

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

January 2, 2019

LEVI LINCOLN CHAMBERS

Planning Board Members Present: Andrew Truman, Chair
John Vigliotti
Satya Mitra
Albert LaValley
Paul DePalo

Absent Members:

Staff Present: Stephen Rolle, Division of Planning & Regulatory Services
Michelle M. Smith, Division of Planning & Regulatory Services
Alexandra Kalkounis, Law Department
Jennifer Beaton, Law Department
Nick Lyford, Department of Public Works
Jodi Kennedy Valade, Department of Inspectional Services

Call to Order – 5:30 pm

Approval of Minutes – 12/5/18 – Held to 1/23/19

Requests for Continuances, Extensions, Postponements, and Withdrawals

Items #1, #2 were taken contemporaneously.

1. 225 Shrewsbury Street – Special Permit for CCOD (PB-2018-056)

2. 225 Shrewsbury Street – Definitive Site Plan (PB-2018-056)

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 5-0 to continue the Special Permit for CCOD and the Definitive Site Plan application to the January 23, Planning Board meeting and extend the Constructive Grant Deadline to February 14, 2019.

3. 210 Southwest Cutoff – Definitive Site Plan (PB-2018-079)

Upon a motion by Mr. DePalo and seconded by Mr. LaValley, the Board voted 5-0 to continue the Definitive Site Plan application to the January 23, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to February 14, 2019.

Items #4 and #5 were taken contemporaneously.

4. **Malden Woods (aka 0 Whippoorwill Drive & 0 Danielle's Way; Whippoorwill Drive and Castine Street Right of Ways) – Definitive Subdivision Plan Amendment (PB-2018-026)**
5. **Malden Woods (aka 0 Whippoorwill Drive & 0 Danielle's Way; Whippoorwill Drive and Castine Street Right of Ways) – Definitive Site Plan (PB-2018-026)**

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 5-0 to postpone the Definitive Subdivision Plan Amendment Application and Definitive Site Plan Application to the February 13, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to February 14, 2019.

6. **30 & 32 (aka Lot 2) Chiltern Hill Drive – Definitive Site Plan (PB-2018-032)**
7. **30 & 32 (aka Lot 3) Chiltern Hill Drive – Definitive Site Plan (PB-2018-033)**
8. **30 & 32 (aka Lot 4) Chiltern Hill Drive – Definitive Site Plan (PB-2018-034)**
9. **30 & 32 Chiltern Hill Drive (public) & Aylesbury Road (public) (AN-2018-024)**

Items #6, #7, #8, #9 were taken contemporaneously.

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo, the Board voted 5-0 to postpone the Definitive Site Plan applications and ANR to the February 14, 2019 Planning Board meeting.

10. **415 Southbridge Street – Parking Plan (PB-2018-075)**

Upon a motion by Mr. Vigliotti and seconded by Mr. LaValley, the Board voted 5-0 to postpone the Parking Plan Approval to the January 23, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to February 14, 2019.

11. **295 & 291 Lincoln Street (aka 14 Shattuck Street) – Parking Plan (PB-2019-001)**

Upon a motion by Mr. Vigliotti and seconded by Mr. LaValley, the Board voted 5-0 to postpone the Parking Plan Approval to the January 23, 2019 Planning Board meeting and to extend the Constructive Grant Deadline to February 14, 2019.

Public Meetings

New Business

Public Hearings

12. **305 Belmont Street – Zoning Map Amendment (ZM-2018-012)**

Attorney Robert Longden appeared upon behalf of the applicant, New Garden Park, Inc.

New Garden Park, Inc. seeks to amend the City of Worcester Zoning Map by rezoning portions of 305 Belmont Street, known as lots 1, 2 and 4, which are currently zoned BG-2.0 (Business, General) and ML-0.5 (Manufacturing, Limited), to BG-3.0 (Business, General).

Mr. Longden stated that New Garden Park, Inc. is in the process of redeveloping the lots for bio-manufacturing uses and the zoning map amendment is consistent with other uses in the area.

Mr. LaValley asked what type of development is being proposed. Mr. Longden stated that this would be a proposed bio-manufacturing facility, stating it is very scientific operation and would be a good opportunity for the City of Worcester. Mr. LaValley asked if potential tenants have been lined up. Mr. Longden stated that they do have letter of intent for one company but they are still in the design stage for this development.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra, the Board voted 5-0 to recommend the Zoning Map Amendment to City Council.

