

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

March 21, 2018

LEVI LINCOLN CHAMBERS

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

Staff Present: Stephen R. Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
Jennifer Beaton Law Department
Jody Kennedy Valade, Department of Inspectional Services
Nick Lyford, Department of Public Works
Jake Sanders, City Manager's Office

Call to Order – 5:30 pm

Approval of Minutes

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 4-0 to approve the minutes of February 28, 2018.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 100 Wall Street & 38 Norfolk Street - Definitive Site Plan (PB-2018-004)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePaulo the Board voted 4-0 to postpone the Definitive Site Plan to April 11, 2018.

Old Business

Public Hearing

- 2. 26 Narragansett Avenue and 5 & 13 Keach Avenue – Special Permit for Cluster Zoning (PB-2018-009)**
- 3. 26 Narragansett Avenue and 5 & 13 Keach Avenue – Definitive Site Plan (PB-2018-009)**
- 4. Narragansett Avenue – 81G Street Opening (PB-2018-009)**

Items #2, #3, #4 were taken contemporaneously.

Carl Hultgren from Quinn Engineering appeared upon behalf of the applicant and stated that the item had been continued from the last Planning Board meeting and since that time they have revised the plans and have provided updated comments to staff.

He stated that the applicant seeks to construct single-family attached dwellings consisting of four 3-unit structures for a total of 12-units, in association with a cluster zoning development, with associated parking, grading and site work and reviewed the updated plans provided.

Abutter Steve Chad expressed concern about the condition of Steele Street as the road is not paved.

Abutter Michael Callahan stated that he objected to the proposal as it will not fit with the residential neighborhood.

Abutter Debbie Matthews expressed concerns about the current condition of the road and the traffic increase that will occur that will occur if this proposal is approved.

Abutter Katie Toomey questioned the grading and conditions of the road and the change in the traffic pattern.

Abutter Richard Brooks asked Mr. Hultgren to review the proposal on what would happen on Evelyn Street. Mr. Hultgren reviewed the plans for Mr. Brooks.

Abutter Elizabeth McCallahan expressed concerns about the grade of the road and safety of the road.

Abutter Mike Largness expressed concern about the light pole being moved and access to the road during construction. Mr. Hultgren stated that regarding the utility pole being moved that is decided by the utility company and during construction there has to be at least one means of access.

Mr. Vigliotti asked about the amount of space being provided on site. Mr. Hultgren reviewed where the open space would be located on the site and amount provided.

Mr. Vigliotti asked if any consideration had been made to increase road access to the site. Mr. Hultgren stated that when they met with DPW they were told to improve through the paved portion of the existing road.

The Board and staff discussed the issue of access to the property.

Mr. Rolle suggested that the applicant may want to ask to continue the item so the applicant could meet with staff again so they could do more review of the site. Mr. Hultgren stated that he would be fine with that.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 4-0 to continue the Special Permit for Cluster Zoning, Definitive Site Plan and the 81G Street Opening to the April 11, 2018 Planning Board Meeting.

List of Exhibits:

- Exhibit A: Special Permit Application – Cluster Zoning; received January 26, 2018; prepared by Tim McGrath.
- Exhibit B: Definitive Site Plan, 81G Plan & Cluster Zoning Plan; dated January 16, 2018 and revised on March 9, 2018; prepared by Quinn Engineering Inc.
- Exhibit C: Stormwater Report; dated January 16, 2018; prepared by Quinn Engineering Inc.
- Exhibit D: Renderings with elevations; dated March 10, 2017; prepared by AADesign.
- Exhibit E: DPW Comments; dated February 22, 2018.
- Exhibit F: Fire Comments; dated February 28, 2018.
- Exhibit G: Photographs by Abutter; submitted February 28, 2018.

