

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

August 22, 2012

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Stephen Rolle, Acting Chair
Satya Mitra, Clerk
Robert Ochoa-Schutz, Member

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
Kathleen Donovan, Department of Inspectional Services
K. Russell Adams, Department of Public Works & Parks

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Acting Chair Stephen Rolle called the meeting to order at 5:35 P.M.

APPROVAL OF THE MINUTES – Approval of the minutes was held.

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

1. **265 Grafton Street - Definitive Site Plan Approval (PB-2012-034):** Ms. Zhaurova stated that the applicant requested postponement of the hearing to September 12, 2012 in order to be heard first by the Zoning Board of Appeals on August 27, 2012. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to postpone the hearing to September 12, 2012.

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; received June 27, 2012; prepared by Michael V. Marino & Brian Marino, Trustees of First Westborough Realty Trust.
- Exhibit B: Site Development Plan; dated May 10, 2012; prepared by Hannigan Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 265 Grafton Street – Definitive Site Plan; dated July 27, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 265 Grafton Street, Definitive Site Plan – PB-2012-034.

- Exhibit E: Email from Atty. Peter Keenan of the Keenan Law Firm, representative for Marino & Brian Marino, Trustees of First Westborough Realty Trust to Nancy Tran, Planning Analyst, City of Worcester Planning & Regulatory Services; re: 93 Grand Street; dated July 27, 2012.
- Exhibit F: Request for Postponement from Atty. Peter Keenan of the Keenan Law Firm, representative for Marino & Brian Marino, Trustees of First Westborough Realty Trust to the Planning Board; dated July 27, 2012.
- Exhibit G: Request for Postponement from Atty. Peter Keenan of the Keenan Law Firm, representative for Marino & Brian Marino, Trustees of First Westborough Realty Trust to the Planning Board; dated August 20, 2012.

2. **Dudley Place – Private Street Removal (ST-2012-013):** Robert Longden of Bowditch & Dewey requested a postponement of the hearing to September 12, 2012. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to postpone the hearing to September 12, 2012.

List of Exhibits.

- Exhibit A: Removal of Dudley Place Petition; dated June 14, 2012; signed by Jonathan Finkelstein and Katherine Garrahan on behalf of Michael Ushkurnis and South Middlesex Opportunity Council (SMOC), petitioners.
- Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Dudley Street – Removal of entire length of Dudley Street – a Private Street from Official Map; dated July 6, 2012.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Dudley place – Remove from the Official Map; dated June 22, 2012.
- Exhibit D: Request to Postpone from Katherine Garrahan of Bowditch & Dewey and Jonathan Finkelstein; dated July 11, 2012.

NEW BUSINESS

Public Hearing

3. **Proposed Amendment Relative to Time of Year Restrictions for Outdoor Dining on Private Property - Zoning Ordinance Amendment (ZO-2012-004):** Mr. Fontane stated that the City Manager’s petition has been referred by the City Council for the Board’s consideration to amend Article IV, Notes to Table 4.4 – Note 7 to remove the time of year restriction related to outdoor dining on private property by removing the words “from March 1st through November 1st” from Note 7. He stated that the amendment ensures that the City’s regulations for outdoor dining on private property are aligned with the License Commission’s recently adopted changes to its regulations, which pertain to outdoor dining on public sidewalks. He stated that on June 14th, 2012 the License Commission adopted revised outdoor dining regulations that removed time of year restrictions and extended time of day permissions making the City of Worcester one of the most restaurant-friendly communities in the State.

Mr. Fontane stated that these changes to the City's outdoor dining regulation came in response to a City Council order and a petition from the President of the Shrewsbury Street Merchant Association. In developing the revised regulations, the Division of Planning and Regulatory Services considered all aspects of outdoor dining regulation in consultation with the Department of Public Works, Law Department, and the Police Department to ensure that all regulations are aligned and that applications are revised accordingly. This Zoning Ordinance amendment is one of the several regulatory changes needed to achieve this goal.

Mr. Fontane recommended that the Planning Board recommend that the City Council approve this amendment to the Zoning Ordinance.

Mr. Mitra asked if the restriction extends to the time of day operations. Mr. Fontane stated that the amendment only deals with the time of year restriction, and that hours of operations are dictated by the License Commission on a case-by-case basis.

Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to close the Public Hearing.

Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to recommend approval of the petition to the City Council.

List of Exhibits.

Exhibit A: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Zoning Ordinance Amendment Regarding Outdoor Dining; dated August 21, 2012.

Exhibit B: Petition Language.

Exhibit C: Petition by the City Manager to the City Council; re: Zoning Ordinance relative to Outdoor Dining; dated July 17, 2012.

Exhibit C: Memorandum from Timothy McGourthy to the City Manager; re: Zoning Ordinance relative to Outdoor Dining; dated July 17, 2012.

