

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

**July 16, 2014**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Planning Board Members Present:** Andrew Truman, Chair  
Satya Mitra, Vice Chair  
Robert Ochoa, Clerk  
Andrew Freilich

**Planning Board Members Absent:** John Vigliotti

**Staff Present:** Stephen Rolle, Division of Planning & Regulatory Services  
Domenica Tatasciore, Division of Planning & Regulatory Services  
Michelle Smith, Division of Planning & Regulatory Services  
Jon Gervais, Department of Public Works  
Katie Donovan, Department of Inspectional Services

**BOARD SITE VISITS**

**CALL TO ORDER**

Chair Andrew Truman called the meeting to order at 5:30 P.M.

**APPROVAL OF MINUTES**

Upon a motion by Mr. Ochoa and seconded by Mr. Freilich, the Board voted 4-0 to approve the minutes for April 30, 2014 and May 14, 2014 without any edits.

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

**1. 38 Toronita Avenue (Lots 1, 2 & 3) – Definitive Site Plan Approval (PB-2014-008)**

Ms. Smith stated that the applicant requested that the item be continued to August 6, 2014 to allow all required voting members to be present since Mr. Vigliotti needs to vote on the matter. They have also requested to postpone the Approval Not Required (ANR) plan associated with this item to August 6, 2014 and extend the constructive grant deadline to August 28, 2014.

Upon a motion by Mr. Ochoa and seconded by Mr. Mitra, the Board voted 4-0 to approve the continuation of the Definitive Site Plan and the Postponement of the ANR plan to August 6, 2014 and to extend the constructive grant deadline to August 28, 2014.

List of Exhibits:

- Exhibit A: Definitive Site Plan Application; prepared by AET Realty Trust; received March 12, 2014
- Exhibit B: Definitive Site Plan; prepared by Quinn Engineering, Inc.; dated March 11, 2014.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 38 Toronita Avenue (Lots 1, 2 and 3); dated April 23, 2014
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 38 Toronita Avenue, Site Plan Application – PB-2014-008; dated April 17, 2014.
- Exhibit E: Email from Carl Hultgren of Quinn Engineering, representative for AET Realty Trust re: 38 Toronita Avenue (postpone meeting to May 15, 2014); dated and received April 30, 2014.
- Exhibit F: Definitive Site Plan; prepared by Quinn Engineering, Inc.; dated March 11, 2014; revised May 1, 2014; received May 7, 2014.
- Exhibit G: Request to Continue (5/14 to 6/4) & Extend Constructive Grant Deadline (6/26 to 7/16); submitted by Carl Hultgren, applicant representative; received May 14, 2014.
- Exhibit H: Request to Continue (6/4 to 7/16) & Extend Constructive Grant Deadline (7/16 to 8/7); submitted by Carl Hultgren, applicant representative; received May 29, 2014.

2. **Approval Not Required (ANR) Plans:**

**a. 38 Toronita Avenue (private) (AN-2014-022)**

Taken up contemporaneously with Item #1. Item was postponed until August 6, 2014 and the constructive grant deadline was extended to August 28, 2014.

Upon a motion by Mr. Ochoa and seconded by Mr. Freilich, the Board voted 4-0 to approve the Postponement of the ANR plan to August 6, 2014 and to extend the constructive grant deadline to August 28, 2014.

**b. 1 & 5 Dupuis Street (public) (AN-2014-027)**

Ms. Smith stated that the applicant has requested to withdraw their Approval Not Required plan.

Upon a motion by Mr. Freilich and seconded by Mr. Ochoa, the Board voted 4-0 to grant the Leave to Withdraw request.

**c. 414R Massasoit Road (MBL 45-032-02+03) (public) (AN-2013-031)**

Ms. Smith stated that the applicant requested to postpone the Approval Not Required (ANR) to August 6, 2014 and extend the constructive grant deadline to August 28, 2014.

Upon a motion by Mr. Ochoa and seconded by Mr. Freilich, the Board voted 4-0 to approve the Postponement of the ANR plan to August 6, 2014 and to extend the constructive grant deadline to August 28, 2014.

