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

September 7, 2016
WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Andrew Truman, Chair
Satya Mitra, Vice Chair
John Vigliotti (arrived 6:15)
Andrew Freilich

Staff Present: Stephen Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
Michael Antonellis, Division of Planning & Regulatory Services
Katie Donovan, Inspectional Services
Nicholas Lyford, Public Works
Alexandra Kalkounis, Law Department

Call to Order – 5:30 pm

Requests for Continuances, Extensions of Time, Postponements & Withdrawal

1. 0 & 9 Hemans Street and a portion of 40 Milton Street – More Than One Building On A Lot (PB-2015-042)

Attorney O’Neil requested a Leave to Withdraw. Upon a motion by Mr. Freilich and seconded by Mr. Mitra the board voted 3-0 to approve the requested leave to withdraw without prejudice.

List of Exhibits:

Exhibit A: Definitive Site Plan Application; received August 3, 2015; prepared by Carol Redden.
Exhibit B: More Than One Building On A Lot Application; received August 14, 2015; prepared by Carol Redden.
Exhibit C: Definitive Site Plan; prepared by H.S.& T. Group, Inc.; dated July 31, 2015.
Exhibit D: Renderings, Floorplan and Elevations; dated May 13, 2015; prepared by William F. Lee II, AIA.
Exhibit F: Approval Not Required Plan for subject property; endorsed on April 5, 2006.
Exhibit H: Comments from Fire Chief Courtney; received on August 26, 2015 & September 2, 2015.
Exhibit I: Comments from DPW; dated September 2, 2015.
2. **Kiara Drive (aka 770 Franklin Street) – Definitive Subdivision (PB-2016-018)**

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the board voted 3-0 to continue the hearing to September 28, 2016 and to extend the decision deadline to October 30, 2016.

**List of Exhibits:**

- **Exhibit A:** Definitive Subdivision Plan Application; received June 9, 2016; prepared by Cesmir Spiro.
- **Exhibit B:** Kiara Drive (aka 770 Franklin Street) Definitive Subdivision Plan; dated June 9, 2016; prepared by HS&T Group, Inc.
- **Exhibit C:** Wetland Resource Evaluation; dated January 6, 2015; prepared by EcoTec, Inc.
- **Exhibit D:** E-mail from Wayne Curran, Chief Sanitarian of the Department of Inspectional Services’ Division of Housing & Health Inspection to the Chief Planner, Domenica Tatasciore; re: 770 Franklin Street – Kiara Drive; dated June 20, 2016.
- **Exhibit E:** Fire Department Comments; received June 20, 2016.
- **Exhibit F:** DPW Comments; received July 14, 2016.

3. **0, 146, 148, 152, 152R, 166 Moreland Street – Amendment to Definitive Site Plan (PB-2016-020)**

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the board voted 3-0 to continue the meeting to September 28, 2016 and to extend the decision deadline to October 30, 2016.

**List of Exhibits:**

- **Exhibit A:** Definitive Site Plan Application; received July 7, 2016; prepared Mohammad Djamshidi on behalf of Robert and Patricia Sprunger.
- **Exhibit B:** Definitive Site Plan; dated July 7, 2016 and revised through to August 11, 2016; prepared by ASA Engineer.Org.
- **Exhibit C:** ANR Plan; dated July 8, 2016; endorsed July 20, 2016.
- **Exhibit D:** Fire Department Comments; received July 28, 2016.
4. **0, 146, 148, 152, 152R, 166 Moreland Street – Amendment to Special Permit for Cluster Subdivision (PB-2016-019)**

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the board voted 3-0 to continue the hearing to September 28, 2016 and to extend the decision deadline to October 30, 2016.

List of Exhibits:
- Exhibit A: Special Permit – Cluster Zoning Application; received June 29, 2016; prepared by applicant’s attorney Donald J O’Neil.
- Exhibit C: Memorandum from the City of Worcester Fire Department to the Planning Board; re: 148 Moreland St.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works to the Planning Board; re: 148 Moreland St; dated 7/13/16.

