

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

**July 12, 2017  
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Planning Board Members Present:** Andrew Truman, Chair  
Andrew Freilich  
Satya Mitra  
Barbara Carmody  
John Vigliotti

**Planning Board Members Absent:**

**Staff Present:** Stephen R. Rolle, Division of Planning & Regulatory Services  
Domenica Tatasciore, Division of Planning & Regulatory Services  
Michael Antonellis, Division of Planning & Regulatory Services  
Jody Kennedy Valade, Department of Inspectional Services  
Nicholas Lyford, Department of Public Works  
Alexandra Kalkounis, Law Department

**Call to Order** – 5:30 pm

**Approval of Minutes**

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the Board voted 5-0 to approve the minutes of May 3, 2017, May 24, 2017 and June 14, 2017.

**Requests for Continuances, Extensions of Time, Postponements, Withdrawals**

1. **47R Fourth Street - Special Permit for Cluster Zoning (PB-2017-035)**
2. **47R Fourth Street - Definitive Site Plan (PB-2017-035)**

Items #1, #2 were taken contemporaneously.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti the Board voted 5-0 to postpone the item to their August 2, 2017 meeting and to extend the decision deadline to August 31, 2017.

**3. Gould Hill Road, portion of – Private Street Removal from Official Map (ST-2017-011)**

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti the Board voted 5-0 to allow for Leave to Withdraw for the petition.

#### **4. 0 (aka Lot 6A) Salisbury Street - Definitive Site Plan (PB-2016-040)**

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti the Board voted 5-0 to postpone the item to their September 13, 2017 meeting and to extend the decision deadline to October 31, 2017.

#### **Unfinished Business**

##### **Public Meeting**

#### **5. 220 Harding Street (aka 250 Harding Street) & 152 Green Street (aka 154 Green Street) - Definitive Site Plan (PB-2017-030)**

Attorney Mark Donahue appeared upon behalf of the application and stated that since the last meeting they have revised the plans and have also appeared before the Zoning Board of Appeals and have received their approval.

Taylor Dowdy from BSC Group reviewed the revised plans with the Board.

Upon a motion by Ms. Carmody and seconded by Mr. Vigliotti the Board voted 4-0 to approve the waiver requested.

Upon a motion by Ms. Carmody and seconded by Mr. Vigliotti the Board 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo as well as DPW comments.

##### *List of Exhibits*

- Exhibit A: Definitive Site Plan Application; received May 4, 2017; prepared by Attorney Todd Brodeur.
- Exhibit B: Harding Green Mixed Use Development Plan; dated May 3, 2017; prepared by BSC Group.
- Exhibit C: Renderings with elevations and floorplans; dated May 17, 2017; prepared by Design Partnership Plus.
- Exhibit D: Stormwater Report; dated May 3, 2017; prepared by BSC Group.
- Exhibit E: Fire Department Comments; dated May 31, 2017.
- Exhibit F: DPW Comments; dated June 8, 2017.
- Exhibit G: Waiver Request Letter; dated June 23, 2017.

#### **New Business**

##### **Public Hearing**

#### **6. Zoning Map Amendment – 33 & 35 Wachusett Street (ZM-2017-005)**

Amendment to rezone the portions of the properties that are currently zoned RG-5 (Residence, General), to be rezoned to the BL-1.0 (Business, Limited) zoning district.

Attorney Don O'Neil appeared upon behalf of the applicant, Peter Stathopoulos.

Attorney O'Neil stated that the lot next door is empty as the house on the property was destroyed by a fire and building on site was demolished and they would like to change the zoning so they could provide additional parking at this location for support the business at 57 Highland Street.

Mr. Rolle reviewed the types of property located in the area proposed.

Attorney Gary Brackett along with Mary Hube, an abutter to the proposed property, expressed concerns about the proposal.

Mr. Brackett stated that spot zoning could be used as a definition of what is being proposed and doesn't see a reason to change the zoning as doesn't benefit the community as a whole and stated that the highest and best use for the property is to rebuild the house that was there. He said that the owner of the restaurant used to have patrons park at the parking lot on Dix Street but that parking lot is not available anymore to the restaurant and when the restaurant first obtained their license they stated to the License Commission at that time that the majority of their patrons would be walk ins. He stated that the property owner has already begun to use the empty lot and that ISD was notified and issued an enforcement order but patrons as well as the owner of the restaurant are still parking in the lot.