List of Exhibits

Exhibit A: Petition from Robert E. Longden, Esq., representing New Garden Park, Inc. submitted to the City Clerk on November 14, 2018.

Exhibit B: Letter of Support from Gary J. Vecchio, representing Shrewsbury St. Neighborhood Association; received on December 18, 2018.

13. Request to Remove Woolfenden Street (Private) from the Official Map (ST-2018-013)

David Hawoling from Polar Corporation appeared upon behalf of the request.

Mr. Rolle stated that Wollfenden Street is Private Street and completely surrounded by Polar Properties.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to remove Woolfenden Street (Private) from the Official Map.

14. 139 (aka 141 & 143) Southwest Cutoff –Special Permit for Adult Use Marijuana - Cultivator and Product Manufacturer uses (PB-2019-002)

Attorney Joseph Lee Smith appeared upon behalf of the applicant, Temescal Wellness of Massachusetts, Inc.

Scope of the Project is as follows:

- Presently located on the premises is an existing registered marijuana dispensary (RMD) facility for the cultivation and product manufacturing of medical marijuana.
- The petitioner seeks a Special Permit for Adult Use - Cultivator and Product Manufacturing uses at this space, in addition to the permitted medical marijuana uses.
- The petition states that hours are operation are anticipated to be Monday through Friday from 7:00 a.m. to 4:00 p.m.

Julie Germain from Temescal Wellness of Massachusetts Inc. gave a slideshow presentation of the operation of the business.

Mr. Smith stated that with regard to the condition relative to the name of the business that Temescal Wellness has now changed to a LLC versus a corporation.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to approve the requested a waiver from showing parcels and ownership information for abutters within 300 ft. on the plan.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to approve the Special Permit for Adult Use Marijuana – Cultivator and Product Manufacturer uses with conditions outlined in staff’s memo with amended to #1 and #2 that it would state LLC versus Inc.

List of Exhibits

Exhibit A: Special Permit Application for Adult Use Marijuana; submitted November 29, 2018; prepared by Attorney Joshua Lee Smith.

Exhibit B: Slideshow from Temescal Wellness of Massachusetts, Inc.

Public Meetings

15. 0-9 Hemans Street & 40R Milton Street – Definitive Site Plan (PB-2018-077)

Attorney Donald J. O’Neil appeared upon behalf of the applicant, JNBB, LLC.

Scope of the project consists of the following:

The applicant seeks site plan approval to construct a 5 story, 64 unit multi-family high-rise dwelling, with 128 off-street parking spaces and associated grading, paving, drainage, and site work, on property with 15% or more slope, located at 0 & 9 Hemans Street and 40R Milton Street and located within both an RG-5 (Residence, General) zone and MG-2.0 (Manufacturing, General) zone. The Plan is unchanged from the expired site plan previously approved in 2017.

Under the Worcester Zoning Ordinance, each side of Hemans Court is considered a separate lot. This means that the project as proposed cannot be constructed in conformance with zoning requirements unless Hemans Court is removed from the Official Map, or unless the applicant were to obtain a variety of special permits and variances to allow the specific uses and dimensions proposed.

Mr. O’Neil stated that the time period to begin this project did not happen and that is why they are back before the Board.

Mr. O’Neil stated that the issue with regard to Hemans Court is they would be looking for removal of that from the official map. Another issue staff had brought up is whether the parking

spaces proposed are ADA compliant but they would not have any problem with condition that any ADA spaces be compliant.

Mr. Rolle stated that they did recommend a continuance on the item and would still recommend continuation as the site plan would not be allowed as it not allowed under zoning without several Variances and Special Permits being issued for the building to be built unless Hemans Street is removed from the official map. Mr. Rolle stated that they did recommend as a condition of approval if Board were to approve tonight that Hemans Street would need to be removed from the official map.

Mr. Vigliotti stated that he would prefer that be addressed before this Board would vote on item and he would agree with staff's recommendation that item be continued.

Mr. O'Neil stated that they are in negotiating with property owner on Hemans Street to acquire the property by the owner doesn't want the paper street removed until all agreements are in place and this plan was previously approved by the Board.

Ms. Beaton stated that if Hemans Street is removed that would trigger an amendment to the Site Plan so the applicant would need to come back anyway.

Mr. Truman stated that if approved and Hemans Street was not removed from map then they are approving something that can never be built.

Mr. Truman asked if the applicant would like to continue until Hemans Street is removed. Mr. O'Neil stated no.

