



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

Wednesday, March 20, 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
Conor McCormack
Brandon King (*Participated Remotely*)

Board Members Absent: Adrian Angus

Staff Present: Michelle Smith, Division of Planning & Regulatory Services (DPRS)
Victor Panak, 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 6:32 pm.

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

Item 5: 0 Myrick Avenue (PB-2024-004) – Definitive Site Plan & 81-G Street Opening Plan

Request to Postpone the Public Hearing to April 10, 2024
Extend the Constructive Grant Deadline to May 2, 2024

Item 8: 114 Austin Street (PB-2024-014) – Definitive Site Plan

Request to Postpone the Public Hearing to April 10, 2024
Extend the Constructive Grant Deadline to May 2, 2024

Item 10: 96 & 98-100 Beacon Street (PB-2024-016) – Definitive Site Plan

Request to Postpone the Public Hearing to April 10, 2024
Extend the Constructive Grant Deadline to May 2, 2024

Item 11: 30-50 Lagrange Street & 47 Oread Street (PB-2024-017) – Definitive Site Plan & Special Permit (CCOD)

Request to Postpone the Public Hearing to April 10, 2024
Extend the Constructive Grant Deadline to May 2, 2024

Item 15A: 57 Mount Avenue (AN-2023-056) – Approval Not Required Plan

Request to Postpone the Public Hearing to April 10, 2024

Extend the Constructive Grant Deadline to May 2, 2024

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

Other Business:

1. Worcester Now | Next Citywide Long-range Plan

- a. Public Meeting – Consideration for Adoption of Final (Master) Plan

Zoe Mueller, consultant on behalf of the City of Worcester, described the revisions made to the Now Next final draft after the closing of the public comment period. Ms. Mueller stated the changes made were a result of public comments that were offered during the comment period, to provide additional clarity on where certain aspects of the plan stand, and to correct any typos that were caught during the finalization process.

Ms. Smith of DPRS thanked all who contributed to the plan.

No public comment.

Board Discussion:

Mr. McCormack stated he takes no issue with the changes discussed and is happy to support the plan.

Mr. King echoed the comments of Mr. McCormack.

On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to adopt the revised version of the final draft of the Citywide Long-range (Master) Plan.

2. Preliminary Study Report for proposed Local Historic District at 36 Butler Street (Ransom C. & Mary L. Taylor Estate)

Michelle Johnstone, Senior Preservation Planner for the City of Worcester Division of Planning & Regulatory Services, described the history of the property and its inhabitants from when it was constructed. Ms. Johnstone stated the study report for the proposed Local Historic District (LHD) was reviewed by the Massachusetts Historical Commission and they voted to acknowledge receipt of the Preliminary Study Report and provided advisory recommendations and comments. Ms. Johnstone concluded by outlining where the city is at in the process of establishing the LHD and what steps still need to be taken to establish the property as an LHD.

Joshua Lee Smith (participating remotely), attorney on behalf of the purchaser of the property, stated his client is looking to redevelop the site to include a townhouse style development. He explained that his client has agreed to preserve the building but to accommodate this, the building will need to be relocated. Mr. Lee Smith suggested they could split the lot via ANR to preserve the building and construct the townhouses on the newly created lot. Mr. Lee Smith stated his client has been working proactively and in good faith to redesign the project in order to preserve the building and explained that revised plans have been submitted to reflect that.

No public comment.

Board Discussion:

Mr. Moynihan asked if what the Board is being asked to do would impinge on the rights of the property owner; Ms. Johnstone stated the action the Board is taking is to endorse the report and provide comments but the action to create the LHD will be handled by City Council and establishing the LHD only impinges on changes made to the exterior of the structure visible from a public way.

Mr. LaValley asked what would happen if they don't endorse the report; Ms. Smith stated it will still move along to City Council if they chose not to endorse.

Mr. Lee Smith enunciated that if the entire parcel were to become subject to LHD regulations, all work - including new construction, would be subject to the Historical Commission and strict design guidelines.

Mr. LaValley stated this has potential to be an overreach by adding barriers for creating much needed housing and is inclined to vote against endorsement since it's at the discretion of another voting body to establish the LHD.

Mr. Moynihan stated he appreciates the historical architecture but his concerns mirror those of Mr. LaValley and therefore is not fully vested in endorsing it if it can move forward without their endorsement either way.

