

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

August 5, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 730323290#), which was publicized on the posted meeting agenda and during the video broadcast.

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

Planning Board Members Not Participating:

Staff present: Stephen Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Gabrielle Weiss, Division of Planning & Regulatory Services
Nicholas Lyford, Department of Public Works & Parks
Alexandra Kalkounis, Law Department

Call to Order – 6:00 PM

Approval of Minutes – none

Requests for Continuances, Extensions, Postponements, and Withdrawals

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to continue or postpone items 2, 3, 4, 5, 7, and 13b to the dates noted.

Old Business

1. Higgins Farm (fka 727 Salisbury Street) or Salisbury Hill CCRC (PB-2019-047)

- a. Public Hearing – Special Permit Amendment – To allow a Continuing Care Retirement Community (CCRC)
- b. Public Meeting – Definitive Site Plan

Previous testimony Date(s): 10/2/2019 & 11/13/2019

Mr. John Kucich of Bohler Engineering appeared on behalf of the item, and outlined changes in the project team as well as the project design. He discussed design changes that have been made based on staff, abutter, and conservation commission comments including the removal of the western cul-de-sac which reduces proposed impervious area. Reported that the applicant is in discussion with a land trust to place a conservation restriction on this western area. He then outlined relocation of sewer pump station, and updated plan for it to be completed as a part of phase 1. Due to the reduction in impervious area, only 2 detention basins are now required as opposed to the 5 previously approved. Described the landscape buffer proposal along the northeastern portion of the site boundary. Understands Peer Review from Conservation Commission is forthcoming and the applicant is certain they will be able to meet the requests of the Commission. Applicant plans to submit revised plans including phasing and sewer pump station information, would like to close the hearing/ meeting on September 16, 2020.

Ms. Smith reviewed the major changes to the plan, highlighted cul-de-sac changes, sewer pump station location, and overall reduction of 79 units (117 new). Gave an overview of the 5 major discussion points/ information that staff & the board need in order to review and approve the project.

Mr. Doug Farmer resident of Salisbury Hill, 10-year resident. After having lived there for 10 years, he believes it is an excellent place to live. While it's a quiet place and they in some ways hope no further development would occur, he feels this plan is respectful of resident desires.

Mr. Alex Guardiola spoke to support the item, will provide a valuable contribution to housing provision for older adults in Worcester and the changes are respectful to the abutters.

Mr. Ben Bruneau of Worcester stated that he does not feel any significant change has been made to the proposed plan. The existing Salisbury Hill development has space and a "neighborhood feel". The proposal does not provide privacy or protection for abutters, outlined concerns about proximity of existing homes to proposed development.

Mr. James White of Worcester stated that his property is the most impacted by the proposal. He described a meeting that occurred at the Clubhouse at Salisbury Hill, stated that after that meeting the developer threatened to make his life as difficult as possible, and is concerned that he will be punished for objecting to the development. Stated that he is concerned about the welfare of his young daughter who will be subject to construction noise. Mr. Kucich stated that the developer who may have accosted Mr. White was the previous applicant and is no longer involved in the project.

Ms. Christina Bruneau of Worcester expressed concerns about the 50' distance from the nearest home to their property line, and the fact that Barrows Rd. is a dead-end road with no sidewalks. She believes the emergency access is a bad idea.

Mr. Chris Beckworth of Worcester expressed concerns that the emergency access road may be used during construction. Asked if the connection previously proposed through an easement at the midpoint of Barrows Rd is still proposed. Inquired as to the homes at the ends of both Roads C and D, whether they should be there as they are "stuck on" at the end.

Mr. Kucich responded that the emergency access will be for emergency access only, no construction entrance is proposed there. The previously proposed sewer connection to the mid-point of Barrows Rd is no longer proposed. Described that the hammer-head end to Road D is proposed to take up less space and provide greater buffer to the abutters.

Mr. Vigliotti discussed his concern about the removal of the original amenities, asked what will replace at least some of the services that are an essential part of the CCRC approval.

Mr. Bob Depietri of Capital Group Properties responded that the amenities to be provided have been determined through discussions with current residents. A potential amenity under consideration would be connection to trails on adjacent conservation lands. Residents are concerned about adding facilities that will increase condominium fees for maintenance but will not get much use.

Mr. LaValley asked about the involvement of Capital Group Properties. Mr. Depietri responded that Capital Group purchased the land in 2012, signed an agreement with Premier Properties in 2018 but that relationship is no longer in effect, and Capital Group is now developing the project themselves. Mr. Depietri discussed that the developers are willing to work with abutters to improve adjacent conditions.

Mr. Vigliotti emphasized that he is concerned about the provision of amenities, and specifically those aimed toward an aging population, since that is the specific kind of development proposed, a CCRC.

