

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

June 3, 2009

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, BANX ROOM

Planning Board Members Present: John Shea, Chair
Scott Cashman, Vice-Chair
Anne O'Connor, Clerk
Margaret Guzmán
Nicole Xifaras Parella

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Edgar Luna, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
Michael Traynor, Law Department
Jennifer Beaton, Law Department
Russ Adams, Department of Public Works & Parks

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:44 PM.

APPROVAL OF MINUTES

Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the minutes from the May 6, 2009 Planning Board meeting, with an amendment as highlighted by Mr. Luna regarding items # 10, and # 11.

UNFINISHED BUSINESS

Public Hearing:

- 1. 0 Tory Fort Lane, 0 Moreland Green Drive, 1 Pinewood Lane – Definitive Subdivision (PB-2009-012):** Items # 1, #2 and #3 were taken contemporaneously. Steven Venincasa, owner and petitioner, presented the plan. Mr. Venincasa requested leave to withdraw without prejudice regarding the three (3) applications before the Board: (1) Definitive Subdivision (PB-2009-012), (2) Special Permit (PB-2009-014) and (3) Definitive Site Plan (PB-2009-013). He stated that during the application process, the Department of Public Works and Parks identified important issues with the proposed project that would require additional time to address; consequently, he indicated that he preferred to withdraw the present applications, address the issues identified, and re-apply in the near future. Councilor Frederick Rushton requested clarification for the neighbors regarding the reasons that compelled Mr. Venincasa to withdraw the applications, and asked him to identify what issues he would need to address in a future filing. Mr. Venincasa stated that the two main issues identified

were (1) accessibility to the proposed subdivision from Tory Fort Lane and Moreland Green Drive and (2), appropriate accessibility to the site by Fire Department apparatus (vehicles). Michael Vray, representative for Tory Fort Lane Neighborhood Association, expressed concern regarding accessibility to the site. Mr. Venincasa stated that the new plans he was planning to submit in the near future would address appropriate accessibility to the site. In addition, Mr. Venincasa stated that he was requesting that all unspent fees from the present applications be applied to next applications. Mr. Fontane informed the Board that there were no unexpended funds as the applications had been advertised and reviewed. He also indicated that Mr. Venincasa could request a fee waiver when he submits the new applications. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to close the hearing. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to grant the applicant leave to withdraw without prejudice for the Definitive Subdivision. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to deny the fee waiver request.

2. **0 Tory Fort Lane, 0 Moreland Green Drive, 1 Pinewood Lane – Special Permit (PB-2009-014):** Steven Venincasa, owner and petitioner, presented the project. Mr. Venincasa stated that he was requesting leave to withdraw without prejudice regarding the Special Permit because during the application process, the Department of Public Works and Parks identified important issues regarding the proposed project that requires additional time to address; therefore, he indicated that the preferred option was to withdraw the present application, address the issues identified, and re-apply in the near future. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to close the hearing. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to grant the applicant leave to withdraw without prejudice for the Special Permit. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to deny the fee waiver request.

Public Meetings:

3. **3. 0 Tory Fort Lane, 0 Moreland Green Drive, 1 Pinewood Lane – Definitive Site Plan (PB-2009-013),** Steven Venincasa, owner and petitioner, presented the project. Mr. Venincasa stated that he was requesting leave to withdraw without prejudice regarding the Definitive Site Plan because during the application process, the Department of Public Works and Parks identified important issues regarding the proposed project that requires additional time to address; therefore, he indicated that the preferred option was to withdraw the present application, address the issues identified, and re-apply in the near future. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to close the hearing. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to grant the applicant leave to withdraw without prejudice for the Special Permit. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman the Board voted 5-0 to deny the fee waiver request.
4. **90 & 100 Barber Avenue – Definitive Site Plan (PB-2009-025):** Ms. Bold informed the Board that Matthew Brassard, representative for the Higgins Armory Museum, petitioner, submitted a letter dated June 3, 2009, indicating that the applicant had become aware that a portion of the proposed project site, presumed to be a private way, was in fact a public way; therefore, he requested that the hearing for this project be continued to November 18, 2009 to allow the applicant sufficient time to petition the City Council to discontinue such public way portion and abandon the City's easement for public street purposes. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the

Board voted 5-0 to continue the hearing to November 18, 2009, and requested that the applicant re-notify abutters at least fourteen (14) days prior to November 18, 2009.

