

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

**January 13, 2016**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Planning Board Members Present:** Andrew Truman, Chair  
Andrew Freilich  
John Vigliotti

**Planning Board Members Absent:** Satya Mitra

**Staff Present:** Steven Rolle, Division of Planning & Regulatory Services  
Domenica Tatasciore, Division of Planning & Regulatory Services  
Marlyn Feliciano, Division of Planning & Regulatory Services  
Katie Donovan, Inspectional Services  
Nicholas Lyford, Department of Public Works & Parks

**BOARD SITE VISITS**

**CALL TO ORDER**

Andrew Truman, Chair, called the meeting to order at 7:09 p.m.

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

**UNFINISHED BUSINESS**

**1. 0 & 9 Hemans Street and a portion of 40 Milton Street – More Than One Building On A Lot (PB-2015-042)**

**2. 0 & 9 Hemans Street and a portion of 40 Milton Street – Definitive Site Plan (PB-2015-042)**

Items #1 & #2 were taken contemporaneously.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the continuance to February 3, 2016 and extend the decision deadline to March 31, 2016.

**3. 128 Alvarado Avenue – Amendment to Definitive Subdivision (PB-2015-032)**

**4. 128 Alvarado Avenue – Definitive Site Plan (PB-2015-034)**

Items #3 & #4 were taken contemporaneously.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the continuance to February 3, 2016 and extend the decision deadline to March 31, 2016.

**5. Sarah Drive - Arboretum Phase I – Amendment to Definitive Subdivision (PB-2015-055)**

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the continuance to February 3, 2016 and extend the decision deadline to March 31, 2016.

## **NEW BUSINESS**

### **Public Hearing**

#### **6. 124-126 Chandler Street - Amendment to the City of Worcester Zoning Map (ZM-2015-003)**

The petitioner seeks to amend the City of Worcester Zoning Map by extending the BG-3.0 (Business, General) zoning district to include the entire property located at 124-126 Chandler Street. Presently, the property is split zoned - located in both the RG-5 (Residence, General) zoning district and the BG-3.0 (Business, General) zoning district.

Attorney Jonathan Finkelstein introduced the owner of the parcel, Gilberto Ledesma, stated that he operates a tire repair business at 99 Chandler Street and wanted to expand his business but stay in the same neighborhood so he bought the location at 124-126 Chandler Street only to learn that because CCOD had passed, he is now not able to use the property as planned so he has two petitions before the Board today, the first is to make this parcel solely BG-3.0 and the second is to remove the parcel from the Commercial Corridors Overlay District.

Mr. Rolle stated that according to Assessor's records, the commercial building on the site, which spans both zoning districts, was constructed circa 1919. Hence, the entire site has likely been in commercial use for nearly a century.

Extending the BG-3.0 zoning district to encompass the entire lot, thus eliminating the split zone, would increase this zoning district by approximately 2,850 SF or 0.07 acres. The current split zoning limits the use of the existing building which is partially located within the BG-3.0 district, because a portion of the structure is located within the RG-5 zone. Extending the BG-3.0 zoning to encompass the full parcel would allow a range of business uses on the lot, consistent with the other parcels fronting Chandler Street. Further, this extension would not be a significant intrusion into the neighboring residential zone and is not inconsistent with the zoning boundary location elsewhere along this RG-5/BG-3.0 boundary. Staff respectfully recommends the Planning Board recommend that the City Council approve the requested zone change because the extension of the BG-3.0 (Business, General) zone would not have an adverse effect on the surrounding neighborhood and businesses and would allow for low-intensity business-related uses of the full parcel.

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

Upon a motion by Mr. Vigliotti and seconded by Mr. Freilich, the Board voted 3-0 to recommend approval of this petition to the City Council.

#### **List of Exhibits**

Exhibit A: Petition – Gilberto Ledesma of L'Omatic Realty Trust; referred to Planning Board on October 13, 2015.

Exhibit B: GIS Map; dated December 22, 2015; prepared by DPRS Staff.

**7. 124-126 Chandler Street - Amendment to the City of Worcester Zoning Map (ZM-2015-004)**

The petitioner seeks to amend the City of Worcester Zoning Map by removing the property located at 124-126 Chandler Street from the Commercial Corridors Overlay District (CCOD-E). Presently, the property is split zoned – the portion of the property that is located in the BG-3.0 (Business, General) zoning district also resides in the CCOD zoning district; the rear portion of the property that is zoned RG-5 is currently not located in the CCOD zoning district.

