

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

**October 7, 2009
WORCESTER CITY HALL – LEVI LINCOLN CHAMBER**

Planning Board Members Present: John Shea, Chair
Scott Cashman, Vice Chair
Anne O’Connor, Clerk
Stephen Rolle
Andrew Truman

Staff Present: Lara Bold, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
Chris Gagne, Department of Public Works & Parks
Michael Traynor, Law Department
Jennifer Beaton, Law Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:35 PM.

APPROVAL OF MINUTES

Upon a motion by Scott Cashman and seconded by Anne O’Connor, the Board voted 5-0 to approve the minutes from the September 16, 2009 Planning Board meeting.

OTHER BUSINESS

Mr. Cashman announced to the public that this was Chair Shea’s last meeting of his ten-year term on the Planning Board. Mr. Cashman thanked Chair Shea on behalf of the City staff, the Planning Board, and the residents for the personal and professional sacrifice that serving on this volunteer Board required. He stated that Mr. Shea exemplified citizen-led government. Ms. O’Connor presented Chair Shea with a gift from the Planning Board. Chair Shea thanked the Board members, the staff, the applicants, and the City residents.

UNFINISHED BUSINESS

Public Hearing and Public Meeting:

- 1. 146-150 Moreland Street – Amendment to Special Permit for Cluster Subdivision (PB-2009-040), and Definitive Site Plan (PB-2009-041):** The Board took up the Amendment to Special Permit for Cluster Subdivision and Definitive Site Plan contemporaneously. Donald O’Neil and Chris Keenan, representatives for the petitioner, and Michael Hannon, petitioner, presented the project. Mr. O’Neil summarized the project. He indicated that the cluster

subdivision had been re-designed to provide access to lots 4a and 4b via two (2) ten-foot driveways, consequently, both lots would provide limited frontage on Moreland Street, 35.58' and 17.22' respectively, and one lot would be irregular. Mr. O'Neil reminded the Board that the Board previously approved a 4 lot subdivision, and that the present amendment is proposing a 5 lot subdivision through subdivision of lot # 4 into two (2) lots (lots 4a & 4b). He mentioned the lot irregularity and frontage issues that have been raised during the application process and eventually resolved by the Law Department determination that these dimensional requirements can be waived as part of the Special Permit consideration by the Planning Board. He stated that, in his opinion, the proposed project is consistent with the Cluster Subdivision intent because the sizes of the proposed lots exceed minimum required sizes, and because they have access on a public way, thus not incurring additional costs to the City. He also added that the current proposal is much less dense than a by-right development of 11 lots proposed several years ago on the site. Mr. Keenan, in response to staff's memo to the Board, stated that while staff indicated that the newly proposed driveway accessing Lots 4a and 4b will create approximately 8,439 SF of new impervious area, approximately 5,000 SF have already been approved, and the new amendment is proposing approximately 3,000 SF of additional impervious space. He further stated that the rainwater runoff from the roofs will be fed into the ground, and will not be connected to the City sewer line, therefore, further decreasing the impact of the increased impervious surface. With respect to staff's comment that the Cluster Zoning criteria states that designated open space must be "accessible and capable of being used and cannot be constituted of unbuildable land," Mr. Keenan noted that the Ordinance more specifically states that the open space "...cannot be constituted of *only* unbuildable land" and thus it is a subjective consideration as to how much open space should be accessible. He further indicated that his client believes that adequate accessible open space is being provided. Mr. O'Neil clarified to the Board that the wetland boundaries behind the proposed buildings indicated on the plan are wetland buffers, and not the actual wetlands. He further added that most of the land clearing for the project already took place and he does not anticipate much more clearing. Ms. Bold stated that if the Board decides to approve the project, the Board would also need to vote to approve the two requested waivers for frontage and irregularity factor. She stated that the purpose of the cluster subdivision, as compared to a traditional subdivision, is to provide more efficient and effective development while also protecting its sensitive natural environment and provide for preservation of open space. She further noted that the by-right 11-lot subdivision that Mr. O'Neil was referring to was preliminary, was withdrawn, and that there is no indication that this higher-density proposal would have been approved. She stated that records indicate DPW&P had concerns about access to the site and potential traffic impacts on the area as a result of the 11-lot subdivision proposed project. Ms. Bold stated that one of the Special Permit criteria is to increase vehicular safety compared with a traditional development by having fewer, better located and designed egresses onto existing streets. The proposed amendment includes four driveways accessed from Moreland Street, one of which is a shared driveway. Ms. Bold stated that staff feels the proposed project is a marginal improvement to the cluster development. The site is difficult to develop, in part, because of the two parcels (160 and 164 Moreland Street) that are not part of the development, but are located in the middle of it. She also noted that the open space provided has a lot of wet areas, and, based on staff's calculation, only 12% of it is usable open space. Ms. Bold concurred with Mr. Keenan that the Special Permit is a discretionary approval by the Board, especially with respect to how much open space is provided. She recommended that if the Board voted to approve the Special Permit petition, that recommended conditions of approval be that 1) the applicant provide solar panels on the structures at Lots 4a and 4b and submit documentation including number and type of panels to be installed and proposed Kwh of production, since this

