

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

March 26, 2014

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Satya Mitra, Vice Chair
Robert Ochoa, Clerk
John Vigliotti

Planning Board Members Absent: Andrew Truman, Chair

Staff Present: Stephen Rolle, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Christopher Gagne, Department of Public Works
Joseph Sansoucy, Department of Inspectional Services
Alexandra Haralambous, Law Department

BOARD SITE VISITS

REGULAR MEETING

CALL TO ORDER

Acting Chair Satya Mitra called the meeting to order at 5:30 P.M.

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

1. **Goldthwaite Road (aka Burncoat Gardens) Phase 1 - Amendment to Special Permit (PB-2013-041)**
2. **Goldthwaite Road (aka Burncoat Gardens) Phase 5 - Special Permit (PB-2013-043)**
3. **Goldthwaite Road (aka Burncoat Gardens) Phase 5 - More than One Building on a Lot (PB-2013-045)**
4. **Goldthwaite Road (aka Burncoat Gardens) Phase 1 - Amendment to Definitive Site Plan (PB-2013-042) (a public meeting)**
5. **Goldthwaite Road (aka Burncoat Gardens) Phase 5 - Definitive Site Plan Approval (PB-2013-044) (a public meeting)**
6. **60 & 72 Shrewsbury Street and 12 Leo Turo Way - Amendment to Shrewsbury Street Parking Overlay District Special Permit (PB-2013-003)**

Michelle Smith, Division of Planning and Regulatory Services, stated that staff requests continuation for the five Goldthwaite Road/Burncoat Gardens petitions and postponement of the 60 & 72 Shrewsbury Street & 12 Leo Turo Way Special Permit petition as a four member Board is required to hear the Special Permits. She stated that staff recommended that the Board vote to hold a Special

Meeting on April 9th, 2014 at 5:30 PM in the Levi Lincoln Chamber for the two petitions as the items are running up on the public hearing deadlines since the Board has postponed the items twice in a row due to lack of quorum to hear a Special Permit.

Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to continue the five Goldthwaite Road/Burncoat Gardens petitions and postpone the 60 & 72 Shrewsbury Street & 12 Leo Turo Way Special Permit petition to a Special Meeting on April 9th at 5:30 at City Hall in the Levi Lincoln Chamber.

List of Exhibits – Goldthwaite Road (aka Burncoat Gardens):

Exhibit A: Burncoat Gardens Phase 1 Application; received 11/8/2013; prepared by CFS Engineering.

Exhibit B: Burncoat Gardens Phase 5 Application; received 11/8/2013; prepared by CFS Engineering.

Exhibit C: Burncoat Gardens Phase 5 Plan; dated 10/23/2013; prepared by CFS Engineering.

Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Goldthwaite Road (aka Burncoat Gardens); dated January 14, 2014.

Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Goldthwaite Road (Burncoat Gardens); dated January 16, 2014

Exhibit F: Request for Continuation/Postponement/Leave to Withdraw from Chuck Scott, CFS Engineering to the Planning Board; dated 12/06/2013 and 12/31/2013.

Exhibit G: Notes from Fire Department; re: Burncoat Gardens.

Exhibit H: Request for Continuation from Chuck Scott, CFS Engineering, to the Planning Board; dated 2/25/2013.

List of Exhibits - 60 & 72 Shrewsbury Street and 12 Leo Turo Way:

Exhibit A: 60 & 72 Shrewsbury Street Application; received January 31, 2014; prepared by J.M. Battista Family Limited Partnership.

Exhibit B: 60 & 72 Shrewsbury Street Plan; dated 1/30/2014; prepared by Finlay Engineering Services.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 60 & 72 Shrewsbury Street and 12 Leo Turo Way; dated March 24, 2014.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 60 & 72 Shrewsbury Street and 12 Leo Turo Way Special Permit Amendment; forthcoming.

Exhibit E: Site plan marked up by staff, dated 2/27/14.

