

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

**JANUARY 25, 2012**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Planning Board Members Present:** Anne O’Connor, Chair  
Andrew Truman, Vice Chair  
Stephen Rolle, Clerk  
Satya Mitra, Member

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Lara Bold, Division of Planning & Regulatory Services  
Deborah Steele, Division of Planning & Regulatory Services  
Nancy Tran, Division of Planning & Regulatory Services  
Kathleen Donovan, Department of Inspectional Services  
K. Russell Adams, Department of Public Works & Parks  
Jennifer Beaton, Law Department

**BOARD SITE VISITS**

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

**Chair Anne O’Connor called the meeting to order at 5:36 p.m.**

**APPROVAL OF THE MINUTES**

Upon a motion by Andrew Truman and seconded by Satya Mitra the Board voted 4-0 to approve the minutes of June 15, 2011.

Upon a motion by Andrew Truman and seconded by Satya Mitra he Board voted 4-0 to approve the minutes of January 4, 2012.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,  
WITHDRAWALS**

**1. 37 Fruit Street and 59 William Street – Definitive Plan - More Than One Building On a Lot (PB-2011-053)**

**List of Exhibits.**

Exhibit A: 37 Fruit Street / 59 William Street Parking Plan and More than One Building on a Lot application, prepared by Christopher Bruce, submitted 11/8/2011, dated 11/7/2011.

- Exhibit B: 37 Fruit Street / 59 William Street - Parking Plan & More than One Building on a Lot Plan, prepared by Quinn Engineering, submitted 11/8/2011, dated 11/7/2011.
- Exhibit C: Memorandum to the Worcester Planning Board from the Division of Planning & Regulatory Services, dated December 9, 2011.
- Exhibit D: Memorandum to the Worcester Planning Board from the Department of Public Works and Parks, dated December 1, 2011.
- Exhibit E: Letter to the Worcester Planning Board from K. Cigan Dorman and C. Dorman, dated December 7, 2011.
- Exhibit F: Request for Postponement from Carl Hultgren on behalf of applicant, Chris Bruce for 37 Fruit Street & 59 William Street to the Worcester Planning Board dated January 19, 2012.

**2. 37 Fruit Street and 59 William Street – Definitive Site Plan Application (PB-2011-052)**

**List of Exhibits.**

- Exhibit A: 37 Fruit Street / 59 William Street Parking Plan and More than One Building on a Lot application, prepared by Christopher Bruce, submitted 11/8/2011, dated 11/7/2011.
- Exhibit B: 37 Fruit Street / 59 William Street - Parking Plan & More than One Building on a Lot Plan, prepared by Quinn Engineering, submitted 11/8/2011, dated 11/7/2011.
- Exhibit C: Memorandum to the Worcester Planning Board from the Division of Planning & Regulatory Services, dated December 9, 2011.
- Exhibit D: Memorandum to the Worcester Planning Board from the Department of Public Works and Parks, dated December 1, 2011.
- Exhibit E: Letter to the Worcester Planning Board from K. Cigan Dorman and C. Dorman, dated December 7, 2011.
- Exhibit F: Request for Postponement from Carl Hultgren on behalf of applicant, Chris Bruce for 37 Fruit Street & 59 William Street to the Worcester Planning Board dated January 19, 2012.

Items #1, #2 were taken contemporaneously

Ms. Bold informed the Board that applicant had requested a postponement to the February 8, 2012 meeting. Upon a motion by Stephen Rolle and seconded by Satya Mitra the Board voted 4-0 to postpone the items until the February 8, 2012 Planning Board meeting.

**3. 40 Walcott Street – Parking Plan Application (PB-2011-054)**

**List of Exhibits.**

- Exhibit A: 40 Walcott Street Parking Plan Application; received December 22, 2011 prepared by Brian LaForte, Vice President.
- Exhibit B: 40 Walcott Street Parking Plan; dated July 20, 2011, submitted December 22, 2011; prepared by HST Group.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Worcester Planning Board; re: 40 Walcott Street dated January 23, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Worcester Planning Board re: 40 Walcott Street, dated January 18, 2012.
- Exhibit E: Request for Postponement from Crystal Carr, representative HST for 40 Walcott Street to the Worcester Planning Board dated January 20, 2012.