was reported by the applicant to be an important part of the proposed development and part of the financial reason a cluster development was proposed; 2) the applicant delineate more clearly the areas of mature vegetation to be removed and/or retained; and 3) one deciduous ALB resistant tree be planted on each newly created lot (Lots 4a and 4b). Ms. Beaton clarified to the Board that through the Special Permit for a Cluster Subdivision consideration, the Board does not need to vote on dimensional requirement waivers. Chair Shea asked Ms. Beaton if the Board can require solar panels as a condition of approval. Ms. Beaton asked if the condition regarding the solar panels was agreeable to the petitioner. Mr. O'Neil stated that petitioner would be amenable to accept this condition for lot 4B only. The reason for that, he explained, is that Mr. Hannon is doing a model net-zero energy building. Because he is not yet sure if there is a market for these types of building, he would not like to promise to provide solar panels on both houses. He submitted a document (Exhibit A) outlining other green building design features that Mr. Hannon would be amenable to, including: super insulated shell, high quality windows and doors, radiant heat, all energy star appliances, computer aided energy control system, vegetable garden area, natural gas for generator system, and garage with capability to plug in electric or hybrid vehicles.

Mr. Traynor asked if the petitioner had considered deeding open space in the rear of the lot to the City in order to combine it with abutting City-owned open space thus making for a larger contiguous area. Mr. O'Neil stated that the petitioner is open to this idea if other property owners would agree. He stated a possible complication to this idea is the proposed large detention area in the rear of the parcel.

Chair Shea stated his support for the project. Ms. O'Connor concurred with Chair Shea and added that the development could be denser than the one proposed.

Upon a motion by Scott Cashman and seconded by Andrew Truman, the Board voted 5-0 to close the hearing for the Amendment to Special Permit for Cluster Subdivision. Mr. Cashman asked Ms. Bold to summarize staff reasons for not being very supportive of the proposed project. Ms. Bold stated that the Definitive Site Plan meets minimum requirements. With respect to the Special Permit, the Board needs to adopt the applicant's findings of fact and make its own findings. Staff disagrees with some of the applicant's findings of fact, especially those relating to traffic flow and safety, and also have reservations that the cluster development objectives are not adequately met, especially with respect to increasing the scale of contiguous open space area. Chair Shea stated that in his opinion a by-right development would be denser, and that the proposed development would not generate additional costs to the City, the lots would be larger than the minimum required, and sufficient open space would be provided. While additional driveway is proposed, this subdivision would not generate more vehicular trips than a traditional subdivision, he stated. Additionally, green aspects of the 4B lot development is also an asset. In his opinion, he concluded, the development meets Special Permit criteria. Mr. Rolle added, in support of the project, that the proposed driveway for lots 4A and 4B in effect functions as one driveway.