7. Commercial Corridors Overlay District - Amendments to the City of Worcester Zoning Ordinance & Map (ZM-2013-005 & ZO-2013-003)

Steve Rolle, Division of Planning and Regulatory Services, stated that staff requested continuation to April 30, 2014 to allow additional time for analysis and to allow a four member Board to hear the item.

Upon a motion by Mr. Vigliotti and seconded by Mr. Ochoa, the Board voted 3-0 to continue the item to the April 30, 2014 meeting.

List of Exhibits:

Exhibit A: City of Worcester – Proposed Commercial Corridors Overlay District Map

Exhibit B: AN ORDINANCE AMENDING THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991, RELATIVE TO CREATING COMMERCIAL CORRIDORS OVERLAY DISTRICTS, CREATIVE ENTREPRENEUR LOFTS, AND THE ELIMINATION OF THE PARKING OVERLAY DISTRICTS, THE ARTS OVERLAY DISTRICT AND THE MIXED USE DEVELOPMENT OVERLAY DISTRICTS

Exhibit C: City of Worcester Commercial Corridors Overlay District: A Summary of the Proposal

Exhibit D: Proposed Revised Commercial Corridors Overlay District Map; titled “City of Worcester - Proposed Commercial Corridors Overlay District (revised after PB hearing on January 22, 2014).”

NEW BUSINESS

PUBLIC MEETING

8. 72 Grove Street – Definitive Site Plan Approval (PB-2014-005) & Approval Not Required (ANR) Plan for 72 Grove Street (public) (AN-2014-011)

Ms. Zhaurova suggested that the Board take up the ANR plan associated with this item at the same time.

Attorney Patricia Gates of Mountain, Dearborn, & Whiting LLP, introduced John Stebbins and engineer Robert Clarke and architect Kent Beern. She stated that the petitioner, SXC Prescott Street Hotel LLC, has developed 28 hotels in the New England and New York area and owns two hotels in Worcester currently: the Courtyard Marriot and the Residence Inn. Ms. Gates noted that the City of Worcester reached out to the petitioner to see if the petitioner would be interested in constructing additional hotels in the City. Ms. Gates stated that the petitioner then met with staff internally and is before the Board now as a result.

Ms. Gates stated that the Fire Chief had previously been concerned with the width of the aisles for emergency vehicle access but that the parking lot has since been reconfigured to provide the required 18 ft. aisle width addressing the Fire Department’s concerns.

Ms. Gates stated that the property is currently one lot and they are proposing to split it into two, one lot will front on Prescott Street for the new proposal and the second parcel will front on Grove Street where the existing hotel will remain. Ms. Gates stated that a Hampton Inn is proposed on the new parcel with 100 rooms and noted that the hotel will not have a dining service other than a continental breakfast for patrons.

Ms. Gates stated that the property is in a BG-6.0 zone and they are proposing 172 parking spaces and parking has never been an issue with the existing Courtyard Hotel

Ms. Gates stated that the ANR plan was previously approved but the Department of Public Works requested that the applicant depict clearly the public taking of Lexington Street and the creation of Faraday Street. She explained that this corrected ANR plan clearly shows the area and the frontage for the parcels, excluding the area of the permanent easement the City has on the site. She clarified that those modifications were the only changes that were made to the ANR plan.

Ms. Gates stated that per staff recommendations, they show on the plans an enclosed area where outdoor seating will be provided. She stated that they currently receive deliveries to the existing hotel once a week which takes only a few minutes. She stated that they believe that loading requirements do not apply for the new hotel given the zoning, but in the event that the Board decides that loading spaces are required, they can put two loading spaces along Faraday Street but it would come at the expense of ~600 SF of green space.

Ms. Gates stated that they have empty islands onsite that they would like to use for interim snow storage but would agree that if the parking count goes below 172, snow would be trucked offsite.

