

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

**August 1, 2018**

**LEVI LINCOLN CHAMBERS**

**Planning Board Members Present:** Andrew Truman, Chair  
Satya Mitra  
Paul DePalo  
Albert LaValley

**Absent Members:** JohnVigliotti, Vice Chair

**Staff Present:** Stephen R. Rolle, Division of Planning & Regulatory Services  
Domenica Tatasciore, Division of Planning & Regulatory Services  
Michael Antonellis, Division of Planning & Regulatory Services  
Nick Lyford, Department of Public Works  
Jodi Kennedy Valade, Inspectional Services

**Call to Order** – 5:30 pm

**Approval of Minutes:**

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 3-0 to approve the minutes of July 11, 2018.

**Requests for Continuances, Extensions of Time, Postponements, Withdrawals**

**1. 190 & 192 Brookline Street Ext. - Definitive Subdivision Plan Amendment (PB-2018-041)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to continue the Definitive Subdivision Plan Amendment to the August 29, 2018 Planning Board meeting and to extend the decision deadline to September 30, 2018.

**2. 11 Nathaniel Court (aka 80 Southwest Cutoff) - Definitive Site Plan (PB-2018-018)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to continue the Definitive Site Plan to the August 29, 2018 Planning Board meeting and to extend the decision deadline until to August 30, 2018.

**3. Lots 66L, 66R, 67L & 67R Honeysuckle Road – Definitive Site Plan (PB-2018-024)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to continue the Definitive Site Plan to the September 12, 2018 Planning Board meeting and to extend the decision deadline until October 30, 2018.

**4. 122 Woodland Street – Definitive Site Plan (PB-2018-037)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to continue the Definitive Site Plan to the August 29, 2018 Planning Board meeting and to extend the decision deadline until September 30, 2018.

**5. Malden Woods – Definitive Subdivision Plan Amendment (PB-2018-026)**

**6. Malden Woods – Definitive Site Plan (PB-2018-026)**

Items #7, #12 were taken contemporaneously.

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to continue the Definitive Subdivision Plan Amendment and the Definitive Site Plan to the August 29, 2018 Planning Board meeting and to extend the decision deadline until September 30, 2018.

**7. 30 & 32 (aka Lot 2) Chiltern Hill Drive – Definitive Site Plan (PB-2018-032)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to postpone the Definitive Site Plan to the August 29, 2018 Planning Board meeting and to extend the decision deadline until September 30, 2018.

**8. 30 & 32 (aka Lot 3) Chiltern Hill Drive – Definitive Site Plan (PB-2018-033)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to postpone the Definitive Site Plan to the August 29, 2018 Planning Board meeting and to extend the decision deadline until September 30, 2018.

**9. 30 & 32 (aka Lot 4) Chiltern Hill Drive – Definitive Site Plan (PB-2018-034)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to postpone the Definitive Site Plan to the August 29, 2018 Planning Board meeting and to extend the decision deadline until September 30, 2018.

**10. 57 Highland Street, 33 & 35 Wachusett Street – Parking Plan (PB-2018-046)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to postpone the Parking Plan to the August 29, 2018 Planning Board meeting and to extend the decision deadline to September 30, 2018.

**11. 30 & 32 Chiltern Hill Drive (public ) & Aylesbury Road (public) (AN-2018-024)**

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to postpone the ANR to the August 29, 2018 Planning Board meeting and to extend the decision deadline until August 29, 2018.

## Old Business

### Public Hearing

**12. 47R Fourth Street – Special Permit for Cluster Zoning (PB-2018-023)**

**13. 47R Fourth Street – Definitive Site Plan (PB-2018-023)**

Items #12 and #13 were taken contemporaneously.

The property is vacant and the applicant proposes to construct 4 single family semi-detached dwellings and 1 single family detached dwelling for a total of 9 dwelling unit.

Chuck Scott from CFS Engineering appeared upon behalf of the application along with Russ Stewart.

