

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

June 4, 2008

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Planning Board Members Present: John Shea, Chair
Scott Cashman
Anne O'Connor
Margaret Guzman

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
Russ Adams, Department of Public Works
Jody Kennedy-Valade, Department of Code Enforcement
Michael Traynor, Law Department
Jennifer Healey, Law Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:55 PM.

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

- 1. Katie Circle Subdivision (PB-2008-012) – Definitive Subdivision:** Attorney Donald O'Neil requested a continuance to July 16, 2008 and an extension of the constructive grant deadline to July 31, 2008. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 4-0 to extend the deadline for constructive grant to July 31, 2008 and to continue the hearing to July 16, 2008.
- 2. Meadowbrook Road Subdivision (PB-2008-022) – Amendment to Definitive Subdivision:** Attorney Jonathan Finkelstein requested a continuance to June 18, 2008 and an extension of the constructive grant deadline to July 16, 2008. The constructive grant deadline is August 20, 2008 and does not need to be extended at this time. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 4-0 to continue the item to June 18, 2008.

UNFINISHED BUSINESS

- 3. Goldthwaite Road (PB-2008-016) – More Than One Building on a Lot:** Special Permit – Cluster Group and Definitive Site Plan Approval were taken contemporaneously. Charles Scott informed the Board that all changes requested by staff had been incorporated into the plan. Mr. Fontane informed the Board that new criteria for review of a special permit had been ordained by the City Council since this application had been filed and the applicant

must submit new findings of fact under the new criteria for the Planning Board to adopt as part of the approval. Chair Shea asked Mr. Traynor if he agreed with Mr. Fontane. Mr. Traynor said this was an unusual circumstance and he agreed with Mr. Fontane that the new findings would be required in this case. Ms. Bold reminded the Board that a cluster special permit has some findings of fact that are specific to a cluster development as well and the Board must adopt those too. Ms. Bold and Mr. Scott met briefly to assist Mr. Scott to provide the required findings. The Board held the items and continued with the meeting. Ms. Bold and Mr. Scott returned and the new findings were submitted to the Board for its consideration. For the record, Mr. Cashman said he was not in favor of gated communities in the city. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to close the hearings. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to approve the More Than One Building on a Lot plan. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the special permit with the following findings:

- (1) **The RS-7 zoning classification only permits single-family detached homes and the proposed 33 single-family home development is consistent with other land uses in the area.**
- (2) **The location is appropriate because abutting properties in the area of the cluster group are single-family dwellings. There are also some multi-family dwellings along Goldthwaite Road and in Lincoln Village to the east.**
- (3) **The entire property is to be fenced and gated. Traffic will not be allowed to use the property as a cut-through from Lincoln Street. The property will only be accessed by residents of the cluster group.**
- (4) **Risk of hazard to vehicles and pedestrians will be reduced because the only traffic within the property would be generated by the owners of the single-family dwellings within the cluster group.**
- (5) **There should be the following environmental benefits when comparing the cluster development to a by right use:**
 - (a) **Reduction in roadway length of 428 feet in length (16% reduction)**
 - (b) **Reduction in roadway width of 6 feet (20% reduction)**
 - (c) **Reduction in impervious area for each home: 829 square feet per home for a total reduction of 28,017 square feet (24% reduction)**
 - (d) **Reduction in total vegetation removal of 11,325 square feet**

- (6) **Two active recreation areas, one centrally located within the cluster group and one located along the existing Goldthwaite Road right-of-way line adjacent to Wetland Area A will be provided.**
- (7) **The total amount of dedicated open space is 268,059 square feet which meets the minimum requirements of Article VIII, Section 3 of the Zoning Ordinance.**
- (8) **The proposed development will provide 33 additional single-family detached dwellings to the City's housing stock while preserving a significant amount of open space and reducing city costs by maintaining a private access drive.**
- (9) **The proposed development will be fenced and gated. Through traffic will be limited on the private access drive to owners of single-family detached dwellings. Proposed parking for units meets the off-street parking requirements of the Zoning Ordinance.**
- (10) **Utilities will meet City standards. The private access drive will be maintained by a homeowner's association.**
- (11) **Single-family detached dwellings are in harmony with the existing neighborhood. Though the cluster development, 40% of the total area will be preserved for open space maintaining a significant buffer and providing an amenity to residents.**
- (12) **The proposed cluster development will be significantly less detrimental to the natural environment than a by right subdivision development due to preservation of 40% of the area for open space, reduced length and width or impervious roadway, reduced slope disturbance and land area disturbance as a result of "clustered" placement of dwellings. The proposed development will also include minimal wetland alteration.**
- (13) **The proposed development provides additional housing stock with reduced cost to the City with respect to the roadway because of the proposed private access drive to be maintained by the homeowners' association.**

4. **Goldthwaite Road (PB-2008-017) – Special Permit:** See #3.

5. **Goldthwaite Road (PB-2008-015) – Definitive Site Plan:** See #3.