NEW BUSINESS

Public Hearings:

- 5. Zoning Map Amendment (ZA-2009-004) – 9 Ormond Street, RG-5 (Residence, General) to BL-1.0 (Business, Limited):** Joe Boynton, representative for the petitioner and Steven John, petitioner, presented the petition. Mr. Boynton stated that the petitioner was proposing to extend the abutting BL-1 (Business, Limited) zoning district from its current location to include the entire parcel of 9 Ormond Street. Ransom Reynolds, an abutter, expressed concern that the proposed zone change was sought to convert the parcel into additional parking for the Boynton Restaurant, also owned by the petitioner. Mr. Reynolds also stated that the conversion of the residential parcel into a parking lot would have a negative impact on the residential dwellings in the surrounding area. Chair Shea stated that the petition before the Board was a Zoning Map Amendment and not a Definitive Site Plan or Parking Plan application. He also stated that any future conversion of the parcel into a parking lot would trigger a review by the Planning Board and Zoning Board of Appeals, which, in turn, would require a public hearing and thereby, an opportunity for abutters to express their concerns. Mr. Fontane stated that the parcel at 9 Ormond Street, which is currently vacant, is located near the intersection of Ormond and West Streets, and contains approximately 7,254 SF. Mr. Fontane also stated that although the potential restaurant accessory parking uses would be allowed by right in a BL-1 zoning district, the expansion of the parking lot would require an amendment to the previously approved parking plan and a Special Permit for relief from landscaping requirements. In addition, he indicated that the location of multiple uses in close proximity within buildings fronting on Highland Street contributes greatly to the vibrancy of the area. Nevertheless, he stated that the proposed change also has implications for the abutting residential neighborhood's character; therefore, he indicated that it will be important that resulting uses on the property are screened and buffered appropriately. Therefore, Mr. Fontane stated that he was recommending that the Board recommend that the City Council approve the requested zone change for the following reasons: (a) the addition of off-street parking would contribute to the alleviation of on-street parking congestion in the neighborhood, (b) from a design perspective, it is preferred that parking be located to the side and rear of buildings within this compact urban business corridor, and (3), while many commercial uses would be allowed by right in BL-1 zones, use changes to this property would require a Special Permit from for expansion or change from the Zoning Board of Appeals, which would allow such Board to consider reasonable conditions to help ensure compatibility of this property should its use change. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to recommend that the City Council approve the zoning map amendment petition from RG-5 (Residence, General) to BL-1.0 (Business, Limited).
- 6. Zoning Map Amendment (ZA-2009-005) – 8 West Oberlin Street, RG-5 (Residence, General) to BG-3.0 (Business, General):** Jonathan Finkelstein and Huseyin Sevincgil, representatives for the petitioner, Yum! Brands, Inc. presented the petition. Mr. Finkelstein stated that the petitioner was proposing to extend the BG-3 (Business, General) zoning district from its existing location to include the entire parcel of 8 West Oberlin Street. Mr. Fontane stated that the parcel at 8 West Oberlin Street, is located near the intersection of Park Avenue and West Oberlin Street, and contains approximately 8,680 SF. Mr. Fontane also indicated that the parcel is held in common ownership

with property at 439 Park Avenue and 2, 4, & 6 West Oberlin Street. In addition, Mr. Fontane stated that a number of parcels along streets perpendicular to Park Avenue are currently split-zoned BG-3 and RG-5 due to the simplifying assumption used to create these zoning districts, and indicated that in this case, the BG-3 zoning district along Park Avenue was created using a fixed-width method from its center line resulting in a Business district approximately 380 feet wide that included a small area (~500 SF) of the 8 West Oberlin Street parcel. He further stated that although parcels held in common ownership are considered one lot for the purposes of zoning compliance and currently contain approximately 18,000 SF, the redevelopment of these parcels is primarily limited by their area; consequently, several abutting parcels held in common ownership with 8 West Oberlin Street have been vacant for many years. In addition, Mr. Fontane stated that RG-5 zones are significantly less restrictive than BG-5 zones, allowing for a variety of businesses by right and by Special Permit; therefore, he indicated that it was important to note that when considering a zone change, the Board is considering a collection of uses and not a particular concept plan or use. Consequently, he stated that he was recommending that the Board recommend that the City Council approve the requested zone change, provided that it be amended to include a ten (10) foot zoning buffer along the entire length of the eastern border of the parcel at 8 West Oberlin Street for the following reasons (a) the change would facilitate the redevelopment of this area consistent with the development along Park Avenue and with similar zone changes approved along arterial roads in the City and (b), uses allowed in the BG-3 zoning district would be compatible with development on Park Avenue and, provided that there is a zoning buffer, would be physically and visually buffered from abutting residential uses. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to recommend that the City Council approve the zoning map amendment petition from RG-5 (Residence, General) to BG-3.0 (Business General), with the following amendment: include a ten (10) foot zoning buffer along the entire length of the eastern border of the parcel at 8 West Oberlin Street.