Mr. Scott stated that the item had appeared before they Planning Board and they think they have addressed the comments of staff and have revised the plans and met with the IRT team.

Mr. Scott stated that one concern the Board has was the open space plan and they have revised that portion of the plan and he reviewed the proposal of where the open space would be proposed on the site.

Mr. Scott stated that the proposal is also before the Conservation Commission and that Board has not said they are in dispute of the wetland boundaries for the site.

Mr. Antonellis pointed out to the Board that three letters from abutters had been provided to them.

Abutter Joseph Zwirblia stated that a traffic study should be done as the traffic has changed in the last decade and asked if DPW could provide a report of the useful life left for Fourth Street. He stated that CFS did not address any of his concerns from his June 2018 letter. He provided a copy of his talking points to the Board.

Mr. Lyford stated that DPW Engineering did not determine that a full traffic study was warranted for this project and that residents may petition through City Council to have streets paved.

Mr. Mitra asked if a traffic study would need to be done. Mr. Lyford stated that based on what was provided that the DPW engineer did not believe that this proposal would require a full traffic study.

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

Upon a motion Mr. LaValley and seconded by Mr. Mitra the Board voted 4-0 to approve the waiver from the requirement of labelling abutters and abutters to abutters within 300 feet of the property; and the waiver to modify the frontage dimensional requirement from 295 feet to 50 feet.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the Special Permit with conditions outlined in staff's memo with an additional condition to limit construction vehicle traffic from 7:30 a.m. to 9:00 a.m. and from 2:00 p.m. to 4:00 p.m. and accept the petitioners findings of fact.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the waiver requested from the requirement of labelling abutters and abutters to abutters within 300 feet of the property and From the requirement to show trees with diameter of 9 inches or greater.

Upon a motion by Mr. LaValley 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: Special Permit Application & Definitive Site Plan Application; received April 19, 2018; prepared by Russell Stewart of Lee Homes, Inc.
- Exhibit B: Special Permit & Definitive Site Plan – 47 Fourth Street; dated January 10, 2006 and revised through to July 3, 2018; prepared by CFS Engineering.
- Exhibit C: Various Planning Board Decisions – submitted in application materials.
- Exhibit D: DPW Comments; dated May 17, 2017.
- Exhibit E: Open Space Exhibit Plan; Received July 5, 2018.
- Exhibit F: Abutter Letter from Joseph Anwarter; dated June 8, 2018.
- Exhibit G: Abutter Letter from Joseph E. Zwirblia; dated June 8, 2018.

**New Business**

**Public Hearing**

**14. Country Club Acres (fka Paradise Point & 190 Mountain Street East) - Special Permit Amendment for a Continuing Care Retirement Community - Extension the Construction Completion Date (PB-2018-042)**

Farooq Ansari appeared upon behalf of the petition. He stated that he was seeking to amend the existing Special Permit for the CCRC in order to extend the construction completion date for the work associated with the project, involving the construction of 108 dwelling units.

Mr. Ansari stated that he was told that once the project was started that you don't need to extend the Special Permit and that it keeps going until the project is completed and he has built over 50 of the 108 units and he is the last phase of the project. Mr. Ansari stated that in the Spring of this year he received a letter from the Department of Inspectional Services for a cease and desist to do work as there was a sunset date for the completion of the work and Mr. Ansari stated that he was not informed of this until sixteen years after the beginning of this project.

Mr. Ansari stated that he is appearing before the Board tonight to request an amendment of the Special Permit in order that he can complete the project. He stated that nothing has changed in the original proposal and the roads are completed and he is just looking to extend the permit.

Mr. Ansari stated that the original proposal had a condition for completion of a clubhouse for the property and that has been done and the residents are using the clubhouse so would like that condition removed. Also, on Maria Lane there is a sidewalk proposed and the residents are requesting landscaping instead of sidewalk and he said he told the residents that he would need to ask the Planning Board whether they would allow that.