Upon a motion by Anne O'Connor and seconded by Andrew Truman, the Board voted 5-0 to adopt the Amendment to Special Permit findings of fact and to approve the Amendment to Special Permit for Cluster Subdivision with the following conditions:

- **Exhibit A “Specifications for Green Housing Unit Proposed for Lot 4B Moreland Street” apply to lot 4B.**
- **One deciduous ALB resistant tree be planted on each newly created lot (Lots 4a and 4b).**
- **The development is built in accordance with the Definitive Site Plan, dated February 23, 2009 and revised September 28, 2009.**

Upon a motion by Anne O’Connor and seconded by Stephen Rolle, the Board voted 5-0 to approve the Definitive Site Plan dated February 23, 2009 and revised September 28, 2009 with the following conditions:

- **The development is built in accordance with the Definitive Site Plan, dated February 23, 2009 and revised September 28, 2009.**
- **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.**

CONTINUANCES OR WITHDRAWALS

Public Hearing:

2. **Rankin Street – 81-G Street Opening (PB-2009-048):** Staff requested a continuance to October 28, 2009 meeting to allow more time for further research on the current status of the street. Upon a motion by Scott Cashman and seconded by Anne O’Connor, the Board voted 5-0 to continue the item to October 28, 2009.

UNFINISHED BUSINESS

Public Meeting:

Mr. Haghanizadeh thanked Chair Shea for his service and sense of fairness.

3. **104 Shrewsbury Street – Parking Plan (PB-2009-049):** Hossein Haghanizadeh, representative for Jerry Azzarone, petitioner, stated that his client is seeking to construct a paved parking lot for 32 parking spaces. Ms. Bold stated that the proposed decorative fencing on Shrewsbury Street and proposed landscaping will improve the site and that staff recommends approval of the petition. Mr. Cashman asked if the dumpster is proposed to be enclosed. Mr. Haghanizadeh said yes and would show the screening on the plan. Upon a motion by Anne O’Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Parking Plan with the following conditions:

- Provide six (6) copies of final revised plans indicating that the proposed dumpster will be enclosed by a six-foot stockade fence.
- 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.

NEW BUSINESS

Public Meeting:

4. **26 & 30 Queen Street - Amendment to Parking Plan (PB-2009-056):** Michael Loin of Bertin Engineering Associates, representative for UMass Memorial Medical Center, petitioner, stated that his client is seeking to construct a new 70-space parking lot at the corner of King St. and Jacques Ave. and to expand an existing parking lot on Queen Street to include sixteen (16) additional spaces. Mr. Loin stated that the applicant responded to the neighborhood request to retain a mature beech tree on-site by decreasing the originally proposed 86-space parking lot to a 70-space parking lot. He stated that the proposed project meets stormwater management requirements and has already received Conservation Commission approval. Mr. Gagne stated DPW&P's recommendation is that the applicant replace the double-grated catch basins with two complete catch basins. Ms. Bold stated that staff recommends the following changes to the plan: 1) Show compliance with landscape screening/buffer requirements for the expanded parking area (trees are not proposed 20'-25' on center). A minimum of one additional tree should be added to comply with the spacing requirements, and 2) provide a note that excess snow will be removed from site. Ms. Bold stated that the applicant has agreed to comply with previously proposed and approved landscaping in the southwestern portion of the site that was not planted or was removed at some point.

Councilor Haller thanked Chair Shea for his service, tireless efforts, and for being a role model of the citizen-led government. She then thanked UMass Memorial Medical Center for accommodating community concerns with regards to the beech tree. She stated that the area where the applicant is proposing a 70-space parking lot has become a de-facto community park, and that the community is mourning its loss. She further added that the community does not have enough recreational open space. She noted that while the beech tree will be saved, two mature cedar trees used by hawks to breed every year will be removed. Chair Shea stated that while he recognizes the benefits of open space, the work of the UMass Memorial Medical Center benefits all residents, and, in his opinion, in this case, these benefits outweigh the loss of open green space.