7. **717 Plantation Street – Amendment to Special Permit (PB-2009-020):** Michael Weaver and John Duston, representatives for Saint Gobain Performance Plastics, petitioner, presented the petition. Mr. Weaver stated that the petitioner was seeking to amend a previous Special Permit approved by the Planning Board on September 11, 1996, to implement the following: a) convert approximately 17,300 SF of existing warehouse area to manufacturing area, b) construct three additions on the northwest, northeast and southern portions of the building, c) construct a new 10' x 10 concrete pad for mechanical equipment, d) installation of mechanical equipment outside of the building, e) construct a new truck loading bay, f) retain the ability to utilize the existing underground chemical storage tanks and g), increase the percentage of impervious area on the site from 51% to 52%. Ms. Bold stated that the previous Special Permit was approved by the Planning Board to allow modification of a pre-existing, nonconforming use in a Water Resource Protection Overlay District to allow existing nonconforming aspects to remain including: impervious surface in excess of 20% of total area and storage of hazardous materials in excess of five gallons and to allow the replacement of existing underground tanks with vaulted (triple-contained), double-walled, underground storage tanks with leak detection. Ms. Bold also indicated that it was unclear from the submitted application materials or previous file, whether the final conditions of approval had been implemented. Mr. Weaver stated that based on discussions with the applicant, it was his understanding that all requirements and conditions noted in the 1996 Special Permit approval were implemented and incorporated into the design. He also added that the tanks and concrete vault are inspected weekly as part of the overall plant inspections, and indicated that copies of the maintenance records are available back to 2006. Ms. Bold stated that the application included some

dimensional inconsistencies regarding the proposed square footage of impervious surface. Mr. Weaver acknowledged that the application contained some dimensional errors and stated that the correct information is as follows: a) the 40' x 40' addition was increased in size to 43' x 40' to fit all of the required mechanical equipment, b) the 22' x 62' addition was mislabeled and should have been labeled 22' x 66' instead; therefore, the total area of the three additions and the concrete pad is 3,672 SF. He also added that the 22' x 66' addition is being constructed on an area that is currently paved and therefore, it is not considered new impervious area, and indicated that the remaining structures, 2,220 SF, are being constructed on existing impervious surfaces. In addition, Mr. Weaver indicated that the total volume of groundwater infiltration will be increased. Mr. Adams stated that DPW&P staff had reviewed the petition and had no comments on it. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to adopt the applicant's findings of fact and approve the Special Permit with the following condition:

- **The proposed project is to be constructed in accordance with the final Definitive Site Plan approved by the Planning Board on June 3, 2009, and submittal of four (4) copies of an Operational and Maintenance Manual to the Division of Planning and Regulatory Services by September 1, 2009, which meets applicable environmental and engineering standards.**

8. **185 College Street – Amendment to Definitive Subdivision Plan (PB-2009-023):** Joe Boynton, representative for Joseph F. Panarelli and Maria G. Panarelli, petitioners, presented the project. Mr. Boynton stated that the petitioner was seeking a waiver of the provisions of the City of Worcester Subdivision Regulations, Section VI (1) (2); and an extension of the sunset date for the completion of the subdivision from May 3, 2009 to May 3, 2010. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella the Board voted 5-0 to approve the Definitive Subdivision Amendment waiving the provisions of the City of Worcester Subdivision Regulations, Section VI (1) (2), and extending the sunset date for the completion of the subdivision from May 3, 2009 to May 3, 2010.

Public Meeting

9. **717 Plantation Street – Definitive Site Plan (PB-2009-022):** Michael Weaver and John Dusting, representatives for Saint Gobain Performance Plastics, petitioner, presented the petition. Mr. Weaver stated that the site was constructed prior to Definitive Site Plan approvals were required; therefore, the proposed expansions to the building triggered a Definitive Site Plan. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, 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 Commissioner of Inspectional Services.**