New Business

Public Hearing

5. 9 Mount Pleasant Street - More Than One Building On A Lot (PB-2018-001)

Adam Cobalt and Chris Burke appeared upon behalf of the petitioner Matthew 25 Inc. Mr. Cobalt stated that the applicant seeks to construct 2 two-family detached dwellings for a total of 4 units and reviewed the plans for the site.

Mr. Lyford stated that DPW has no objections to the plans but will need more detailed sewer/water connection plans for the site before construction begins.

Mr. Truman stated he just wanted to make sure there is a no parking sign placed beside parking spaces #3 & #4 so people not trying to back out into the street.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 4-0 to approve the waivers requested by the applicant.

Upon a motion by Mr. Vgiliotti and seconded by Mr. Mitra the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 4-0 to approve the application for More Than One Building on a Lot with conditions outlined in staff's memo, DPW comments and the condition that there be no parking allowed beside parking spaces #3 & #4, as shown on the plan.

List of Exhibits:

- Exhibit A: More Than One Building On A Lot Application; received December 14, 2017; prepared by Christopher Burke on behalf of Matthew 25, Inc.
- Exhibit B: Site Plan for 9 Mount Pleasant St; dated December 6, 2017 and revised on February 21, 2018; prepared by Jarvis Land Survey.
- Exhibit C: Renderings; undated; preparer unknown.
- Exhibit D: DPW Comments; dated January 10, 2018.
- Exhibit E: Letter of Support from Ignatius Change of ITC Realty, dated February 9, 2018.
- Exhibit F: Letter of Support from Michael F. Marchand, President of Alfred Roy & Sons Funeral Home; dated February 10, 2018.
- Exhibit G: Letter of Support from WamWorks.org; dated March 2, 2018.

Public Meeting

6. 34 Toronita Avenue - Definitive Site Plan (PB-2018-010)

Carl Hultgren from Quinn Engineering appeared upon behalf of the applicant, Kosta Realty, LLC. Mr. Hultgren stated that the applicant seek to construct a single-family detached dwelling with 15% or more slope and reviewed the plan for the site as well as the erosion controls that will be utilized.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 4-0 to approve the waivers requested by the applicant.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

List of Exhibits:

Exhibit A: Definitive Site Plan Application; submitted by Kosta Realty, LLC; dated February 8, 2018.

Exhibit B: Definitive Site Plan; prepared by Quinn Engineering, Inc; dated January 26, 2018; received February 8, 2018

7. 301 Swan Avenue - Definitive Site Plan (PB-2018-011)

Kevin Quinn from Quinn Engineering appeared upon behalf of the applicant, Mithaq Najil. Mr. Quinn stated that the applicant seeks to construct a single family detached dwelling with associated parking, site work with 15% or more slope.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to approve the waivers requested by the applicant.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

List of Exhibits:

Exhibit A: Definitive Site Plan Application: prepared by Robert G. Lister on behalf of Mithaq Najil; Submitted February 13, 2018

Exhibit B: Definitive Site Plan; prepared by Quinn Engineering; dated January 23, 2018.

8. 457 Granite Street - Definitive Site Plan (PB-2018-012)

Kevin Quinn from Quinn Engineering appeared upon behalf of the applicant, Joseph Mattero. Mr. Quinn stated that the applicant seeks to construct a single-family detached dwelling with associated site work with 15% and that the applicant appeared before the Conservation Commission Monday night and had received approval from that Board.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 4-0 to approve the waivers requested.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo as well as the addition of the turn around for the driveway.

List of Exhibits:

Exhibit A: Definitive Site Plan Application: submitted by Joseph Mattero; received February 14, 2018.

Exhibit B: Definitive Site Plan; prepared by Quinn Engineering, Inc; dated February 2, 2018, received February 14, 2018.

9. Kiara Drive (fka 770 Franklin Street) - Definitive Site Plan (PB-2018-013)

Patrick Burke from H.S.&T appeared upon behalf of the applicant, Cesmire Spiro. Mr. Burke stated that the applicant is seeking to construct 8 Single-Family Semi-Detached dwellings and 1 Single Family Detached Dwelling for a total of 17 dwelling units with associated site work in an approved subdivision known as Kiara Drive.

