” caliper shade trees (of a Non-Asian Longhorned Beetle susceptible species) along Brooks Street & every 20-25 ft. on center;
2. Provide two additional min. 3” caliper shade trees (of a Non-Asian Longhorned Beetle susceptible species) along Pullman Street (to the north east of the existing curb cut on-site); and
3. That six (6) copies of final revised Definitive Site Plan are submitted to the Division of Planning & Regulatory Services prior to the release of the decision with the following items included:

- a. Provide the locations and species of the trees (referenced above) along Brooks Street and Pullman Street;
- b. Provide a rendering showing exterior materials of the proposed building including the height in stories;
- c. Provide and annotate the book and page number of the access easement abutting Pullman Street; and
- d. Provide specifications for the proposed lighting.

**List of Exhibits:**

- Exhibit A: 0 Pullman Street Application; received March 26, 2014; prepared by Graves Engineering.
- Exhibit B: 0 Pullman Street Plan; dated March 24, 2014; prepared by Graves Engineering.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 0 Pullman Street Definitive Site Plan; dated April 23, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 0 Pullman Street Definitive Site Plan; dated April 17, 2014.

**7. 90 & 0 Park Avenue and 190 Salisbury Street – Definitive Site Plan Approval (PB-2014-011)**

Attorney Robert Longden, Bowditch & Dewey, stated that he represents the American Antiquarian Society (AAS), the applicant, who proposes to demolish an existing single-family structure and construct a 51-space accessory off-street parking lot at 90 Park Avenue, 0 Park Avenue (MBL 20-007-0013B), and a northerly portion of 190 Salisbury Street associated with library/institutional use at 185 and 190 Salisbury Street. He stated that other proposed work will include grading, drainage, utilities, and landscaping. Mr. Longden stated that there is significant on-street parking occurring and that they need to provide a parking lot to alleviate the issue.

Mr. Longden stated that two of the properties are within a Local Historic District and that they have obtained Historical Commission approval with the conditions that the lighting be shielded and that a waste collection area be enclosed with a wooden fence (white pine).

Mr. Longden stated that the existing curb cut onto this property is a two-way entrance and egress. He stated that this cut will be closed and a new entrance will be installed that will only be a right out egress. No new fencing will be installed but there will be intensive landscaping. Mr. Longden stated that Kim McHearn, landscape architect, designed the landscaping as part of a multi-phase redesign for the entire property which was designed to be historically accurate and relevant.

Ms. Zhaurova stated that staff recommends approval of the Parking Plan 90 & 0 Park Avenue and 190 Salisbury Street with the conditions that eight (8) copies of final revised plans are submitted to the Division of Planning & Regulatory Services prior to the release of the decision addressing issues below:

- 1) That the construction of phases 1 and 2 of the development simultaneously, labeling curb cut dimensions;
- 2) Providing appropriate signage (either R3-2 No Left Turn or R3-5R Right Turn Only) and pavement markings (right turn arrow, thermoplastic application preferred) to designate right-turn only exit from the driveway;
- 3) Providing a minimum of three handicap accessible spaces (at least one must be van accessible) as required by the Architectural Access Board (521 CMR 23.00); and
- 4) Revising existing conditions to show existing landscaping and note whether vegetation will be retained/removed (e.g., landscaping behind Carriage House at 190 Salisbury Street).

She stated that staff supports the waiver request from showing the property lines for all affected parcels, 90 & 0 Park Avenue and 190 Salisbury Street, which may be requested by the applicant.

Mr. Longden stated that the handicapped parking spaces will be provided in an area where they are closer to the building. Mr. Andrade stated that the use of the buildings dictate that they provide 4 handicapped spaces and they already have them next to the building.

Jo Hart, Worcester resident, stated that there are other means of handling parking then having it adjacent to a historic area. She stated that she thought the proposal was a blight and should not be approved. The Antiquarian Society should have an underground parking lot.

Jim Crowley, 23 Waconah Road, stated that he was there representing approximately 10 neighbors. He stated that part of the property is in the Local Historic District and that this portion of Park Avenue is one of the last areas that is not developed and commercialized. He stated that the area is also the gateway into the Local Historic District and that he believes that if this stretch of Park Avenue deteriorates it will impact the neighborhood and Local Historic District. He expressed that his main concern for the property owners is screening and suggested that the shrubbery proposed be of the kind that grows to 5' or 6' so that the parking lot will not be apparent as you drive past. He expressed concerns that trees will be removed and Mr. suggested that the applicant work with the neighborhood association to ensure continuity with what exists in the area.

Mr. Crowley stated he is concerned with security and suggested that "no trespassing" signs could be installed to allow the neighbors to call the police if they see anything suspicious after hours.

Ms. McHearn responded that even though they are removing 20 trees, they are replanting over 30 (caliper size 2.5" – 3.5"), and that if the neighborhood insists on more trees there is space. She stated that the shrubs will only be about 3' tall so that there is visibility to help with security concerns, especially at night. Ms. McHearn stated that they can install evergreens but since they grow to 5' – 6' you will lose the visibility.

Mr. Longden stated that the applicant is willing to add a sign that parking is for the AAS staff and visitors only. He noted that AAS is open until 8 pm at latest, except for special events.

Janice Sherman, 20 Whitman Road, stated that the neighborhood group called "Maple" would like to work with AAS and the City to have them plant street trees along Park Avenue and eventually along Salisbury Street as well. Ms. McHearn stated that the trees in the neighborhood are over 100 years old and while the landscaping on the AAS property is under their purview while the street trees are not. Ms. Sherman stated that she believes that knowing the street trees

will remain provides a certain comfort for the Local Historic neighborhoods this project abuts and that she believes the proposed is agreeable with that in mind.

