

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

**September 16, 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:** Albert LaValley, Chair  
Paul DePalo, Vice-Chair  
Eleanor Gilmore, Clerk  
Edward Moynihan  
John Vigliotti

**Planning Board Members Not Participating:**

**Staff present:** Stephen Rolle, Division of Planning & Regulatory Services  
Michelle Smith, Division of Planning & Regulatory Services  
Joanne Valade, Inspectional Services Division  
Nicholas Lyford, Department of Public Works & Parks  
Jennifer Beaton, Law Department

**Call to Order – 6:00 PM**

**Approval of Minutes – None**

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo the Board voted 5-0 to continue or postpone items 3, 5, 6, 7, 8, and 14a to the dates noted.*

**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)**

- a. Public Hearing – Definitive Subdivision Plan Amendment
- b. Public Meeting – Definitive Site Plan

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to postpone to 9/23 with Constructive Grant Deadline postponed to 10/29*

**5. 141 (aka 139) Southwest Cutoff - F. Carrier (PB-2020-008)**

- a. Public Meeting – Definitive Site Plan

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to postpone to 10/7 with Constructive Grant Deadline postponed to 10/29*

**6. 141 (aka 139) Southwest Cutoff - Temescal Wellness (PB-2020-009)**

- a. Public Hearing – Amendment to Special Permit to allow an Adult Use Marijuana establishment, cultivator & product manufacturer uses

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to postpone to 10/7 with Constructive Grant Deadline postponed to 10/29*

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

- a. Public Hearing – Amendment to Special Permit to allow an Adult Use Marijuana establishment, retailer use

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to postpone to 10/7 with Constructive Grant Deadline postponed to 10/29*

**8. 29 Mountain Street East (PB-2020-040)**

- a. Public Hearing – More than One Building on a Lot
- b. Public Meeting – Definitive Site Plan

*Upon a motion by Ms. Gilmore and Seconded by Mr. DePalo, the Board voted 5-0 to postpone to 10/7 with Constructive Grant Deadline Postponed to 10/29*

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

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to postpone to 9/23 with Constructive Grant Deadline Postponed to 10/8*

**Old Business**

**1. Higgins Farm (fka 727 Salisbury Street) or Salisbury Hill CCRC (PB-2019-047)**

- a. Public Hearing – Special Permit Amendment – To allow a Continuing Care Retirement Community
- b. Public Meeting – Definitive Site Plan

Testimony Date(s): 10/2/2019, 11/13/2019 & 8/5/2020

Mr. LaValley noted that items 1a and 1b would be considered simultaneously.

John Kucich of Boehler Engineering announced he would speak on behalf of the applicant. He described discussions his group had with staff and the public and noted that he would be amenable to the staff recommended conditions of approval. He described changes to the project design that had occurred since the last time this item was before the Board. He discussed changes to the amenities and recreation areas.

Brian Falk of Merrick, O’Connell, DeMaille & Lougee, LLP described, as noted in his memo in the staff packet, how the plan fits within City Zoning Ordinance requirements for continuing care retirement facilities.

Mr. Kucich described changes to the operations and maintenance plan. He also described comments from abutting properties and changes made to the design as a result of those comments.

Ms. Smith discussed the staff recommended conditions of approval as outlined in the staff memo. She noted that staff would request that these conditions of approval replace the previously approved conditions of approval. She highlighted conditions related to abutting properties including construction traffic, vegetative buffers and monitoring the pump station during construction.

*There were no additional staff comments.*

#### *Public Comments*

Kristopher Beckeman of Worcester raised concerns about a portion of the property that connects to Barrows Road and whether it would be developed. Mr. Rolle noted that it would be difficult for that portion to be developed and Mr. Kucich confirmed it would not be developed.

Ben Bruneau of Worcester requested that unit 60 be removed from the plan due to the distance from existing homes.

James White of Worcester requested that units 39 and 60 be removed from the plan. He asked if the community could be involved with the landscaping for the vegetative buffer. Mr. Kucich was amenable to meeting with residents prior to planning. Mr. Beckeman expressed his support for Mr. Bruneau and Mr. White's comments.

Christina Bruneau of Worcester expressed opposition to unit 60.

#### *Board Comments*

Mr. Vigliotti had no additional comments but addressed the public comments noting that if unit 60 were removed, it could potentially make development of the utility easement more likely in the future.