Mr. Rolle gave a brief overview of the history and the time-line for the project and stated that sixteen years is a long time for a construction project so the Board may want to consider going forward a time-line for when construction is to be finished. Mr. Rolle reviewed the current imposed conditions for the project and the proposed conditions were as follows,

Original Conditions of approval, as well as staff's comments from the review memo, shown in italics, are as follows:

1. Applicant will maintain and make repairs to Cobblestone Lane keeping it in substantially the same condition it was in at the time of the application for the Special Permit.

*Staff recommends that the condition be amended as follows: Applicant will maintain and make repairs to Cobblestone Lane during the course of construction, keeping it in a state of good repair, to the satisfaction of the Building Commissioner.*

2. During construction, the applicant will prohibit any construction equipment used in the construction of the development from operating on Cobblestone Lane between the hours of 7:00 P.M. and 7:00 A.M.

3. Upon completion of the Paradise Point development, the applicant will provide a finish coat of asphalt on Cobblestone Lane to its full length and width.

*Staff recommends that the Board discuss with the applicant the possibility of providing a finish coat of asphalt by 2020, rather than waiting until project completion. Staff also recommends that a new condition be added to reconstruct the entrance to Cobblestone Lane at Mountain Street East in accordance with the approved plan at the same time as top coating, and that the condition specify a 1.5 inch top course.*

4. Residents of Paradise Point development will have motor vehicle access to Garrison Avenue at all times.

*Staff recommends that the condition be amended as follows: Residents of Paradise Point development will have motor vehicle access to Garrison Avenue at all times once construction is substantially complete.*

5. Hairdressing and haircutting services will be provided in the Community Center at least one full day a week in a properly equipped facility.

*Petitioner has requested to remove this condition. While the Board is free to consider modifications to conditions, staff notes that the Special Permit is tied to the ongoing use and will continue in perpetuity, as the provision of services is a requirement for compliance with the CCRC Zoning Ordinance. Therefore, wholesale changes are not recommended.*

6. Regular housekeeping services will be made available to residents by the condominium association, or the owner, as applicable.

*Petitioner has requested to remove this condition. While the Board is free to consider modifications to conditions, staff notes that the Special Permit is tied to the ongoing use and will continue in perpetuity, as the provision of services is a requirement for compliance with the CCRC Zoning Ordinance. Therefore, wholesale changes are not recommended.*

7. A registered nurse or nurse practitioner will be available at regular hours, at least four (4) hours per week, at the Community Center to provide diagnostic and screening services, first aid, vaccinations and the like.

*Petitioner has requested to remove this condition. While the Board is free to consider modifications to conditions, staff notes that the Special Permit is tied to the ongoing use and will continue in perpetuity, as the provision of services is a requirement for compliance with the CCRC Zoning Ordinance. Therefore, wholesale changes are not recommended.*

8. The owner of the development or the condominium will maintain a permanent arrangement with a rest home or nursing home licensed by the Commonwealth, which arrangement shall provide for a coordinated program of health services designed to enable the residents of the condominium to live

independently and which arrangement will provide for priority admission to said rest home or nursing home for the residents of the condominium.

*Petitioner has requested to remove this condition. While the Board is free to consider modifications to conditions, staff notes that the Special Permit is tied to the ongoing use and will continue in perpetuity, as the provision of services is a requirement for compliance with the CCRC Zoning Ordinance. Therefore, wholesale changes are not recommended.*

9. There shall be a Community Center that will provide a properly equipped hairdressing facility, a properly equipped medical examination room, recreation and exercise rooms, library and reading room, caterer's kitchen and a dining room with a minimum of 1200 square feet.