Attorney Jonathan Finkelstein introduced the owner of the parcel, Gilberto Ledesma, stated that he operates a tire repair business at 99 Chandler Street and wanted to expand his business but stay in the same neighborhood so he bought the location at 124-126 Chandler Street only to learn that because CCOD had passed he isn't able to use the property as planned so he has two petitions before the Board today, the first is to make this parcel solely BG-3.0 and the second is to remove the parcel from the Commercial Corridors Overlay District (CCOD).

Attorney Finkelstein stated that the area has been traditionally used for automotive sales and that CCOD does not make sense in this area because the intent of the overlay district is to promote mixed uses but many buildings on Chandler Street are one story and don't really allow for mixed use.

Mr. Rolle stated that overlay districts should reflect not only what currently exists but the City's vision for the future. CCOD reflects the City's desire to see a more densely developed area with a multitude of mixed uses. It is also unconventional to exclude just one parcel from an entire district.

Greg Lano, managing partner of Chandler 128 Associates LLC and owner of 128 Chandler Street, said he is concerned with this petition for the following reasons:

- The small size and configuration of the lot at "124"-126 Chandler Street will require vehicles to be backed out onto a congested part of Chandler Street (one of Worcester's busiest streets). This creates a great potential for pedestrian and vehicular accidents with vehicles backing onto Chandler Street. The bus stop in front of 128 Chandler Street serves 2 WRTA Routes, adding additional problems as the buses begin to move east on Chandler St.
- In terms of pedestrian traffic, the eastern side of the "124"-126 Chandler Street property is less than 60 feet from the Chandler Street Elementary School property line which will pose a hazard as school children walk to and from school. The traffic of a tire and auto service lot will certainly be much greater than the minimal traffic generated by P.L. Rider Company, the previous owner of 126 Chandler Street.
- The garage at the site is at the southern end of the property abuts multi-unit residential properties at 20, 22 and 24 Jaques Ave.
- The use of the 126 Chandler Street building as a Tire warehouse near the Chandler Street Elementary School; abutting 20, 22 and 24 Jaques Ave. residential properties; 120 Chandler Street and our building pose a potentially serious fire hazard.

Michael Curtis, 94 Beeching Street, stated that he was the previous owner of the parcel and he used to run a medical supplies company for 25 years. His business created significant traffic and there were constant truck deliveries creating bigger issues than what is proposed.

Mr. Ledesma stated that he bought the place because he understood that he could open his business since it was zoned BG-3.0 and he was just 400 feet away.

Mr. Freilich stated that he was against spot zoning and setting a precedent.

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

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to recommend denial of this petition to the City Council.

### **List of Exhibits**

Exhibit A: Petition – Gilberto Ledesma of L’Omatic Realty Trust; referred to Planning Board on December 8, 2015.

Exhibit B: GIS Map; dated November 10, 2015; prepared by DPRS Staff.

### **8. 1 Lincoln Square (aka 60 Harvard Street) (Worcester Auditorium) & 2 Main Street (aka 5 Highland Street & 50 Harvard Street) (Worcester County Courthouse) - Amendment to the City of Worcester Zoning Map (ZM-2015-005)**

The petitioner, the City of Worcester, seeks to amend the City of Worcester Zoning Map by extending the BG-6.0 (Business, General) zoning district to include the properties located at 2 Main Street (Worcester County Courthouse) and 1 Lincoln Square (Worcester Auditorium). The property at 1 Lincoln Square is currently located in the BO-1.0 zoning district. The property at 2 Main Street is currently spilt-zone and is located in both the BO-1.0 and BG-6.0 zoning districts.

Mr. Rolle stated that this was the City’s petition and while these buildings enjoy legal protection as privileged non-conforming structures (i.e. grandfathered due to their existence prior to current zoning regulations), and have historically been exempt from zoning requirements as government uses, the current zoning regulations considerably limit the ability to redevelop and reuse these buildings for non-governmental purposes. This is a major impediment to the revitalization of these two key properties, as a change of use or physical improvement to the structures triggers the need to comply with the zoning requirements of the BL-1.0 zoning district.

The Auditorium and a portion of the Courthouse are currently zoned BO-1.0 (Business, Other), which is a low density commercial zoning district that limits uses and has more restrictive dimensional and parking requirements compared to the neighboring BG-6.0 zone that encompasses most of downtown Worcester, the remainder of Lincoln Square, and Gateway Park.

