

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

May 3, 2017

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Andrew Truman, Chair
Satya Mitra,
John Vigliotti

Planning Board Members Absent: Andrew Freilich
Barbra Caramody

Staff Present: Stephen R. Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
Michael Antonellis, Division of Planning & Regulatory Services
Amanda Wilson, Department of Inspectional Services
Nicholas Lyford, Department of Public Works
Jennifer Beaton, Law Department
Alexandra Kalkounis, Law Department

Call to Order – 5:30 pm

Approval of Minutes

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to approve the minutes of January 11, 2017, February 1, 2017, March 1, 2017 and March 22, 2017.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. **501 Salisbury Street – Special Permit for Cluster Zoning (PB-2017-024)**
2. **501 Salisbury Street – Definitive Site Plan (PB-2017-024)**

Items #1, #2 were taken contemporaneously.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to postpone the items to the May 24, 2017 Planning Board meeting and to extend the constructive grant deadline until June 30, 2017.

3. **261 & 253 Lincoln Street – Definitive Site Plan (PB-2017-010)**

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to postpone the item to the May 24, 2017 Planning Board meeting.

Unfinished Business

Public Hearing and Public Meeting

4. 35 Modoc Street, Anthony Circle - Definitive Subdivision Plan (PB-2017-011)

5. 35 Modoc Street, Anthony Circle - Definitive Site Plan (PB-2017-011)

Items #4, #5 were taken contemporaneously.

Attorney Don O'Neil appeared on behalf of the applications.

Chair Truman noted that only three Board members were present and confirmed with Attorney O'Neil that he still wished to proceed.

Attorney O'Neil stated that they have met with DPW and believe they have addressed their concerns since the last meeting. He stated that the applicant is now proposing a nine lot subdivision for a total of 18 units.

Attorney O'Neil stated that staff had asked why the access to this property was not through an extension of Modoc Street. Attorney O'Neil stated in reply that even without the extension the roadway is 600 feet long and the City's Subdivision Regulations limits private streets to be 500 feet and they would require waivers from the Planning Board to accomplish that.

Attorney O'Neil stated that they believe that the access that they have provided is a better option and complies with Subdivision Regulations.

Mr. Lyford noted that DPW&P's concerns regarding drainage had been addressed.

Mr. Rolle summarized that the revised plan address DPRS's concerns about the overly large cul-de-sac originally proposed, lot frontage, lot irregularity and access to the properties. He stated that staff continued to be concerned with the provision of access from Nanita Street rather than Modoc Street primarily because the proposal would permanently dead-end Modoc Street without proper termination, such as a cul-de-sac. He noted that the Board's subdivision regulations require that streets be properly projected to the satisfaction of the Board, and suggested that the Board consider whether the street layout as proposed meets this objective. Mr. Rolle also noted that the applicant should ask for waivers not to show small trees on the plan and labeling adjacent subdivisions.

Chris Hemingway expressed concerns about where the access point would be for the subdivision and concerns about the additional traffic that this site would bring. He asked why the access point couldn't be off of Modoc Street.

Marlene Hemingway stated that this is about greed and the applicant has told people that the proposal has already been approved. She started a preference for access from Modoc Street and fewer houses.

Susan Marough stated that if feels that the decision has already been made by the Board and expressed concerns about the traffic and feels the neighbor concerns are not being heard. She asked whether the Board could limit the number of dwellings in the development.

Mr. Rolle noted that the Subdivision approval primarily is concerned with about whether the plan complies with applicable zoning and subdivision regulations.

Joseph Mitchell expressed concern about the project and how it will impact the street. He stated he was concerned about potential for accidents at the new proposed intersection.

Attorney O'Neil stated that since the last meeting they have made significant changes to the plan.

Kevin Core expressed concerns about the project and how big the project will be and the increased in traffic in the area.

Cathy McMahon expressed concerns about the project.

Mr. Vigliotti noted that a prior subdivision plan approved for the site consisted of fewer dwellings and connected to Modoc Street.

Mr. Truman stated that he had issue with the project coming off Nanita Street. He stated that he preferred access off of Modoc Street.

Mr. Vigliotti stated that it seems like it would alleviate the neighbors concerns if the project came off Modoc Street instead of Nanita Street/Orton Street Extension.

Attorney O'Neil stated that they cannot do that as it would not comply with Subdivision Regulations and what they are proposing complies with regulations.

