

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

March 24, 2021

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: 1601714991), 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
Toni Molinari
Edward Moynihan

Planning Board Members Not Participating: None

Staff present: Stephen Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Marisa Lau, Division of Planning & Regulatory Services
Stephen Cary, Division of Planning & Regulatory Services
Jody Kennedy Valade, Inspectional Services Division
Jennifer Beaton, Law Department

Call to Order – Mr. LaValley called the meeting to order at 5:32pm.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Postponements

- 1. 1103 Millbury Street (PB-2020-076) – Definitive Site Plan**
Request to Postpone the Public Meeting to April 14, 2021
Extend the Constructive Grant Deadline to May 6, 2021

- 3. 249, 261 & 265 Lake Avenue (PB-2021-008) – Definitive Site Plan**
Request to Postpone the Public Meeting to April 14, 2021
Extend the Constructive Grant Deadline to May 6, 2021

- 5. Attleboro Street (from Glade Street +/- 700ft to Coonan Street); Coonan Street (from Attleboro Street west 75ft and east 75ft); Glade Street (from Attleboro Street west 50ft); Kendig Street (from Attleboro Street west 50ft); and Clay Street (at Kendig Street) (PB-2021-012) – 81-G Street Opening & G.R.O. Chapter 12 Section 12 Private Street Improvements**
Request to Postpone the Public Meeting to April 14, 2021
Extend the Constructive Grant Deadline to May 6, 2021

10. 60 Wall Street & Montreal Street (from Wall Street to Oakham Street) (PB-2021-021) – Definitive Site Plan & G.R.O. Chapter 12 Section 12 Private Street Improvements

Request to Postpone the Public Meeting to April 14, 2021

Extend the Constructive Grant Deadline to May 6, 2021

Withdrawals

None.

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the requests for postponements for the above named applications.

New Business

2. 1 Topsfield Road (aka Clarence Street) (PB-2021-002)

a. Public Meeting - Definitive Site Plan

Ms. Smith provided an overview of the application. A single-family semi-detached dwelling with two units is proposed with 15% or greater slopes. Staff recommended a number of conditions, previous discussion focused on the number of curb cuts.

Lesley Wilson presented on behalf of the applicant. She noted that all conditions have been addressed. The curb cuts will be closed, the proposed driveways had been setback 3 feet from the property line, etc.

There were no staff comments or public comments. The Law Department representative had not joined the meeting yet.

Board Discussion

Mr. LaValley stated that staff had done a very thorough review of this application. No other comments were made by Board members.

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Definitive Site Plan with conditions of approval as noted in the DPRS staff memorandum.

4. Malden Woods Subdivision (aka Danielle's Way, the Extension of Whippoorwill Drive & Castine Street and lots 1A&B through lots 15A&B) (PB-2021-010)

a. Public Hearing – Amendment to Definitive Subdivision Plan

Ms. Smith presented an overview of the application. The project constitutes the construction of 15 single-family semi-detached (duplex) dwellings for a total of 30 units along with a new roadway and street improvements. Tonight the applicant is seeking to amend the conditions of approval and request an additional waiver to eliminate the requirement to provide security fencing around detention basins, as well as an application fee waiver. Inspectional Services had recommended limiting construction on the weekend for noise mitigation (inconsistent with the City of Worcester Ordinances and Regulations). DPRS has confirmed with Inspectional Services that they do not object to modifying the condition to allow work on weekends. DPW also has no objections to a waiver to eliminate fencing. Ms. Smith described various

concerns related to eliminating this requirement. She also described how the application fee is allocated for advertising and staff time.

Jack Thomas of Whippoor LLC presented. He described his discussion with DPW, and added his views on aesthetic appearance of chain-link fencing. Per that discussion, DPW did not oppose waiving the fence requirement provided that the grates are covered to prevent anyone from entering the pipes. He asked Ms. Wilson to respond to questions about basin draindown. She stated the basin water depths and that both basins would empty in about 5.5 hours.

There were no staff comments.

Al Floss, subdivision resident, opposed not installing a fence. He cited litter issues and large wildlife being attracted to the basin, noting various types of animals known in the area. He has been a resident since 2002.

Board Discussion

Ms. Molinari stated she was glad to see more housing constructed.

Ms. Gilmore stated she agrees with conditions in memo and understands DPW does not oppose the waiver; normally she would be less inclined to support the request. She does not support waiving the filling fee citing staff time for plan review.