Ms. Gillmore stated she is glad to see the changes of the proposed development, especially moving further away from the wetlands. Outlined types of amenities that are often discussed as part of CCRCs, especially as the resident population ages they may not be able to drive to services. Stated how important it is for not just current residents to express their desires but also to plan for future residents. Asked if units 60 and 39 could be eliminated to stay further back from abutting properties. Inquired as to why sidewalks are only on one side of the proposed road.

Mr. Rolle replied that the existing development only has a sidewalk on one side. Stated since there are no through streets and the site is tight, staff was not particularly concerned about the applicants' request to only have them on one side.

Ms. Gilmore stated she is interested in hearing more about how the pump station maintenance will be funded, what the financial capacity of the condominium association will be to manage that infrastructure.

Mr. Kucich stated that he hears the board's concern about the amenities and will be providing that. Described that since the roadway is not busy, it is not difficult for the resident to cross to the one side of the road, and having sidewalk on one side of the road reduces impervious surface.

Mr. DePalo asked what the current width of Salisbury Hill Boulevard is, and pointed out that the connection to Barrows Road will be gated. Stated that he wants to know more detailed phasing, and when the 4,200 square feet of remaining amenity space will be provided. Mr. Rolle responded that the current road width is approximately 30' and the proposed new phases show 24' roadways.

Mr. Moynihan inquired as to whether fire hydrants are being provided as part of the development. Ms. Smith responded that there are hydrants proposed in compliance with subdivision regulations. He stated he is very interested in understanding how the owner will maintain the pumping station long term. Stated that the developer should consider how future residents could engage in recreation while understanding the impacts of Covid-19 on the ability to be in close proximity.

Mr. LaValley described his view of a CCRC as a trade between the developer and the City: the City allows looser requirements in order for the developer to provide amenities for older residents. He is concerned that there is a risk to simply considering this as any other subdivision. Asked that the developer discuss how they are providing services for these residents. Further described his concern in regards to the financial security of the condominium association to manage the pumping station infrastructure.

Mr. Kucich responded that they are working to develop amenities that will satisfy the board and the residents. He also described that they will be providing greater detail on the pump station before the next meeting.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to continue the Public Hearing and Meeting to September 16, 2020.

New Business

2. 185 Madison Street (PB-2019-079) – Postponed to September 16, 2020

- a. Public Hearings –
 - i. Special Permit for CCOD to allow drive-through facilities and services
 - ii. Special Permit for CCOD for relief from the maximum front-yard setback dimensional requirement
- b. Public Meeting – Definitive Site Plan

3. 141 (aka 139) Southwest Cutoff - F. Carrier (PB-2020-008) – Postponed to August 26, 2020

- a. Public Meeting – Definitive Site Plan

4. 141 (aka 139) Southwest Cutoff - Temescal Wellness (PB-2020-009) – Postponed to August 26, 2020

- a. Public Hearing – Amendment to Special Permit to allow an Adult Use Marijuana establishment, cultivator & product manufacturer uses

5. 143 (aka 139) Southwest Cutoff - Evergreen (PB-2020-038) – Postponed to August 26, 2020

- a. Public Hearing – Amendment to Special Permit to allow an Adult Use Marijuana establishment, retailer use

6. 51, 53, & 55 Windsor Street (PB-2020-036)

- a. Public Hearing – More than one Building on a Lot
- b. Public Meeting – Definitive Site Plan

Mr. Moynihan recused himself from the item.

Mr. Zac Couture of HS&T Group appeared on behalf of the applicant, Kensington Management and described the proposed project. Stated that the applicant is amenable to the conditions outlined in the staff memo and requests the waivers staff identified. He described that a covered bicycle rack will be provided, and a detail will be provided.

Ms. Gabrielle Weiss stated that the Fire Department has requested that **all** structures in this proposal be provided with sprinkler systems. She further stated that the units will be rented to families and residents will be required to be related in order to avoid the new structure being considered a lodging house.

Ms. Gilmore asked what would happen if in the future, those 4-bedroom units were rented to people who were not related.

Mr. Rolle responded in that case, there would be a zoning violation.

Mr. Vigliotti stated that the 12-unit building is very large and is concerned about the scale in the neighborhood context.

Mr. Couture responded that there are similar structures nearby, including several multi-family dwellings such as the one located at 25 Sturgis Street, approximately 130 feet in length. The applicant felt it was important to provide the greatest amount of affordable housing, with the benefit outweighing the size of the structure.

Mr. Rolle explained that the ZBA did consider this issue and decided in the end to grant the permit for the configuration as shown.

Mr. Vigliotti stated he would like to see more information on the neighborhood context, feels the board needs more time to consider the project.

Mr. LaValley agreed that the board could use more time to review.

Mr. DePalo stated he would also like more time to consider.

Mr. Couture stated that the applicants are under extreme pressure from the bank and utilities to move forward, and would like a decision as quickly as possible.