Both of these existing buildings are nonconforming with respect to certain zoning requirements in the BL-1.0 zone, but are consistent with the zoning requirements of BG-6.0. The extension of the BG-6.0 zone to include these parcels would reduce their current non-conforming nature of these landmark buildings and remove barriers to their redevelopment. This is consistent with the long-range vision for the area established by the North Main Street Economic Development Strategy study (2008). Further, such extension would only modestly reduce the BL-1.0 zone, which would remain as a buffer between the higher intensity uses in downtown and the neighborhood scale zoning in the Highland Street-Elm Park neighborhoods.

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

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to recommend approval of this petition to the City Council.

## List of Exhibits

- Exhibit A: Petition – City of Worcester; dated December 2, 2015; referred to Planning Board on December 15, 2015.
- Exhibit B: Letter of support from City Manager to City Council; dated December 15, 2015.
- Exhibit C: GIS Map; dated December 23, 2015; prepared by DPRS Staff.

## Public Meetings

### 9. **10 Nebraska Street – Definitive Site Plan (PB-2015-050)**

Hussein Haghanizadeh, HS&T Group, introduced Zac Couture and Patrick Burke, engineers who worked on the project, stated that the applicant proposes to renovate an existing vacant building to provide 24 one-bedroom dwelling units and associated parking with related utility, grading, landscaping and site work. On October 25, 2015, the ZBA approved a Special Permit to modify parking, loading requirements (1 loading space), dimensional requirements, layout, or the number of required parking spaces and a Variance for relief of 15 feet from the 15 ft. rear-yard setback dimensional requirement for a non-residential structure.

Mr. Lyford stated that DPW wants to see the 4 existing water services on the utility sheet, and abandon any services that will not be reused at the water main in accordance with City Specifications.

Ms. Tatasciore stated that this is a reuse of an existing building that is in the CCOD and parking requirements are different. One space is required per unit and one guest parking per 10 units, therefore 26 spaces are required. There is also a provision that allows the applicant to substitute 2 bicycle rack for 1 parking space and the applicant did choose to do that and is providing 25 spaces. She also reviewed the outstanding questions as outlined in the memo.

Mr. Haghanizadeh stated that he was amenable to making the changes required by staff and the Board and will make the necessary revisions on the plans. He also stated that they will not have a dumpster onsite but each unit will have a container that they will roll out onto the curb on trash pick-up day, which will be arranged through a company by them.

Alan Jolicoeur, 1 Envelope Terrace, verified that they were actually providing 23 units and not 24 due to the recreational space provided in the interior of the building.

Mr. Vigliotti stated that a dumpster might make more sense than 23 containers. Mr. Haghanizadeh stated that they will not be providing one because it's unsightly and will limit parking onsite. He stated that one bedroom apartments don't generally produce much trash.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 feet of the subject property.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested with the conditions of approval in the Planning staff memo and the DPW memo.

## List of Exhibits

- Exhibit A: Definitive Site Plan Application; received October 15, 2015 and revised on December 2, 2015; prepared by Anthony Bianco of ASAA, LLC.
- Exhibit B: Definitive Site Plan – 10 Nebraska Street; dated June 30, 2015 and revised through to December 16, 2015; prepared by H.S. & T. Group, Inc.
- Exhibit C: ZBA Special Permit & Variance Decision; voted October 26, 2015.
- Exhibit D: Floor Plans; received January 7, 2016.
- Exhibit E: Letter from DPW; dated January 6, 2016.

### 10. **23 & 25 Kenberma Road and Lots 1R & 1L (aka 160) Houghton Street – Definitive Site Plan (PB-2015-059)**

Pat Burke, HS&T Group, stated that the applicant proposes to construct 2 single-family semi-detached dwellings (total of 4 dwelling units) with related grading and site work located at 23 & 25 Kenberma Road and Lots 1R & 1L Houghton Street. They are amenable to all the suggested conditions of approval.

Mr. Lyford stated that the 6” connection for the northerly lot on Houghton Street is not acceptable as proposed. An easement through the southerly lot on Houghton Street and tying into the sanitary main on Kenberma Road is an acceptable alternative. Mr. Burke stated that they would do that.