Mr. Moynihan agreed with members' comments. He asked applicant to respond to litter concern. He asked what their experience is with clean up in detention basins. Mr. Thomas responded that it's an ongoing concern with other developments. He hasn't noticed a litter problem with this subdivision during prior visits. Ms. Smith added, from staff's perspective, that the "green trap" in the proposed basin would prevent trash from migrating into the basin and it would be removed on a regular basis per DPW maintenance operations. Although litter is always a concern, detention basins have regular maintenance. Ms. Wilson confirmed that traps would minimize the large objects that could get into the basin; the drainage report submitted with the application includes the maintenance schedule.

Mr. LaValley echoed members' comments about the fee waiver and thought it appropriate to align the work hours with City standards. He also stated that the fence was appropriate for safety reasons because while the basin contained water, it is well known that these features are attractive to children who would want to play in the water. He does not support waiving the requirement.

Ms. Gilmore stated she is fine with amending the fence waiver for the reasons stated by the Chair.

Mr. DePalo stated that he is not inclined to grant the fee waiver and would support amending the requirement for fence type.

Mr. LaValley stated that best practices indicate 4-ft fences are generally acceptable.

Ms. Wilson and Mr. Thomas commented on different fence ideas (possibly with plantings to deter children/people from getting too close).

Mr. DePalo, Ms. Molinari, Ms. Gilmore, Mr. Moynihan support the Chair's position, calling for an aesthetically pleasing and safe fencing solution while noting that the subdivision will be home to families with children. Mr. LaValley summarized their comments as the Board would support a 4-ft fence around the basins which could be improved with plantings for aesthetic purposes, if the applicant wished.

Ms. Gilmore asked for clarification on how to phrase the new condition.

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

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Definitive Site Plan Amendment with conditions of approval as noted in the DPRS memorandum, grant a waiver from strict compliance with Subdivision Regulations Section 9.G, and add the following condition:

Detention ponds with a depth in excess of three (3) feet shall be provided with a four (4) foot black vinyl-coated chain link fence

6. 99 Orient Street (PB-2021-016)

a. Public Meeting – Definitive Site Plan

Ms. Smith presented an overview of the application. The project proposes a single family dwelling adjacent to an existing dwelling on a lot with greater than 15% slopes. Staff recommends conditions of approval are mainly related to plan annotations and the applicant's representative has confirmed they can incorporate these in revisions. The proposed lot line straddles the existing driveway, which would require relief from the Zoning Board of Appeals. Recommended conditions of approval would require that issue to be resolved prior to final plan submission.

Jay Finlay presented on behalf of the applicant. He described the project, site grading, and proposed retaining walls. A wooded area will be retained downgradient of the proposed structure and the rear lot line. He requested a waiver to provide the location of trees with a diameter greater of 9" on the plan.

There were no staff comments.

Ms. Smith summarized a public comment that was received, which concerned parking for the new dwelling. One garage space and one surface space are proposed.

Board Discussion

Mr. Moynihan asked about the 72" oak tree to be removed and asked about roof runoff recharge. Mr. Finlay replied the tree was damaged and needed to be removed. A replacement tree is proposed. The architectural drawings shown the roofline perpendicular to the street with downspouts at the corners of the building, making it easy to direct runoff to the recharge unit.

There were no other comments from the Board.

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Definitive Site Plan with conditions of approval and grant the waiver as noted in the DPRS memorandum.

7. 640 Lincoln Street (PB-2021-017)

a. Public Hearing – Amendment to Special Permit to allow Adult Use Marijuana Establishment – Cultivator, Product Manufacturer & Storefront Retailer uses

Ms. Smith presented an overview of the application. A special permit for the three uses has been approved; the applicant is seeking to modify hours of operation and update a few application materials including management list. This request is relative to the retail use.

Attorney Joshua Lee Smith presented on behalf of the application. He confirmed the only modification sought is to the hours of operation, as they pertain to retail use. Mission MA, Inc. requested the same retail hours of operation that have been approved for other retail establishments in the City. Operating hours for the other uses are between 8:30 am and 5:00 pm every day. He described the history of this operator in the City going back several years now.

There were no staff comments or public comments.

Board Discussion

There were no comments from Board members.

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

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Special Permit amendment with conditions of approval and accept the petitioner’s findings of fact.

Responding to Mr. Smith’s question, Ms. Smith suggested the applicant specify the different hours of operation for the three uses in the findings of fact. Board concurred with this suggestion.

8. 966 Grafton Street (PB-2021-018)

a. Public Meeting – Definitive Site Plan

Mr. Rolle presented an overview of the application. The existing building (restaurant use) will be converted into a coffee shop with a small retail space at the back with a drive-through use. The ZBA approved the new use and granted some relief related to parking and landscaping requirements. These mainly comprised of a 1% increase in the number of permitted compact spaces, reduction of 1 (one) required parking space, and relief of 1 (one) tree in the landscaped buffer area in front of the building. He described the site layout for one-way circulation and work by the staff and applicant to revise the parking design and circulation. He noted that the recommended conditions of approval include fulfilling the conditions of the ZBA special permit approval, which included single exit lane as one condition.