Ms. Valade stated that the Building Commissioner wanted to see more detail plans for the handicapped spaces and the cross-slope.

Mr. DePalo stated that he was not on the Board when this was first approved but the scope and scale of the project for this neighborhood does not sit well with him.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 5-0 to approve the requested a waiver from showing parcels and ownership information for abutters within 300 ft. on the plan.

Upon a motion by Mr. LaValley, the Board voted 0-5 to approve the Definitive Site Plan, and the application was denied.

Mr. Truman stated that reason for denial is that the site plan as proposed cannot be constructed, as Hemans Street must be removed from map or the applicant must seek the necessary relief from the Zoning Board of Appeals.

Mr. LaValley stated that the vehicular traffic has a few issues and access to the parking and pedestrian pathways are problematic.

List of Exhibits

Exhibit A: Definitive Site Plan Application; received November 1, 2018; prepared by Attorney Donald J. O'Neil on behalf of JNBB, LLC.

Exhibit B: Definitive Site Plan; prepared by H.S. & T. Group, Inc.; dated October 27, 2016, last revised March 23, 2017.

16. 23 Ayrshire Road – Definitive Site Plan (PB-2019-003)

Mohammad Djanshedi representing Richard Black appeared upon behalf of the application.

The scope of the project is as follows:

The applicant proposes to construct a single-family home with associated site work on a parcel with greater than 15% slope.

The lot was created by a frontage subdivision plan endorsed on May 2, 2018 (see Image 1) after receipt of a Variance for frontage from the Zoning Board of Appeals.

Mr. Rolle asked how the edges of the driveway were they going to be retained. Mr. Djanshedi stated that it will be flat.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to approve the requested a waiver from showing parcels and ownership information for abutters within 300 ft. on the plan.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

List of Exhibits:

Exhibit A: Definitive Site Plan Application; received November 30, 2018; prepared by Mohammad Djamshidi, the Professional Group, LLC, on behalf of Richard Black.

Exhibit B: Definitive Site Plan; prepared by Mahmood Aziz; dated December 18, 2018.

Exhibit C: Variance Decision, Worcester Zoning Board of Appeals by the Worcester Zoning Board of Appeals on November 27, 2017 and certified by the City Clerk on December 7, 2018.

17. 2 Main Street – Parking Plan Amendment (PB-2019-004)

Attorney Joshua Lee Smith appeared upon behalf of the applicant, Trinity Worcester Development, LLC. The applicant seeks to amend a December 13, 2017 Parking Plan approval to make modifications to the previously approved design and extend the deadline to commence with construction.

The applicant proposes to construct a 130 space parking lot for a proposed 117 unit multi-family residential use with associated grading and site work located at 2 Main Street, which is located within the BG-6.0 (Business, General) zoning district and the Commercial Corridor Overlay District (CCOD), and partially within the Downtown / Blackstone Canal Sign Overlay District (DSOD).

The scope of the project is as follows:

- Located on the 4.28 acre parcel is the 250,000 SF building, formerly known as the Worcester Country Courthouse.

- The applicant proposes to convert the former courthouse building into a multi-family, loft and townhome-style residential building, consisting of approximately 117 dwelling units.
- Per the Zoning Ordinance, there is no minimum parking or loading spaces required in the BG-6.0 zoning district where the subject property is located. However, the applicant is proposing a total of 130 parking spaces – see Table 1.
- ADA accessible handicapped parking spaces are located close to building entrances and connected by accessible walkways.

Mr. Lee stated that there were a few minor changes from original plan, such as relocating the playground area and minor changes recommended by the Massachusetts Historical Commission, and the use will be in harmony with other uses in the neighboring area and conditions recommended by staff they are in agreement with.

Mr. Rolle stated that staff had the following questions regarding the proposal:

Please comment on the existing drainage and storm water management for the Harvard Street lots and whether any improvements are planned. Tony Dinato from Bohler Engineering stated that the system proposed is similar to 2017 plan and just re-configured to the layout.

Please comment on the existing lighting and any proposed new lighting for the Harvard Street lots. Michael Lazons from Trinity stated that the lighting proposed is consistent with what currently exists. Mr. Rolle stated it up to the Board whether they would like to see a photometric plan.

The applicant may want to consider additional physical barriers between the playground and parking spaces as an additional means of protecting against vehicular intrusion. Mr. Lazons stated that there is a curb there and that they are also proposing a fence or bollards to protect the playground.

