



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

**Wednesday, January 24, 2024**

Worcester City Hall – Levi Lincoln Chamber,  
with remote participation options available via WebEx online at  
<https://cow.webex.com/meet/planningboardwebex> and  
call-in number 1-844-621-3956 (Access Code: 2633 685 5101).

**Board Members Present:** Albert LaValley, Chair  
Edward Moynihan, Vice Chair  
Adrian Angus (*Participated Remotely*)  
Conor McCormack

**Board Members Absent:** Brandon King

**Staff Present:** Michelle Smith, Division of Planning & Regulatory Services (DPRS) (*Participated Remotely*)  
Victor Panak, Division of Planning & Regulatory Services (DPRS)  
Rose Russell, Division of Planning & Regulatory Services (DPRS)  
Olivia Holden, Division of Planning & Regulatory Services (DPRS)  
Richard Saltrick, Department of Public Works & Parks (DPW&P)

**Call to Order**

Board Chair Albert LaValley called the meeting to order at 5:31 pm.

Mr. LaValley read requests for continuances, postponements, and withdrawals into the record.

**Item 1: 24 Simone Street (aka 70-72, 74-76 Valmor Street & 21-23, 25-27 Maranda Street) (PB-2023-096) –  
Definitive Site Plan**

Request to Postpone the Public Hearing to February 7, 2024  
Extend the Constructive Grant Deadline to February 29, 2024

**Item 4: Brookline Street Subdivision aka 175 & 177-192 Brookline Street (PB-2023-097) – Definitive  
Subdivision Amendment Plan – Extension of Time**

Request to Postpone the Public Hearing to February 7, 2024  
Extend the Constructive Grant Deadline to February 29, 2024

**Item 6: 0 Myrick Avenue (PB-2024-004) – Definitive Site Plan & 81-G Street Opening Plan**

Request to Postpone the Public Hearing to February 7, 2024  
Extend the Constructive Grant Deadline to February 29, 2024

**Item 9A: 57 Mount Avenue (AN-2023-056) – Approval Not Required Plan**

Request to Postpone the Public Hearing to February 7, 2024

Extend the Constructive Grant Deadline to February 29, 2024

**On a motion by Mr. Moynihan seconded by Mr. McCormack, the Board voted 4-0 to grant the postponements.**

**New Business:**

Mr. LaValley stated item 5 will be take out of order for administrative reasons.

- 5. 357 Granite Street (PB-2024-002)**
  - a. Public Meeting – Definitive Site Plan

Jason Dubois, engineer on behalf of the owner/applicant, David Matte, stated the 357 Granite Street lot was recently split and the applicant is looking to construct a single-family home on the newly created lot using the existing driveway curb cut. Mr. Dubois added that there are wetlands present along the southerly boundary of the property and the property will be served by city water and a private septic system. The project proposes to recharge roof runoff and place erosion controls downgradient of all work areas. Additional swales and drainage were also added to address staff concerns regarding runoff from the driveway onto Granite Street.

Ms. Russell of DPRS stated the project is before the board because of the 15% slope trigger. Ms. Russell summarized the proposal which includes infiltration for roof runoff and swales on the side of the driveway to catch driveway runoff and to prevent icing on Granite Street. Ms. Russell added that the project is also going before the Conservation Commission so any changes made to the plan as a result of their approval will result in an amendment needing to be made for the site plan if the board votes to approve the plan this evening.

*No public comment.*

**Board Discussion:**

Mr. Moynihan asked if the applicant intends to request the waivers listed on the staff memo; Mr. Dubois stated they will request them if needed.

Mr. McCormack stated this seems straightforward and has no additional comments.

**On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to approve the site plan with DPRS and DPW recommended conditions of approval.**

**List of Exhibits**

Exhibit A: Definitive Subdivision Application; filed 1/08/24; prepared by David Matte

Exhibit B: Septic System Plan; revised 10/27/23; prepared by Jason D. Dubois, P.E.

Exhibit C: DPW Memo; dated 1/18/24; prepared by Richard Saltrick

- 2. Brandt Lane, 4 Brandt Lane & 0 Grafton Street (PB-2023-094)**
  - a. Public Hearing – Definitive Subdivision Plan

Stephen Madaus, attorney on behalf of the owner/applicant, Brandt Lane Development, LLC, stated this project is seeking to build a new roadway with cul-de-sac and the project has been handled in different phases because

it is a challenging property. Mr. Madaus stated the Planning Board approved the preliminary subdivision for this property in May and the Board also recommended in favor to rezone the property earlier in the month.