Mr. McCormack stated he is okay with moving forward with moving the building and then establishing the LHD.

Ms. Smith of DPRS explained the developer's timeline and how this poses challenges and investment risks for the developer without obtaining discretionary approval first.

On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to recommend the Historical Commission explore all options to preserve the building on site and allow maximum flexibility for the developer.

New Business:

- 3. 24 Simone Street (aka 70-72, 74-76 Valmor Street & 21-23, 25-27 Maranda Street) (PB-2023-096)**
 - a. Public Meeting – Definitive Site Plan

Donald O'Neil, attorney on behalf of the applicant, JAE Wor LLC, provided an update since the last time this item was in front of the Board and explained the property has been divided into four 7500 SF lots and the applicant is proposing 4 duplexes on each lot for a total of 8 units. Mr. O'Neil stated the stormwater management report has been reconciled and test pits were completed, showing the infiltration will function as designed. Mr. O'Neil explained that the city's Department of Transportation and Mobility (DTM) had requested sidewalks on Valmor Street albeit no other sidewalks exist on this street and the grading is so complex that when the city converted the street to public, they didn't do sidewalks at that time due to the complexity of engineering so that request has since been withdrawn by DTM. He continued, stating the Worcester Fire Department (WFD) has since requested improvements be made to pave Maranda Street but the street is already open and passable, and there are other houses existing on the street that are served by the city so the request to pave the street now is not consistent with actions taken in the past and is not reasonable due to the cost of paving and the fact that they are only proposing 4 buildings.

Ms. Russell of DPRS summarized the nature of previous concerns that have since been addressed and the primary concern now is around the WFD request to improve the way to city standards.

Mr. LaValley stated he doesn't agree with the WFD requirement to pave the way.

Ms. Smith read the comment from the WFD into the record.

Mr. Moynihan stated this is not a private street and this seems to be an erroneous request from the city to the applicant and is inclined to not include that as a condition of approval.

Mr. McCormack agreed and stated they already endorsed an ANR, making the assertion that there is adequate access to these lots.

Mr. King stated the condition seems unreasonable and would like to support the production of housing.

Joseph Graham (participating remotely), engineer on behalf of the project, addressed staff comments listed in the staff memo relating to driveway access; Ms. Russell stated improvements to the street will require an 81-G filing and the concerns were about regrading in the road, not the driveway; Mr. Graham stated the goal was to illustrate that they're tying into the existing grades, but they will pull that back as part of the revised plan.

Ms. Russell stated staff received some comments and photos from abutters concerned about flooding on the street but DPW confirmed they do not have any concerns with drainage on the street.

Mr. Saltrick of DPW stated staff visited the site and does not have any concern with drainage.

No public comment.

Board Discussion:

Mr. McCormack stated he is in favor of striking conditions #2 & #4 outlined in the staff memo.

Mr. King stated he does not have any concerns.

Mr. Moynihan stated he is concerned with how the project will impact stormwater management with respect to the concerns of the neighbors; Mr. O'Neil stated the photos provided were taken on another street that is higher up than the project site and the development does not pose threat to that street.

On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to approve the definitive site plan with DPRS, DPW, and DTM recommended conditions of approval striking conditions #2 and #4.

List of Exhibits:

Exhibit A: Definitive Site Plan Application; filed 11/07/2023; prepared by Donald O'Neil

Exhibit B: Definitive Site Plan; revised 2/15/2024; prepared by Robert D. O'Neil Jr., P.L.S. & Joseph Graham, P.E.

Exhibit C: Architectural Plans; dated 2/21/2024; prepared Dixon Salo Architects, Inc.

Exhibit D: Stormwater Report; revised 2/15/2023; prepared by Joseph Graham, P.E.

Exhibit E: Worcester Fire Department comments; dated 2/27/24; 3/19/2024

Exhibit F: DPW&P Comments; dated 3/19/2024

Exhibit G: DTM Comments; dated 2/28/2024

Exhibit H: Abutter Comments & Photos; dated 3/18/2024

Exhibit I: Abutter Comments & Photos; dated 3/19/2024

4. Brookline Street Subdivision aka 175 & 177-192 Brookline Street (PB-2023-097)

- a. Public Hearing – Definitive Subdivision Plan Amendment – Extension of Time
 - i. Performance Agreement – Final Release of Surety

Mr. LaValley stated the Board should take item 4i first and withdraw item 4a if the item passes.