Mr. Rolle stated that massing and scale of the building unfortunately cannot change significantly because it is based on the Zoning Board of Appeals (ZBA) approval. The applicant cannot significantly change the architecture through the Planning Board without causing the applicant to go back to the ZBA.

Mr. Couture stated that delays will cause the existing structures to remain vacant for longer and could push foundation pouring out to next year.

Mr. Vigliotti stated that based on the information he has, he is not comfortable voting to approve this item. He believes the Planning Board still has a right to review the size and scope of the project even if the ZBA has discussed it previously.

Mr. Couture inquired how many board members would need to vote favorably in order for approval.

Ms Kalkounis stated that the applicant needs 3 positive votes from the remaining 4 board members for approval.

Mr. Couture asked how the remainder of the board felt about the project.

Ms. Gilmore stated that she supports the project. Mr. DePalo stated he intends to vote to approve the project. Mr. LaValley stated he is not comfortable voting to approve the project.

Mr. Couture asked what the board would like to see changed to make them more comfortable with the project.

Mr. LaValley stated that the massing of the building is at the discretion of the ZBA, but the board has not had a chance to review the project appropriately. He wanted the chance to go and see the site in person in order better understand the impact of the building on the site. Mr. Vigliotti agreed with Mr. LaValley.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-0 (Mr. Moynihan recused) to continue the Public Hearing and Meeting to August 26, 2020.

7. 31 Scenic Drive (PB-2020-041) – Postponed to August 26, 2020

a. Public Meeting – Definitive Site Plan

8. 316 Shrewsbury Street (PB-2020-042)

Public Meeting – Definitive Site Plan Amendment

Ms. Weiss outlined the project and reviewed staff recommended conditions and waivers.

Mr. Michael Andrade of Graves Engineering spoke on behalf of the item and stated the applicant is amenable to the conditions outlined.

Mr. LaValley inquired if the staff outlined conditions are typical information requested from applicants for a Definitive Site Plan.

Ms. Weiss replied that the items are part of the typical information the board requests.

Mr. DePalo had no comments.

Mr. Vigliotti had no comments.

Mr. Moynihan inquired as to whether any EV spaces would be provided. Mr. Andrade responded that he would need to ask the owner, they had not discussed that. Mr. Moynihan suggested that the developer seriously consider adding EV spaces.

Ms. Gilmore agreed with Mr. Moynihan's encouragement to add provision for EV charging. She then asked what the proposed bicycle storage would look like. Mr. Andrade stated that they would plan on a bicycle rack, secured to the ground, estimates that it will fit 5 or 6 bicycles.

Mr. LaValley stated that he remembers discussions in 2019 about landscape provisions and is disappointed that the applicant has not provided the details staff is recommending in conditions. Stated he is not comfortable voting to approve the item without seeing further details from the applicants. Mr. Andrade responded in turn to each of the staff recommended conditions, stated he feels they are minor issues and would appreciate approval tonight.

Mr. Rolle described that the proposed changes are relatively minor, and therefore staff did not feel that there was significant reason to push to receive further details before the hearing.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 4-1 to approve the Definitive Site Plan Amendment, granting waivers and subject to conditions outlined in the staff memo.

9. 125 Goddard Memorial Drive (PB-2020-044)

a. Public Meeting – Definitive Site Plan

Attorney Stephen Madaus appeared on behalf of the item and introduced the project team. He then reviewed the proposal and stated the applicants are amenable to the majority of staff recommendations, but would like to discuss a few items.

Mr. Jeffrey Dewey of BL Companies described the proposal and that though the applicant is proposing to add impervious surface area by adding parking, they are adding conduit for future EV charging, and providing extensive stormwater management to offset impacts.

Ms. Weiss outlined the staff recommended conditions and suggested waivers.

Mr. Nick Lyford inquired as to the flow path of water along the Goddard Memorial Drive.

Attorney Madaus reviewed the conditions that the applicants would like to discuss:

Condition a: stated the applicant believes that the curb cuts as they exist make ingress and egress safer, stated that narrowing the curb cuts would make the proposed use not feasible due to turning constraints of tractor-trailers.

Condition b: Adding a sidewalk out to the roadway would be a sidewalk to nowhere, pointed out that a drop off area is provided internal to the site.

Condition d: Stated that the crosswalk is angled intentionally to align with the front door.

Condition 7: Requested to strike the architectural drawing requirement from this condition.

Mr. Rolle stated that striking the architectural aspects from condition 7 is acceptable to staff. Regarding condition a, staff understands the applicants request to strike. Condition b was requested to future-proof the site, but staff would be willing to strike it. He then stated Condition d is also fine to be struck since the staff now understands why the crosswalk is proposed at the angle it is.