Mr. Moynihan praised the inclusion of the amenities into the plan. He asked staff how comfortable they were with the pumping station being located on private land. Ms. Smith said staff was comfortable with the conditions of approval as proposed. Mr. Lyford concurred.

Ms. Gilmore praised the improvements in the project plans. She noted that regarding units 39 and 50 she shared some of the public concern but noted that if the streets in question were already in place, the Board would not strike them from the plan.

Mr. DePalo praised staff for their work on this project. He asked what transportation services and wellness programs would be offered. He also asked if the services offered in the HSPA with Jewish Health were offered to the public on a fee basis. Mr. Falk noted that the HSPA was between Jewish Healthcare and Salisbury Hill and thus not intended for the public. He noted that van services were offered to Jewish Health Center. He noted that seasonal wellness such as flu shots were available through Jewish Health. Mr. DePalo expressed concerns that the constellation of services did not fit within the CCRC regulations.

Mr. LaValley said that he shared some of Mr. DePalo's concerns, but that he was pleased to see the amenities added to the application to foster a community within the development. He addressed the public comments and noted that their participation has led to a great deal of changes to the plan.

Mr. DePalo clarified his comments regarding the CCRC ordinance and cautioned the Board that if the CCRC requirements are not strictly upheld, the Board risks future developments which are essentially luxury apartments when the City is in need of affordable housing.

Mr. Vigliotti noted that while he did not disagree with Mr. DePalo's comments, the project was approved years before he was on the Board and although the amenities may not fit within the current understanding of CCRC amenities, it is still an improvement for the community over what was there previously.

Ms. Gilmore echoed Mr. DePalo's concerns regarding affordable housing and suggested that the Board spend time with staff and Law Department to look at the CCRC ordinance and see if it could be amended to better serve its intended population. She also asked if the applicant intended to request all of the waivers outlined by staff. Mr. Kucich confirmed this.

Mr. Moynihan echoed Mr. DePalo's comments regarding affordable housing but noted that this project should not be penalized. He added that the plan had improved and the community input helped make the plan better.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to close the public hearing. On a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the Special Permit and Definitive Site Plan with Conditions of Approval as outlined by staff, and waivers in memo adding dead-end length waiver of Subsection. RR IX, C.8.A. for "Chartwell Lane".*

## **2. 51, 53, & 55 Windsor Street (PB-2020-036)**

- a. Public Hearing – More than one Building on a Lot
- b. Public Meeting – Definitive Site Plan

Testimony Date(s): 8/5/2020

Mr. Moynihan announced that he would be recusing himself from this item.

Ms. Smith discussed the project and conditions of approval as outlined in the staff memo.

Mr. Zachary Couture of H.S. & T. Group spoke on behalf of the applicant, Kensington Management.

*There were no additional staff comments.*

Ms. Cheryl Freeman expressed concerns about the density of the proposed project and the impact it would have on on-street parking. Mr. Couture noted that the project would add 21 off-street parking spaces. He added that the project was intended for lower-income residents who generally do not have more than one vehicle.

*There were no additional public comments*

Mr. Vigliotti noted that he had previously had issues with the size of the project and took a site visit to the proposed location and a similar project constructed by the applicant. He noted that the site visit did not alleviate his concerns about the size of the project. He felt that the project was too large for the neighborhood.

Mr. LaValley stated that he had similar concerns to that of Mr. Vigliotti. He noted that he visited the site and felt that a 12-unit building behind 2 and 3-unit homes was not appropriate.

Ms. Gilmore asked for clarification as to why the Zoning Board of Appeals had approved the plan and where that decision put the Planning Board.

Mr. Rolle noted that the applicant had gone before the Zoning Board of Appeals to seek relief from parking requirements. He noted the desire for housing among individuals with one or no vehicles.

Ms. Smith described the dimensional relief granted to the applicant by the Zoning Board of Appeals.

Mr. Rolle summarized the staff review memo.

Ms. Gilmore noted that she was inclined to vote in favor of the project as similar projects in RG-5 districts were approved by right with dimensional changes approved by ZBA.

Mr. DePalo had no additional comments.

Ms. Beaton noted that there were specific concerns for approval for site plans and that conditional approvals were more common than outright denials.