## **NEW BUSINESS**

### **Public Meetings**

#### **3. 266 Chandler Street – Parking Plan Approval (PB-2014-021)**

Engineer Jeff Howland stated that this is the vacant lower section of a parcel owned by Webster Five Cents Savings Bank. The bank has a purchase and sale with Antonio's Pizza by the Slice. The petitioner seeks to construct a ~4,500 SF full service restaurant. Additionally, the petitioner seeks to construct an associated food-service drive-through pick-up only window at property located at 266 Chandler Street. The site was part of a large gun manufacturing facility and it is contaminated (21E site).

Mr. Howland stated that the site will have access from Chandler Street. There is an existing curb cut in the general vicinity where the new one is proposed so it will be modified to meet the 24 ft. width required. There are 57 spaces proposed onsite and an agreement has been reached with Webster Five Cents Savings Bank to provide an additional 24 parking spaces on their site. Ten of those spaces are for employees only and it is gated and accessed only with a badge, the other 14 spaces, along the shared property line, are for use as overflow parking during the bank's closed hours.

Mr. Howland stated that they will connect to the existing sewer on Chandler Street and will provide the Board with information regarding the grease trap. Water will be connected to a new water main that the City is installing on Mayfield Street. The site does not have any drainage; the bank has a lined rain garden which does not infiltrate because of the contamination on the site. New catch basins will be added to the eastern part of the property and will tie into an existing manhole that was part of the existing manufacturing facility. The city is adding four drywells in Mayfield Street since there currently is no drainage on that street.

The project received Conservation Commission approval Monday night because the site is partially within the FEMA 500-year flood-zone. There is a pickup window proposed on the east side of the building. The Zoning Board of Appeals approved the reduced length of the drive-through aisle. A dumpster is also proposed along with landscaping along Mayfield Street as well.

Mr. Howland stated that he received comments from staff and all the changes they requested will be incorporated.

Mr. Gervais stated that DPW needs the detail for the proposed grease trap but the applicant already stated that he would provide it.

Ms. Smith stated that most of staff's comments are minor annotations and the applicant has already addressed the landscaping along Mayfield Street. She stated that the applicant should explore the possibility of providing bike racks on-site because the Zoning Board of Appeals mentioned it.

Mr. Howland stated that they will explore the options and find a location for the bike racks on the site.

Ms. Smith also inquired about additional signage or lighting proposed.

William Kitsilis, owner, stated that there will be a freestanding sign near the entrance.

Mr. Howland stated that the lighting plan is being finalized and will be provided to staff.

Douglas Hannam, 2 Durant Way, stated that he supported the development but was concerned about ingress/egress to the site from Mayfield Street. There are many children entering Beaver Brook Park through Mayfield Street and he was concerned about their safety.

Mr. Howland stated that ingress and egress for vehicles will only occur from Chandler Street. They will have a pedestrian walkway along Mayfield Street.

Mr. Freilich asked how much traffic they expect out of the drive-through window.

Mr. Kitsilis stated that he has the same concept restaurant in Rhode Island. It is a pick up window only; there is no menu board or ordering at the window. When the order is placed staff will overestimate the time it takes for it to be ready so that people are not waiting. But if their order is not ready they have a few spots designated for curbside service and a staff person will run out the food to the customer when it is ready.

Mr. Freilich stated that he was concerned with the pedestrian walkways not being clearly designated so people are not crossing the drive-through lane. He also wanted to know what they were doing with lighting to deter the homeless in the area from loitering there.

Mr. Kitsilis stated that he met with the abutter, Joyce Hanson, to discuss lighting and they are working with her to come up with something she is amenable to. Also, the abutter likes the chain-link fence because it provides her visibility as opposed to a solid fence that can provide a spot for someone to hide.

Ms. Smith stated that no waivers have been requested at this time; however, the applicant must either label the abutters and abutters thereto within 300 ft. of the subject property or formally request a waiver of said requirement. Mr. Howland stated that he will provide the abutters names on the plan.