5. **128 Alvarado Avenue – Amendment to Definitive Subdivision (PB-2015-032) & Definitive Site Plan (PB-2015-034)**

Upon a motion by Mr. Freilich, and seconded by Mr. Mitra the board, voted 4-0 to continue the hearing and meeting to September 28, 2016.

List of Exhibits:
- Exhibit A: Definitive Subdivision Plan Application; received June 18, 2015; prepared by applicant.
- Exhibit B: 128 Alvarado Avenue – Amendment to Definitive Subdivision Plan; dated November 13, 2008 and revised through to July 1, 2016; prepared by HS&T Group, Inc.
- Exhibit C: Planning Board Certificate of Approval for 128 Alvarado Avenue Definitive Subdivision Plan; approved June 18, 2008.
- Exhibit D: DPW Comments; dated August 11, 2016.


Upon a motion by Mr. Freilich, and seconded by Mr. Mitra, the board voted 3-0 to continue the meeting to September 28, 2016.

List of Exhibits:
- Exhibit A: Parking Plan Amendment Application; received July 7, 2016; prepared by Jerry Azzarone.
- Exhibit B: Parking Amendment Plan; dated May 9, 2016; prepared by H.S. & T. Inc.
- Exhibit C: Parking Plan Decision; signed October 29, 2009 (included with application materials).
Exhibit D: Parking Plan; dated August 10, 2009 and revised through to October 23, 2009; prepared by H.S. & T. Inc. ((included with application materials).

7. **80 (aka 70) Goldstar Boulevard & 32 (aka 36) Millbrook Street - Parking Plan Amendment (PB-2016-025)**

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the board voted 3-0 to postpone to September 28, 2016.

**List of Exhibits:**

- **Exhibit A:** Parking Plan Amendment Application; received July 27, 2016; prepared by Attorney Joshua Lee Smith.
- **Exhibit B:** Site Plan; dated January 14, 2016 and revised through to July 25, 2016; prepared by Bohler Engineering.
- **Exhibit C:** E-mail from Joshua Lee Smith; dated August 18, 2018.
- **Exhibit D:** Fire Department Comments; received August 2, 2016.

**Unfinished Business**

**Public Meeting**

8. **0 & 9 Hemans Street and a portion of 40 Milton Street – Definitive Site Plan (PB-2015-042)**

Planning Board member, John Vigliotti, recused himself from this petition.

Attorney Donald O’Neil presented the petition and stated that total proposed units has decreased and postponements have been a result of conflict over Hemans Court. The applicant has re-designed the proposal to include one large building. The current structure is proposed to have 56 units.

Engineer Pat Burke, HS&T Group, described the proposal in detail and explained that there would be access looping through Hemans Street and that they were providing compact spaces in the back. There would be retaining walls up to 15 feet in height along the perimeter of the site. The plans show a walking path proposed in the rear of the property for open space.

Mr. Lyford stated DPW comments, which include:

1. Provide a manhole immediately after the Cultec, before it discharges into the detention basin.
2. Locate the outlet control structure on the utilities sheet. Demonstrate that a downstream flooding problem will not be created on an abutter’s property due to a concentration of stormwater discharge created by the outlet control structure.
3. Separate domestic and fire protection water connections must be provided from the property line. The Department prefers separate services from the water main to ensure the highest water quality to the building.
Ms. Tatasciore asked for clarification regarding loading. Mr. Burke stated the space is able to provide for trucks to unload furniture and other large items. The units are a mix of 1 bedroom and 2 bedrooms.

Ms. Tatasciore asked that a photometric plan be submitted and that the rendering is inconsistent with the layout plan. Mr. Burke stated that the final architectural drawing has not been completed.

Mr. Rolle stated that the new plan represents significant improvement and that the applicant eliminate any proposed grading connecting the sidewalk that traverses Hemans Court to avoid obstructing the way.

Chair Truman opened the meeting to the public.

Jim Gettens, 32A Milton Street, stated that the previous traffic rating was an F-grade and suggested inquiry into location of utility cables servicing the area and that the plan shows inaccurate location of these cables. The proposed development may destabilize existing embankment. Mr. Gettens provided an analysis of deeds and stated in his opinion the deed prohibits this proposal from going forward. Attorney O’Neil disagreed.