Mr. Lyford stated that DPW requires that the utilities listed on the plan be more clearly outlined.

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 to approve the waivers requested.

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined and staff and DPW memos.

List of Exhibits

- Exhibit A: Definitive Site Plan Application; received February 15, 2018; prepared by Cesmir Spiro.
- Exhibit B: Definitive Site Plan; dated January 25, 20168; prepared by HS&T Group, Inc.
- Exhibit C: Rendering; dated October 12, 2017; prepared by D+D Services.
- Exhibit D: Kiara Drive Definitive Subdivision Decision.

10. 50 Gold Star Blvd. (fka 11 Distributor Road) – Parking Plan (PB-2018-013)

Josh Swerling from Boehler Engineer appeared upon behalf of the applicant, Reliant Medical Group, and stated that the applicant is applying for Parking Plan Approval to construct a 62 space parking lot for an associated proposed clinic use with associated site work.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to approve the waivers requested by the applicant.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 4-0 to approve the Parking Plan with conditions outlined in staff's memo.

List of Exhibits:

- Exhibit A: Parking Plan Application; received February 16, 2018; prepared by Lawrence Tomasino.
- Exhibit B: Site Development Plans; dated January 31, 2018 and revised on February 20, 2018; prepared by Bohler Engineering.
- Exhibit C: Stormwater Drainage Analysis; dated February 20, 2018; prepared by Bohler Engineering.
- Exhibit D: Trip Generation Assessment; dated February 21, 2018; prepared by McMahan Transportation Engineers & Planners.
- Exhibit E: Letter to Attorney Brian Falk from Building Commissioner John Kelly, dated October 26, 2017.

The Board voted to take a ten minute recess.

Public Hearing

11. Zoning Ordinance Amendment – Adult Use Marijuana (ZO-2018-001)

The petition seeks to amend the Worcester Zoning Ordinance to add Article IV, Section 15 to allow Adult Use Marijuana by Special Permit in certain non-residential zoning districts.

Ms. Beaton provided a summary of the legislative history pertaining to adult use marijuana whereby in 2016, voters approved a ballot measure to allow this use. The law gave municipalities the ability to establish local ordinances and licensing regulations.

Mr. Rolle gave an overview of the proposal and stated that the regulations pertain to establishments that cultivate, manufacture, or sell marijuana for consumption off-site only; the sale of marijuana products for consumption on-site is not currently permitted in Worcester. However, while the *sale* of marijuana for on-site consumption is not presently authorized, the on-site *consumption* of marijuana at private clubs does not appear to be prohibited by current state regulations. Therefore, the proposed regulations also include zoning requirements pertaining to private clubs that allow the on-site consumption of marijuana (such uses are not defined as Marijuana Establishments under state law, however, and do not count toward Worcester's quota of 15 establishments).

While land use regulations are intended to safeguard the community from potential adverse effects of allowed uses, they must also provide sufficient opportunities for the location of up to 15 licensed establishments, as mandated by state law. Staff has evaluated the proposed regulations relative to Worcester's zoning map, and is confident that they strike the right balance.

The proposed regulations would preclude establishment of Marijuana Establishments within 500 feet of primary or secondary schools, public parks, playgrounds, licensed daycare centers, or public libraries. To prevent the proliferation of Marijuana Storefront Retailers in close proximity, these uses may not be located within 500 feet of another Marijuana Establishment.