Robert Clark showed fire truck circulation on-site noting how the plans were revised to provide better fire access to the site. Mr. Clarke stated that they are proposing an 8,000 gallon tank that stores roof drainage for irrigation and infiltration on the site. He stated that they are proposing a courtyard in between the two hotels that will be enclosed by a 2 ft. wall with a wrought iron fence.

Kent Beern showed the Board a rendering of what the site will look like looking North and West from Prescott Street and reviewed the floor plans and elevations with the Board. Mr. Beern stated that the proposed structure will be five stories with 100 guest rooms on the top four floors and with the first floor as an open-air parking garage and other hotel amenities. He stated that the exterior materials would be a mix of brick, metal paneling, cast concrete (for a limestone look), and glass. He noted that the hotel placement close to the street and the large windows to the public areas of the hotel were designed to activate the street.

Mr. Beern stated that as part of this project, the parking for the existing Courtyard Hotel is being redesigned and they are proposing to demolish the existing porte-cochere and replace it with a canopy structure.

Ms. Zhaurova stated that the applicant addressed staff comments about providing pedestrian amenities in the open space between the two buildings by providing benches and tables. She stated that staff had not been able to confirm if the loading spaces are required in a BG-6.0 zone and recommended that the decision reflect such a condition of approval, if loading spaces are required. Ms. Zhaurova also stated that staff is amenable to the use of the islands that are not landscaped for snow storage so long as the snow is not piled up so high that it interferes with visibility.

Ms. Zhaurova showed the ANR plan to the Board. She stated that the applicant submitted a revised ANR plan per staff's request. She explained that the Board previously approved an earlier version of this ANR plan on 3/5/2014 but that said plan was not recorded with the Registry of Deeds. She noted that the revised ANR on the agenda clearly delineates and references the City's easement for Faraday Street and adjusts the frontage and area calculations accordingly. She stated that staff recommended endorsement of the plan.

Upon a motion by Mr. Vigliotti and seconded by Mr. Ochoa, the Board voted 3-0 to endorse the revised ANR plan.

Jo Hart, Worcester resident, stated that it does not make sense to have two hotels so close together and that the Planning Board should plan ahead to better manage land use. She stated that the City should be more cohesive and have different amenities in different places.

Alfredo Dimarro, formerly of 16 Einhorn Road, asked how far the two hotels were from each other, how many parking spaces were onsite, and how many rooms there will be in total.

Mr. Stebbins stated that the guest room towers were 60 feet apart and that there would be 172 parking spaces for 234 rooms between the two hotels.

Ms. Gates stated that she would be amenable to a condition stating that if loading requirements apply, that the applicant would provide two loading spaces along Faraday Street. She also stated that she is amenable to the condition that snow will be trucked offsite if the parking count is affected.

Mr. Ochoa stated that he liked the plans.

Mr. Mitra asked if there was an analysis done showing a demand for hotels and if the funding for the project is in place. Ms. Gates stated that the existing hotel is full often enough to show the need for more rooms. She reminded the Board that former City Manager O'Brien approached the applicant expressing that the City needs more hotels.

Mr. Stebbins stated that Providence has 3,000 hotel rooms and the City of Worcester, which has a higher population, has less than 1,000 rooms. He stated that they have been operating two hotels in the City for 8 years and that more rooms are needed and noted that funding is already in place.

Ms. Gates stated that once the lots are separated the two hotels will be owned by two different entities under the same parent company.

Jim Bisceglia, 54 Honeysuckle Road, stated that Shrewsbury rejected construction of more hotels fearing that they might lose money and close. He stated that he believes Worcester does not need more hotels because of the poor economy. He stated that the Massachusetts College of Pharmacy had to take over an old hotel in the City and was proof of the issue.

Mr. Mitra stated that the Planning Board's job is to make sure that entrepreneurs are given opportunities but that it is an entrepreneur's responsibility to determine if something is a wise business decision.

