

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

August 26, 2020

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 1601714991), which was publicized on the posted meeting agenda and during the video broadcast.

Planning Board Members Participating: John Vigliotti, Chair
Albert LaValley, Vice Chair
Eleanor Gilmore, Clerk
Edward Moynihan

Planning Board Members Not Participating: None

Staff present: Stephen Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Gabrielle Weiss, Division of Planning & Regulatory Services
Jody Kennedy Valade, Inspectional Services Division
Alexandra Kalkounis, Legal Department
Nicholas Lyford, Department of Public Works

Call to Order – 5:30 pm

Approval of Minutes – 7/15/2020, 7/29/20, & 8/5/2020

On a motion by Ms. Gilmore, seconded by Mr. Moynihan, the Board voted 4-0 to approve the minutes from the July 15th, July 29th, and August 5th Planning Board meetings.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- 1. 51, 53, & 55 Windsor Street (PB-2020-036)**
Request to Continue the Public Hearing & Meeting to September 16, 2020
Extend the Constructive Grant Deadline to October 8, 2020

- 3. Malden Woods Subdivision (aka 0 Whippoorwill Drive & 0 Danielle’s Way, Castine Street, Danielle’s Way and Whippoorwill Drive Right of Ways) (PB-2018-026)**
Request to Postpone the Public Hearing & Meeting to September 16, 2020
Extend the Constructive Grant Deadline to October 8, 2020

- 4. 141 (aka 139) Southwest Cutoff - F. Carrier (PB-2020-008)**
Request to Postpone the Public Hearing & Meeting to September 16, 2020
Extend the Constructive Grant Deadline to October 8, 2020

- 5. 141 (aka 139) Southwest Cutoff - Temescal Wellness (PB-2020-009)**
Request to Postpone the Public Hearing & Meeting to September 16, 2020

Extend the Constructive Grant Deadline to October 8, 2020

6. 115 Northeast Cutoff (PB-2020 -011)

Request to Postpone the Public Hearing & Meeting to October 7, 2020

Extend the Constructive Grant Deadline to October 29, 2020

7. 143 (aka 139) Southwest Cutoff - Evergreen (PB-2020-038)

Request to Postpone the Public Hearing & Meeting to September 16, 2020

Extend the Constructive Grant Deadline to October 8, 2020

8. 224 Brooks Street (PB-2020-049)

Request to Postpone the Public Hearing & Meeting to September 16, 2020

Extend the Constructive Grant Deadline to October 8, 2020

13. 222 Brooks Street (PB-2020-055)

Request to Postpone the Public Hearing & Meeting to September 16, 2020

Extend the Constructive Grant Deadline to October 8, 2020

17.a. Ballpark Area Parcels - Madison Street, Gold Street, Canal Street, Summit Street, Washington Street, and Ash Street (Public) (AN-2020-039)

Request to Postpone to September 16, 2020

Mr. LaValley read the postponements into the record.

Mr. Vigliotti asked why Windsor Street item was continued. Ms. Smith explained that it was due to staff error.

On a motion by Ms. Gilmore and seconded by Mr. Vigliotti, the Board voted 3-0 to approve the requests for postponements and continuances for the above named applications.

Old Business

2. 31 Scenic Drive (PB-2020-041)

a. Public Meeting – Definitive Site Plan

Ms. Weiss outlined the project—a single-family home on a slope greater than 15%.

Mr. Mohammad Djamshidi, representing Angela Black, appeared on behalf of the item. He explained that he would like to keep the rip rap in that location to help slow the water. He explained that they have otherwise addressed staff comments.

Mr. Rolle asked applicant to clarify how riprap is slowing down water; applicant clarified.

Mr. Rolle stated he is amenable to the rip rap in that location to help address outflow from the wall drain.

Ms. Weiss recommended striking condition 1d.

No comment from legal department.

No comment from zoning.

Mr. Lyford stated that all of DPW comments have been addressed.

Ms. Gilmore inquired if the applicant would request the waivers recommended by staff; Mr. Djamshidi stated he would like to request them.