Mr. Mitra asked how long the lease was for the use of the parking spaces. Ms. Smith stated that the lease is for 19 years.

Upon a motion by Mr. Mitra and seconded by Mr. Ochoa, the Board voted 4-0 to approve the petition with the conditions in the memo.

#### List of Exhibits:

- Exhibit A: 266 Chandler Street Application; received 6/12/2014; prepared by UBCE, LLC.
- Exhibit B: 266 Chandler Street Plan; dated 12/20/2013; prepared by JH Engineering.
- Exhibit C: Rendering; dated 1/24/2014; prepared by Jefferson Group Architects.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 266 Chandler Street; dated 7/10/2014.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 266 Chandler Street; dated forthcoming.
- Exhibit F: Worcester Fire Department Comments; re: 266 Chandler Street; dated 7/8/2014.

4. **939, 945, 949 Main Street, 10 Grand Street, 4 & 12 Cristy Street, 7 Gates Street (Clark University Academic Building & Parking Deck) – Definitive Site Plan Approval (PB-2014-022)**

Attorney Robert Longden, representing the trustees of Clark University, stated that he was before the Board for a project bounded by Main, Gates & Grand Streets and located across the street from the main Clark University campus. They are proposing a new Academic Building & Parking Deck plus open space. Some of the properties in question are used as parking for St. Peter's Church (90 parking spaces). Clark University has acquired the property at 4 Cristy Street (house will be demolished), 945 Main Street (former thrift store), 7 Gates Street (house will not be demolished), and 949 Main Street (church was ordered by Building Commissioner to be demolished).

Mr. Longden stated that the parking lot on the property is being shared by Clark University students and the patrons of the church. It is a cooperative parking arrangement where Clark uses it during the week unless the church has a religious service during the week then the church has priority.

Mr. Longden stated that Clark University is buying a portion of the parcel owned by the church (19,570 SF); this is where they will build their new academic building. The remaining portion of the existing parking lot will become part of the parking area that consists of surface parking and a parking deck. There will be a total of 122 parking spaces, an increase of 31 parking spaces. Open space will be created where the Church of God was located increase the amount of open space and decreasing the amount of impervious area.

Mr. Longden showed a rendering of the proposed building and stated that the building will house Clark's innovative Liberal Education and Effective Practice Program. Clark University is a non-profit educational corporation and as such it is protected by the Dover Amendment. The proposed building does not comply with the maximum height restrictions in feet (65' proposed) and stories (4 stories proposed), but as previously mentioned, land or structures under Article XVI, Section 1.A of the Zoning Ordinance may be subject to "reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements." Strict compliance with the maximum height restriction would improperly nullify the protections afforded to the project's nonprofit educational use under the Dover Amendment. On May 21, 2014, Building Commission John Kelly issued a letter to the applicant that he has made the determination that this project is entitled to the protections of the Dover Amendment (MGL Chapter 40A, Section 3) and the corresponding protections detailed in Article XVI, Section 1.A of the City's Zoning Ordinance and that except for site plan review, no zoning permits or approvals will be required (see Exhibit F). The letter states that the height of the building is consistent with other buildings in the immediate area.

Mr. Longden stated that colleges and universities are required to provide parking for classroom space and dormitories. This building will only have two classrooms; the rest will be office and conference space. Ten parking spaces are required for each classroom so a total of 20 spaces for the new building are required. Churches are required to provide 1 parking space per every 4 people and the church generally gets 100-200 people attending their services/activities. So an additional 50 spaces are required for the church use. They are providing 121 spaces where only 71 are required.

Mr. Longden stated that the access to the parking lot from Grand Street and Gates Street. The parking deck will be 15 ft. high, which includes a guardrail. But the deck will be built into the hill so the visual impact from Cristy Street will be minimal; they will only see the guardrail. There will also be substantial landscaping buffer along Cristy Street and also along the portion that faces Gates Street.

Mr. Longden stated that the way the building is designed will integrate University Park and will encourage people to use it. Since only employees that work in this building will be parking here and patrons for the church a substantial increase in traffic is not expected. Students will be walking from the campus and crossing the street to use this building. This building will not create retail or commercial traffic. People will arrive in the morning and park there and stay there until it is time to go home.