Joyce Mandell stated in favor of project but asked why need for 130 spaces when they are trying to create a more walkable city.

Mr. Rolle stated in this zone there is no minimum parking requirement but would defer to the applicant. Mr. Lazons stated that they have a concern about having sufficient amount of spaces for residents and 130 spaces does not overburden the site or the neighborhood.

Mr. DePalo asked if there would be sticker parking and if someone was just visiting downtown could the park there. Mr. Lazons stated that they have not gotten that far in the process but they will monitor the parking for their residents.

Mr. Mitra stated that he was excited to see the project starting and asked what would be the timeline. Mr. Lazons stated hopefully start in Spring 2019, and finish the project in Spring 2020.

Mr. Truman stated on original plan it showed all new sidewalks but new plan doesn't show it and asked why. Mr. Lazons stated that the sidewalks on Main Street have been completely replaced by the City, and they are in the process of seeing if they can be replaced, but right now they are not in their scope.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 5-0 to approve the requested a waiver from showing parcels and ownership information for abutters within 300 ft. on the plan.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 5-0 to approve the extension of the Parking Plan Amendment for two years with conditions outlined in staff's memo.

List of Exhibits:

Exhibit A: Parking Plan Application; received December 3, 2018; prepared by Attorney Joshua Lee Smith on behalf of Trinity Worcester Development, LLC.

Exhibit B: Parking Plan; dated September 18, 2018; prepared by tat – the architectural team.

Exhibit C: Parking Plan Approval Decision; signed October 13, 2017.

Other Business

18. Street Petition(s)

- a. Request to Convert Martha Avenue to Public (ST-2018-012)

Ms. Smith stated that DPW is recommending a Priority Level #4.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 5-0 to approve the Request to Convert Martha Avenue to Public.

- b. Request to Convert Bishop Avenue to Public (ST-2019-001)

Ms. Smith stated that DPW is recommending a Priority Level #1.

Upon a motion by Mr. LaValley and seconded by Mr. Mitra, the Board voted 5-0 to approve the Request to Convert Martha Avenue to Public.

19. Approval Not Required (ANR) Plans

- a. 646 Salisbury Street (public) (AN-2019-001)

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 5-0 to endorse the ANR.

- b. 214 Clover Street (public) (AN-2019-002)

Upon a motion by Mr. LaValley and seconded by Mr. Vigliotti, the Board voted 5-0 to endorse the ANR.

- c. 8 Phoenix Street (private) and 7 Enid Street (public) (AN-2019-003)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo, the Board voted 5-0 to endorse the ANR.

20. Report on Zoning Map Amendment Petitions not properly before the Board – Webster Street (ZM-2018-010)

Ms. Smith stated that the item is not properly before the Board.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo, the Board voted 5-0 that the item be withdrawn or amended to include legal standing.

21. Communication(s)

- a. Notice of Project Change associated with an ENF for the Worcester Downtown Urban Revitalization Plan, Amendment 1; from Epsilon Associates, Inc., on behalf of the Worcester Redevelopment Authority; received 12/13/18. No comment.
- b. Environmental Notification Form (ENF) for the Quinapoxet Transfer Pipeline; from Santec Consulting Services, on behalf of the City of Worcester Department of Public Works & Parks; received 12/20/18. No comment.

22. Vote to accept Restrictive Covenant for 35 Modoc Street (aka Anthony’s Circle) Subdivision (PB-2018-035)

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to accept the Restrictive Covenant.

23. Elections of Officers

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 5-0 to appoint Mr. Truman as Chair and John Vigliotti as Vice Chair of the Planning Board for year 2019.

24. Discussion of Board Policies and Procedures

Mr. LaValley stated that he like the use of Dropbox for the Board Packet. Mr. Truman asked if devices were going to be provided to the Board for the use of Dropbox. Mr. Rolle stated that they are looking to obtain tablets but tablets maybe available at the meetings for Board use but not to be brought home.

25. Signing of Decisions from prior meetings

26. Mylar Endorsement

- a. Frontage Subdivision Plan for 71-81 West Chester Road (PB-2017-045)
- b. Frontage Subdivision Plan for 7 Glade Street (PB-2018-071)
- c. Subdivision Plan for 35 Modoc Street (aka Anthony’s Circle Subdivision) (PB-2018-035)

Adjournment

Upon a motion Mr. LaValley and seconded by Mr. Mitra, the Board voted 5-0 to adjourn the meeting at 7:35 p.m.