*Petitioner has requested to remove this condition. While the Board is free to consider modifications to conditions, staff notes that the Special Permit is tied to the ongoing use and will continue in perpetuity, as the provision of services is a requirement for compliance with the CCRC Zoning Ordinance. Therefore, wholesale changes are not recommended.*

10. The development shall qualify for, and maintain its status as, "housing for older persons" as defined in Title 42 USC, section 3607.
11. This Special Permit shall lapse two years from the date hereof unless construction has begun by such date.

*Staff recommends that this condition be deleted, as construction progress is addressed in a separate condition.*

12. Rights and obligations of the petitioner under this Special Permit shall be binding upon its successors, assigns, devisees, and transferred, with particular reference to any organization of unit owners, as that term is defined under M.G.L. c. 183A, section 1, or similar entity in the event the project is hereby submitted to the provision of M.G.L. c. 183A pursuant to the execution and recording of a master deed for the creation of a condominium.
13. In the event the project is submitted to the provisions of M.G.L. c 183A, the master deed shall define the common areas and facilities to mean and include the entire project, exclusive of the individual unit and the master deed shall include the following language or language of similar import - Paradise Point is a housing community limited to occupancy by seniors 55 years of age (a "qualified person"), their spouses, including the surviving spouse of the deceased qualifying persons and a relative by blood of marriage of the qualified person or such spouse provided that such relative must be 55 years of age or older ("qualified relative"). A unit owner shall not occupy or use the unit or permit the same or any part thereof to be occupied or used for any purpose other than as a private dwelling for qualified persons or the spouse of a qualified person or a qualified relative it being understood and agreed that the property is to be used solely for senior housing.
14. Access to the property from Garrison Avenue shall be restricted by a locked gate and shall be limited to owners of the units in the project or emergency vehicles only.
15. All conditions of the approved site plan are hereby referenced and incorporated as conditions of this Special Permit.
16. An open space covenant restriction, running in favor of the City of Worcester pursuant to Article X, Section 4.2 of the Worcester Zoning Ordinance shall be recorded as a prerequisite to the issuance of a building permit for the project and a copy thereof shall be filed with the Zoning Enforcement Officer.

*Staff recommends that the condition be amended as follows: An open space covenant restriction, running in favor of the City of Worcester pursuant to Article X, Section 4.2 of the Worcester Zoning*

*Ordinance, within 180 days of the approval date of this Special Permit amendment and a copy thereof shall be filed with the City of Worcester Planning & Regulatory Services Division.*

17. Construction of the project shall be phased as indicated in Sheet C18 of the plans submitted and all construction shall be completed no longer than three (3) years from the grant of this Special Permit.

*Staff recommends that the condition be amended as follows: Construction of the project shall be phased such that 72 or more units in total (57 existing units and 15 additional) are completed by December 31, 2020, 87 or more units in total are completed by December 31, 2022, 102 units in total are completed by December 31, 2024 and all construction, including site work, utilities, residential units, and amenities, shall be completed by December 31, 2025.*

18. Project lighting shall be designed so that no excessive lighting shall emanate from the site to the surrounding environs. The project, to the greatest extent possible, but particularly in parking areas and other outdoor open space areas, shall utilize so-called "shoe box lighting" to project such lighting directly down to the ground.

Mr. Rolle stated that staff recommends the following new conditions of approval:

19. Prior to and continuing during all construction activities, appropriate soil erosion and sedimentation control measures including hay bales and silt fences, shall be installed and maintained subject to the oversight and direction of the Commissioner of Inspectional Services.
20. All tree and stump removal shall be in accordance with the Asian Longhorned Beetle program requirements and all new trees and shrub plantings shall be Asian Longhorned Beetle resistant.
21. No rock crushing or grinding operations shall be permitted onsite and the contractor shall take steps to limit unnecessary noise and comply with the City of Worcester's General Revised Ordinance Relative to Noise Control.
22. All work shall conform to the City of Worcester's Zoning Ordinance, Planning Board decision and conditions of approval, and 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.

Mr. Rolle stated that a number of people had sent in correspondence and that had been providing to the Board.