Mr. Longden stated that they are happy to discuss that further with the neighborhood group but they are not in a position tonight to agree to that.

Mr. Rolle stated that they would also need to confer with DPW&P on and thus street trees should not be made a condition of approval.

Mr. Truman agreed that street trees would be a lovely gesture from AAS but it should not be made a condition of approval.

Mr. Crowley thanked the AAS for working with the neighborhood and stated that he is in agreement that the shrubbery be of medium height for security purposes.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to approve with the following conditions of approval:

1. Provide and label appropriate signage (either R3-2 No Left Turn or R3-5R Right Turn Only) and pavement markings (right turn arrow, thermoplastic application preferred) to designate right-turn only exit from the driveway;
2. Provide and label signage indicating parking provided is for American Antiquarian Society only;
3. That eight (8) copies of final revised Definitive Site Plan are submitted to the Division of Planning & Regulatory Services prior to the release of the decision with all Conditions of Approval and the following annotations included:
  - a. Remove phasing shown on the plan;
  - b. Label curb cut dimensions;
  - c. Show existing landscaping and note whether vegetation will be retained / removed;

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested waiver for a boundary survey of entire subject property.

#### **List of Exhibits**

Exhibit A: Definitive Site Plan Application; prepared by American Antiquarian Society; received March 26, 2015.

Exhibit B: Definitive Site Plan, Parking Lot 90 Park Avenue; prepared by Graves Engineering, Inc. dated March 14, 2014.

Exhibit C: Definitive Site Plan Application – Supplemental Information, 90 Park Avenue; Photometric Plan; prepared by Graves Engineering, Inc. dated April 15, 2014.

Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 90 & 0 Park Avenue and 190 Salisbury Street; dated April 23, 2014.

Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 90 Park Avenue, Site Plan Application; dated April 17, 2014.

8. **93 Grand Street – Definitive Site Plan Approval (PB-2014-012)**

Attorney Robert Longden, representing Community Builders, stated that this was a request for the Board to re-issue the Definitive Site Plan approval for the project at 93 Grand Street. He stated that the Board approved a Special Permit and Site Plan in September 2012 for the site and that both decisions stated that unless building would commence within one year the permits would lapse. He stated that the applicant was engaged in securing financing and designing the project and didn't apply for an extension of time because both petition approvals expired. The Building Commissioner determined that the Special Permit has not lapsed because there is good cause for construction not commencing. He stated that therefore they are before the Board only to obtain a Definitive Site Plan Approval so that the applicant can move forward with the project he noted that there have been no changes to the project since it was originally approved.

Ms. Zhaurova stated that staff has no comments and recommends approval.

Mr. Truman asked if we received the final revised plans that we had requested when the project was previously approved. Ms. Zhaurova stated that staff did receive the revised plans incorporating all the conditions of approval.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to approve the Definitive Site Plan that was previously approved under the same conditions and terms.

**List of Exhibits**

Exhibit A: Definitive Site Plan Application; prepared by The Community Builders, Inc.; received April 9, 2014.

Exhibit B: Definitive Site Plan; prepared by Graves Engineering, Inc.; dated June 26, 2012, revised September 24, 2012.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 93 Grand Street – Definitive Site Plan Application; dated April 23, 2014.

**OTHER BUSINESS:**

9. **Lachapelle Street (aka Kelleher Street) Subdivision (PB-2008-031) - Gold Star Builders, Inc.'s request to set a bond and set a new work completion date to 9/30/2014**

Mr. Gervais asked that the Board postpone this item since DPW has not had the opportunity to review.

Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 2-0 (Mr. Vigliotti recused himself) to postpone the item to May 14, 2014 to allow for DPW review.

10. **Approval Not Required (ANR) Plans:**

a. **342 Franklin Street (public street) (AN-2014-020)**

Ms. Zhaurova stated that staff received a request to postpone this item to May 14, 2014.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 3-0 to postpone the item to May 14, 2014.

b. **1438 Grafton Street (public street) (AN-2014-018)**

Ms. Smith stated that the parcel is in the BL-1.0 zone and currently is an office building. She stated that there are 3 parcels and the applicant is proposing to combine two of the parcels, creating Lot 1 with 195' of frontage. She noted that there is no frontage requirement in this zone. She stated that the third parcel, Parcel A, is labeled as an unbuildable lot and is to be combined with other land owned by Sonia Realty, LLC.

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

**c. Commonwealth Avenue & Jennings Street (public street) (AN-2014-019)**

Ms. Smith stated that the subject parcel will be subdivided into three: one parcel will retain the existing single-family dwelling and garage; the other two lots are proposed for single-family semi-detached uses and that all are compliant with frontage requirements.

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

**d. 72 Grove Street (public street) (AN-2014-017)\* - editorial change, not a new submittal**

Ms. Zhaurova stated that the agenda was revised today, it was not a reasonably anticipated request so it did not make it on the posted agenda but it is an editorial change, not a new submittal and the Law Department determined that it was reasonable to present the ANR to the Board.

Ms. Zhaurova stated that the Board endorsed a plan on March 26, 2014 that has not been recorded with the Registry of Deeds. She explained that the applicant's attorney was concerned because the area depicted on the plans does not reflect the area held in fee by the owner. She noted that the City holds an easement on Faraday Street. She indicated that the applicant added a few clarifying comments about the actual area of the parcel and the buildable area to the ANR in front of them which was not on the previous plan.

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

**ADJOURNMENT:**

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti, the Board voted 3-0 to adjourn the meeting at 7:56 p.m.