10. 224 Southwest Cutoff – Parking Plan (PB-2009-021): Hossein Haghanizadeh, representative for David Abramo, applicant, presented the project. He stated that the applicant was seeking Parking Plan approval for a parking lot in a MG-2.0 zoning district, associated with motor vehicle sales and repair. He indicated that the site included a 7,900 SF building for office use, and one hundred and five (105) parking spaces. Ms Bold stated that on August 11, 1999, the Planning Board approved a Definitive Site Plan for a non-accessory sign with the condition that the landscaping should be done in accordance with the plan approved by the Office of Planning and Community Development Landscape architect. She further indicated that the revised plan was submitted on September 29, 1999, and the plan showed eleven (11) arborvitae, and four (4) shrubs in front of the approved billboard sign expansion. However, on a recent visit to the site, it was note that the site did not comply with the previously approved landscaping bed in front of the billboard sign. Mr. Adams stated that had DPW&P staff had reviewed the proposed plan, and indicated that the proposed plan was missing identification of existing drainage infrastructure. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the Parking Plan with the following conditions:

- **Show compliance with previously approved landscaping bed in front of billboard sign.**
- **Label width of Southwest Cutoff.**
- **Provide a summary of zoning classification requirements for MG-2.0 zoning district and existing setbacks of buildings.**
- **Provide correct MBL number (s) for the site.**
- **Label the percentage of the lot covered by the principal and accessory buildings, proposed and existing.**
- **Label location of existing identification signs.**
- **Label proposed and existing fences, their height and materials.**
- **Label loading spaces and their dimensions.**
- **Label relief granted by the Planning Board and Zoning Board of Appeals for the existing non-accessory billboard sign.**
- **Identify existing drainage infrastructure.**
- **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 Commissioner of Inspectional Services.**
- **Six copies of the revised plan must be submitted to the Division of Planning and Regulatory Services prior to release of the decision.**

11. 31, 39 Caroline Street – Extension of Time for Definitive Site Plan (PB-2009-024): Kevin Quinn, representative for Dial-Away Corporation, petitioner, presented the plan. Mr Quinn stated that the applicant was seeking an extension of time for the Definitive Site Plan approved by the Board on June 4, 2008, for the construction of three (3) low-rise, multi-family dwellings totaling thirty (30) units (10 units per building). He indicated that the recent national and regional economic downturn had prevented the petitioner from implementing the project as planned; nevertheless, he stated that

the petitioner was projecting to start constructing the multi-family dwellings within a year. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the Extension of Time for 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 Commissioner of Inspectional Services.**

OTHER BUSINESS

12. Everett Street – To Make Public: Mr. Fontane requested that this petition be continued to June 24, 2009 to allow additional time to discuss the petition with the Worcester Redevelopment Authority, one of the abutters. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue this petition to June 24, 2009.

13. Millbury Street – Public Street – Remove portion from Official Map. Mr. Fontane stated that staff was recommending approval of the discontinuance of the portion of Millbury Street because the removal will not impact vehicular or pedestrian connectivity and will not impact current or future development potential. Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 5-0 to recommend that City Council vote to remove said portion of Millbury Street from the Official City Map.

14. Proposed Amendment to Rules and Regulations Regarding Fees. Mr. Fontane informed the Board that as part of the FY-10 budget process, the City Manager had requested that all fees be reviewed and that staff implement changes to capture additional revenue if appropriate. He presented the Board with a summary of a proposed amendment to the Planning Board's rules and regulations with respect to filing fees and requested that the Board vote to advertise a public hearing to discuss the proposed changes at its June 24, 2009 meeting. Mr. Fontane further informed the Board that the proposed changes are aimed at generating enough revenue to cover, in an average year, 50% of the costs of services provided, a goal, which he stated is based on the policy that staff and the Board's work serves two distinct but equally important groups by balancing the rights of those seeking to develop their land with those of the abutting property owners. He explained that the proposed changes increase all base fees and increment charges by approximately 20%, introduce a new fee for substantial site plan amendments, and increases application fees for ANR and Extension of Time applications by \$50 in an effort to capture a greater proportion of the costs associated with customer service, application processing and review. Mr. Fontane also recommended a periodic adjustment for inflation. Mr. Cashman and Mr. Shea suggested staff consider raising the maximum filing fee from \$5,000. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to advertise a public hearing for an amendment to the Planning Board's rules and regulations with respect to fees.

15. APPROVAL NOT REQUIRED (ANR) PLANS:

- **AN-2009-023, Swan Avenue:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 deny ANR Plan AN-2009-023 due to insufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land.
- **AN-2009-024, Ludlow Street:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan AN-2009-024.
- **AN-2009-025, Wabash Avenue:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to deny ANR Plan AN-2009-025 due to insufficient frontage in relation to the proposed use of the land.
- **AN-2009-026, Kittery & Fletcher Streets:** Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan AN-2009-026.

ADJOURNMENT

Chair Shea adjourned the meeting at 8:00pm.