Lucy Schmitt of 65 Tory Fort Lane stated that she works in the UMass Memorial Medical Center building. She expressed concern that the increase in paving will exacerbate icy conditions on the street during the winter. Mr. Gagne responded by saying that the drainage is designed in such a way that the water will flow to the north-western corner of the proposed parking lot and then into

the underground system, therefore, the water would not flow onto the street. Ms. Schmitt asked how many trees would be removed. Mr. Loin stated that there would be a net removal of four trees, and a net addition of four new trees. Ms. Schmitt stated that young trees do not truly replace one-for-one mature trees that take decades to grow.

Peggy Middaugh of 16 Alden Street, and a coordinator of the Worcester Tree Initiative, thanked Umass Memorial Medical Center for reconsidering its proposal and saving the existing beech tree. She stated that over the last couple of years, the City lost over 25,000 trees due to the ice storms and Asian Longhorned Beetle infestation. Ms. Middaugh listed some benefits that trees provide such as: cleaning air, lowering building energy consumption, reducing heat-island effect of the pavement, reducing carbon dioxide emissions, providing relief from flooding, and reducing wind impacts. Research has shown, she added, that trees reduce crime in neighborhoods, and that people recover more quickly when they see trees outside their windows. She added that replacing a mature tree with a young one is not a one-for-one exchange, because it takes a long time for a tree to grow. She asked the applicant to consider keeping the two cedar trees. She also requested that the applicant include a note on the Site Plan specifying tree protection measures during construction. Lastly, Ms. Middaugh asked that Brian Breveleri, the City forester, review the Site Plan to make sure sufficient tree protection measures are in place.

Mr. Cashman stated that while the Board has shown in the past that it cares about trees, in this case, one should weigh the benefits of saving a tree against the owner's right to use his property. Chair Shea concurred with Mr. Cashman. Mr. Traynor stated that if the Board is ready to act on the petition today, it is too late to ask the City forester to take a look at the Site Plan because this type of review should have taken place prior to the meeting. Mr. Gagne stated that he was not sure what the City's policy was with regards to having a City forester inspect trees on private property. Chair Shea suggested that in the future with similar considerations, staff should share petitioners' plans with the forester prior to the meeting. Ms. Bold asked Mr. Gagne whether or not current construction management standards specify tree protection measures. Mr. Gagne stated that there were no tree protection measures enforced by DPW&P. Chair Shea proposed that staff discuss internally to clarify for future considerations. Ms. Bold stated that DPRS staff is currently working on a Landscaping Ordinance amendment, and could consider including tree protection measures as part of the scope of this amendment. Mr. Loin stated for the record that, as a good faith effort, during the construction process, he will voluntarily ensure that the existing beech and maple trees are adequately protected.

Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Amendment to the Parking Plan with the following conditions:

- **Show one additional tree in the buffer of the proposed 16-space expansion to meet tree spacing requirements.**
- **The plans provide a note that excess snow will be removed from 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 Commissioner of Inspectional Services.**
- **Provide six (6) copies of final revised plans.**

5. 1 Wigwam Hill Drive (aka 5 Wigwam Hill Drive) Amendment to Definitive Site Plan (PB-2009-057): Joe Boynton, representative for South Quinsigamond Realty Trust, the applicant, stated that his client is seeking to amend the original plan by making the following changes:

- 1) Moving the foundation ten feet back from its original location (from 22 to 32 feet away from the front property line);
- 2) Eliminating the garage and substituting two (2) exterior parking spaces (in the northern side yard setback);
- 3) The removal of the ground water recharge system in favor of draining surface water run-off into the city drainage system;
- 4) Redesign of the retaining walls;
- 5) A reduction in the size of the rear deck (from 240 SF to 64 SF).