No comments from Mr. Vigliotti or Mr. LaValley.

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 3-0 to approve the Definitive Site Plan, subject to staff-recommended conditions of approval, striking condition 1d and granting waivers noted.

New Business

9. 63 Marjorie Street (PB-2020-050)

a. Public Meeting – Definitive Site Plan

Ms. Weiss summarized the project – duplex to be constructed, lot had been ANR'ed at previous meeting; stated that staff had questions about what percentage of ground floor would be garage; listed conditions of approval and recommended waivers.

Mr. Michael Scott (Land Design Collaborative) and Mr. Mike Konan (land owner) appeared on behalf of the item. Mr. Scott had no additional comments and confirmed the waivers that would be requested.

No comment from legal department.

No comment from zoning.

Mr. Nicholas Lyford described the request that sewer lines be 6" rather than 4". Described the proposal of the developer to install a new sewer main, linking with #62 Marjorie Street. However, if #62 would like to remain on their own line that is fine.

Public Comment

Mr. Steve Rawinsky of Worcester wanted to know if the applicant has the elevation to put in a sewer main. Inquired if installing a publicly owned sewer extension would make the street public. Wanted to know why the property can construction a duplex, since when he built his home in the 1980s, he was not allowed to build such a structure.

Mr. Lyford replied that having utilities in the street does not necessarily make it public. Stated that there is plenty of pitch to make the sewer connection work.

Mr. Rawinsky stated that he was not allowed to build a duplex on this property by the Planning Board back in the 1980s. Mr. Rolle stated that duplex is allowed by-right and that he could not speak to what was allowed back in the 1980s.

Mr. Rawinsky then asked if the wetlands would be protected. Ms. Weiss commented that the applicant has filed with Conservation Commission and is not proposing any structures inside of the 30' wetland buffer.

Mr. Rawinsky asked if the developer would be required to restore the roadway to current condition. Mr. Lyford replied that the developer will have to restore the road to DPW standards.

Ms. Elaine Duffy stated that she grew up in the area and the land is wetlands, and she does not understand how anyone can build on it and defame the wetlands. She is concerned about the size of the home that she will see from her window.

Ms. Smith reminded Ms. Duffy that this development will come before the Conservation Commission on Monday, August 31st where they will discuss how wetland were delineated and will be impacted.

Ms. Duffy reiterated that she does not want the developer to disturb the plants and animals. Mr. LaValley clarified with Ms. Duffy that her concerns are regarding wetlands that the Conservation Commission will be reviewing; Mr. LaValley stated that the Board will take into consideration her concerns about the scale of the home.

Mr. Rolle explained the wetlands buffer regulation and reiterated what is within the legal purview of the Planning Board.

Mr. Rawinsky asked another clarifying question about the sewer; Mr. Lyford clarified.

Mr. Daniel Jacesyn of Worcester is concerned about removing trees on the site. He lives downslope from the site and is concerned that clearing will lead to flooding and erosion downslope to his property.

Mr. Mike Konan of Central Mass Builders responded that they are following all of the guidelines and recommendations of the Planning Board and Conservation Commission. Stated that the home is 52' wide, which is not much bigger than a normal single family home. He also described his proposal to connect neighbors to the new 8" sewer line being installed. Stated the home is being built as slab on grade because of ledge, and that plus the expense of the sewer line may be why no one has previously built a home there.

Ms. Duffy asked how Mr. Konan can build a house on a swamp. Mr. Konan responded that he is not proposing to construct anything that is not allowed in the area.

Ms. Smith described the responsibility of the Conservation Commission and that they will review the wetland boundary on August 31. Suggested adding 2 more trees (for a total of 3) per lot, 1 in front and 2 others in order to address concerns about vegetation.

Mr. Mike Konan stated he is willing to add the trees.

Mr. Rolle asked for clarification on how much of the first floor would be garage, reminded the applicant that more than 50% of the first floor needs to be garage, and they should provide plans showing such.

Board Discussion

Mr. Vigliotti had no comment.

Mr. Moynihan had no comment.