Mr. Ochoa stated that he has been part of various planning committees for conferences where Worcester is not considered as a location for the event - because there are not enough hotel rooms.

Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to close the public hearing.

Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the definitive site plan with the following conditions:

1. That six (6) copies of final revised Definitive Site Plan are submitted to the Division of Planning & Regulatory Services prior to the release of the decision with the following items included:
 - a) Provide pedestrian amenities in the open space between the two buildings by providing benches and/or tables;
 - b) Show and label the proposed low-level wall that delineates the open space area;
 - c) Show the areas of the snow storage and provide a note that excess snow that impedes access to any of the proposed parking spaces or drivers' visibility shall be trucked off-site;

- d) Provide the revised ANR plan sheet consistent with the ANR approved by the Board.
2. 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.
3. 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.
4. All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

List of Exhibits:

- Exhibit A: 72 Grove Street Application; received February 18, 2014; prepared by SXC Prescott Street Hotel, LLC.
- Exhibit B: 72 Grove Street Plan; dated February 14, 2014; prepared by Allen & Major Associates, LLC; revised March 20, 2014.
- Exhibit C: City of Worcester Order of Taking to extend Faraday Street; dated July 20, 2010.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 72 Grove Street Definitive Site Plan; dated March 26, 2014.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 72 Grove Street Definitive Site Plan; dated March 21, 2014.
- Exhibit F: Fire Comments; re: 72 Grove Street and an e-mail from District Chief Powers dated March 26, 2014 re: Hampton Inn at Prescott and Grove Street.
- Exhibit G: Existing and Proposed Hotel Renderings; received March 21, 2014 and March 25, 2014.
- Exhibit H: 72 Grove Street Floor Plans; prepared by Allen & Major Associates, LLC; received March 25, 2014.

9. Bittersweet Boulevard – Definitive Site Plan Approval (PB-2013-048)

Mr. Rolle stated that staff received a letter on March 25, 2014 requesting that the item be postponed to April 30, 2014 to allow resolution of slope issue for Phase IV prior to hearing the petition.

Upon a motion by Mr. Vigliotti and seconded by Mr. Ochoa, the Board voted 3-0 to continue the item to the April 30, 2014 meeting.

List of Exhibits:

- Exhibit A: Bittersweet Boulevard Application; received November 27, 2013; prepared by HS&T Group, Inc.
- Exhibit B: Bittersweet Boulevard Plan; dated November 27, 2013; prepared by HS&T Group, Inc; revised 2/26/2014.

- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Bittersweet Boulevard; dated January 22, 2014, revised March 21, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Bittersweet Boulevard Definitive Site Plan Approval; January 16, 2014; revised March 21, 2013.
- Exhibit E: Comments from the City of Worcester Fire Department; re: Bittersweet Boulevard Definitive Site Plan Approval; January 17, 2014.
- Exhibit F: Enforcement Order for Arboretum Subdivision (Phase IV) Bittersweet Boulevard off Sophia Drive issued by Conservation Commission 7/26/2013.
- Exhibit G: Request for Postponement form to allow the applicant time to revise plans, dated and received 1/22/2014.
- Exhibit H: Transmittal from H S & T Group; re: Bittersweet Boulevard Definitive Site Plan; dated

10. **31 Harlow Street – Parking Plan Approval (PB-2014-002)**

Luba Zhaurova, Division of Planning & Regulatory Services, stated that the applicant requested Leave to Withdraw Without Prejudice as the developer is no longer proceeding with the proposal at this time.

Upon a motion by Mr. Vigliotti and seconded by Mr. Ochoa, the Board voted 3-0 to approve the petitioner's request to Leave to Withdraw without Prejudice for the 31 Harlow Street Parking Plan petition.