Mr. Boynton stated that since the last approval, the prospective buyer did not purchase the property. Now, with the changing market conditions, the plan necessitated an amendment. In response to staff's memo, Mr. Boynton stated that there are no trees in the rear of the house but only grass and shrubs. Chair Shea expressed concern with respect to inconsistency in the retaining wall shape that he and other Board members noticed on a site visit. While the retaining wall is shown as a straight line on the plan, he stated that it appears the entire length was bowed. Chair Shea expressed another concern with regards to the steepness of land to the west of the proposed building, perpendicular to the retaining wall, where two car parking spaces would be located. He suggested that the applicant install a guardrail or a similar safety measure. Mr. Boynton stated his applicant would be amenable to installing a safety measure next to the parking spaces, but stated that he believes the retaining wall could be reviewed by the Department of Inspectional Services, and does not require prior approval by the Planning Board. Carl Panarelli of Charlton Road, brother of the applicant, stated that the retaining wall is built properly, that the wall is tapered and the slope is tight and that the plans were approved by the Department of Inspectional Services a month ago. He was amenable to putting in a guardrail or timbers as a safety measure next to the parking spaces. Ms. Kennedy-Valade recommended that a building inspector visit the site to see if the wall is built in accordance with the plan.

Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to continue the Amendment to Definitive Site Plan to October 28th meeting.

Mr. Boynton thanked Chair Shea for his work on the Planning Board meetings and many additional hours spent on matters such as numerous Zoning Ordinance amendments. Chair Shea also thanked Mr. Boynton for his guidance and for his service as a former Planning Board member and chair.

6. 9 Regent Street - Extension of Time – Definitive Site Plan (PB-2009-058): Brian Beaton, representative for American Antiquarian Society, stated that his client is seeking an Extension of Time for a previously approved Definitive Site Plan Approval. The applicant proposes to renovate the building to restore the majority of the structure to its original architecture, provide a

residence for 6-8 scholars and provide three parking spaces on property located at 9 Regent Street. Ms. Bold recommended an approval of the extension of time. Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to approve an Extension of Time for the Definitive Site Plan for one year.

7. **659 Southbridge Street - Parking Plan (PB-2009-059):** Stephen Charamella, petitioner, is seeking to construct a twelve space accessory parking lot for residential and office uses. He stated that last year, when he applied for the parking plan, he was not able to secure commercial tenants. He stated that he is currently seeking a Special Permit to allow professional office use in an RG-5 district, a Special Permit to allow more than 25% compact spaces, a Special Permit for relief of 5 ft from the access aisle width and Variance for 3 feet of relief from the landscape buffer requirement scheduled for the October 19, 2009 Zoning Board of Appeals meeting. He added that the parking lot would be constructed of porous pavement called "GravelPave2" made of reinforced stone surface. Mr. Gagne stated that DPW&P was in favor of the project and that it supports Low Impact Development alternatives, but was concerned that potential conditions of the ZBA might affect the Parking Plan thus necessitating the applicant to return to the Planning Board. Ms. Bold indicated that the applicant had the right to appear before the Planning Board first and stated that Mr. Charamella had been made aware that if the Zoning Board of Appeals required subsequent changes, an Amendment to the Parking Plan would have to be submitted. Ms. Bold distributed to the Board the lighting plan submitted by the applicant the day before. She stated that the lighting plan showed additional planting. She summarized staff comments, which mainly related to plan annotations. She recommended approval of the applications with a condition that eight sets of final revised plans are submitted incorporating staff comments in the memo with an amendment that the second bullet from item #4 is taken out, and that the word "south" is changed to "north" in item #6 last bullet. Ms. Bold stated that at the time the Board packets went out, staff recommended a continuance of the petition because it did not have lighting information, and that after receiving the lighting schedule, staff now recommends approval of the petition. Mr. Cashman asked if a 15-foot access aisle might present a safety hazard. Mr. Gagne responded that while this decision is the purview of Zoning Board of Appeals, in his opinion, the aisle width would not present a safety hazard because it is has a short length and therefore high visibility. Mr. Truman asked why the applicant did not provide a handicapped parking space. Mr. Charamella responded that for parking lots with less than 16 parking spaces, handicapped parking spaces are not required, but that the building itself would be handicap accessible.

Councilor Haller spoke in support of the project and thanked the developer for his professionalism and for accommodating neighborhood concerns with respect to lighting, landscaping, and noise. She recommended approval of the project.