In order to ensure that each establishment is appropriately examined and subjected to conditions as warranted by the given circumstances, the proposed regulations would allow Adult Use Marijuana Establishments only by Special Permit, in the following districts:

- Marijuana Cultivator: Manufacturing (ML, MG) and Airport (A) zones;
- Marijuana Independent Testing Laboratory/ Research Facility: Business (BL, BG), Manufacturing (ML, MG), Institutional-Hospital (I-H), and Airport (A) zones;
- Marijuana Product Manufacture: Manufacturing (ML, MG) and Airport (A) zones;
- Marijuana Retailer- Storefront/ Delivery Only: Business (BL, BG) and Manufacturing (ML, MG) zones;
- Marijuana Transporter: Manufacturing (ML, MG) zones;
- Micro- Business: Manufacturing (ML, MG) and Airport (A) zones;
- Club, lodge, other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products: Business (BL, BG) and Manufacturing (ML, MG) zones.

Charles Bergman spoke in support of the proposal and suggested some amendments to the proposal.

Paul Liton spoke in support of the proposal.

Mr. Vigliotti stated that he had a concern with too many retail storefronts being concentrated in the same area.

Anthony Panrello spoke in support of the proposal.

Mr. Truman suggested eliminating the buffer restriction and just allow the market to dictate where these businesses are located. Mr. Vigliotti stated that he would disagree with that.

Alex (unknown last name) spoke regarding the buffer zone requirement for locations proposed near day care facilities.

Mr. Truman stated that he recommended that the daycare requirement be taken out. Mr. Vigliotti stated that he would disagree with that proposal. Mr. Vigliotti said he supported the buffers as proposed, except for changing the buffer for retail storefronts to apply only to other storefronts. Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. DePalo and seconded by Mr. Truman the Board voted 4-0 to recommend that the buffer of 500 feet from a Marijuana Storefront Retailer only pertain to other Marijuana Storefront Retailer uses, and that other types of uses specified in the Marijuana Establishment definition not be excluded within this buffer area.

Upon a motion by Mr. DePalo and seconded by Mr. Truman the Board voted 2-2 retain a minimum buffer zone between the siting of Marijuana Storefront Retailer at 500 feet. Mr. Vigliotti and Mr. Mitra voted that a larger buffer on the scale of 1,000 feet should be recommended.

Mr. Truman made a motion to remove the buffers around licensed day care. None of the Board members seconded the motion, thus the motion did not carry.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 2-2 that the buffer for day care should be afforded the 500 foot separation from any Marijuana Establishments. Mr. Truman and Mr. DePalo noted that daycare locations can be transient and would be onerous on the applicant to fully comply with this requirement.

Upon a motion by Mr. Vigliotti and second by Mr. Mitra the Board voted 3-1, with Mr. Truman voting against, that the proposed buffer recommended in the ordinance for public schools, libraries, parks and playgrounds be recommended to the City Council.

Upon a motion by Mr. Truman and seconded by Mr. DePalo the Board voted 3-1, with Mr. Vigliotti voting against, to include Micro Businesses by Special Permit in the BL-1, BG-2, BG-3, BG-4 and BG-6 zoning districts.

Upon a motion by Mr. DePalo and seconded by Mr. Mitra the Board voted 4-0 that an additional use category for Marijuana Product Manufacturing, not to exceed 5,000 square feet, be allowed by Special Permit in the BG-2, BG-3, BG-4 and BG-6 zones be recommended to the City Council.

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 that the remaining portion of the ordinance as proposed be recommended to the City Council.

The Board voted to take a five minute recess.

Other Business

12. Vote to Extend the Work Completion Date and Acceptance of Performance Agreement & Release of Restrictive Covenant - The Village at Burncoat Heights.

Staff informed the Board that the applicant must still submit additional paperwork in order to proceed.

13. Approval Not Required Plans (ANR)

- a. 1 Century Drive (public) (AN-2018-012)

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 4-0 to approve the ANR for 1 Century Drive.

14. Communication

- a. Letter re: Regatta Point Facility Repairs – Chapter 91 Approval, dated March 13, 2018. – No comment.

The Board had no comments pertaining to this communication letter.

15. Signing of Decisions from prior meetings

Adjournment

The Board voted unanimously to adjourn the meeting at 9:07 p.m.