Ms. Tatasciore stated that the Planning Board approved an 81-G Street Opening permit on December 10, 2014 to extend Kenberma Road ~50 feet, approximately 70 feet short of interconnecting with Houghton Street. Each proposed dwelling will have 3 bedrooms, a 1-car garage plus 1 additional parking space outside of the front yard setback. She asked if the applicant considered an alternate design solution in lieu of the proposed retaining wall separating the driveways of 23 & 25 Kenberma Road. Staff recommends that the applicant provide additional shrubbery and trees on the northerly side of Lot 1R to create a visual buffer from the property at 158 Houghton Street.

Mr. Haghanizadeh stated they will eliminate the retaining wall altogether and revise it on the plans. They are amenable to additional shrubbery.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 feet of the subject property.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested definitive site plan with the conditions of approval in the Planning staff memo and DPW memo.

## List of Exhibits

- Exhibit A: Definitive Site Plan Application; received November 12, 2015; prepared by Boguslaw J. Bialek.
- Exhibit B: Definitive Site Plan; dated November 12, 2015, revised December 18, 2015; prepared by H. S. & T. Group.

- Exhibit C: 81-G Street Opening; dated January 21, 2015; 23-25 Kenberma Road (aka 160 Houghton Street).
- Exhibit D: Planning Board Decision – Leave to Withdraw Without Prejudice; voted December 10, 2014.
- Exhibit E: DPW Comment Letter; dated January 6, 2016.

### **RECESS**

The Chair called a recess at 8:05 p.m. and reconvened the meeting at 8:09 p.m.

#### **11. 500 Salisbury Street – Definitive Site Plan (PB-2015-062)**

Kevin Quinn, Quinn Engineering, stated that he was representing Assumption College and introduced Steve Vandyke from Nault Architects. Mr. Quinn stated that they are proposing to construct a 3 story ~59,945 SF academic building containing classrooms, office space, an auditorium and a function hall with related grading and site work located at 500 Salisbury Street. This building is to accommodate the existing programs and it is not to accommodate for growth. There will be no parking changes required with this development. Assumption College is a pedestrian campus and students will access the building through the foot paths. They are designing those to accommodate access for emergency vehicles. He explained the stormwater management plan and sight lighting and explained that the building is central to the campus and will not be visible from city streets.

Mr. Lyford stated that that the applicant needed to coordinate with the Water Department to provide detailed information on water connection to water main running in an easement through the property. This is a 36” main, and is an integral transmission line for the city.

Ms. Tatasciore asked the applicant the outstanding questions in the memo. Mr. Quinn stated that there will be no dumpsters on site and the same service the college uses to pick up trash from the other buildings will be used. Mr. Vandyke stated that the building will have one sign and the school’s crest and there will be standard placard signs for the parking.

Ms. Tatasciore stated that the proposed turnaround for the handicapped spaces appears to be in conflict with an entrance on the north side of the building. Would the applicant be willing to shorten the turnaround and extend the walkway to the entrance to reduce conflict between pedestrians and vehicles? Mr. Quinn stated that they were amenable to that change.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 feet of the subject property.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested definitive site plan with the conditions of approval in the Planning staff memo, the DPW memo, and the Fire Department’s comments.

#### **List of Exhibits**

- Exhibit A: Definitive Site Plan Application; received December 1, 2015; prepared by Peter Wells, Assumption College Treasurer.
- Exhibit B: Definitive Site Plan; dated December 3, 2015; prepared by H. S. & T. Group.

- Exhibit C: Rendering; dated October 28, 2015; prepared by RDC.
- Exhibit D: Amendment Definitive Site Plan Decision; unsigned; June 21, 2016
- Exhibit E: MACRIS; 525 Salisbury Street; National Register Individual Property
- Exhibit F: Parking Plan Decision; 500 Salisbury Street: PB-2010-049; signed August 6, 2010
- Exhibit G: Amendment to Definitive Site Plan Decision; 500 Salisbury Street; PB-2012-031; signed July 24, 2012
- Exhibit H: Special Permit Amendment Decision; 500 Salisbury Street; ZB-2011-048; signed October 17, 2011
- Exhibit I: Memorandum from the City of Worcester Fire Department to the Planning Board; re: Fire Comments; undated.

**12. 96 Brantwood Road - Definitive Site Plan (PB-2015-063)**

Patrick Burke, HS&T Group, stated that they are proposing to construct a 1,720 SF single family residence with associated grading and site work with a 1-car garage and the second parking space located outside the front yard setback. Mr. Burke submitted a diagram with turn radius showing that the turn into the garage is possible. He also submitted a revised layout. He stated that he is amenable to the conditions of approval.

Mr. Lyford stated that the applicant has cleared up all outstanding DPW issues.