Mr. Longden stated that a photometric plan was submitted and it shows that lighting will remain within the property and there will not be spillover to adjacent properties.

Mr. Longden stated that the memo requested that the project provide screening of vehicle headlights from parking areas particularly for neighboring properties at #6 Cristy Street and #11 Gates Street. They plan to install a closed wood fence that will extend fully along the property lines separating the project site from the abutting residential properties at #6 Christy Street and #11 Gates Street. Where parking is exposed at the surface level of the parking deck, along Grand Street, additional screening vegetation will be included to shield vehicle headlights from properties opposite the site. All tree species currently proposed comply with the non-Asian Longhorned Beetle susceptible species requirement. The Landscape Plan will be revised to include this label. The lighting design is being reviewed to ensure that all pedestrian access areas are appropriately illuminated. A version of the final photometric plan will be provided that includes identification of vehicle parking and pedestrian access areas; that can be a condition of approval.

Mr. Longden stated that due to the compact nature of the project and the proximity of landscaped/planted visual buffer areas that would be damaged by snow stockpiling, the potential for designated snow storage on the site is somewhat limited. Following small, frequent snowfall events snow will be plowed off of pavement edges in discrete, adjacent areas that will not disturb plant beds or lawn areas, as well as onto the non-parking areas on the parking deck. Following more substantial snowfall events, the Applicant will need to remove collected and stockpiled snow from the site. The drawings will be revised to indicate areas where some snow storage is available and to include a notation that snow will be removed off-site if the capacity of the indicated snow storage areas is exceeded. The Applicant plans to accomplish waste removal from the building by periodic vehicle pick-up. No dumpster is proposed for the project.

Mr. Longden stated that the generator and transformer will be situated on surface grade concrete pads that are 10-12' below the adjacent residential properties. The properties will also be separated from the project site by a closed wood fence. Mr. Longden provided the noise levels and stated that exclusive of operation during a power outage, operation of the generator will be limited to monthly 15-30 minute tests. At least 2 emergency call boxes will be located on site, one in the plaza near the main building entrance, and one on the lower level of the parking garage. The drawings will be revised to indicate selected locations.

Mr. Longden stated that site signage is currently under design. Final signage designs will be submitted to Planning Board staff for review and approval. A detail of the boulder wall design indicating planting method was submitted to the Planning office. The drawings will be revised to

include the detail for the retaining wall and to show the limit of work and where work extends onto #7 Gates Street along with the inclusion of a note that the property is held in common ownership.

The existing fencing at the project limits will be removed in its entirety. Where new fencing is proposed, it will be a solid wooden fence. Staff also asked for a copy of the parking lease between the bishop of Worcester (owners of St. Peter's church and associated properties) and Clark University. The existing lease is coming to an end but it will be replaced with a new and Mr. Longden will provide a redacted version of it.

Mr. Longden stated that a Notice of Intent is not needed for this project and that he is amenable to all three comments from DPW.

Ms. Tatasciore stated that the Site Plan Review Triggers were Gross Floor Area greater than 15,000 sq. ft.; greater than 15% slope; and abutting Historic Property. The response memo by the engineer, which Mr. Longden read from, addresses all of staff's concerns. To recap the applicant still needs to submit a photometric plan, a parking agreement, and the sign design.

Bill Sweeney, Worcester resident, stated that he disagrees with the height of the proposed building. He was concerned that the drain is going into the sanitary sewer system. He is concerned with Clark students' safety while crossing Main Street. He was also opposed to making Grand Street two ways to accommodate the parking because the street is congested as it is.

Mr. Gagne stated that there is a combined system on Main Street and he was not aware of where else they could tie their drains into. He was not aware of plans to separate the combined system in the near future.

Engineer Matt Brassard stated that there are several drain connections on this project. The storm drain connection from the surface of the parking deck ties into the sanitary line of the combined system, which is a plumbing code requirement for the deck.