Ms. Gilmore asked Mr. Lyford to clarify language around sewer connection; Mr. Lyford stated that language in memo is appropriate.

Ms. Gilmore inquired as to what the recommended condition regarding the trees should be. Ms. Smith responded that the additional condition should be:

Each lot to have a minimum of 3 trees, min 3" caliper-- one planted in the front yard, two planted in either the side or rear yard setback.

Mr. LaValley thanked the public for their comments, stated that wetland concerns should be addressed through the Conservation Commission.

On a motion by Ms. Gilmore, seconded by Mr. Moynihan, the Board voted 4-0 to approve the Definitive Site Plan, with staff-recommended conditions of approval, adding the following conditions and granting waivers.

f. sewer connection be 6"

g. sewer connection for Lot 2 should avoid crossing property boundary

h. each lot to have a minimum of 3 trees, min 3" caliper-- one planted in the front yard, two planted in either the side or rear yard setback.

10. 320 Massasoit Road (PB-2020-051)

a. Public Hearing – Definitive Frontage Subdivision

Ms. Smith summarized the subdivision application, submitted by Hilltop Realty LLC. Applicant is proposing to divide lot into two; Lot #2 has 48' of frontage but requires 65'. Ms. Smith stated that a revision is to include block for approval date on the plan, and a condition of approval is for utilities for Lot #2 to be underground; stated that applicant should apply for waivers from all regulations of Subdivision Regulation except for those pertaining to ANRs.

No applicant or representative was present.

Legal had no comment.

Zoning had no comment.

DPW had no comment.

DPRS had no further comment.

No public comment.

No comment from the Board.

On a motion by Ms. Gilmore, seconded by Mr. Moynihan, the Board voted 4-0 to approve the Definitive Frontage Subdivision Plan, subject to staff-recommended conditions of approval, and to grant waivers.

11. 40 Pullman Street (PB-2020-053)

a. Public Meeting – Parking Plan

Ms. Smith summarized the project and application, submitted by O'Brien Commercial Properties; applicant wishes to reconfigure unstriped parking lot, resurface it, and install some proposed landscaping, with some area set aside for outdoor storage units; Ms. Smith gave overview of staff-recommended conditions of approval.

Mr. Sven Heistad appeared on behalf of the item; stated he is agreeable to the recommended conditions and requested the appropriate waivers.

Legal had no comment.

Zoning had no comment.

DPW had no comment.

DPRS had no further comment.

No public comment.

Board Discussion

Ms. Gilmore asked how pedestrians will get from the parking area to the entrance. Wondered if there is the possibility of adding a full sidewalk or crosswalk striping. Mr. Heistad suggested that the applicant could add striping if the Board would like. Ms. Gilmore asked if they could remove some parking. Mr. Heistad responded they would be happy to remove parking.

Mr. Rolle pointed out that if the use changes in the future, new parking could be required. Stated that if the spaces are removed but the area remains paved, it may not be worth saving the parking spaces. Suggested that the applicant consider striping a walkway path along the planting bed, and adjusting the width of the plant bed to 5' wide to better sustain plantings.

Ms. Gilmore asked if excess parking spaces could be converted to a landscaped area or other permeable surface.

Mr. Heistad responded that the landscape bed can be 5' wide, and painting a walkway could be done, but it would likely not be necessary since so few people will be at the facility at a time. Stated that landscaped area has been increased significantly since original proposal.

Ms. Gilmore stated she would rather keep the extra parking spaces if they will not be switched to landscape; asked staff if addition to landscape bed would be condition of approval; Ms. Smith responded affirmatively.

Mr. Vigliotti had no comment.

Mr. Moynihan asked how much paving would be added; staff and the applicant confirmed that the plan reduces the amount of paving.

Mr. LaValley had no further comments.

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 4-0 to approve the Parking Plan subject to staff-recommended conditions of approval, adding condition 1h, and to grant waivers.

h. The 4 foot width landscape buffer on the north side of the structure shall be widened to 5 feet

12. 341 (aka 0) Granite Street (PB-2020-054)

a. Public Meeting – Definitive Site Plan

Ms. Weiss summarized the project – a single-family home in an RS-7 district on a 15% or greater slope; stated that staff has asked applicant to address how stormwater would be managed at toe of slope; gave overview of conditions of approval and recommended waivers.