Ms. Bold informed the Board that applicant had requested a postponement to the February 8, 2012 meeting

Upon a motion by Stephen Rolle and seconded by Andrew Truman the Board voted 4-0 to postpone the item until the February 8, 2012 Planning Board meeting.

#### **New Business**

#### **4. Zoning Ordinance Amendment – Amend the Zoning Ordinance Article IV Section 6 (E)(4) (Temporary Signs) by removing and replacing it in its entirety with a new subsection 6 (E)(4) for the purpose of consistency, clarity and ease of use and to reflect the regulatory intent of the City Council (ZO-2012-001).**

Mr. Fontane stated that staff recommends approval of the proposed amendment to Article IV Section 6 (E)(4) which is the subsection of the sign ordinance relative to temporary signs both commercial & non-commercial.

Mr. Fontane stated that what is before the Board does not represent any policy change from what the Planning Board deliberated on over several public hearings in 2011. This amendment amends Zoning Ordinance Article IV Section 6 (E)(4) (Temporary Signs) by removing and replacing in its entirety with a new subsection 6 (E) (4) for the purpose of consistency, clarity and ease of use and to reflect the regulatory intent of the City Council

Mr. Fontane stated in the Planning Board packet the members had received they would find paperwork showing one of two tables: One, temporary signs with non-commercial speech and temporary signs with commercial speech. Mr. Fontane reiterated again there is no policy change just repackaging the information into tables in a way that is easier to use and more accessible and reflects the policy intent of the City Council and the Board.

Mr. Fontane stated that there were some additional exhibits and they were just included for the new City Councilors who were elected for year 2012 who have not had chance to review the sign ordinance.

Mr. Fontane stated that DPRS recommends approval of the Zoning Ordinance Amendment.

Russ Adams from DPW stated he had no comments.

Katie Donovan from Inspectional Services stated she had no comments.

Ms. O'Connor asked for clarification from Mr. Fontane as to whether the new tables in the section regarding temporary signs had been drafted from the exhibits E & C included in their packets and were a result of all the Planning Board's public hearings and comments taken from the public and the two proposed suggested motions to sign ordinance.

Mr. Fontane stated that is correct.

Ms. O'Connor stated she only had one comment under Item #4 that there are subsections A, B, C, D and she would like to know if C and D were going to be on the same page as A and B or would they be on separate pages. She felt it would be better to have A, B, C, D on one page and have the tables follow.

Mr. Fontane stated that the Law Department thought it would be best to interject tables after B because of the reference but what was being requested could be done.

Mr. Fontane stated that subsection B is a preface to table 4.3.2A and subsection C is the preface to table 4.3.2B.

Attorney Jennifer Beaton stated it is minor change and the Law Department would have no objection.

Mr. Fontane stated that when when City Council adopts the amendment the Law Department is able to work on formatting on the document and if it makes sense and does not change any of the regulatory intent the changes could be made.

Councilor George Russell stated that he was new to the City Council and asked if the Planning Board members had any opinion on the sign ordinance related specifically to political signs and if the Board thinks that number allowed under ordinance is sufficient.

Ms. O'Connor stated that the Planning Board had numerous meetings relative to sign ordinance and this is what the Planning Board recommended to the City Council.

Councilor Russell asked that the document as presented is that what Planning Board's recommendation will be to City Council.

Ms. O'Connor stated that is correct.

Mr. Fontane that that on December 19, 2010 after much deliberation and discussions relative to political signs and non-accessory signs the information reflected in these tables is what was presented to City Council. Included were a letter of recommendation from the Chamber of Commerce and testimony from residents and other representatives from the City was taken into consideration which addressed the need for political signs within the sign ordinance. He reiterated that the 64 square foot allowance in residential zones wasn't randomly chosen. It was chosen purposely to account for the various needs for accessory free standing political signs on a person's lawn or a wall sign on their house. He stated that the approved sign ordinance, a result of all these meetings, addressed the need for political signs as well as neighborhood concerns.