Richard Morroco stated that he was a trustee of the CCC expressed concern about the road and drainage problems but stated that he wants to see the homes built and understands the developer had some delays and asked if someone from City could come look at the road to see what would be reasonable.

Mr. Ansari stated that he maintains the road but Quabbin Estates has easement to use the road.

Mr. Truman asked who is required to upkeep the road. Mr. Ansari stated that for the snowplowing the agreement was that 50% by the CCC and 50% by Quabbin Estates.

James Servidio expressed safety concern about the drop in the road which lacks fencing and construction debris is on site and these items should be addressed before the Planning Board continues the Special Permit.

Mr. Ansari stated that he is not changing from the original plan.

Jerri S. (unknown last name) stated that when this was originally approved they were told it was a three year project but they had no idea there would be 15 years of heavy construction vehicles and the street is a patch work quilt and one of the sewer drains is sinking into the road so the neighbors would like to see Mr. Ansari do some reconstruction of the road and she would like to know how many extensions does an

applicant get. She also stated that she recalls that a bond was required to cover the cost of repairs and that the original bond would be out-dated so a new bond/surety should be imposed and adjusted to include cost of full repair to the road.

Mr. Ansari stated that there was no bond for the original work was requested.

Mr. Rolle stated that staff has found no evidence of any bond/surety.

Ms. S. provided minutes showing that surety was to be required. Mr. Rolle stated that they had no record of that ever being submitted.

Tom McGill stated that three weeks ago he sent the Board his concerns regarding the project and stated that it has not been fun living with the construction vehicles and the dust.

Mary Harrington stated that the trustees are in favor of Mr. Ansari completing the project but agree with the home owners that the road needs to be fixed. Ms. Harrington stated that there are some safety concerns that Mr. Ansari also needs to be address.

*The Board took a five minute recess.*

Ted R. (unknown last name) stated that the long construction has caused undue stress on the residents.

Mr. Truman stated that he would like to get some input from the Law Department but they are not present tonight so would like to continue the item.

Mr. Mitra stated that the Board is only here tonight to vote on whether to amend the Special Permit to grant a completion extension and if they don't allow that then the construction will not be completed and that will not help, but also recognizes that the original plan approval was so long ago and under a different Board but the Board wants to see the project completed and would recommend that Board pick a date when the project should be completed but there might be something that Mr. Ansari may have to do for the residents as over 16 years conditions change on a site.

Mr. Mitra asked when Mr. Ansari thought the project would be completed. Mr. Ansari responded 2025.

Mr. Rolle suggested that the Board want to consider two different deadlines - one for the completion of infrastructure such as roads, utilities and the second one for completion of the homes.

The Board, staff and the applicant discussed the conditions proposed and the conditions the applicant would like removed. Mr. Truman asked if the Board was ready to close the public hearing.

Upon a motion by Mr. DePalo and seconded by Mr. LaValley, the Board voted 4-0 to close the public hearing.

Mr. DePalo stated that there seems to be a number of open items so he would be in favor of continuing to the meeting and maybe the Board members could go look at the road. Mr. Lyford stated that he could set up a view.

Mr. Truman stated that they should also look into setting a bond for the project.

Upon a motion by Mr. DePalo and seconded by Mr. LaValley the Board voted 4-0 to then continue the Special Permit Amendment for a Continuing Care Retirement Community 0 Extension the Construction Completion date to the August 29, 2018 Planning Board meeting.

*List of Exhibits:*

Exhibit A: Special Permit Amendment Application; received June 15, 2018; prepared by Farooq Ansari.