List of Exhibits

- Exhibit A: Parking Plan Application; prepared by New Street Realty Corporation; received January 30, 2014.
- Exhibit B: Parking Plan; prepared by HS&T Group, Inc.; dated and received January 30, 2014.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 31 Harlow Street; dated February 26, 2014.
- Exhibit D: Leave to Withdraw Request; re: 31 Harlow Street; dated March 6, 2014.

11. **721-31 & 722-24 Main Street – Extension of Time for Parking Plan Approval (PB-2014-004)**

Attorney Todd Rodman, Seder & Chandler, stated that he represented the owner, Vinh Tran. Mr. Tran applied for Parking Plan approval, which was granted by the Board last year, however, it took Mr. Tran longer than expected to produce architectural plans and secure contractors. Attorney Rodman stated that Mr. Tran is now ready to proceed but the approval has expired that they are asking for an extension on the parking plan approval to August 6, 2014. Mr. Rodman stated that they received a 6 month extension from the Zoning Board for the Variance and an extension by John Kelly for the Special Permits to start work this spring.

Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the Extension of Time to August 6, 2014.

List of Exhibits

- Exhibit A: Extension of Time for Parking Plan Application; prepared by Vinh Tran; received February 12, 2014.
- Exhibit B: Parking Plan for 721-731 & 722-724 Main Street; prepared by Graves Engineering, Inc.; dated December 11, 2012; last revised March 1, 2013; received February 12, 2014.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 721-731 & 722-724 Main Street; dated March 19, 2014.

12. 55 Linden Street & 15 John Street – Parking Plan Approval (PB-2014-006)

Attorney Johnathan Finkelstein stated that this was a parking plan approval for a 5 space lot. He stated that the owners wanted to put in a parking lot and the work had started but stopped once they realized that they needed approvals from both Zoning and Planning Boards.

Mr. Finkelstein stated that they want to construct five additional accessory off-street parking spaces and a set of access stairs at 15 John Street associated with an existing office building at 55 Linden Street. Mr. Finkelstein stated that he sent a letter to staff today requesting waivers from the following requirements:

- Site plan showing and labeling abutters within 300'; and
- Site plan showing the entire 55 Linden Street site.

Robert O'Neil stated that he prepared the plans for this project and noted that he will revise the parking schedule to indicate that 35 spaces are provided at 55 Linden Street and 5 spaces are provided at 15 John Street. He stated that he would also label the percentage of the lot covered by the existing building at 55 John Street and provide a note indicating dimension and materials for the proposed stairs. Mr. O'Neil stated that he would annotate the relief being sought from the Boards on the plan.

Mr. O'Neil asked which curbs, access aisles, sidewalks, walkways and pathways didn't include dimensions. Ms. Zhaurova stated that they appeared to be requested that the condition be removed.

Mr. O'Neil stated that he will make the change to the drainage connections as requested by DPW.

Ms. Zhaurova stated that staff recommends approval of this parking plan and the requested waivers. She stated that the applicant applied to the Zoning Board for the use in a residential district, to legalize what already exists, and that it will be heard at the next meeting. She summarized that the project engineer answered all of staff's comments and stated that six (6) copies of final revised plans should be submitted to DPRS prior to the release of the decision.

Upon a motion by Mr. Vigliotti and seconded by Mr. Ochoa, the Board voted 3-0 to approve the parking plan and the requested waivers for a site plan showing and labeling abutters within 300' and for showing the entire 55 Linden Street site with the following conditions of approval:

1. The applicant must submit six (6) copies of final revised plans are submitted to the Division of Planning & Regulatory Services prior to the release of the decision addressing issues listed below:

5. Modify the Parking Schedule summary to indicate that 35 spaces are provided at 55 Linden Street and 5 spaces are proposed at 15 John Street;
 6. Label the percentage of the lot covered by the existing building at 55 John Street;
 7. Provide note indicating dimension and materials for the proposed stairs; and
 8. Label any relief being sought / granted from the Zoning Board of Appeals for this project on the plan.
2. 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.
 3. 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.
 4. All work shall be done in accordance with the final approved Parking Plan on file with the Division of Planning and Regulatory Services.