Mary Broggi Hube stated that when the house was demolished, her tenants started to complain as patrons from the restaurant started parking in the empty lot and making noise when they leave late at night and does not want to see this approved as BL-1.0.

Attorney O'Neil stated that he would not agree with Attorney Brackett that this would be spot zoning and stated that there is a public benefit to the restaurant patrons and it would remove competition for parking on Wachusett Street. Attorney O'Neil stated that the statement regarding that when business opened it was for walk in customers that was when the courthouse was located near the restaurant and since the courthouse was relocated they no longer have those patrons.

Mr. Freilich stated that he would like to find a balance and both parties have valid concerns and would like to know if the Board could impose conditions prior to the Board voting on the zone change. Mr. Rolle stated that no conditions can be placed on a zone change but if the Board wants to consider only a zone change for part of the property the Board may want to continue the item.

Mr. Freilich stated that he would like to see if both parties could come up with some type of agreement on conditions. Mr. Vigliotti stated that the Board can only recommend whether they recommend a zone change or not and cannot put conditions.

Attorney O'Neil suggested continuing the item to the next meeting so that they had time to meet with the abutter to see if they can come up with a resolution.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti the Board voted 5-0 to continue the public hearing until August 2, 2017.

#### *List of Exhibits*

- Exhibit A: Petition – Plaka Realty LLC; referred to Planning Board on June 6, 2017.
- Exhibit B: GIS Map; dated June 29, 2017; prepared by DPRS Staff.
- Exhibit C: Exhibit by Attorney Brackett.

## **Public Meeting**

### **7. 7-9 Richards Street – Definitive Site Plan (PB-2017-028)**

Mr. Vigliotti recused himself from the item and left the meeting room.

Engineer YZ from H.S.T. Group appeared upon behalf of the applicant, Gold Star Builders, Inc. and stated that the applicant would like to construct a 10 unit multi-family low-rise residential structure with 20 parking spaces on site and reviewed the plans for the site.

YZ reviewed staff's comments and how they would be addressed.

Mr. Lyford stated that all of DPW's concerns have been addressed.

Mr. Antonellis asked if the applicant could address the encroachment of neighboring garage on to the property.

Ms. Carmody expressed concern that for the traffic count provided to the Board in the application it stated five round trips per day and that seemed like a very conservative estimate. YZ said that he would update this information.

Mr. Truman cited concerns about the limited space for the proposed dumpster and non-compliance issues with the width provided for the handicapped parking space striped area.

The Board expressed concern about the plan and the applicant said he like to continue the item to the next meeting to update the proposal.

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the Board voted 4-0 to continue the item until the August 2, 2017 Planning Board meeting.

#### *List of Exhibits:*

- Exhibit A: Definitive Site Plan Application; received April 13, 2017; dated April 13, 2017 and revised on June 7, 2017; prepared by Gold Star Builders, Inc.
- Exhibit B: Definitive Site Plan: received April 13, 2017; dated April 12, 2017; prepared by H. S. & T. Group.
- Exhibit C: Rendering; received April 13, 2017; undated; prepared by unknown.
- Exhibit D: DPW Comments; dated May 17, 2017.

Mr. Vigliotti returned to the meeting room.

### **8. 661 (Lots 2 & 3) Grove Street - Definitive Site Plan (PB-2017-033)**

Kevin Quinn from Quinn Engineering and Andrew Heald appeared upon behalf of the application.

Mr. Quinn stated that the applicant would like to construct two single family detached dwellings and reviewed the proposal for the site. Mr. Quinn stated that they are proposing a common driveway so they will not have to disturb the wetlands and limits access to number of cars going to the site.

Mr. Quinn stated that they first proposed sewers but DPW had concerns regarding that so they are proposing septic. However, they just found out that there is public sewer behind the property and they may try to tie into that.

Mr. Lyford stated that DPW had two comments with regard to the project, as follows:

- That the project proposes utilities crossing a 24" high service transmission water main. A test pit must be performed with DPW staff on site.
- Remove manhole and gravity sewer details from sheet but that will depend on whether applicant uses septic or public sewer.