Patrick Healey, engineer representing the abutting Murdock property at 19 Hemans Street, stated that many of the concerns have been addressed in the new iteration of the proposed plan but that the detention basin has been removed. Mr. Burke stated that subsurface detention basin has been proposed, eliminating the previous detention basin.

Mr. Freilich asked about intention for development of other nearby parcels. Mr. Burke stated he is unaware of any intent to develop.

Mr. Truman asked about trash removal.

Upon a motion by Mr. Freilich, and seconded by Mr. Mitra, the board voted 3-0 to approve the requester waiver of plan requirement to list abutters and abutters to abutters within 300 feet of the property.

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the board voted 3-0 to approve the definitive site plan including all staff comments as conditions of approval as noted in the staff review memo, as well as DPW comments, and that the grading of the walkway remain at grade on Hemans Court.

List of Exhibits:

Exhibit A: Definitive Site Plan Application; received August 3, 2015; prepared by JNBB, LLC.

Exhibit B: More Than One Building On A Lot Application; received August 14, 2015; prepared by JNBB, LLC.

Exhibit C: Definitive Site Plan; prepared by H.S.& T. Group, Inc.; dated July 31, 2015 and revised through to August 16, 2016.


Exhibit F: Street Petition to Remove Hemans Court from the Official Map; Leave to Withdraw; dated May 18, 2016.

Exhibit H: Comments from Fire Chief Courtney; received on August 29, 2016.


Exhibit J: Memo from Patrick Burke of H.S.& T. Group, Inc. re: loading area; received August 31, 2016.

Exhibit K: DPW Comments; dated August 31, 2016.

9. 35 Natural History Drive – Definitive Site Plan (PB-2016-014)

Engineer YZ (Yar Zar Moe Htet), of HS&T Group, presented the petition and stated that the applicant intends to construct a new single family detached dwelling downhill from the existing foundation. He stated the proposed dimensions of the lot as it pertains to the location of the proposed structure and that the retaining walls proposed on the site will be versa lock. YZ stated that the applicant is amenable to the recommended conditions of approval.

YZ requested waivers from showing trees 9 inches in diameter and abutters within 300 feet.

Upon a motion by Mr. Vigliotti, and seconded by Mr. Freilich, the board voted 4-0 to approve the requested waivers.

Upon a motion by Mr. Vigliotti and seconded by Mr. Freilich the board voted 4-0 to approve the site plan with conditions of approval as noted on the staff review memo.

List of Exhibits:

Exhibit A: Definitive Site Plan Application; received May 19, 2016; prepared by Rocco Leone.

Exhibit B: Definitive Site Plan for 35 Natural History Drive; dated May 19, 2016 and revised through to August 24, 2016; prepared by H. S. & T. Group.

Exhibit C: Fire Department Comments; received June 9, 2016.

Exhibit D: Approval Not Required Decision - Denial; dated September 9, 2015.

Exhibit E: Cease & Desist Letter from ISD; dated July 29, 2014.

Exhibit F: Memo from the Department of Public Works to the Planning Board; dated July 14, 2016

Exhibit G: Rendering; received August 26, 2016; preparer unknown (included in application materials).

Exhibit H: DPW Comments; dated August 31, 2016.
New Business

Public Hearing

10. Sarah Drive - Arboretum Phase I – Amendment to Definitive Subdivision (PB-2015-055)

Engineer Zac Couture, from HS&T Group, presented the petition and stated that originally Sarah Drive was designed differently as to what is currently proposed due to the location of wetlands. A re-design of the intersection between Sarah Drive and Bittersweet Boulevard has been proposed. Mr. Couture went through other options for development that were not feasible.

Mr. Rolle stated that providing a cul-de-sac via an easement could provide a front-yard setback measured from the right of way.

Mr. Truman opened the hearing to the public.

Abutter James Bisceglia had a number of questions related to the existence of a park, the date of the subdivision and what constitutes a wetland.