- Exhibit B: Continuing Care Retirement Community Site Plan to Accompany an Application for a Special Permit; dated May 8, 2001 and revised through to September 26, 2002; prepared by Thompson-Liston Associates, Inc.
- Exhibit C: Narrative for Requesting an Amendment to the Original Special Permit Granted to WCCA in June, 2002; undated. Submitted with the application materials.
- Exhibit D: Special Permit Decision for CCRC; endorsed June 19, 2002. Submitted with the application materials.
- Exhibit E: Letter from ISD to Farooq Ansari; dated May 15, 2018. Submitted with the application materials.
- Exhibit F: E-mail from Abutter Merrill Hill; dated June 28, 2018.
- Exhibit G: E-mail from Abutter Meryl Jacobson; dated July 1, 2018.
- Exhibit H: E-mail from Abutter Thomas McGill; dated July 3, 2018.
- Exhibit I: E-mail from Abutters Ruetenik & Mouradian; dated July 4, 2018.
- Exhibit J: E-mail from Abutters Power, Ciavola, Diorio & Sodeman; dated July 7, 2018.
- Exhibit K: E-mail from Abutters Harrington, Gustafson, Church & Morocco; dated July 4, 2018.
- Exhibit L: E-mail from Abutters Powers & Attreed; dated July 5, 2018.
- Exhibit M: E-mail from Abutter Meryl Jacobson; dated July 10, 2018.
- Exhibit N: E-mail from Abutter Meryl Jacobson & presentation; dated July 20, 2018.

**15. 513 (aka 73R & 74R) Burncoat Street - Definitive Frontage Subdivision (PB-2018-048)**

Kevin Quinn of Quinn Engineering appeared upon behalf of the applicant, Shawn Frigon. He stated that the applicant seeks to divide the property into two lots and construct a new single-family detached dwelling on 511 (aka Lot 73R) Burncoat Street and reviewed the scope of the project.

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

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the waivers listed in staff's review memo.

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

*List of Exhibits:*

- Exhibit A: Definitive Frontage Subdivision Plan Application; received July 10, 2018; prepared by Shawn Frigon.
- Exhibit B: Definitive Frontage Subdivision Plan; dated June 7, 2018; prepared Jarvis Land Survey, Inc.

**16. 12 Forbes Street – Definitive Site Plan (PB-2018-043)**

Kevin Quinn from Quinn Engineering appeared upon behalf of the applicant, Worcester East Side Community Development Corporation. Mr. Quinn stated that the applicant seeks to construct a single family dwelling on a property with 15% slope and reviewed the scope of the project. Mr. Antonellis asked Mr. Quinn to discuss the two required parking spaces.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the waiver from the requirement to list abutters and abutters thereto within 300 feet of the property.

Upon a motion by Mr. LaValley 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; received June 27, 2018.

Exhibit B: Definitive Site Plan; date June 22, 2018; prepared by Quinn Engineering, Inc.

**17. 329 (aka Lot 1 & 2) June Street – Definitive Frontage Subdivision (PB-2018-047)**

Attorney Donald O'Neil appeared upon behalf of the applicant, Lawrence Hammond. Attorney O'Neil stated that the applicant seeks to divide the property into two lots and construct a new single-family detached dwelling on 329 June Street – Lot 1, along with associated site work and reviewed the project scope. Attorney O'Neil stated that they have received a Variance from the Zoning Board of Appeals in the Spring of this year.

Abutter Joan Tung asked what type of fence would be on site. Attorney O'Neil stated that he could provide her with a copy of the application.

Upon a motion by Mr. LaValley and seconded by Mr. Mitra the Board voted 4-0 to approve the waivers listed in staff's review memo.

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

*List of Exhibits:*

Exhibit A: Definitive Frontage Subdivision Plan Application; received June 28, 2018; prepared by Lawrence Hammond.

Exhibit B: Definitive Frontage Subdivision Plan; dated June 22, 2018; prepared B&R Survey, Inc.

**Public Meeting**

**18. 7 (aka 9) & 17A North Street – Parking Plan Amendment (PB-2018-025)**

Andrew Liston appeared upon behalf of the applicant Donmar Realty. Mr. Liston stated that the applicant seeks to renovate an existing structure into a ~8,755 SF structure to include food retail sales, 2 retail sales uses and a bank with drive thru, along with 32 parking spaces, grading, paving, drainage, and site work and reviewed the scope of the work.