Mr. Couture acknowledged concerns raised by the Board and noted that the applicant had numerous reviews with staff and the ZBA. He stressed the need for affordable housing in the City and that the proposed project size was necessary due to the demand for 3 and 4-bedroom units.

Mr. LaValley noted that the Board was supportive of affordable housing. He asked if the building was being constructed with the intention of renting to Section 8 residents. Mr. Couture noted that the project was not intended exclusively for Section 8 residents but all low-income residents and that the applicant funded the development themselves.

Mr. LaValley asked staff if the Worcester Housing Authority or similar entity had submitted a letter of support for this project or obligated the developer to provide affordable housing. Ms. Beaton was not aware of applications conditioned upon requiring affordable housing. Mr. Rolle noted that usage requirements are typically not part of a site plan review unless a special permit is being requested.

Mr. Vigliotti raised concerns about the lack of common space in the development given that the building is intended for families. He added that the building's size felt excessive for the location. Mr. LaValley stated that he had concerns about the size of the project and the lack of common space and was unlikely to support it without changes.

Mr. Couture acknowledged the Board's concerns and suggested the Board could continue this item to allow the applicant to work with staff and gather support. He added that postponing to the October 28 meeting would be appropriate. Mr. Rolle noted that Board membership was changing and one member is recused which would result in a 3 member Board at the 10/28 meeting so it would be preferable to remove the item and restart the petition. He described options available to the applicant.

Ms. Gilmore addressed the applicant with changes the Board would like to see before the next hearing on this item.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 4-0, with Mr. Moynihan recused, to Leave to Withdraw without Prejudice with a filing fee waiver if future filings are within 30 days.*

### **New Business**

#### **4. 185 Madison Street (PB-2019-079)**

- a. Public Hearings –
  - i. Special Permit for CCOD to allow drive-through facilities and services
  - ii. Special Permit for CCOD for relief from the maximum front-yard setback dimensional requirement
- b. Public Meeting – Definitive Site Plan

Mr. Rolle summarized the existing conditions and proposed project and recommended that the item be continued to the 9/23 meeting.

Mr. Robert Bronca spoke on behalf of the applicant, J&K Gas. He described the history of the project and modifications made to the design due to land takings and pedestrian safety concerns. He added that the redesign would bring the property better into the spirit of the CCOD goals. He described how the project design would address the concerns raised in the staff memo.

*There were no additional staff comments but Mr. Lyford noted that the City Traffic Engineer would review the access onto Madison Street prior to the next Board meeting.*

*There were no public comments.*

Mr. Moynihan had no comments.

Mr. DePalo had no comments.

Mr. Vigliotti had no comments.

Ms. Gilmore noted that she felt the use of this property was not in keeping with the people-oriented development the City is promoting in the Canal District. She added that she supported staff recommendations to improve pedestrian access and safety. Mr. Rolle described discussions between staff and the applicant regarding driveway configurations on the property. Mr. Bronca discussed how he felt the proposal fits within the spirit of the CCOD.

Mr. LaValley noted that he would be reviewing the site plan and focusing on pedestrian and cyclist safety.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to continue this item to the 9/23 meeting.*

#### **9. 224 Brooks Street (PB-2020-049)**

- a. Public Meeting – Definitive Site Plan

Ms. Smith presented the proposal and described the staff-recommended conditions of approval outlined in the staff memo. She added that some of the staff concerns have been addressed by the applicant.

Mr. John Grenier spoke on behalf of the applicant. He noted that this applicant has received approval from the Conservation Commission and special permit from the Zoning Board of Appeals. He added that the applicant was amenable to the staff recommended conditions of approval.

Mr. Lyford asked the applicant about stormwater drainage ownership and maintenance. Mr. Grenier noted that a condo association would be responsible for ownership and maintenance of the drainage system.

*There were no additional staff comments.*

A member of the public asked if there were plans to connect to two section of Brooks Street. Mr. Rolle responded that there were no plans currently but if it was connected, there would be no problem with the driveways in this proposal.

*There were no additional public comments.*

Ms. Gilmore had no comments.

Mr. Vigliotti had no comments.

Mr. DePalo had no comments.

Mr. Moynihan asked for clarification as to which section of Brooks Street this property was on. He had no further comments.

Mr. LaValley had no comments.