Attorney George Kiritsy represented the applicant, Arboretum Village. Attorney Kiritsy stated that the application involves the reconfiguration of certain roads allowing two subdivision phases to be connected. A park was never promised or conditioned as a part of any approvals for these subdivisions. Attorney Kiritsy also described the design as it relates to the wetlands.

Mr. Rolle stated that the end of the street is not typically the right of way line. Mr. Lyford stated that DPW would prefer to have right of ways as is typically approved.

Abutter Timothy Viele, 23 Honeysuckle road, had questions regarding grading. Mr. Couture stated there are 3% and 1% grades on the roads proposed.

Mr. Viele asked about the park that he stated was promised to homeowners back in the 1980’s. Mr. Rolle stated a park was never recorded or executed by the applicant.

Mr. Viele also asked about locations of fire hydrants. Mr. Couture showed the locations of fire hydrants. Mr. Viele asked for clarification on the slopes off of Honeysuckle Road.

Attorney Kiritsy stated that this is not a part of the application before the board.

Mr. Viele wants to know what the intention of the property and stated that the slopes on that property are dangerous. Mr. Vigliotti stated that these concerns are not before the board and Mr. Viele should contact the building department regarding concerns of safety.

Mr. Bisceglia stated he is concerned about slope B and inquired about liability of the site. Mr. Truman stated that is not relevant to the petition presently before the board.

Upon a motion by Mr. Freilich, and seconded by Mr. Vigliotti, the board voted 4-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the board voted 4-0 to approve the petition with the recommendations for conditions of approval as stated in the staff review memo and also to approve the requested waiver from showing abutters to abutters within 300 feet on the plan.

List of Exhibits:

Exhibit A: Definitive Subdivision Plan - Amendment Application; received October 15, 2015 prepared by Robert Gallo, Arboretum Village, LLC (President).
11. **72 Goldthwaite Road (fka Burncoat Gardens Phases I & V) - Amendment to Special Permit for Cluster Subdivision (PB-2016-028) & Site Plan Amendment (PB-2016-028) & Acceptance of Restrictive Covenant**

Agenda items 10, 17, and 22 were taken contemporaneously.

Attorney Joe Luciere and Engineer Charles F. Scott presented to the petition. Attorney Luciere stated that the names of the streets have been changed as a part of the petition and has ensured that they do not conflict with other street names in the city.

Mr. Rolle stated that the petition is only a change of names of streets and all other items to remain the same. That all requirement of the site plan be waived.

Mr. Rolle stated that a requirement for a cluster subdivision is to have a restrictive covenant which details how open space will be preserved.

Mr. Truman opened the meeting to the public.

Abutter David Gagnon, asked for clarification on the application. Mr. Scott stated that water had been diverted along Acushnet Avenue. The grade had been modified to let drain from Acushnet Avenue. Any work done on the property will not affect Mr. Gagnon, given that the Goldthwaite property is down grade of Mr. Gagnon’s property. Mr. Gagnon stated concerns over rechanneling. Mr. Rolle stated that the regrading is not before the board as per the revised plans. The applicant has decide to not move forward with the larger scope of the plan, and only focus on the street names.

Abutter Floretta Devoice, voiced concerns over impacts of the development on her property including vibrations. Michael Kent, Goldthwaite Construction, stated that pillars are up and gates are not; the fencing has been ordered.

Mr. Rolle stated that staff recommends that the Planning Board vote to approve the declaration of restrictive covenant pursuant to Article VIII, section 3a.6 providing that contiguous portion of at least 40% of the site be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway said land shall not be used for any other project or for calculation for units, areas, setback requirements, or any other purpose. The restrictive covenant shall be in a form approved by Planning and Regulatory Services and the Law department and shall contain an open space plan showing a portion of the land to be restricted.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti the board voted 4-0 to approve the site plan; requested waivers; restrictive covenant as stated by Mr. Rolle; with conditions of approval as recommended in the staff review memo.