List of Exhibits:

- Exhibit A: Parking Plan Application; prepared by Porras Realty Corp.; received February 18, 2014.
- Exhibit B: Parking Plan; prepared by Robert D. O’Neil, Jr., R.P.L.S.; dated October 21, 2013; received February 18, 2014.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re:; dated March 19, 2014.

OTHER BUSINESS:

13. Arboretum Subdivision (Phase IV) (PB-2009-038) – Information & Discussion Regarding Compliance with Approved Plans

Mr. Rolle stated that staff received a letter on March 25, 2014 requesting that the item be continued to April 30, 2014. He summarized that on January 22, 2014 the Board voted to find that Arboretum Village LLC had not constructed Phase IV of the Arboretum Subdivision in substantial accordance with the Approved Definitive Subdivision Plans. The Board cited non-conformance of the slope and slope stabilization methods as rationale and requested that an amendment be submitted no later than February 20, 2014.

Arboretum Village LLC has not submitted an amendment but the City did receive a compilation of technical memoranda and cover letter last Friday which were provided to the Board. He noted that one of the conditions of approval was to construct the project in accordance to City standards and in the case of a rip-rap slope the City defers to the Massachusetts Department of Environmental Protection (Mass DEP) standards. He stated that the Arboretum project used a rock and vegetative armoring and that is not an approved methodology by Mass DEP for construction of a rip-rap slope.

Mr. Rolle stated that staff continues to believe that the slope needs to be remediated to conform with the approved plan or a plan amendment should be submitted for consideration by the Board. He stated that the proponent has not remediated the slope or submitted a plan amendment in the time period specified by the Board in their January 22, 2014 letter and that the Board could consider voting to rescind approval in accordance to MGL Chapter 41 Section 81W. He explained that if the

Board decided to do so, a public hearing would need to be held. He stated that the Board could also choose to continue the item or take no action on the matter.

Mr. Mitra stated that he has not had sufficient time to review all the documentation recently provided by the attorney representing the proponent.

Mr. Ochoa and Mr. Vigliotti stated that they believed a public hearing should be scheduled for April 30, 2014 to allow the Planning Board to take some action on the matter. Mr. Ochoa stated that voting to hold a hearing would still give Arboretum Villages LLC time to submit any additional information they find relevant while allowing the Board to take action.

James Bisceglia, 54 Honeysuckle Road, presented a rock that he asserted slid from the rock and vegetative armor slope into his yard. He stated that he wants closure and did not want to return to another meeting since this issue has been before the Board several times and was continued multiple times. Mr. Bisceglia expressed frustration with lack of progress on changing the slope and stated his concerns about safety. He stated that he believed the City needed to take control and have another company fix the slope and charge Mr. Gallo for it. He stated that Tim Viele, his next door neighbor, is very concerned about the homes that are to be constructed on top of the slope. He expressed concerns that Mr. Gallo and his attorney were not present and stated that he believed Gallo was “playing” with the City.

Mayra Machicote, 40 Honeysuckle Road, stated that she is concerned for her children’s safety and is tired of attending Planning Board meetings. She stated that she pays taxes and the City should help with this matter as every spring she gets a mudslide into her yard. She stated that the City Mayor and District Councilor have been in her backyard to view the situation but nothing has happened. She showed a number of pictures to the Board.

Jo Hart, Worcester resident, stated that the Board should shut Mr. Gallo down and sue him. She stated that Mr. Gallo is obviously not responding to the Board’s requests and this is a scary situation for the residents. She stated that she believed the City will be culpable if anything happens.

Ebenezer Obeng-Nyarkoh, 38 Honeysuckle Road, stated that the situation has gone from frustrating to desperate. He stated that he has small children who like to use the backyard to play but they are not allowed to play because the rocks keep falling into his property. Mr. Obeng-Nyarkoh stated that Mr. Gallo did some work to supposedly help with drainage but many small rocks ended up in his yard and he is concerned all the rain will drain onto his property once the spring comes.