Mr. Jason Dubois, DC Engineering and Survey, on behalf of applicant, explained that the toe of the slope is far from the roadway (80') and stormwater would go onto lawn area and then to catch basin on the street; stated that they have no issues with staff-requested revisions.

Legal department had no comment.

Zoning department had no comment.

DPW had no additional comments.

DPRS had no additional comments.

No public comments.

No comments from the Board.

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 4-0 to approve the Definitive Site Plan, subject to staff-recommended conditions of approval, and to grant waivers.

14. 84, 90, & 91 Lamartine Street (ZA-2020-009)

a. Public Hearing – Zoning Map Amendment

Mr. Rolle summarized the petition, to extend the Adaptive Reuse Overlay District (AROD) to include the subject properties.

Mr. Leonid Turchinsky appeared on behalf of the item, stated that since Lamartine is being widened, his current use of the building is no longer possible; stating that adding the AROD would allow him to change the use of the building and bring it into productive use.

Legal department had no comment.

Zoning department had no comment.

DPW had no additional comments.

DPRS had no additional comments.

No public comments.

Board Discussion

Mr. Moynihan had no comment.

Ms. Gilmore stated she is pleased to see these underutilized structures be redeveloped, stated she would like for developers to think about equity and equality in the repurposing of these properties.

Mr. Vigliotti had no comment.

Mr. LaValley stated the Board is generally in favor of amending the zoning map for adaptive reuse and he is happy to recommend this item.

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 4-0 to favorably recommend the zoning map amendment.

15. Amendment to the Planning Board's Definitive Site Plan Rules & Regulations

a. Public Hearing – New Definitive Site Plan Application Forms

Ms. Smith summarized the intention to replace the site plan application.

No public comment.

Zoning had no comment.

DPW had no comment.

Legal had no comment.

Board Discussion

Ms. Gilmore stated she has provided her own personal comments, and is pleased to see this change.

Mr. Vigliotti thanked staff efforts.

Mr. Moynihan thanked Ms. Gilmore for her contributions.

Mr. LaValley echoed the other board member's thanks.

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 4-0 to close the hearing.

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 4-0 to approve the modification to the Planning Board Rules and Regulations to include the new Definitive Site Plan application.

Other Business

16. Street Petitions

a. Hospital Drive – Decree Public (ST-2020-008)

Ms. Smith described the proposed conversion and priority level.

b. Beckland Street – Convert to Public (ST-2020-009)

Ms. Smith described the proposed conversion and priority level.

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 4-0 to approve the described street petitions.

17. Approval Not Required (ANR) Plans

a. 2 Tyson Road & Burncoat Street (Public) (AN-2020-044)

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 4-0 to endorse the ANR plan.

18. Subdivisions

a. Kiara Drive

- i. Request for a partial, conditional release of the restrictive covenant for Lots 1 & 9
- ii. Request to set a security amount for Kiara Drive from stations 0+00 to 1+00
- iii. Request to accept and execute a performance agreement, secured by monetary form, as the form of security for the Kiara Drive from stations 0+00 to 1+00

Ms. Smith summarized the requested releases and recommended motion.

On a motion by Ms. Gilmore, seconded by Mr. Vigliotti, the Board voted 4-0 to approve the requests as per the slide.

19. Discussion of Board Policies and Procedures

Mr. Rolle announced that Ms. Weiss will be leaving for other opportunities, thanked her for her work and DPRS will miss her.

Mr. Rolle announced that Mr. Vigliotti will be leaving the Board in October and that a new Board member will be replacing him.

20. Communication(s)

- a. Notice of Community Outreach Meeting (August 13, 2020) for a proposed Adult-Use Marijuana Retail Establishment to be located at 15 Mountain Street East; from Munroe Associates.

Adjournment - 7:56 pm by unanimous consent.