Mr. Mitra stated he was concern that neighbors commenting that Board has already made a decision and that no one is listening to the neighbors and that is not true; the Planning Board is made up of volunteers who are listening to everyone's concerns and comments.

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

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 3-0 to approve the waivers requested by the applicant.

Upon a motion by Mr. Mr. Mitra and seconded by Mr. Vigliotti the Board voted 3-0 to deny the Definitive Subdivision Plan based the location of access not satisfying Section IX.C.2. Design Standards of the Subdivision Regulations, which require the proper projection of streets. The Board also cited concerns regarding the number of dwellings proposed and resulting impacts.

Board took a two minute recess.

Upon a motion by Mr. Mr. Mitra and seconded by Mr. Vigliotti the Board voted 3-0 to allow Leave to Withdraw without prejudice for the Definitive Site Plan.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 3-0 to refund the fees for the Definitive Site Plan.

List of Exhibits -Definitive Subdivision

- Exhibit A: Definitive Subdivision Plan Application; received January 19, 2017; prepared by St. Anthony Realty, LLC.
- Exhibit B: Anthony Circle Definitive Subdivision Plan; dated January 16, 2017 and revised through to April 13, 2017; prepared by Robert D. O'Neil, Jr. and Malley Engineering Co. Inc.
- Exhibit C: Stormwater Management & Hydraulic Calculations Report; dated January 16, 2017 and revised through to April 1, 2017; prepared by Malley Engineering Co. Inc.
- Exhibit D: Quitclaim Deed; Book 17359, Page 84; executed and recorded on September 29, 1995.
- Exhibit E: DPW Comments; dated March April 27, 2017.

List of Exhibits – Definitive Site Plan

- Exhibit A: Definitive Site Plan Application; received January 19, 2017; prepared by St. Anthony Realty, LLC.
- Exhibit B: Anthony Circle Definitive Site Plan; dated January 16, 2017 and revised through to April 1, 2017; prepared by Robert D. O'Neil, Jr. and Malley Engineering Co. Inc.

- Exhibit C: Stormwater Management & Hydraulic Calculations Report; dated January 16, 2017 and revised through to April 1, 2017; prepared by Malley Engineering Co. Inc.
- Exhibit D: DPW Comments; dated April 27, 2017.

New Business

Public Hearing

6. Zoning Ordinance Amendment – Urban Agriculture (ZO-2017-002):

The petition seeks to create a new section in Article IV of the Zoning Ordinance whose intent is to encourage urban-scale farming and to improve access to fresh, locally grown produce, while establishing proper land use controls to govern such uses.

7. Review & provide comments regarding proposed Revised Ordinance Amendment relative to honeybee keeping and farms stands

Items #6 and #7 were taken contemporaneously.

Mr. Rolle gave a brief overview of the Zoning Ordinance Amendment.

Martha Safa on behalf of the Worcester Food Policy spoke in support of the amendment.

Mary Dwayne, president of the Worcester Beekeeper Association stated that she is bothered that their association was not consulted regarding this ordinance but are using their information. She asked why do bees need to be included in this ordinance and expressed concerns that if regulations are put on the beekeepers, they will move out of the city with their bees or they are going to hide their hives and they will not be inspected.

Ms. Wilson stated that beekeeping is technically not allowed in the City of Worcester under public health Regulation X from 1991 which specifically states it is not allowed and this ordinance is way to make it an allowed use.

Paul Panuchuak a member of the Worcester Beekeeper Association expressed concerns about the ordinance.

Steven Provosky spoke about an incident two years ago of having a swarm of bees from a neighboring yard swarm into his yard. He stated that animal control came out by they didn't want to go near the swarm and animal control told the neighbor that they had to remove the beehives but now this year the neighbor has set up new beehives and asked if people are going to need a permit to have the bees.

Representative Mary Keefe stated that she is a member of the Worcester Beekeeper Association stated that the state inspector could come out and meet with Mr. Provosky's neighbor. She stated that there is a state bee inspector that the City should contact as he would be a good resource to look to.

Steve Fisher, Regional Environmental Counsel, spoke in favor of the ordinance.

Stu Loosemore, from the Chamber of Commerce, spoke in favor of the ordinance.

Jo Hart, city resident, asked if city could get a list together of who people should call about issues and objects that chickens are not included in this ordinance.