Ms. Tatasciore stated that the applicant received Definitive Site Plan approvals for a single-family residence in 2004 (PB-2004-120) and in 2006 (PB-2006-96) that have since expired. She also reviewed the questions outstanding in the memo.

Mr. Rolle stated that he does not have a problem with a meandering driveway and respects the fact that the applicant is trying to save the tree but the driveway is narrow and the applicant should add a foot or 2 in width. Mr. Burke was amenable to that.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested waiver from showing parcels and ownership information for abutters within 300 feet of the subject property.

Upon a motion by Mr. Freilich and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requested definitive site plan with the conditions of approval in the Planning staff memo and that the applicant submit 6 revised copies showing the changes and that the driveway be widened 1-2 ft.

**List of Exhibits:**

- Exhibit A: Definitive Site Plan Application; received December 3, 2015; prepared by Kosta Thimo.
- Exhibit B: Definitive Site Plan; dated December 3, 2015; prepared by H. S. & T. Group.
- Exhibit C: Rendering; dated October 28, 2015; prepared by RDC.
- Exhibit D: Definitive Site Plan Decision; signed July 17, 2006
- Exhibit E: Revised Definitive Site Plan; prepared by H. S. & T. Group; received January 13, 2016.
- Exhibit F: Turn Radius Diagram; prepared by H. S. & T. Group; received January 13, 2016.

## **OTHER BUSINESS**

### **13. Status – Country Club Acres (fka Paradise Point) – CCRC Special Permit, East Mountain Street**

Mr. Rolle stated that this is an informational item before the Board and there is no vote that needs to happen. Country Club Acres, formerly Paradise Point, is a Continuing Care Retirement Care development under Article 10 of the Zoning Ordinance. As part of the Special Permit there were some amenities required that have not yet been provided. Staff did meet with the developer earlier today and mapped out a plan that will address a lot of the issues brought forth.

Farooq Ansari, owner/developer of Country Club Acres, stated that this project was approved in 2002 but didn't start until 2004. The special permit has a condition of approval that the clubhouse needed to be completed within 3 years. The building itself was completed in that time frame but it was not finished inside and the economy crashed and building came to a halt. His original plan was to complete it after Phase I of the project was complete and the last house on Phase I was sold a month ago. He met with city staff and committed to having the rest of the clubhouse completed in 90 days. He will meet with the trustees and the residents to determine the amenities they really want in there.

Mr. Rolle stated that if those amenities differ from what's specifically called out in the special permit decision then Mr. Ansari has to apply for a special permit amendment.

Ms. Donovan stated that they will return for another status hearing in April.

Meryl Jacobson, 3 Myra Lane, stated that she had submitted a letter to the Board electronically explaining all the issues they have encountered with Mr. Ansari. She read the letter to the Board. She stated that the clubhouse was supposed to be used exclusively by the residents and that Mr. Ansari couldn't continue to use it as his construction trailer.

Tom McGill, 8 Enaya Circle, stated that he bought the home he's in because of the promised clubhouse and amenities. He stated that he is concerned about the roof of the clubhouse and he believes that there should be some reimbursement from Mr. Ansari since they haven't been able to use that clubhouse.

Mr. Freilich stated that is a civil matter and the Planning Board has no purview over that.

Mr. McGill stated there have been several promises to get the clubhouse done before and nothing has happened.

Mr. Freilich stated that completion is not just the shell but full completion of everything that's required inside as well.

### **14. Approval Not Required (ANR) Plans**

#### **a. 203 Moreland Street (public) (AN-2016-001)**

Ms. Tatasciore stated that the plan's purpose is to carve out the rear portion and deed it to the adjacent parcel.

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

**b. 23 & 25 Kenberma Road (public & private) and Lots 1R & 1L Houghton Street (public) (AN-2016-002)**

Ms. Tatasciore stated that the plan's purpose is to redraw the lot lines to reflect the same configuration as the site plan presented tonight.

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

**15. Communication**

**a. Waterways License (Water Dependent) Application, Blackstone Gateway Park, Worcester, MA – No Comment**

**16. Signing of Decisions from prior meetings – decision was signed.**

**APPROVAL OF MINUTES**

Upon a motion the Board voted 3-0 to approve the minutes for December 9, 2015.

**ADJOURNMENT**

Upon a motion by Mr. Vigliotti and seconded by Mr. Freilich, the Board voted 3-0 to adjourn at 9:11 p.m.