6. **10 Ronald Drive (PB-2008-027) – Repetitive Petition Determination:** Attorney Robert Longden informed the Board that the applicant was requesting a determination from the Board, under M.G.L ch. 40A §16, that it concurs with the determination of the Zoning Board of Appeals that the new application was specifically and materially different from the previous plan which had been denied by the Zoning Board of Appeals and consents to its reconsideration. Mr. Longden said the new plan to divide the lot and construct a single-family dwelling unit on the new lot reduces the frontage relief requested and proposes a turn around for emergency vehicles that was not included in the previous plan. Ms. Bold said if the Board determines that the application is repetitive, it cannot go before the Zoning Board of Appeals again and it will be closed out in the City Clerk's office. Four affirmative votes are required. Sarah Healey, an abutter, was concerned about the lack of frontage and wetlands issues as well. Chair Shea informed Ms. Healey that the hearing was for a procedural issue only to make the determination if the petition was materially and substantially different from the first petition that had been denied by the Zoning Board of Appeals. Ms. O'Connor stated that the turn around certainly made the petition different. Ms. Guzman said the new petition appeared different. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to close the hearing. Upon a motion by

Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to report to the Zoning Board of Appeals that it concurs with the determination of the Zoning Board of Appeals that the petition is materially and substantially different.

- 7. Rondeau Court (SC-2008-002) – Private Street Removal:** John Shea recused himself and Scott Cashman assumed the Chair. Jefferson Mararian informed the Board that Rondeau Court is located between 74 and 80 Wall Street and that he is the owner of 80 Wall Street. Ms. Bold said the side yard of the recently permitted multi-family high rise dwelling at 100 Wall Street abuts Rondeau Court. She said no lots rely on Rondeau Court for frontage because they have frontage on Wall Street or Shale Street. Mr. Adams said the city needs a utility easement. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 3-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 3-0 to remove a portion of Rondeau Court for ~230 feet conditioned upon a utility easement being granted to the City of Worcester prior to recording at the Registry of Deeds.
- 8. 47 Fourth Street (PB-2008-038) – Extension of Time Special Permit (Cluster):** Extension of Time – Definitive Site Plan was taken contemporaneously. Charles Scott informed the Board that the applicant is requesting an extension of time for the special permit and site plan approval to construct a nine unit cluster development due to the economic climate that currently exists. Ms. Bold said that the new criteria for review of a special permit necessitated new findings of fact for the Planning Board to adopt as part of the approval of the extension of time. Mr. Traynor opined that it is not necessary in this particular case because this application is only for an extension of time. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the extension of time for the special permit for a period of one year. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Definitive Site Plan for a period of one year.
- 9. 47 Fourth Street (PB-2008-037) – Extension of Time Definitive Site Plan:** See Item #8.
- 10. 425 Salisbury Street (PB-2008-030) – Definitive Site Plan:** Attorney Robert Longden and Kevin Quinn, representatives for the applicant, presented the plan to expand the existing brick building, add a terrace, accessible ramps, add six parking spaces and upgrade the existing drainage system at Notre Dame Academy. Mr. Quinn said drainage in the area is difficult at best but the design would not exacerbate the existing runoff conditions in the area. He said they had discussed the project with neighbors and had tried to address their concerns. He continued that mitigation measures were proposed, such as widening the proposed swale, to alleviate some of the existing drainage issues. Mr. Quinn told the Board that the Conservation Commission, in its Order of Conditions, said no snow could be stockpiled in the eastern part of the site. Mr. Adams said the applicant must utilize 8" DR18 PVC pipe for all of the catch basin connections. Ms. Kennedy-Valade said Mr. Mikielian had determined no further relief was necessary for the expansion of the existing parking lot because the length of the access drive is not being increased. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Definitive Site Plan with the following conditions:

- **Applicant must utilize 8” DR18 PVC pipe for all of the catch basin connections and so note on the plan.**
- **That the eight foot cedar stockade fence shown on the plan in the north corner be changed to a six foot cedar stockade fence and that it be moved ten feet to the south.**
- **Existing and proposed landscaping for the required landscape buffer areas be shown on the plan (where parking areas abut residential uses, streets or public parks).**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Office prior to release of the decision.**

11. 31 & 39 Caroline Street (PB-2008-041) – Definitive Site Plan Approval: Kevin Quinn, representative for the applicant, presented the plan to construct three low-rise, multi-family dwellings with ten units each for a total of 30 units. He said the plan had originally been approved with conditions on December 6, 2006 but construction had not commenced and the approval had expired. He noted that plan changes were minor including a slightly larger footprint of the buildings and slightly larger recreation areas. Todd Mandella asked if the new plan had incorporated all of the conditions of the prior approval. Ms. Bold answered that her review of the plan determined that it did include all of the prior conditions. Mr. Mandella also asked if improvement to binder course on Caroline Street before the start of construction still applied. Ms. Bold said there was a note on the plan to that effect. Ray Alexander was concerned about lighting spilling over onto his property and was concerned that his telephone service would be affected when the construction begins. Chair Shea informed him that he would have to address pole issues with Verizon but that the lighting had been designed to avoid spill over onto abutting property by locating lights on the retaining wall. Elena Gomez said trash was being dumped on her daughter’s property at 124 Ingleside Avenue. Chair Shea told her to call Code Enforcement to report illegal dumping. Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Definitive Site Plan with the following conditions:

- **Number of parking spaces in the parking area in the southwestern portion of the site be changed from four spaces to three spaces**
- **Each building must have a separate dedicated sanitary connection.**
- **Snow storage areas must be shown on the plan.**
- **A 15” RCP drain connection into Cohasset Street from the outlet structure must be provided.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction**

Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.

- Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.
- The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.
- Six copies of the revised plan must be submitted to the Planning and Regulatory Services Office prior to release of the decision.

12. 5 Claremont Street – Definitive Site Plan: Russell Haims presented the plan to construct a 10-space parking lot for a proposed lodging house and professional office use. He said on April 28, 2008 the property had been granted two Special Permits to allow a lodging house and a professional office in an RG-5 district. A letter from Nancy Hewitt, President of the Claremont Place Condominium Association, submitted a letter in support of the project. Ms. Bold informed the Board that there were several labeling issues in Ruth Gentile's memo dated May 23, 2008 that need to be addressed but that staff recommends approval of the plan pending submission of revised plans to the Planning & Regulatory Services Office. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Definitive Site Plan with the following conditions:

- Provide zoning classification summary for both RG-5 and BL-1.0 zoning districts.
- Label zoning line for split-zoned parcel.
- Label proposed use of the building.
- Label height in feet of the building.
- Label floor to area ratio of the building.
- Label total floor area of the building.
- Label total square footage of the ground area cover of the building.
- Label dimensions of the curb cuts and entrances.
- Label dimensions of access aisles (must be 24 feet wide for 90 degree parking or applicant must obtain relief from the Zoning Board of Appeals for modification of parking lot layout).
- Label construction materials of parking lot.
- Label existing fencing, height and materials.
- Label total area of open space.
- Note on the plan that excess snow will be removed from the site.
- All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
- Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.
- The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.

13. Board Rules and Regulations Changes Related to Expedited Permitting: Ms. Bold informed the Board that changes to the Planning Board's Rules and Regulations were necessitated by several changes to the Zoning Ordinance pursuant to M.G.L. Chapter 43D for Priority Development Sites. Staff recommended that the Board change the Board's Rules and Regulations for Special Permits and Site Plan Approval to reflect the recently amended Zoning Ordinance as follows:

- (1) Delete Article V Section 1 A of the Board's Rules and Regulations for Special Permits in its entirety and replace with new special permit criteria adopted by the City Council pursuant to Article II, Section 6(A) (2) of the Zoning Ordinance. The new criteria are as follows:

The adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:

- Social, economic or community needs that are served by the proposal:
 - Traffic flow and safety, including access, parking and loading areas:
 - Adequacy of utilities and other public services:
 - Neighborhood character and social structure:
 - Impacts on the natural environment:
 - Potential fiscal impact, including city services needed, tax base, and employment:
- (2) Insert a new paragraph at the end of Article II, Section-6(B) of the Planning Board's Rules and Regulations for Special Permits and at the end of Article II, Section-8(C) Planning Board's Rules and Regulations for Site Plan Approval pursuant to Article V, Section-2(F) of the Worcester Zoning Ordinance relieving projects or land uses in Priority Development Sites that require a special permit of the requirement to obtain site plan approval and establishing new fees for such projects.

Fees for a special permit review in a priority development site will be the sum of the special permit fee and site plan fee.

- (3) Insert a new clause in Article III, Section-2(A) of the Planning Board's Rules and Regulations for Special Permits, establishing the time period within which to schedule public hearings for special permit applications in Priority Development Sites as forty-five days from date of filing the application with the City Clerk.
- (4) Insert a clause under Article IV, Section (1)(A) of the Planning Board's Rules and Regulations for Special Permits establishing the time period within which the Planning Board shall make its decision on special permits in any Priority Development Sites as 30 days from the close of the public hearing.

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to adopt the above changes to its Rules and Regulations.

OTHER BUSINESS

14. APROVAL NOT REQUIRED (ANR) PLANS:

- 1. AN-2008-037:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR # AN-2008-037 Marland Road/Naples Road.
- 2. AN-2008-038:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR # AN-2008-038 Massasoit Road.
- 3. AN-2008-039:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR # AN-2008-039 Coburn Avenue.
- 4. AN-2008-40:** This plan was held until the June 18, 2008 meeting so a note on the plan stating land was being conveyed to the City for street purposes can be redacted.
- 5. AN-2008-042:** This plan was held until the June 18, 2008 so staff can research if the structure was constructed prior to 1939.
- 6. AN-2008-43:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR # AN-2008-043 Meridale Road.

ADJOURNMENT

Chair Shea adjourned the meeting at 7:30 PM.