Upon a motion by Anne O'Connor and seconded by Steven Rolle, the Board voted 5-0 to approve the Parking Plan incorporating the lighting plan dated October 6, 2009 and revised October 5, 2009 with the following conditions:

- **The proposed parking lot is built in accordance with the final approved Parking Plan.**
- **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.**
- **Provide eight (8) copies of final revised plans with the following changes:**
 - Provide a summary of zoning classification requirements for the RG-5 zoning district.
 - Label distances from adjacent buildings.
 - Label percentage of lot covered by existing building.
 - Label location and dimensions of curb cuts.
 - Provide details for sign, if any. As a condition of the previously granted Special Permit, only one sign is allowed and must meet the requirements of the RG-5 zoning district and cannot exceed 15 square feet.
 - Include Note 3 to which the existing retaining wall on the north side of the property refers.
 - Label the height of the proposed retaining wall on the south side of the building. Clarify Note 3.
 - Label the height of the existing retaining wall on the north side of the property.
 - Show additional plantings on the north side of the property next to the first parking space in the parking lot.

8. 505 Salisbury Street - Definitive Site Plan (PB-2009-060): Jonathan Finkelstein, representative for Buckingham Development, petitioner, is seeking to construct a single-family detached dwelling on property with 15% or more slope. Mr. Finkelstein stated that eight days ago he submitted revised plans that addressed most of the staff comments. Mr. Gagne stated that DPW&P needs the applicant to identify the utility connections for the proposed house. Ms. Bold stated that staff did not update the memo after receiving revised plans, but that most of the annotation comments appear to have been addressed. Ms. O’Connor asked what the abutting historic property was and Ms. Bold replied that the Albanian Orthodox Church at 497 Salisbury Street was on the National Register of Historic Places. She then asked whether the structure will face Salisbury Street. Mr. Finkelstein said yes. Upon a motion by Scott Cashman and seconded by Andrew Truman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Identify the utility connections for the proposed house.**
- **Provide the following plan annotations:**
 - Label plan “Definitive Site Plan”.
 - Label plan with correct owner information.
 - Label address of site plan.
 - Use heavier line widths for boundaries of lot.
 - Provide a summary of zoning classification for the RS-10 zone, for both what is allowed and what is proposed.
 - Show trees in excess of 9 inches in diameter, to be removed and/or retained.
 - Provide square footage of proposed building.
 - Provide height in stories and feet of proposed building.
 - Provide total floor area of proposed building.
 - Provide number of bedrooms of proposed building.
 - Label Salisbury Street as public.

- Label width of Salisbury Street.
- Label dimensions of curb cuts.
- Label construction materials of driveway.
- Provide a note as to how existing vegetation will remain.
- **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.**
- **Provide six (6) copies of final revised plans.**

Mr. Finkelstein congratulated Chair Shea for completing his service on the Planning Board.

9. **75 East Mountain Street - Amendment to Definitive Site Plan (PB-2009-061):** John Grenier and Anthony Lorusso, representatives for A. Lorusso Development, petitioner, are seeking to amend a previously approved site plan to construct three single-family semi-detached structures by moving the foundations for units 3 & 4 to the south and the foundation for units 5 & 6 ten (10) feet to the south on property with 15% or more slope. Mr. Grenier stated that the reason for the amendment was the fact that site contractor found excessive portions of historic fill in the rear of the site which necessitates moving proposed building foundation forward. Mr. Gagne stated that the applicant needs to provide and label accordingly an outside drop for the connection into the manhole on East Mountain Street. Ms. Bold recommended approval of the petition with a condition that the applicant submits eight final revised plans reflecting DPW&P required changes. She further stated that the proposed change does affect Special Permit for Common Driveway criteria that the Board considered concurrently with the previous Definitive Site Plan.

Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- **Provide and label accordingly an outside drop for the connection into the manhole on East Mountain Street**
- **Build the proposed parking lot in accordance with the final revised Amendment to Definitive Site Plan.**
- **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.**
- **Provide eight (8) copies of final revised plans.**

10. 80 Franklin Street – Parking Plan (PB-2009-063): Edward O’Donnell, representative for Worcester Franklin Holdings LLC, petitioner, is seeking to rehabilitate and pave a twelve (12) space parking lot, which is currently an unpaved surface lot, associated with a mixed use – residential and commercial building, which is in a BG-6 zoning district. Also present was John Spink, engineer for the petitioner. Mr. Gagne stated that the applicant should 1) utilize a City of Worcester standard manhole (that could be found on the City website), and 2) provide a drainage analysis demonstrating peak flow mitigation. Mr. Spink indicated that he has completed drainage calculations and submitted them to the office. Both Mr. Gagne and Ms. Bold stated that they did not receive these documents. Ms. Bold summarized her memo to the Board, noting particularly that the plan does not appear to be to measurable scale and that several standard annotations required with a Parking Plan are also missing. She added that while the setback from the structure at 21 Salem Street does not require a mix of trees and shrubs, staff recommends that the area be appropriately landscaped with low level plantings such as hardy shrubs or ornamental grasses due to its highly visible location in the downtown area and its proximity to a National Register building (Bancroft Building, 60 Franklin Street). She recommended continuance of the item to allow the applicant to submit 15 copies of revised plans at least a week before the next meeting. Mr. O’Donnell requested a continuance to October 28, 2009. Upon a motion by Anne O’Connor and seconded by Scott Cashman, the Board voted 5-0 to approve the petitioner’s request to continue to October 28 meeting.

OTHER BUSINESS

11. Arboretum Subdivision, Phases I, II & III – Bond Reduction Request: Mr. Gagne stated that the DPW&P did not yet receive information from the petitioner which would warrant consideration of a bond reduction for any of the Arboretum Subdivisions.

Ms. Beaton stated that at a meeting on May 6, 2009, the Board voted to recommend a bond in the amount of \$610,000 with a work completion date of June 1, 2010. However, in order for the subdivision performance agreement to be prepared, the Declaration of Restrictive Covenant recorded at Book 40613, Page 153 needs to be released. Since the Board never voted to release covenant at May 6, 2009 meeting, Ms. Beaton proposed motion language to the Board. Upon a motion by Anne O’Connor and seconded by Scott Cashman, the Board voted 5-0 to conditionally release lots numbered 61L&R through 80 L&R from the provisions of the Declaration of Restrictive Covenants recorded at Book 40613, Page 153, said release being contingent upon the Developer providing the requisite security in the amount of \$610,000 to guarantee the construction of roadways to be called Honeysuckle Road and installation of municipal services in said street.

12. ANR Plans:

- **AN-2009-050, 6 Weldon Avenue:** Upon a motion by Andrew Truman and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR Plan AN-2009-050.
- **AN-2009-051, 102 Randolph Road:** Upon a motion by Scott Cashman and seconded by **Andrew Truman**, the Board voted 5-0 to endorse ANR Plan AN-2009-051.
- **AN-2009-052, 46 & 48 Middlesex Avenue:** Upon a motion by Anne O’Connor and seconded by **Andrew Truman**, the Board voted 5-0 to endorse ANR Plan AN-2009-052.

- **AN-2009-053, #3 Radcliff Street/#56 West Mountain Street:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan AN-2009-053.

13. Signing Decisions: The Board signed decisions from the last meeting.

14. Election to Appoint CMRPC Representative: The election was tabled to the next meeting.

15. Election of Board Officers: Mr. Cashman nominated Ms. O'Connor for a Chair. Upon a motion by Mr. Cashman and seconded by Chair Shear, the Board voted 5-0 to elect Anne O'Connor to serve as Chair. Mr. Shea nominated Mr. Cashman to the Vice-Chair position. Upon a motion by Mr. Shea and seconded Mr. Truman, the Board voted 5-0 to elect Scott Cashman to serve as Vice Chair. Upon a motion by Mr. Shea and seconded Mr. Truman, the Board voted 5-0 to elect Stephen Rolle to serve as Clerk.

ADJOURNMENT:

Chair O'Connor adjourned the meeting at 7:50pm.