Patrick Healy, site engineer for the project, described the characteristics of the roadway to be constructed. Mr. Healy stated the roadway has to cross an existing stream which has a number of different existing culverts which will be removed and replaced with a properly constructed box culvert. Mr. Healy added that a portion of the stream channel will need to be rerouted for the culvert and explained how this will be done. My. Healy explained that street drainage will be treated in underground chambers for stormwater management and will provide infiltration and that the property has been extensively tested with test pits and soil borings, providing evidence that the proposed location for the chambers is the cleanest portion of the site. Mr. Healy concluded by stating the soils disturbed for roadway construction will be taken off site and the area will be replaced with proper fill and all mature trees on site will be left for shading and streetlights will be installed.

Ms. Smith recapped the history of the project as it's been before the Board for preliminary approval and a recommendation for rezoning. The site currently has a two-family dwelling on it as well as open lot storage and the applicant is proposing to widen and reconfigure the layout of the road. Ms. Smith described staff recommend conditions of approval and waivers which include specific recommendations toward stormwater management and the wetlands on site. Ms. Smith added that applicant is aware they may need to come back and amend any approval they may receive tonight based on review and revision required by the Conservation Commission.

Mr. Saltrick of DPWP stated they are looking for a hydraulic analysis for the water main to ensure that it's properly sized due to the length of the dead-end.

Brandon King joined the meeting remotely at approximately 6:10pm.

Public Comment:

Donna Dickey, abutter to the property, stated the area they are starting with is probably the cleanest area on site but the whole area is contaminated, not only on top, but underneath the surface as well. Mrs. Dickey stated she has concerns with flooding in the area when the land is unearthed, much like what's occurring at Waban Avenue. Mrs. Dickey added that she's also concerned that if the brook is relocated, the water is going to make its way to abutting property owners and asked how 17-acres worth of contaminated soil will be removed.

Mr. LaValley stated a Licensed Site Professional will be on site to ensure site cleanup is handled properly and to oversee how contaminated soils are going to be removed and stored.

Mrs. Dickey stated studies have been done on this site in the past and construction couldn't be done due to the contamination levels on site; Mr. LaValley stated the conditions on site will be remediated, the process is heavily regulated, and will ultimately result in a positive change for the site as it will be cleaned up.

Mrs. Dickey asked if a traffic study has been done because there is a school nearby and traffic builds up during peak school hours.

Ron Dickey, abutter to the property, stated drill pits were done in the 1970's and the results showed that this property should not be unearthed. Mr. Dickey added that his property already gets flooded and rerouting the brook is only going to make the problem worse.

Joe McLaughlin (participating remotely), Licensed Site professional, stated his company was hired to address the environmental issues with the property and a team will be devised to release an abatement plan to address the issues properly and in a manner that won't affect the neighbors. Overall, the work will create an improvement from a contamination standpoint and will be done in phases to ensure the project adheres to MassDEP requirements regarding contamination.

Mr. Healy stated they've requested public records from the city and the comments from Mrs. & Mr. Dickey are in fact shown in public records but emphasized that the issues will be addressed professionally and properly.

Mrs. Dickey asked if the springs will return to their old flow once the brook is diverted; Mr. LaValley stated he is not a hydrologist but explained that any work that is done will remediate issues on site, improve the area, and will be done by professionals.

Mr. Healy stated he's studied hydrology for over 30 years and conditions will be assessed as they exist today, including rerouting the brook based on existing conditions without increasing flow offsite from existing flow.

#### Board Discussion:

Mr. Moynihan stated he understands the abutters and their loss of trust in how the remediation will be handled but if nothing is done at all, nothing will be improved. Standards have changed over the last 50 years and improvement is possible with the private developer who is willing to invest and hire the appropriate professionals to fix the problems.

Mr. McCormack echoed the comments of Mr. Moynihan and Mr. LaValley and stated he feels comfortable approving the plan with the staff recommended conditions of approval.

Mr. Angus stated he is glad the abutters came here to express their concerns so now the developer is aware as the project continues to roll out its phases. Mr. Angus added that the concerns are legitimate, however, there are regulations in place to ensure the flow of water leaving the site does not increase as a result of the remediation that is done.

**On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to approve the subdivision plan with DPRS, DTM, and DPW recommended conditions of approval.**

#### **List of Exhibits**

Exhibit A: Definitive Subdivision Application; filed 10/23/23

Exhibit B: Definitive Subdivision Plan; revised 12/28/23; prepared by Thompson Liston Associates Inc.