Ms. Tatasciore asked Mr. Quinn for more details on the shared driveway. Mr. Quinn stated that the driveway will be 16' and two separate easements will need to be created for the property.

Mr. Lyford stated that DPW had no concern with the driveway.

Upon a motion by Mr. Vigliotti and seconded by Mr. Freilich the Board voted 5-0 to approve the requested waiver.

Upon a motion by Mr. Vigliotti and seconded by Mr. Freilich the Board voted 5-0 to approve the Definitive Site Plan with conditions outlined in staff's memo as well as DPW comments.

#### *List of Exhibits*

Exhibit A: Definitive Site Plan Application; received June 2, 2017; prepared by Andrew Heald.

Exhibit B: Definitive Site Plan; dated April 27, 2017 and revised through July 5, 2017; prepared by Quinn Engineering, Inc.

Exhibit C: Fire Department Comments; dated June 26, 2017.

#### **9. Lots 9A, 10A, 11A, 12 & 13 – Burncoat Heights (fka 604 Burncoat Street) - Definitive Site Plan (PB-2017-034)**

Chuck Scott from CFS Engineering appeared upon behalf of the applicant, Burncoat Heights Trust. He stated that the application would like construct five 2-family dwellings and reviewed the plans for the site. Mr. Lyford reviewed the history of the site.

Freddy and Sara Yeboah, who are abutters to the site and reside at 604 Burncoat Street, stated that they have spoken to the applicant who assured them that work will be completed and would encourage the Board to approve the application so the work can get done. They cited deficiencies on their property and at the subject property that Mr. Scott assured them would be addressed.

Upon a motion by Mr. Mitra and seconded by Mr. Freilich the Board voted 5-0 to approve the requested waiver.

Upon a motion by Mr. Mitra and seconded by the Board voted 5-0 to approve the Definitive Site Plan with all the conditions outlined in staff's memo, DPW comments, and additional conditions that fencing be black vinyl coating and that fencing for emergency/security access between Lot #13 and 604 Burncoat Street be provided.

*List of Exhibits*

- Exhibit A: Definitive Site Plan Application; received June 2, 2017; prepared by CFS Engineering on behalf of Burncoat Heights Trust.
- Exhibit B: Definitive Site Plan; dated March 30, 2017 and revised through to June 1, 2017; prepared by CFS engineering.
- Exhibit C: Rendering and Elevations; dated October 27, 2016; prepared by Dimensions.

**Other Business**

**10. Street Petition – Summer Street/Washington Square – Abandon, Discontinue and Removal of a Portion from the Official Map (ST-2017-012)**

Attorney Don O’Neil appeared upon behalf of the application.

Mr. Lyford stated that DPW would recommend discontinuance and removal from the official map.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 5-0 to approve the Street Petition.

**11. Signing of Covenant and mylars – Kiara Drive (aka 770 Franklin Street) Definitive Subdivision**

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 5-0 to postpone the items to the August 2, 2017 Planning Board meeting.

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

- a. 4 & 8 Maurice Street (private) (AN-2017-041)

Mr. Lyford stated that the street is open and passable.

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the Board voted 5-0 to approve the ANR.

- b. 12 & 14 Bay Edge Lane (public & private) (AN-2017-042)

Mr. Lyford stated that the street is open and passable.

Upon a motion by Mr. Freilich and seconded by Mr. Mitra the Board voted 5-0 to approve the ANR.

- c. 25 Kenwood Avenue (public) (AN-2017-043)

Upon a motion by Mr. Vigliotti and seconded by Mr. Freilich the Board voted 5-0 to approve the ANR.

- d. 661 Grove Street (public) (AN-2017-044)

Upon a motion by Mr. Vigliotti and seconded by Mr. Freilich the Board voted 5-0 to approve the ANR.

e. 0 Front Street (aka Church Street) (public) (AN-2017-045)

Upon a motion by Mr. Vigliotti and seconded by Mr. Freilich the Board voted 5-0 to approve the ANR.

**13. Communication**

**14. Signing of Decisions from prior meetings**

**Adjournment**

Upon a motion the Board voted 5-0 to adjourn the meeting at 7:48 p.m.