

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

February 19, 2020

LEVI LINCOLN CHAMBER

Planning Board Members Present: John Vigliotti, Chair
Albert LaValley, Vice-Chair
Paul DePalo, Clerk
Eleanor Gilmore

Planning Board Members Absent: Edward Moynihan

Staff Present: Stephen Rolle, Division of Planning & Regulatory Services
Timothy Gilbert, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
Nick Lyford, Department of Public Works

Approval of Minutes

The minutes for October 2, 2019, December 4, 2019, January 8, 2020, and January 29, 2020 were held.

Requests for Continuances, Extensions, Postponements, and Withdrawals

1. Malden Woods Subdivision (aka 0 Whippoorwill Drive & 0 Danielle's Way, Castine Street, Danielle's Way and Whippoorwill Drive Right of Ways) (PB-2018-026)

- a. Public Hearing – Definitive Subdivision Plan Amendment
- b. Public Meeting – Definitive Site Plan

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to postpone the Public Hearing for Definitive Subdivision Plan Amendment and the Public Meeting for Definitive Site Plan applications to the March 11, 2020 Planning Board meeting and to extend their respective Constructive Grant Deadlines to April 3, 2020.

2. 57 Highland Street, 33 & 35 Wachusett Street (PB-2019-043)

- a. Public Hearing – Special Permit for CCOD

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to postpone the Public Hearing for the Special Permit for CCOD application to the March 11, 2020 Planning Board meeting and to extend the Constructive Grant Deadline to April 3, 2020.

3. 185 Madison Street (PB-2019-079)

- b. Public Meeting – Definitive Site Plan

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to postpone the Public Meeting for the Definitive Site Plan application to the March 11, 2020 Planning Board meeting and to extend the Constructive Grant Deadline to April 3, 2020.

4. Planning Board Rules & Regulations Amendment(s)

- a. Public Hearing – To amend the requirements of all of the Planning Board's Rules and Regulations (i.e. Site Plan, Special Permit, Subdivision, Parking Plan) to (1) require compliance with the Massachusetts Stormwater Handbook and Standards, (2) to establish related submission requirements, and (3) to require use of the most current precipitation data available (e.g. NOAA Atlas 14 or Cornell Data in lieu of TP40 data) when preparing required stormwater (hydraulic/hydrologic) calculations.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to postpone the Public Hearing for the Special Permit for CCOD applications to the March 11, 2020 Planning Board meeting and to extend the Constructive Grant Deadline to April 3, 2020.

New Business

5. 0 Orient Street (aka 60 St George Street & 0 Ridge Street) (PB-2019-058)

a. Public Meeting – Definitive Site Plan

Attorney Jonathan Finkelstein and Zac Couture of HS&T Group appeared on behalf of the item. The applicant seeks to construct a 5-story multi-family high-rise building (+/- 36 dwelling units) and associated surface and garage parking (+/- 72 spaces), and to conduct associated site work on a lot with 15% slope or more. Mr. Couture described proposed erosion controls, site works, and stormwater management plans for the site, and distributed revised plans.

Mr. Lyford stated that DPW is satisfied by the proposed measures.

Mr. Rolle described the project and staff comments.

During public comment, Jim Sundstrom, Dianne Loughlin, Paul Samara, James DeRosier, Dianne Kodobas, and Dorian Samara, appeared to express their respective concerns regarding project scale, construction traffic, the steep gradient of the surrounding roads, increased traffic and parking volume, and rubbish collection.

Ms. Gilmore noted that a project of this scale is allowed by right on this parcel, inquired as to why the project is such a large scale. Mr. Finkelstein responded that development of this site is not economically viable without the number of units shown.

Mr. LaValley inquired as to the type of heating fuel proposed, if it is propane where the tanks will be placed. Mr. Couture responded that natural gas will be used for heating and will revise the plans to show the location of the existing gas lines they will tie into.

Mr. LaValley mentioned he has seen two elevations, one showing three stories above grade and another showing five, inquired as to which is correct. Mr. Jerome Dixon, Project Architect responded that the building is 4 stories above grade with a 1 story below grade garage. Mr. Couture distributed revised architectural elevations. Mr. LaValley stated he is uncomfortable with voting on this plan until members of the public can review the most recent architectural drawings.