Exhibit C: Stormwater Report; revised 12/28/23; prepared by Thompson Liston Associates Inc.

Exhibit D: Updated Waiver List; dated 12/28/23; prepared by Thompson Liston Associates Inc.

Exhibit E: Fire Truck Turning Analysis; dated 11/27/23; prepared by Kimley Horn

Exhibit F: Construction Sequencing; dated 12/28/23

Exhibit G: Title Exam; dated 12/14/23; prepared by Landry & Meilus, LLP

Exhibit H: Support Letter from O'Reilly Auto Parts; dated 12/28/23

Exhibit I: DPWP Comments; dated 12/12/23; revised 1/23/24

Exhibit J: DTM Comments; 12/13/23, revised 1/17/24

Exhibit K: Applicant Response to Staff Comments; dated 1/12/24; prepared by Thompson Liston Associates Inc.

Exhibit L: ISD Comments; dated 12/12/23

Exhibit M: Email and Photos from Abutter; dated 1/16/24

**3. Burnside Court Extension (12 & 30 Federal Street and 30 Myrtle Street) (PB-2023-095)**

a. Public Hearing – Definitive Subdivision Plan

Andrew Steiner, engineer on behalf of the applicant, Worcester Business Development Corporation, stated this project had been before the board for preliminary approval last June and the layout has changed since then but the intent of the project hasn't. The applicant is looking to freeze zoning and only construct a roadway at this time. The applicant has responded to DPW comments and has agreed with staff recommended conditions except for conditions 2 & 3 outlined in the staff memorandum as they're only looking to construct a roadway at this time.

Mr. Panak stated the site currently consists of 3 parcels and described the zoning districts that comprise the area and described the layout of the roadway and how it differs from the approved preliminary plan. Mr. Panak continued to describe the waivers requested and stated that city staff believes they're appropriate in the context of the approval. Lastly, Mr. Panak outlined staff recommended conditions of approval which includes standard conditions of approval as well as some additional conditions.

Mr. LaValley asked city staff for an opinion on striking conditions 2 & 3; Ms. Smith stated it is her understanding that in order to obtain a zoning freeze, the plan must be endorsed and endorsement requires surety to be in place so staff would not recommend making any modifications to the conditions as listed unless City Attorney Kalkounis suggests otherwise.

Mr. LaValley asked about the purpose behind the zoning freeze; Mr. Steiner stated to it is so they can freeze the zoning rights.

Julie Holstrom of Worcester BDC added to Mr. Steiner's statement and stated this project started prior to Inclusionary Zoning (IZ) regulations went into place and so they're looking to freeze zoning in order to proceed with the project as originally planned for potential future development.

Mr. LaValley stated the board is strongly in favor of IZ and asked why it's being locked out; Ms. Holstrom stated they don't know what will be developed there and they are in favor of affordable housing as well but they are looking to leave all of their options open.

*No public comment.*

Board Discussion:

Mr. Moynihan asked if conditions 2 & 3 are standard conditions that would be applied to any other subdivision of this nature; Ms. Smith stated subdivision regulations are part of state law so the conditions of approval can be removed but they'll remain in place as part of state law either way and added that the law is written to prevent developers from walking away once surety is in place.

Mr. Moynihan stated he is in favor of IZ and is inclined to keep the conditions in place.

Mr. McCormack stated it doesn't matter to him if the conditions stay or not because as stated by Ms. Smith, they are required by state law and it sounds like the developer doesn't intend to build at this time.

Mr. Angus echoed Mr. McCormack's comments.

Ms. Holstrom stated she would prefer to have the Board strike the conditions out.

**On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to approve the subdivision plan with DPRS, DTM, and DPW recommended conditions of approval, striking conditions 2 & 3 as outlined in the staff memorandum.**

#### **List of Exhibits**

Exhibit A: Definitive Subdivision Application; filed 11/7/23; prepared by Bohler Engineering

Exhibit B: Definitive Subdivision Plan; revised 1/19/24; prepared by Bohler Engineering

Exhibit C: Drainage Report; dated 10/11/23; prepared by Bohler Engineering

Exhibit D: Updated Waiver List; dated 11/20/23; prepared by Bohler Engineering

Exhibit E: DPWP Comments issued 12/8/23; revised 1/16/24

Exhibit F: Response to DPWP Comments; dated 12/13/23; prepared by Bohler Engineering

Exhibit G: Response to DPWP Comments; dated 1/19/24; prepared by Bohler Engineering

Exhibit H: DTM Comments issued 1/19/24

#### **7. 3 & 4 Carson Court (ST-2023-012)**

##### **a. Public Hearing – Zoning Map Amendment**

Antonio Sanchez, petitioner and owner of the property, stated he purchased the property under the assumption it would be easy to remodel the house and make improvements but due to restrictions imposed by existing zoning, he's unable to do anything. Mr. Sanchez stated he is requesting the property be rezoned to the BL-1.0 zoning district to allow flexibility for improvements to the house.