Mr. Fontane stated through the testimony heard at meetings there was discussion as to whether a blanket exemption could be granted just for political signs and the City found that it could not be done as it would be unconstitutional as it would regulate one form of speech differently than others.

Mr. Mitra stated that on his term on the Planning Board that the sign ordinance was one of the most well thought out, well researched items he has worked on.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra the Board voted 4-0 to close the hearing.

Upon a motion by Mr. Rolle and seconded by Mr. Truman the Board voted 4-0 to recommend approval to the City Council to amend Zoning Ordinance Article IV Section 6(E)(4) (Temporary Signs) by removing and replacing in its entirety with a new subsection 6 (E)(4) for the purpose of consistency, clarity and ease of use and to reflect the regulatory intent of the City Council and asked that the City Solicitor investigate whether subsections “a”, “b”, “c” and “d” could appear all on the first page followed by Tables 4.3.2A and 4.3.2B.

Exhibit A: Memorandum to Worcester City Council from City Manager Michael O’Brien re: Section 6 Signage, January 3, 2012

Exhibit B: Overarching Policy Consideration #2 – Proposed Regulations – Temporary Signs with Commercial Speech, DPRS, December 2010.

Exhibit C: Overarching Policy Consideration #6 – Proposed Regulations – Signs with Non-Commercial Speech, DPRS, December 2010.

Exhibit D: Letter of Support for proposed sign ordinance from Chamber of Commerce to Worcester City Council, received March 24, 2011.

Exhibit E: Memorandum from Jennifer H. Beaton, Assistant City Solicitor to Worcester Planning Board, re: Political Sign Regulations, dated: December 8, 2010.

Exhibit F: Visual Depiction of Permitted Permanent & Temporary, Commercial and Non-Commercial Signs – Residential Zones – Single-Family example, dated Feb. 7, 2011, updated January 24, 2012.

## **Other Business**

### **5. Monmouth Avenue – Petition for Private Street Conversion (ST-2011-035)**

Mr. Adams stated this is a petition to make Monmouth Avenue a public street and DPW recommends a priority #1 for that street to be converted to a public street.

Upon motion by Andrew Truman and seconded by Stephen Rolle the Board voted 4-0 to approve DPW’s recommendation for a priority #1.

### **6. Aroostock Street – Petition for Private Street Conversion (ST-2012-001)**

Mr. Adams stated this is a petition to make Aroostock Street a public street and DPW recommends a priority #1 for that street to be converted to a public street.

Upon motion by Andrew Truman and seconded by Satya Mitra the Board voted 4-0 to approve DPW's recommendation for a priority #1.

**7. Letter from Division of Banks regarding a proposed check casher at 342 Shrewsbury Street.**

Ms. Bold stated that the Commonwealth of Massachusetts Division of Banks has notified the Planning Board that they will be holding a meeting on January 24, 2012 at 6:00 p.m. in City Hall regarding an application submitted by AAA Check Cashing, Incorporated to become licensed as a check casher at 342 Shrewsbury Street. If members of the Board wish to submit written comments relative to this application they need to be submitted in writing to the Division of Banks by January 31, 2012.

**8. Conflict of Interest Training Mandate**

Ms. Bold stated that each Board member had received in their Planning Board packets a memo relative to the Conflict of Interest Law Training Mandate. The law requires that each Board member complete an online training program by April 2, 2012 and after completing the program provide a copy of the certification of completion to the DPRS Office.

**9. ANR plans .**

**AN-2012-001, Swan Avenue: Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to endorse AN-2012-001.**

**AN-2012-002, Wheeler Avenue: Upon a motion by Mr. Rolle and seconded by Mr. Truman the Board voted 4-0 to endorse AN-2012-002.**

**AN-2012-003, Canterbury Street: Upon a motion by Mr. Mitra and seconded by Mr. Rolle the Board voted 4-0 to endorse AN-2011-003.**

**ADJOURNMENT:** Upon a motion by Andrew Truman and seconded by Stephen Rolle the Board voted 4-0 to adjourn the meeting at 6:00 p.m.