Ms. Gilmore asked the applicant if they would be requesting the waivers outlined in the memo. Mr. Grenier confirmed.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the definitive site plan subject to the staff recommended conditions of approval and to grant the waivers noted in the staff memo.*

#### **10. 222 Brooks Street (PB-2020-055)**

- a. Public Hearing – More than One Building on a Lot
- b. Public Meeting – Definitive Site Plan

Ms. Smith described the project and the staff recommended conditions of approval.

Mr. Harold Reader of GoVenture Capital Group spoke on behalf of the applicant. He described the history of the project development. He noted the applicant was amenable to the recommended conditions of approval. Mr. Chris Anderson of Hannigan Engineering described the egress and pedestrian access on the site.

*There were no additional staff comments.*

*There were no public comments.*

Mr. DePalo had no comments.

Ms. Gilmore asked if the applicant would be requesting the waivers noted in the staff memo. Mr. Anderson confirmed this. Ms. Gilmore noted her appreciation of the applicant having EV charging infrastructure and considering rooftop solar.

Mr. Moynihan echoed Ms. Gilmore's comments regarding environmental enhancements. He stressed the importance of providing plantings that give shade and thanked the applicant for including a dog park on the site.

Mr. Vigliotti asked staff if there were issues in waiting for the traffic study before approval. Mr. Rolle noted that Planning had no issues. Mr. Lyford noted that DPW reviewed the traffic study with the City Traffic Engineer and had no problems with the conclusions of that study.

Mr. LaValley praised the applicant for including EV charging infrastructure and solar.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to close the Public Hearing. Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the definitive site plan subject to the recommended conditions of approval outlined in the staff memo and to grant the waivers noted in the staff memo.*

**11. 151 Coburn Avenue (PB-2020-056)**

a. Public Hearing – Definitive Frontage Subdivision

Ms. Smith described the project and staff recommended conditions of approval.

Mr. Donald O'Neil spoke on behalf of the applicant and confirmed the applicant was requesting the waivers outlined by staff and was amenable to the conditions of approval.

*There were no additional staff comments.*

*There were no public comments.*

*There were no additional Board comments.*

*Upon a motion by Ms. Gilmore and Seconded by Mr. DePalo, the Board voted 5-0 to close the Public Hearing. Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the definitive frontage subdivision subject to the recommended conditions of approval outlined in the staff memo and to grant the waivers noted in the staff memo.*

**Other Business**

**12. 14 Wendover Road (PB-2020-057)**

a. Public Hearing – Definitive Frontage Subdivision

Ms. Smith described the project, staff recommended conditions of approval, and requested waivers.

Mr. Zachary Couture from H, S, & T Group spoke on behalf of the applicant and confirmed the applicant was amenable to recommended conditions of approval and would be seeking the waivers as noted by staff.

*There were no additional staff comments*

*There were no additional Board comments.*

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to close the Public Hearing. Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve the definitive frontage subdivision subject to the recommended conditions of approval outlined in the staff memo and to grant the waivers noted in the staff memo.*

### **13. Street Petitions**

- a. Petition to Rename Brightwood Avenue to Brightwood Street

*There were no Board comments.*

*Upon a motion by Ms. Gilmore and Seconded by Mr. DePalo, the Board voted 5-0 to refer the petition to City Council without comments.*

### **14. Approval Not Required (ANR) Plan(s)**

- b. 13& 15 Keach Avenue (Private) (AN-2020-045)
- c. 350-00. (aka 0) Salisbury Street (Public) (AN-2020-046)
- d. 29 & 31 Maplewood Road (Public) (AN-2020-048)

Ms. Smith described the plans.

*Upon a motion by Ms. Gilmore and seconded by Mr. DePalo, the Board voted 5-0 to approve items 14b, 14c, and 14d.*

### **Other Business**

#### **15. Subdivisions**

*None*

#### **16. Discussion of Board Policies and Procedures**

Mr. Rolle thanked the Board for agreeing to an additional meeting on 9/23 and thanked Ms. Smith for her work. Ms. Smith noted that the 9/23 meeting would begin at 5pm.

#### **17. Communication(s)**

*None*

### **Adjournment**

*Upon a motion by Ms. Gilmore, and seconded by Mr. DePalo, the board voted 5-0 to adjourn at 9:25pm.*