Attorney Luciere confirms that the applicant intends to withdraw the Special Permit application.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti the board voted 4-0 to approve the request for a leave to withdraw without prejudice for the Special Permit application.
List of Exhibits:
Exhibit A: Amendment to Definitive Site Plan Application; received August 3, 2016; prepared by CFS Engineering.
Exhibit B: Cluster Group Special Permit, Definitive Plan – More Than One Building on A Lot & Definitive Site Plan; dated August 2, 2016; prepared by CFS Engineering.

Public Meeting

12. Hemans Court - 81G Street Opening (PB-2016-035)

Planning Board member, John Vigliotti, recused himself from this petition.

With regards to Ms.Tatasciore’s question regarding the size of the space altered within the Hemans Court right-of-way, Mr. Burke stated that it is 1,600 square feet.

Upon a motion by Mr. Freilich, and seconded by Mr. Mitra, the board voted 3-0 to approve the 81-G.

List of Exhibits:
Exhibit A: 81G Street Opening Application; prepared by John Boggia; received September 2, 2016
Exhibit B: Hemans Court 81G Street Opening Plan; dated September 1, 2016; prepared by HS&T Group, Inc.
Exhibit C: Street Petition to Remove Hemans Court from the Official Map; Leave to Withdraw; dated June 8, 2016.
Exhibit D: Hemans Court 81G Street Opening Leave to Withdraw decision; September 5, 2007.

13. 19 Hemans Street - Definitive Site Plan (PB-2016-024)

Planning Board member, John Vigliotti, recused himself from this petition.

Engineer Patrick Healey, from Thompson Liston Associates, presented the petition and stated that the application is an amendment to a previously approved site plan. The number of proposed compact spaces has been reduced along with the heights of proposed retaining walls. The plans now provide retaining wall designs, an enclosure for the dumpster, a subsurface stormwater pulled away from walls, all species are ALB resistant, amenities added to front yard, schematic building plans also provided.

Mr. Healey requested waivers from showing abutters and showing trees with diameter greater than 9 inches. Mr. Healey went through staff comments and stated that many of them are agreeable.

Mr. Lyford stated that the applicant addressed DPW comments but suggested that DPW comments remain.

Ms. Tatasciore stated that further required landscaping is required. Mr. Healey stated he will discuss with his client and if relief is needed they will go forward with application to ZBA.

Upon a motion by Mr. Mitra, and seconded by Mr. Freilich, the board voted 3-0 to approve the requested waivers.
Upon a motion by Mr. Mitra and seconded by Mr. Freilich the board voted 3-0 to approve the amendment to a definitive site plan with conditions of approval as recommended in the staff review memo as well as in DPW comments.

**List of Exhibits:**

- **Exhibit A:** Definitive Site Plan Amendment Application; received July 21, 2016; prepared by the Estate of John Murdoch.
- **Exhibit B:** Site Plan; prepared by Thompson-Liston Associates, Inc.; dated May 16, 2006 and revised through to July 18, 2016.
- **Exhibit C:** Drainage Calculations; prepared by Thompson-Liston Associates, Inc.; dated May 17, 2006 and revised on July 18, 2016.
- **Exhibit D:** Retaining Wall Design; prepared by Souhegan Valley Engineering, LLC; dated August 19, 2016.
- **Exhibit E:** Definitive Site Plan Decision; final action July 17, 2006.
- **Exhibit F:** Definitive Site Plan Extension of Time Decision; final action August 5, 2015.
- **Exhibit G:** Comments from Fire Chief Courtney; received on August 4, 2016.
- **Exhibit H:** DPW Comments; dated August 31, 2016.

14. **25 Southgate Street, 17 Southgate Place & 65 Armory Street - Definitive Site Plan (PB-2016-026)**

Mr. Rolle stated that the Southwest Industrial Park Taskforce letter of support was submitted to the board.

Engineer Andrew Liston, Thompson Liston Associates, presented the petition and stated that a portion of Armory Street will be removed from the map to help with development. The proposal is for a 50,000+ SF building. While the road is being removed from the official map, the utilities will be retained until and unless they are relocated. The combined sewer will be maintained. This will be a manufacturing facility with main access from Janice Nadeau Way with traffic exiting on Southgate Way.