Mr. LaValley reiterated Mr. Rolle's question regarding pedestrian access to the downslope side of the building given concerns about the traffic congestion and inadequate pedestrian infrastructure on nearby streets. Mr. Dixon stated that without a two-level garage, creating a downslope pedestrian entrance is not feasible.

Ms. Gilmore requested more information on landscaping to buffer the parking garage wall. Mr. Couture referred to the revised site plan, which shows increased landscaping.

Ms. Gilmore asked about the location of the dumpsters adjacent to the sidewalk. Inquired if there could be screening. Mr. Couture responded that due to vegetated buffer and retaining wall between the sidewalk and the dumpsters he is not concerned. Offered to install fencing if the Board desires.

Ms. Gilmore inquired about traffic and circulation through the garage. Mr. Couture responded that traffic engineers have reviewed all circulation including fire access.

Mr. Rolle noted that Planning staff need to review the issue raised by member of the public regarding the location of the drive to the north of the official street and whether the applicant needs to request any type of approvals for the drive location.

Mr. DePalo stated he is not comfortable with the proposed dumpster location along the sidewalk, and would like to see specific locations for EV charging. Mr. DePalo also requested more mature trees on Orient Street side for a better buffer, inquired as to discrepancies between renderings and the site plan provided, and expressed concern about the driveway on the northerly border of the project and how the entrance drive interacts with it.

Chairman Vigliotti asked about an older version of the plan with access from Orient Street and why that access has been removed, as well as measures to prevent wrong-way circulation. Mr. Couture responded that access from Orient Street was economically unfeasible, and that the proposed landscape buffer will prevent them from making that cut-through, and.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to continue the Public Meeting for the Definitive Site Plan application to the April 1, 2020 Planning Board meeting and to extend the Constructive Grant Deadline to April 23, 2020.

6. 112, 114, 116, 120 & 120½ Houghton Street & 1 Nuttall Lane (aka Blaire House) (PB-2019-076)

- a. Public Meeting – Definitive Site Plan
- b. Public Meeting – Chapter 12, Section 12 Street Alteration

Attorney Donald O’Neil appeared on behalf of Houghton Street Holdings LLC. The applicant seeks to demolish most of the existing site improvements (including the residential dwellings, nursing home and related parking) and construct a new 87-bed nursing home (+/- 17,350 SF) with 38 parking spaces, and conduct associated site work, including work within the abutting portion of Nuttall Lane. Mr. O’Neil provided an overview of the proposal. Mr. Dan Hazen, project engineer, described the site work, highlighting existing conditions, proposed stormwater management and utility work. He noted that they expect to reduce runoff from predevelopment and increase infiltration due to installation of underground infiltration chambers.

Mr. Rolle described concerns about the steepness of a portion of the parking lot, noting that staff concerns can generally be addressed through recommended conditions.

Mr. Rolle asked what the area adjacent to the courtyard is. Kim Pettit, project manager, responded it is a lightwell for the lower floor offices, with a stair linking it to the courtyard above.

Mr. Rolle asked how maintenance of the infiltration chambers will be accomplished since it is under the courtyard. Mr. Hazen responded that as the water entering is clean roof runoff, it is unlikely this will be needed in the near future, but can be potentially accessed via the loading dock area.

Mr. Rolle asked if Houghton St. Holdings would be willing to consider installing a fence along the property line to screen parked cars and headlights from neighboring property. Attorney O’Neil stated he thought they would be willing to do so.

Mohammed Amari, abutter, raised concerns about noise, traffic including emergency vehicles, scale and commercial nature of the proposed structure, and blocking of both sunlight and the view from his home.

Mr. DePalo requested the height of the structure adjacent to Mr. Amari’s home. Mr. Rolle clarified that the building height is within the allowed height for the zone.

Ms. Gilmore requested information on construction staging and access. Access will be provided by removing existing residential structures to develop a temporary parking area in addition to a staging area.