Cathryn Kennedy, city resident, came in support of Worcester Food Council and in support of the ordinance but doesn't think local lawn gardens should be regulated as much but supports vacant lots turned into community gardens.

Robert Cohen stated that he thinks the ordinance could discourage beekeeping in Worcester and questioned what the law says regarding bee keeping in Worcester. Ms. Wilson read the citation.

Al Hoffman stated that there are a few absurdities in the proposed ordinance and feels Worcester has gotten along fine without the ordinance.

Mr. Truman and Mr. Mitra stated that they would like additional time to review the ordinance.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to continue the item to the May 24, 2017 Planning Board meeting.

Board took a five minute recess.

Public Meeting

8. 182 Southwest Cutoff - Definitive Site Plan (PB-2017-022)

Andy Baum appeared upon behalf of the applicant, Dario Diesel and stated that they would like to construct a new maintenance facility. The former maintenance and sales building was lost due to a fire in 2016; the applicant is proposing the same use for the site. Mr. Baum reviewed the plans for the site.

Staff reviewed the landscaping requirements for the site.

Upon a motion by Mr. Vigliotti, and seconded by Mr. Mitra, the Board voted 3-0 to approve the waiver to not show abutters to abutters on the plan.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to approve the Definitive Site Plan with conditions outlined in staff's memo as well as to comply with DPW recommendations.

List of Exhibits:

- Exhibit A: Definitive Site Plan application; received March 3, 2017; Prepared by Dario Diesel, Inc.
- Exhibit B: Definitive Site Plan: dated March 1, 2017; prepared by Summit Engineering.
- Exhibit C: Rendering with elevations and floorplans; undated; prepared by BTH Architects (located within the last few pages of plan set).
- Exhibit D: DPW Comments; dated April 27, 2017.

9. 24, 26, 28 & 30 Bullard Avenue - Definitive Site Plan (PB-2017-023)

Jeff Howland from JH Engineering appeared on behalf of the application. He stated that the plan was previously approved in 2015 but the previous plan had expired and that is why they are before the Board. He stated that the applicant would like to construct 3 additional single family detached dwellings on 3 vacant lots.

Mr. Lyford stated that a street restoration agreement and a performance security will be required to grind and pave the street.

Mr. Howland stated that the shed on the property will be removed.

Mr. Howland stated that the fill is being brought in and there will be a person on site to grade the site as it comes in and erosion controls will be installed.

Lisa Apraro expressed concerns about the proposal.

Al Hoffman expressed concerns about the proposal and the fill being brought in.

Upon a motion Mr. Vigliotti, and seconded by Mr. Mitra, the Board voted 3-0 to approve the waiver to show abutters to abutters on the plan.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to approve the Definitive Site Plan with conditions outlined in staff memo's along with allowance of the site plan that that Lot 1R is being reduced by 12 feet as well as DPW recommendations.

List of Exhibits

Exhibit A: Definitive Site Plan Application; received March 23, 2017; prepared by JH Engineering Group, LLC, on behalf of Enilton Lisboa.

Exhibit B: Definitive Site Plan: received March 23, 2017; prepared by JH Engineering Group, LLC.

Exhibit C: Definitive Site Plan Decision; dated May 6, 2015

Exhibit D: DPW Comments; dated April 27, 2017

Other Business

10. Ellie Way – Street Petition to make Public (ST-2017-007)

Mr. Lyford stated that Ellie Way is Developer Street which is near completion and DPW would recommend a priority #1 for the site.

Upon a motion by Mr. Vigliotti and seconded by Mr. Lyford the Board voted 3-0 to approve the petition.

11. Approval Not Required (ANR) Plans

a. 530 Massasoit Road (public) (AN-2017-024)

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 approve the ANR.

b. 14, 18 & 20 Arcadia Street (public) (AN-2017-025)

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to approve the ANR.

c. 2 & 2A Idalla Avenue (public) (AN-2017-026)

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to approve the ANR.

d. 3 Maxwell Street (public) & Maxwell Court (private) (AN-2017-027)

Mr. Lyford stated that the Board viewed the site today and it is passable.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 3-0 to approve the ANR.

12. Communication

a. Letter from the MA Division of Fisheries & Wildlife re: Draft Priority Habitat Map of rare species available for public comment; dated March 27, 2017. No comment.

13. Signing of Decisions from prior meetings

Adjournment - Upon a motion the Board voted 3-0 to adjourn the meeting at 8:46 p.m.