Mr. Liston stated that all of the staff recommendations are agreeable. The design of the building is ongoing.

Mr. Lyford stated DPW comments which is to separate domestic and fire protection water connections must be provided from the property line. DPW prefers separate services from the water main to ensure the highest water quality to the building.

Mr. Truman opened the meeting to the public.

Stuart Loosemore, from the Chamber of Commerce, spoke in favor of the project.

Upon a motion by Mr. Vigliotti, and seconded by Mr. Mitra, the board voted 4-0 to approve the requested waivers.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the board voted 4-0 to approve the site plan with conditions of approval as recommended in the staff review memo, also including DPW comments.
List of Exhibits:
Exhibit A: Definitive Site Plan Application; received July 28, 2016; prepared by Thompson Liston.
Exhibit B: Definitive Site Plan; dated July 25, 2016, revised August 18, 2016; prepared by Thompson–Liston Associates, Inc.
Exhibit C: DPW Comments; dated August 31, 2016.

15. **640 Park Avenue - Definitive Site Plan (PB-2016-027)**

Engineer James Tetreault, from Thompson Liston Associates, and Robert Branca presented the petition. Mr. Tetreault stated that the proposal is for a gas station and convenient store with another retail use structure on site. No variances are required, only special permits for the proposed uses are required from the ZBA. The existing structure was in the front of the site. Stormwater will be captured through subsurface chamber. The minimum number of parking will be met and exceeded.

Mr. Tetreault requested a waiver of the requirement to show abutters within 300 feet.

Mr. Lyford stated DPW comments that water connections to both buildings must be shown on the plans, and labeled with size and material.

Mr. Tetreault discussed a sidewalk on the easterly side of the lot.

Mr. Truman opened the meeting to public.

Abutter Sheryl Freeman, 11 South Buffum Street, asked about the status of trees. Mr. Tetreault stated that vegetation will be attempted to be retained and also vegetative buffers have been proposed.

Abutter MJ Fours, 648 Park Ave, stated concerns over traffic and drive through. Mr. Branca stated that the Dunkin Donuts will be relocated from another location and will not introduce “new” customers. Mr. Branca also stated that he is building a similar store in Boylston and showed a rendering of the building.

Stuart Loosemore, from the Chamber of Commerce, spoke in favor of the proposal.

Mr. Freilich stated concerns over traffic and available parking. Mr. Branca stated that ample parking has been provided and circulation addressed per planning staff.

Upon a motion by Mr. Mitra and seconded by Mr. Freilich the board voted 4-0 to approve the waivers and to approve the site plan with conditions of approval as noted in the staff review memo.

List of Exhibits:
Exhibit A: Definitive Site Plan Application; received July 28, 2016; prepared by Branded Realty Group II, LLC.
Exhibit B: Definitive Site Plan; dated July 27, 2016; prepared by Thompson-Liston Associates, Inc.
Exhibit C: DPW Comments; dated August 31, 2016.
Other Business

16. Plantation Street - Street Petition to abandon portion of Public Way (ST-2016-012)

Mr. Lyford gave an overview of the history of the section of street and recommended that the portion of Plantation Street be discontinued but maintained as a utility corridor. Upon a motion by Mr. Freilich, and seconded by Mr. Mitra, the board voted 4-0 to approve the abandonment of the public way.

17. Policy Discussion re: Length of time applications may be postponed and/or continued as well as timeliness of revised plan submittals

Item continued.

18. Approval Not Required (ANR) Plans

a. 150 Blackstone River Road & a portion of the current Blackstone River Road Right-of-Way (public) (AN-2016-028)

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the board voted 3-0 to continue to September 28, 2016.

19. Communication

a. ENF for Sewer Installation within Route 20; prepared by Tighe & Bond; dated August 2016.

20. Signing of Decisions from prior meetings

Adjournment

Upon a motion by Mr. Vigliotti, and seconded by Mr. Mitra, the board voted 3-0 to adjourn the meeting at 6:15 p.m.