Ms. Gilmore inquired about landscaping between the building and the sidewalk along Houghton St. Owner replied that they would be amenable to adding further planting. Ms. Gilmore also asked about adding bicycle parking, Owner agreed to add bicycle rack and potentially an electric vehicle charging station.

Upon a motion by Ms. Gilmore and seconded by Mr. LaValley, the Board voted 4-0 to approve the following waivers from the plan requirements:

- 1. Locus plan
- 2. Soil types
- 3. Providing height and feet in stories

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Definitive Site Plan application subject to the conditions of approval listed in the staff memo, with the additional condition of providing at least 1 bicycle rack.

Upon a motion by Ms. Gilmore and seconded by Mr. LaValley, the Board voted 4-0 to approve the Chapter 12, Section 12 street alteration, subject to the conditions listed in the staff memo.

7. 590-610 Southbridge Street (aka 4 Washburn Street) & 8 (aka 8½) Washburn Street (PB-2020-003)

- a. Public Meeting – Parking Plan Amendment

Robert Branca of Branca Realty Group and Patrick Healy of Thomson Liston Engineering appeared on behalf of the item. Presently under construction on the premises is an automobile refueling station with a convenience store and related site improvements. The applicant seeks to amend a previous approval for a 22-space parking lot in order to construct a +/- 26 space parking lot. Mr. Healy provided an overview of the proposal.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the waivers for labelling distances from adjacent buildings.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Definitive Site Plan application subject to the conditions listed in the staff memo and adding a condition that the fence along the easterly lot line is reduced to 4 feet in height provided such is allowed by code.

8. 65 (aka 45) Fremont Street - Cultivation Experts, LLC (PB-2020-005)

- a. Public Hearing – Special Permit for Adult Use Marijuana Establishment – Cultivator Use
- b. Public Meeting – Parking Plan Approval

Attorney Joshua Lee Smith appeared on behalf of the item. The applicant seeks to allow an Adult Use Marijuana establishment – Cultivator Use on the property (+/- 6,191 SF within the building) and to conduct related parking and site work improvements.

Mr. Smith provided an overview of the plan, describing the proposed security and odor control for new marijuana use in an existing building, and the intent to regularize and demarcate parking spaces.

Mr. Rolle described additional conditions due to location within the floodplain, noting that there should be no storage or parking in the front yard, and that no deliveries or distribution should occur before 8am.

Mr. Vigliotti expressed concerns about a history of complaints noted by the Fire Department, particularly regarding sprinkler systems. Stephen Farr, owner of the building stated the sprinkler system has had annual inspections, stated he has never received any complaints or notifications, and that he believes the stated issues are related to the previous owner.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Special Permit application for Adult Use Marijuana Establishment subject to the conditions listed in the staff memo, and accepting the applicants findings of fact.

The applicant requested leave to withdraw the Parking Plan without prejudice due to the lot being smaller than 16 spaces.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve providing the applicant leave to withdraw the Parking Plan without prejudice.

9. 65 (aka 45) Fremont Street - Magic Dragon, LLC (PB-2020-006)

- a. Public Hearing – Special Permit for Adult Use Marijuana Establishment – Micro Business Use

Attorney Joshua Lee Smith appeared on behalf of the item. The applicant seeks to allow an Adult Use Marijuana establishment – Micro Business Use on the property.

Mr. Smith described the proposed security and odor control, and the proposed interior works including the growing and manufacturing of marijuana products.

Mr. Rolle requested information on odor control, and a condition to ensure compliance with zoning. Cultivation area limited to a maximum of 5,000 square feet. Requested information on waste management plans.

Mr. David Ayel, CEO of Magic Dragon, described waste management procedures as per cannabis control commission guidelines, noting that all plant waste will be collected and stored within the facility prior to removal.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to waive the requirement for labelling the distance to adjacent buildings on the plan.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Special Permit application for Adult Use Marijuana Establishment for Microbusiness use, subject to the conditions listed in the staff memo, and accepting the Findings of Fact provided by the applicant.