Mr. Lyford again requested more information on how the existing culverts and drainage along Goddard Memorial will be impacted. Mr. Dewey stated the improved stormwater infrastructure will actually reduce flow to the swale. Pointed out that page 10 of the stormwater report shows a 30 – 40% decrease in the volume of water at peak flow. Mr. Lyford stated the explanation satisfies his question and thanked Mr. Dewey.

Mr. Moynihan asked how much additional impervious surface would be added.

Mr. Dewey stated that the current site is approximately 35% impervious and the proposal would increase that to over 60% impervious.

Mr. Moynihan asked how many EV spaces are proposed.

Mr. Dewey highlighted the location for the proposed future charging locations.

Mr. Moynihan stated that the applicant should do everything they can to mitigate the amount of paving on the site and provide shading for that paving.

Mr. DePalo had no comment.

Ms. Gilmore inquired as to why the applicant would like to add as much parking as they are proposing. Mr. Brian Kelly of RJ Kelley stated that providing this quantity of parking is necessary to attract the most diverse mix of tenants possible. They are attempting to maximize the utility of the site for potential tenants. They have found that if they don't install the parking in advance, it winds up being done later in a piecemeal fashion. Ms. Gilmore expressed a desire to see an increase in landscaping to the extent possible. Stated that elevating pedestrians in design considerations is important, and would like to see condition 1b remain, to provide for a link to any future improvements to Goddard Memorial Drive.

Mr. Vigliotti had no comment.

Mr. LaValley stated he does not see a future need for pedestrian connections and is in support of striking condition 1b and is generally in support of this application.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to approve the Definitive Site Plan, granting waivers and subject to conditions outlined in the staff memo, omitting Conditions 1a, 1b, 1d, and striking the requirement for architectural renderings from Condition 7.

10. 26 Hermitage Lane (PB-2020-045)

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

Ms. Smith reviewed the project and recommended staff conditions.

Mr. Carl Hultgren of Quinn Engineering, Inc. appeared on behalf of the item and stated that the applicant is amenable to all of the staff conditions.

No further staff comments.

Mr. Vigliotti had no comment.

Ms. Gilmore had no comment.

Mr. DePalo had no comment.

Mr. Moynihan had no comment.

Mr. LaValley stated he looks forward to voting to approve.

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

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to approve the Definitive Frontage Subdivision, granting waivers and subject to conditions outlined in the staff memo.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to approve the Definitive Site Plan, granting waivers and subject to conditions outlined in the staff memo.

11. 500 Salisbury Street (PB-2020-046)

- a. Public Meeting – Parking Plan

Ms. Smith outlined the proposal. She stated that the applicant did not feel it was necessary to provide a photometric plan but staff would like to understand where the light poles are moving to.

Mr. Chris Keenan of Quinn Engineering, Inc. appeared on behalf of the item. He stated that the existing site is well lit with pre-existing light poles and the parking area has an additional pole and provides sufficient pedestrian safety. Would require some effort to produce a photometric plan for lights that are already existing.

No further staff comments.

No board comments.

Mr. DePalo and Mr. LaValley are comfortable striking condition 1b.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to approve the Definitive Site Plan, granting waivers and subject to conditions outlined in the staff memo, striking the portion of condition 1b requesting a photometric plan.

12. 76 Millbury Street (PB-2020-047)

- a. Public Hearing – Amendment to Special Permit to allow an Adult Use Marijuana establishment, retailer & product manufacturer uses.

Ms. Smith outlined the project and the amendment request to allow manufacturing, including mechanical means of odor control.

The applicant was not available to comment, however the board and staff stated their support of approving the project despite the applicant not being on the line.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted 5-0 to approve the Special Permit for Adult Use Marijuana, granting waivers and subject to conditions outlined in the staff memo.

Other Business

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

- a. 18 & 20 Burncoat Heights (Developer's) & 610 Burncoat Street (Public) (AN-2020-037)

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

- b. Ballpark Area Parcels - Madison Street, Gold Street, Canal Street, Summit Street, Washington Street, and Ash Street (Public) (AN-2020-039) – ***Postponed August 26, 2020***

- c. 0 Pine View Avenue, Carleton Street, & Vivan Avenue (Private) (AN-2020-041)

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

- d. 108 Apricot Street (Public) (AN-2020-042)

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

- e. 63 Marjorie Street (Private) (AN-2020-043)

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

14. Subdivisions - none

15. Discussion of Board Policies and Procedures

Ms. Gilmore asked if the new application had been tested out by any applicants.

Ms. Smith stated it has not since staff has not yet been able to post it.

Mr. Rolle apologized for the lateness of several of the staff memorandum for this meeting.

Ms. Gilmore and Mr. LaValley replied that no apology is necessary and they understand how busy staff is.

16. Communication(s)

Adjournment – 9:30pm

Upon a motion by Mr. DePalo and seconded by Ms. Gilmore, the Board voted by unanimous consent to adjourn.