Ms. Haralambous stated that if the Board so chooses, they would need to take a vote to hold a hearing to consider rescission of the Phase IV Subdivision approval. She explained that the hearing would need to be advertised before being held. She stated that if the Board take such a vote and were the approval to be rescinded, the result would mean that the developer could not build any more houses and all work within Phase IV would have to stop.

Mr. Bisceglia asked what would happen if Mr. Gallo does not attend the public hearing. Ms. Haralambous stated that at that time the Board could take action to rescind the approval which would force him to stop work.

Mr. Rolle stated that the public hearing needs to occur in order to move forward, whether it’s to rescind the approval or to force the developer to submit revised plans that address the issue. He clarified that the outcome of the public hearing isn’t decided since it has not been heard. Mr. Rolle clarified that the City does not have any authority to take over the project or fix the project.

Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to hold a public hearing on April 30, 2014 to consider the rescission of the Phase IV Definitive Subdivision approval

(PB-2009-038) given the Board's continuing concerns that the slope was not built in accordance to the approved plans.

List of Exhibits:

Exhibit A: Photos of Slope from Mayra Machicote, 40 Honeysuckle Road; received 3/26/14.

14. Esper Avenue – Street Petition Convert to Public (ST-2014-002)

Mr. Gagne stated that DPW recommended that the street conversion be deemed priority level 4. Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to recommend approval.

15. Midgley Avenue – Street Petition Convert to Public (ST-2014-003)

Mr. Gagne stated that DPW recommended that the street conversion be deemed priority level 4. Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to recommend approval.

16. Communication Received:

- a) **Environmental Notification re: proposed Worcester Regional Transit Authority Vehicle Maintenance and Operations facility, 40 Quinsigamond Avenue; dated February 28, 2014; received March 4, 2014.**

Ms. Zhaurova stated that no action needed to take place with this item. She explained that it is a communication to notify the Board that the Worcester Regional Transit Authority will be applying for a Vehicle Maintenance and Operations facility at 40 Quinsigamond Avenue, which is the same location that will hold a compressed natural gas facility (next door).

17. Approval Not Required (ANR) Plans

- a. **770 Franklin Street (public) (AN-2014-012)**

Ms. Smith stated that this lot is located on a public street in the RL-7 district. The applicant is seeking to subdivide the existing property into two lots; each lot will provide 105' of frontage. Staff had a question as to whether or not there was more than one building on the lot and Inspectional Services determined that there is one building with two accessory structures and that staff recommends endorsement.

Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to endorse.

- b. **38 Toronita Avenue (private street) (AN-2014-015)**

Ms. Smith stated that this property is located in the RS-7 zone, on a private way; the purpose is to subdivide the property into 3 lots. The proposal is to construct 3

single family dwellings; all three lots meet or exceed frontage requirements and staff recommends endorsement.

Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to endorse.

**c. 132 Malden Street/ 0 Whippoorwill Drive (public Street / private street)
(AN-2014-016)**

Ms. Smith stated that this property is located in an RS-7 zone and noted that Malden Street is public but Whippoorwill Drive is private. She stated that the applicant is seeking to reconfigure the lot lines and subdividing the parcel into 4 lots. She stated that 65 ft. of frontage is required and that the applicant provides the necessary frontage for all lots. Ms. Zhaurova stated that one parcel is part of an approved subdivision and the law department stated that it was acceptable to combine an existing parcel in a subdivision with an adjacent parcel and subdivide it accordingly.

Upon a motion by Mr. Vigliotti and seconded by Mr. Ochoa, the Board voted 3-0 to endorse.

ADJOURNMENT:

Upon a motion by Mr. Ochoa and seconded by Mr. Vigliotti, the Board voted 3-0 to adjourn the meeting at 7:12 p.m.