10. 0 Meadowbrook Road Subdivision (PB-2020-007)

- a. Public Hearing – Definitive Subdivision Plan Amendment
- b. Other – Request to Amend Performance Agreement to extend work completion date to 10/31/2022

Attorney Jonathan Finkelstein appeared on behalf of the item. The applicant seeks to extend the expiration date of the 2 lot subdivision that was originally approved on April 25, 2001 and last amended on January 11, 2017. Mr. Finkelstein provided an overview of the proposal.

Mr. Rolle referred to recommended conditions of approval as detailed in the staff memo.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Definitive Subdivision Plan, subject to the conditions.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to Grant the request to extend the Restrictive Covenant work date to October 31, 2022 as written and provided my Mr. Rolle, reading of which was waived by Attorney Finkelstein.

11. 668 Burncoat Street (PB-2020-010)

a. Public Meeting – Definitive Site Plan

Ron Thunberg of Hub Survey Associates appeared on behalf of the item representing Gary DeWolf, property owner. The applicant proposes two duplexes on two lots. The applicant seeks to construct a single-family semi-detached dwelling (i.e. duplex) and conduct associated site work on a vacant lot with 15% slope or more. Mr. Thunberg provided an overview of the proposal.

Mr. Gilbert noted recommended conditions of approval and provided staff comments.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the waiver of the plan requirements to show all trees greater than 9” in diameter on the plan.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Definitive Site Plan, subject to the conditions of approval listed in the staff memo.

12. 26 Hapgood Road (PB-2020-012)

a. Public Hearing – Definitive (Frontage) Subdivision Plan

Attorney Mark Borenstein appeared on behalf of the item. The applicant seeks to divide the existing lot into two, with the existing structure proposed to remain on one lot and a new dwelling to be constructed on the second lot. Mr. Borenstein provided an overview of the proposal.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to grant the three waivers described in the staff memo.

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to approve the Definitive Frontage Subdivision Plan, subject to the conditions of approval listed in the staff memo.

Other Business

13. Street Petition(s)

14. Approval Not Required (ANR) Plan(s)

a. 25 Warner Avenue (Public) & Farrington Street (Private) (AN-2020-010)

Upon a motion by Ms. Gilmore and seconded by Mr. LaValley, the Board voted 4-0 to endorse the ANR.

b. 179 Grand Street (Public) (AN-2020-011)

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to endorse the ANR.

c. 107 Uncatena Avenue (Public) (AN-2020-012)

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to endorse the ANR.

15. Subdivision(s)

a. Kiara Drive Subdivision

- i. Request to set the amount for monetary security
- ii. Request to accept a Performance Agreement, secured by a letter of credit
- iii. Request for a Conditional Release from the Restrictive Covenant

Upon a motion by Mr. LaValley and seconded by Ms. Gilmore, the Board voted 4-0 to authorize a release from the Declaration of Restrictive Covenants, contingent up on the receipt of monetary security as specified.

16. Request for Acceptance of (Open Space) Restrictive Covenant(s)

- a. Worcester Country Club Acres (CCRC) (PB-2018-042)
- b. 407 Cambridge Street (Cluster Special Permit) (PB-2018-021)

Both items were held until March 11 2020.

17. Communication(s)

- a. Notice of Appeal of Special Permit (CCRC) Decision for property at 757 Salisbury Street (PB-2019-053).
- b. Notice of Community Outreach Meeting (2/21/2020) for a proposed Adult Use Marijuana Microbusiness Establishment at 41 Fremont Street.

18. Elections of Officers

Mr. DePalo nominated Mr. LaValley for the position of Chair of the Planning Board. Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 4-0 to appoint Mr. LaValley as Chair.

Mr. Vigliotti nominated Mr. DePalo as Vice Chair of the Planning Board. The motion was seconded by Ms. Gilmore, and the Board voted 4-0 to appoint Mr. DePalo as Vice Chair.

Mr. Vigliotti nominated Ms. Gilmore as Clerk of the Planning Board. The motion was seconded by Mr. DePalo, and the Board voted 4-0 to appoint Ms. Gilmore as Clerk.

19. Discussion of Board Policies and Procedures

20. Signing of Decisions

Adjournment