Mr. LaValley stated the Board can only make a recommendation to City Council and asked for city staff to describe if there are other residential properties surrounding the property in question.

Ms. Russel described the surrounding zoning and stated the key difference between the existing ML-2.0 zoning district and proposed BL-1.0 zoning district is the residential component. Mr. Sanchez wants to rezone the property to allow the residential use.

*No public comment.*

#### **Board Discussion:**

Mr. McCormack stated this seems straightforward and he supports the rezoning.

**On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to close the public hearing**

**On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to recommend in favor of the proposed amendment.**

## List of Exhibits

Exhibit A: Petition; submitted by Antonio Sanchez; referred to Planning Board on November 22, 2023

Exhibit B: Map of Proposed 3 & 4 Carson Court BL-1.0 Extension

### 8. Proposed Modifications to the Subdivision Rules and Regulations (RR-2024-001)

#### a. Public Hearing – More Than One Building on a Lot

Ms. Smith of the city's Division of Planning and Regulatory Services stated the proposed amendment to the Subdivision Regulations would exempt Accessory Dwelling Units (ADUs) from the requirement to obtain More Than One Building on a Lot Approval from the Planning Board.

*No public comment.*

#### Board Discussion:

Mr. Moynihan asked if we know how many ADUs might qualify under this change with the way the ADU ordinance was written; Mr. Smith stated an analysis was not done and it's difficult to speculate but most existing structures could probably add an ADU internally without needing approval through the regulations as written and added that if the ADU is attached to the principal structure, this regulation would not be triggered either.

Mr. Moynihan stated he's frustrated by the way the ordinance was written and feels that meaningful impact is not going to be made due to all the regulations that need to be met since the City Council's revisions were implemented.

Mr. LaValley echoed Mr. Moynihan's comments and feels that the Council's revisions will create inequity and is also inclined to vote against it.

Mr. McCormack stated he is also frustrated but sees this as a way for staff to update the rules and regulations to reflect what was passed by City Council and even though he doesn't agree with how the ordinance was unnecessarily restricted, he will ultimately support it.

Mr. Angus agrees that the process is flawed but it's a step in the right direction and will support it.

**On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to close the public hearing**

**On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 3-1 to approve the proposed amendment with Mr. Moynihan voting against the proposed amendment.**

## Other Business

### 9. Approval Not Required (ANR) Plans

- a. AN-2023-056 – 57 Mount Avenue (Public)
- b. AN-2024-002 – 2 Otto Road (Private)
- c. AN-2024-005 – 196 Dana Avenue (Public)
- d. AN-2024-006 – 27 Forsberg Street (Public)

Ms. Russell described the ANRs before the Board.

**On a motion Mr. Moynihan, seconded by Mr. McCormack, the Board voted 4-0 to endorse the ANR for items 9 B, C, & D.**

**10. Board Policy and Procedures**

a. Application Form Updates:

- i. Special Permit for Accessory Dwelling Units
- ii. Special Permit for Adult Use Marijuana
- iii. Special Permit for Inclusionary Zoning Incentives

Ms. Russell described the revised and newly created applications before the Board and asked if they have any feedback on the applications.

*No Board Discussion.*

**On a motion by Mr. Moynihan seconded by Mr. McCormack; the Board voted 4-0 to authorize the piloting of the applications.**

**11. Communications**

*No discussion.*

**12. Approval of Minutes - 7/26/2023; 11/1/2023; 11/15/2023; 11/22/2023; 12/13/2023; 1/3/2024**

Mr. Moynihan stated Mr. LaValley cannot vote on the 12/13/2023 minutes so he will make two motions.

**On a motion by Mr. Moynihan seconded by Mr. McCormack; the Board voted 4-0 to approve the minutes from the 11/15/2023 and 1/3/2024 meetings.**

**On a motion by Mr. Moynihan seconded by Mr. McCormack; the Board voted 3-0 to approve the minutes from the 12/13/2023 meeting with Mr. LaValley abstaining from the vote.**

**Adjournment**

**On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted unanimously to adjourn at 7:12pm.**