Casey Burch, Project Engineer, presented on behalf of the applicant. He noted the summary was comprehensive and he did have a revised site plan image to share if Board members wished to see it.

There were no staff comments or public comments.

Board Discussion

Mr. Moynihan asked if reduced parking and reduced impervious area was proposed by this plan, and if EV spaces could be incorporated. Mr. Rolle believed the current number of parking spaces was in the high thirties, and the plan proposed a reduction to 29 spaces. Mr. Burch replied that impervious area would be reduced by 3,300 SF. Mr. Burch replied that while not currently proposed, the tenant (Starbucks) is known for progressive policies and may consider adding EV infrastructure in the future.

Ms. Molinari asked about walkways and whether the new drive-through use would create traffic issues at the signalized intersection at Dalton and Grafton. Mr. Rolle and Mr. Burch described the main entrance to the retail space including an ADA-accessible walkway. They also discussed the mobile pick-up spaces incorporated into the site to provide waiting area for both online orders and drive-through orders. This feature will be new for Starbucks stores in this region.

Ms. Gilmore asked the applicant if both waivers in the staff memo are requested; the applicant confirmed this. She stated that Mr. Rolle's overview of the ZBA's project review was helpful and answered some of her questions. She thanked Ms. Molinari for her comments and discussed the relative incompatibility of pedestrian circulation and drive-through uses on sites like these; she thought members should consider this in light of ongoing discussions about updating the Board regulations.

Mr. LaValley noted that several features of the plan are very good including renovation of an existing building and the way the applicant has incorporated staff recommendations on the design. He echoed previous member comments about pedestrian accessibility.

Ms. Molinari stated that this strip of Grafton Street is not very safe for pedestrians and could use improvements.

Mr. Rolle described the current conditions in this area and how the pedestrian environment will be improved along the street frontage for this property. He recognized there was room for other street improvements in this area.

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Definitive Site Plan with conditions of approval and grant the waivers as noted in the DPRS memorandum.

9. 76 Millbury Street (PG-2021-019)

- a. Public Hearing – Amendment to Special Permit to allow Adult Use Marijuana Establishment –Product Manufacturer & Storefront Retailer uses (to allow Delivery Endorsement)

Mr. Rolle presented an overview of the application. He noted the approval for a Product Manufacturer use was given in August; the applicant is requesting an amendment to allow delivery of retail products. This delivery component is permitted through state regulations

Ulysses Youngblood of Major Bloom LLC appeared on behalf of the application and was available for questions.

There were no staff comments or public comments.

Board Discussion

Ms. Molinari noted the frequency of applications for AUM special permits and added the topic should perhaps be discussed during the comprehensive planning process.

Ms. Gilmore asked for clarification about the original waivers granted by the Board, and how to incorporate these in the motion.

Mr. Moynihan asked if it was right to characterize this service as home delivery. The applicant confirmed this.

Mr. LaValley stated his support for this amendment.

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

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Special Permit amendment with conditions of approval, grant waivers and accept the petitioner's findings of fact.

Other Business

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

- a. 45 Montague Street (Public & Private) and Gates Lane (Private) (AN-2020-017)
- b. 24 Forest Street (Public) (AN-2021-018)
- c. 99 Orient Street (Public) (AN-2021-020)
- d. Clarence Street (Public) & 1 Topsfield Road (Private) (AN-2021-021)

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

11. Communication(s)

- a. Notice of a community outreach meeting regarding a proposed Micro-Business Adult Use Marijuana Establishment at 134 Gold Street; from Teddy's Veggie Farm, LLC; received March 15, 2021.

There was no Board discussion other than confirming the entity's name.

12. Discussion of Board Policies and Procedures

- a. Draft Meeting Schedule for 2022

Ms. Smith asked the Board to adopt and approve the draft meeting schedule.

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the 2022 meeting schedule.

13. Approval of Minutes

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 4-0 (Ms. Molinari absent) to approve the minutes of 8/26/20, 9/16/20, 12/9/20 (revisions), 3/3/21, & 3/8/21

Ms. Smith stated that staff wanted to clarify some typos in the 12/09 minutes and a revised draft was before the Board.

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the minutes of 8/26/20, 9/16/20, 12/9/20 (revisions), 3/3/21, & 3/8/21.

Adjournment

On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted to adjourn at 7:26 pm.