Public Meeting

4. **500 Lincoln Street - Amendment to the Definitive Site Plan Approval (PB-2012-039):** John Kucich of Bohler Engineering, representative for Richard L. Bowen & Associates, Inc., the applicant, stated that the applicant is seeking an Amendment to the Definitive Site Plan Approval in order to a) relocate landscape area adjacent to the loading dock of Kohl's store (southern face of the building) to the opposite side of the drive aisle (with proposed 5 white pines) and to provide an adjacent berm; and b) change the location of several storm drain inverts to adjust to field conditions.

Mr. Adams stated that he received a complaint from an abutting property at 560 Lincoln Street owned by Saddlebred Limited Partnership regarding surface water sheet-flow from 500 Lincoln Street property onto 560 Lincoln Street. Mr. Kucich stated that he believes the issue was a result of the site not having been stabilized yet and stated that he will discuss this with the contractor.

Ms. Zhaurova stated that DPRS staff recommended approval of the project with a condition that 3 full-sets of final revised plans are submitted for the file to reflect all previous amendments.

Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to approve the requested Amendment to Definitive Site Plan with a condition that three copies of the full set of plans incorporating the latest amendment are submitted for the file prior to the release of the decision.

List of Exhibits.

- Exhibit A: Definitive Site Plan Amendment Application; received July 19, 2012; prepared by Richard L. Bowen & Associates, Inc. c/o Bohler Engineering.
- Exhibit B: Definitive Site Plan Amendment – Phase B; dated 4/7/2011, last revised 7/18/2012; prepared by Bohler Engineering.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 500 Lincoln Street - Amendment to Definitive Site Plan; dated August 17, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 500 LINCOLN STREET, Definitive Site Plan Amendment– PB-2012- 039; dated July 27, 2012.

5. **140 Higgins Street – Definitive Site Plan Approval (PB-2012-041):** Michael Andrade of Graves Engineering, Inc., representative for Lutco International, Inc., stated that the applicant is seeking a Definitive Site Plan Approval to construct a 6,835 SF addition with associated 25 off-street parking spaces on a property with an existing ~16,255 SF manufacturing building. Mr. Adams requested that 6” sanitary sewer service is connected into the sanitary main pipe, not the manhole. Ms. Zhaurova stated that staff recommended approval of the project with a condition that six copies of revised plans are submitted addressing staff’s comments with respect to missing annotations and other information. Mr. Mitra asked what lighting is proposed on site. Mr. Andrade stated that light packs will be installed on the building.

Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to approve the requested Definitive Site Plan with a condition that six (6) copies of final revised Definitive Site Plans are submitted to the Division of Planning & Regulatory Services prior to the release of the decision with the following items included:

- Connect the 6” sanitary sewer service into the sanitary main pipe, not the manhole;
- Remove snow storage next to the proposed addition in order to improve pedestrian access from the parking lot to the building;
- Re-label the plan to read “Definitive Site Plan” instead of “Parking Plan” on all sheets;
- Label building footprint and total floor area of the existing building;
- Provide the total square footage of ground area coverage for both proposed and existing buildings;
- Provide square footage of impervious and pervious surfaces;
- Provide the location and complying dimensions of minimum one loading space; and

- Provide location, size and arrangement of all signs and lighting, if any.

OTHER BUSINESS

6. **140 Higgins Street – Parking Plan Approval (PB-2012-033):** Mr. Andrade requested a fee waiver from the Parking Plan application for the same project which was withdrawn by the applicant at the previous meeting on August 1, 2012 (PB-2012-033). Mr. Fontane stated that staff supported the fee waiver of \$412.50 because this application was filed as a result of staff's determination error, as the Site Plan Approval, and not the Parking Plan Approval, was required for this project. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted 3-0 to grant a fee waiver of \$412.50 to the applicant for the Parking Plan Approval application (PB-2012-033).

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; received August 9, 2012; prepared by Lutco International, Inc.
- Exhibit B: Parking Plan; dated June 12, 2012; prepared by Graves Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 140 Higgins Street – Definitive Site Plan; dated August 17, 2012, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 140 Higgins Street, Parking Plan – PB-2012-033.

7. **Board Communication:** No action was taken.
 - a. From FST; re: Chapter 91 Waterways License Application for Temporary Trestle for Construction Access at 231 Lake Avenue, Worcester, MA; dated July 17, 2012.
8. **Approval Not Required Plans:**
 - a. **13 Boyce Street / Rockwell Street (public/private streets) (AN-2012-029):** Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 2-0 to approve the proposed Approval Not Required Plan.
9. **Decisions from prior meetings:** None were signed.

ADJOURNMENT: The Board adjourned the meeting at 6:07 PM.