Mr. Liston stated that the proposal has received Zoning Board of Appeals approval.

Mr. Liston stated that the Planning Board had previously approved the project but they have added a proposed bank for the site which required the Parking Plan Amendment.

Mr. Liston reviewed the lighting and landscaping for the site and stated that they have some snow storage on site but excess snow will be trucked off site to not block parking

Alex Guardiola, Chamber of Commerce, spoke in support of the proposal.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the waiver to not label abutters to abutters within 300 feet of the subject property.

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

*List of Exhibits:*

Exhibit A: Parking Plan Amendment Application; received April 13, 2017; prepared by Domar Realty Group LLC.

Exhibit B: Parking Plan of Land; dated April 11, 2017 and revised through to July 16, 2018; prepared by Thompson-Liston Associates, Inc.

**19. 259 Lake Avenue North – Definitive Site Plan (PB-2018-030)**

Andrew Baum appeared upon behalf of the applicant, Silver Tree Realty, LLC. Mr. Baum stated that the applicant seeks to demolish the existing single-family residence that was constructed in 1930 and to construct a single-family attached dwelling (for a total of 3 units) and reviewed the scope of the project.

Mr. Baum stated that the application has been approved by the Zoning Board of Appeals and an application is before the Conservation Commission for that Board's approval.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve waiver from the requirement to label trees greater than 9-inch in diameter on the plan

Upon a motion by Mr. LaValley 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; received May 10, 2018; prepared by the applicant.

Exhibit B: Definitive Site Plan; dated May 1, 2018 and revised on June 10, 2018; prepared by Summit Engineering & Survey, Inc.

**20. 1 Davis Way – Definitive Site Plan (PB-2018-038)**

John Grenier appeared upon behalf of the applicant, John Grant and stated that the applicant seeks to construct a single family dwelling on a property with 15% slope and reviewed the scope of the project.

Mr. Grenier stated that they had received relief from the Zoning Board of Appeals few months back.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the waiver to not label abutters and abutters to abutters within 300 feet of the property.

Upon a motion by Mr. LaValley 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; received June 7, 2018; prepared by John Grant.
- Exhibit B: Definitive Site Plan; dated June 4, 2018; prepared by J. M. Grenier Associates, Inc.
- Exhibit C: DPW Comments; dated July 3, 2018.

**21. 725 Grafton Street – Parking Plan (PB-2018-041)**

Attorney Todd Brodeur appeared upon behalf of the applicant, Thebe Enterprises, LLC. Attorney Brodeur stated that the property is a 31,000 SF commercial strip mall and the applicant is seeking approval for a 37 space parking lot with an associated 2,612 SF restaurant with a drive thru. Attorney Brodeur stated that they have received approval for two Special Permits from the Zoning Board of Appeal.

Attorney Brodeur stated that there is limited snow storage on site and snow will be removed off site when necessary.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve waiver of the application requirement to label abutters and abutters thereto within 300 ft.

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

*List of Exhibits:*

- Exhibit A: Parking Plan Application; received June 14, 2018; prepared by Domar Realty Group LLC.
- Exhibit B: Parking Plan; dated May 8, 2018 and revised through to June 7, 2018; prepared by Bohler Engineering.
- Exhibit C: Drainage Report; Prepared by Bohler Engineering; received June 14, 2018.

**22. Agrand Street – Preliminary Subdivision Plan (PB-2018-044)**

Brittney Gessner and Attorney Stephen Madaus appeared upon behalf of the applicant, Rand Whitney. Ms. Gessner stated that the applicant is proposing to establish a new ~212 foot private roadway with a ~335 foot driveway at its terminus, in the same location as Agrand Street, to serve 2 existing manufacturing parcels.