Mr. Longden stated that the university intends to have discussions with the City about making Grand Street a two-way street from Cristy Street to Main Street but there is no guarantee that it will happen. Mr. Rolle stated that will have to go before City Council.

Jo Hart, Worcester resident, stated that she believed the University got away with doing whatever they want and the City should not allow it.

Mr. Ochoa asked if a crosswalk and/or caution lights will be installed due to the increased foot traffic into the building. He also asked if they have considered how the handicapped will maneuver crossing the street.

Mr. Brassard stated that there is a street improvement project that includes adding a main crossing near the main gate. He did not have the specifics but it will be addressed as part of the streetscape program for the area.

Jack Foley, Clark University, stated that a few years ago Clark received \$2 million for streetscape work in that area. DPW will do the design to incorporate 3-4 blocks and would like to see these types of improvements be extended all through Webster Square. Mr. Foley also stated that presently they have various crosswalks and lights that serve the students that cross Main Street on a regular basis. Some of the designs being considered to alleviate safety concerns are to enlarge the sidewalks to narrow the street in order to ensure pedestrians are not hidden

behind parked cars. They are waiting for the initial plans from the City, which they expect in another month.

Mr. Freilich stated that he was concerned with how many properties were coming off of the tax roll in the City to accommodate these projects. They are great projects and he is not opposed to them but he is concerned the taxpayer is getting burdened paying for the additional revenue the City would have made off of those properties. He is concerned about striking a balance and using the Dover Amendment appropriately.

Mr. Ochoa stated that while he does believe that needs to be looked at, he is more concerned about 60% of property owners that do not live in the City because these houses end up in disrepair as opposed to developments like this, that allow institutions to provide decent housing for our students.

Mr. Mitra thanked Mr. Longden for a thorough presentation and asked about the size of the academic building. Mr. Longden stated that it was four stories and will be approximately 36,000 SF.

Mr. Truman stated that the memo mentioned a waiver request but this project is protected under the Dover Amendment so they do not need to provide it.

Upon a motion by Mr. Ochoa and seconded by Mr. Mitra, the Board voted 4-0 to approve the definitive site plan subject to the conditions of approval and that the applicant submit a revised photometric plan, sign details, and an executed lease.

#### List of Exhibits:

- Exhibit A: Definitive Site Plan Application; received June 12, 2014 and prepared by Robert E. Longden, Esquire, Owner's Authorized Representative
- Exhibit B: Clark University Main Street Development Site Plan Review; dated June 12, 2014; prepared by Architerra of 68 Long Wharf, Boston, MA.
- Exhibit C: Site Engineering Report; dated June 12, 2014; prepared by Brassard Design & Engineering, Inc.
- Exhibit D: Trustees of Clark University – Statement in Support to Applications for Site Plan Approval for Proposed Academic Building off Main Street, Grand Street, Gates Street and Cristy Street.
- Exhibit E: Letter from Attorney Robert Longden of Bowditch & Dewey to Building Commissioner John R. Kelly; re: Trustees of Clark University – Statement in Support to Applications for Site Plan Approval for Proposed Academic Building off Main Street, Grand Street, Gates Street and Cristy Street & Site Plan, Property Plan and Building Alignment Sketch; dated May 20, 2014.
- Exhibit F: Letter from Building Commissioner John R. Kelly to Attorney Robert E. Longden of Bowditch & Dewey, LLP; re: Trustees of Clark University – Proposed Academic Building at Property off Main Street, Grand Street and Cristy Street.
- Exhibit G: Historical Commission documents pertaining to 949 Main Street.
- Exhibit H: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Trustees of Clark University Proposed



Academic Building (Main, Cristy & Grand Streets) Definitive Site Plan, dated July 9, 2014.

Exhibit I: Planning Division Review Comments letter prepared by Matthew T. Brassard, P.E. dated July 15, 2014.

5. **Signing of Decisions from prior meetings** – The decisions from the prior meeting were signed.

### **ADJOURNMENT**

Upon a motion by Mr. Ochoa and seconded by Mr. Mitra, the Board voted 4-0 to adjourn the meeting at 7:03 p.m.