On July 11, 2018, the Planning Board recommended approval to City Council to discontinue and remove approximately 588 feet of Agrand Street, a public street from the Official Map, with the condition that the area of Agrand Street be retained as a City of Worcester utility easement. This petition was referred to the Public Works Committee.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve all the waivers listed in staff's memo.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the Preliminary Subdivision plan with conditions outlined in staff's memo.

*List of Exhibits:*

- Exhibit A: Preliminary Subdivision Plan Application; received June 28, 2018; prepared by Nick Smith.

- Exhibit B: Agrand Preliminary Subdivision Plan; dated June 28, 2018; prepared by VHB Engineering.
- Exhibit C: Agrand Street - Petition to Discontinue Public Way from Official Map.
- Exhibit D: Fire Department Email Comments; dated July 9, 2018.

### **23. 496 Hamilton Street – Definitive Site Plan (PB-2018-045)**

Bob Murphy appeared upon behalf of the applicant, 496 Hamilton Street LLC and stated that the applicant seeks to construct three 2-family detached dwellings for a total of 6 dwelling units on a property with 15% slope and reviewed the scope of the project. Mr. Murphy stated that the project is also before the Conservation Commission but they would like any Planning Board comments before their final vote.

Mr. Lyford stated that DPW has reviewed the project and with listed the outstanding items from his review memo as they pertain to utilities and details.

Abutter Kathy Cojani stated that she had submitted a letter to the Board regarding this project and states this project violates the character of the neighborhood and this project is not right for this neighborhood.

Mr. Truman asked if the paper street listed is owned by the applicant. Mr. Murphy stated that he believed so.

Abutter Sharon Ryan stated that the paper street she pays the taxes on it on the front portion so it is no longer a paper street. Mr. Truman asked if she had title. Ms. Ryan stated no but it is currently in land court as she had an attorney in the 80's but that attorney never filed the paperwork and she now has another attorney.

Mr. Truman asked about the screening for the property line. Mr. Murphy stated that they intend to put in a row of evergreen trees.

Mr. Murphy stated that with regard to Ms. Ryan stating she paid taxes for the paper street he has a deed that was sold to her and her husband that specifically states that there is no warranty or expressed or implied that this deed is valid so someone sold them the entire paper street when they knew they couldn't so the applicant is going to treat it as a paper street and not develop it.

Mr. Truman stated that if the item is in land court, then the courts will decide who owns it.

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the waivers from the requirement to label abutters and abutters thereto within 300 feet of the property and from labelling on the plan trees greater with diameters greater than 9-inches.

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

#### *List of Exhibits:*

- Exhibit A: Definitive Site Plan Application; Received June 28, 2018; prepared by Christopher M. Tully
- Exhibit B: Definitive Site Plan; dated June 27, 2018; prepared by Robert G. Murphy & Associates, Inc.
- Exhibit C: Stormwater Management Analysis; dated June 26, 2018; prepared by Robert G. Murphy & Associates, Inc.
- Exhibit D: Abutter Letter from Kathy Chekani; dated July 24, 2018.

## **Other Business**

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

- a. 75 Eastern Avenue (public) (AN-2018-038)

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the ANR.

- b. 5, 7, 9 & 11 South Maxwell Court (private) (AN-2018-039)

Upon a motion by Mr. LaValley and seconded by Mr. Mitra the Board voted 4-0 to approve the ANR.

- c. 525 (aka 529) Pleasant Street (public) (AN-2018-040)

Upon a motion by Mr. LaValley and seconded by Mr. DePalo the Board voted 4-0 to approve the ANR.

### **25. Communication**

Ms. Tatasciore stated that staff had received an item not anticipated which was a communication from MASS DEP for filing for WPI for walking trails. The Board had no comment.

### **26. Signing of Decisions from prior meetings**

## **Adjournment**

Upon a motion the Commission voted 4-0 to adjourn the meeting at 8:37 p.m.