Ms. Russell explained that the application was waiting on as-built plans but was otherwise complete so staff recommended they postpone until as-built plans were provided. She stated the as-built plans have since been provided and DPW is satisfied with the plans and recommends full release of surety.

On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to approve the final release the surety.

Donald O'Neil, attorney on behalf of the applicant, Norcross Development LLC, stated the applicant would like to request to Leave to Withdraw on item 4a.

On a motion by Mr. Moynihan, seconded by Mr. King; the Board voted 4-0 to grant the Leave to Withdraw request.

List of Exhibits:

Exhibit A: Definitive Subdivision Plan Amendment Application; filed 10/31/2023; prepared by Donald O'Neil

Exhibit B: As-built Plans; received 3/14/2024; prepared by Robert D. O'Neil Jr., P.L.S. & Joseph Graham, P.E.

6. 48 Mason Street (PB-2024-011)

a. Public Meeting – Definitive Site Plan Amendment

Mark Borenstein, attorney on behalf of the applicant, Kensington Management LLC, stated the applicant is seeking to amend their previous approval to reduce the number of affordable units proposed to 15% for purposes obtaining financing from the lender.

Ms. Smith stated the staff recommended conditions of approval outlined in the memo mirror the original conditions.

Public Comment:

Scott Schaffer Duffy of 52 Mason Street stated affordable housing is a rare commodity that is needed in Worcester and he is concerned with parking during winter on Mason Street as there are always deficiencies in parking here and by reducing the number of affordable units, more parking may be needed. Mr. Schaffer Duffy continued, stating climate resiliency is also a concern and asked the Board to not approve structures that reduce climate resiliency and contribute to higher temperatures in the city.

Mr. Borenstein stated the applicant is proposing a Transportation Management Plan to reduce parking at property so the hope is that folks will utilize transit and other forms of micro-mobility. He also stated the building proposes solar panels on the roof and the applicant does plan to provide more affordable units but the lender won't finance the project with 100% affordable units.

Board Discussion:

Mr. McCormack stated he appreciates the comments but does not understand why amendment is required; Ms. Smith stated the building commissioner determined it was in accordance with the approval and an amendment is not required but applicant wanted to proceed with filing anyway.

Mr. Moynihan asked what would happen if they don't grant the approval; Mr. Borenstein stated they could go back to the building commissioner to determine proposal is in accordance with the original approval and move forward without the amendment but they felt it would be cleaner if they came back before the Board to amend and be clear on what is being provided.

Mr. Moynihan expressed that he is frustrated with what is being proposed and is inclined to vote against; Ms. Smith clarified that there is a deed restriction on the property that requires 15% of the units are affordable at minimum.

Mr. King understands the concerns of Mr. Moynihan but from the purview of the Board, he is in support of it.

Mr. LaValley stated the applicant wants to build 100% affordable units but the bank won't finance at 100% affordable to protect their own assets.

Mr. Schaffer Duffy stated he has seen a project get approved and then come back again and again to reduce the amount of affordable units before.

Mr. LaValley stated they need to put trust in the developer and hope they follow through on their intentions to build more affordable units.

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

List of Exhibits:

Exhibit A: Definitive Site Plan Amendment Application; received 01/25/2024; prepared by Mark A. Borenstein

Exhibit B: Definitive Site Plan; revised 09/08/2023; prepared Howard Stein Hudson

Exhibit C: Planning Board Definitive Site Plan Decision; PB-2023-034

7. 35 Portland Street (PB-2024-013)

a. Public Meeting – Definitive Site Plan Extension of Time

Joe Duquette, attorney on behalf of the applicant, Portland Salem Realty LLC, stated the applicant is seeking an extension of time for an approval they received last April due to finance and supply chain issues. Mr. Duquette described the nature of the project which is to construct a 6-story mixed-use building with 108 residential units.

Ms. Holden of DPRS stated the applicant is seeking a two-year extension of time for the approval.

Mr. LaValley clarified this project is not required to comply with inclusionary zoning.

No public comment.

Board Discussion:

Mr. Moynihan asked for clarity on when this was approved; Ms. Smith clarified.

On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to grant the two-year extension of time.

List of Exhibits:

Exhibit A: Definitive Site Plan Extension Application; received 02/14/2024; prepared by Joshua Lee Smith

Exhibit B: Definitive Site Plan; revised 11/23/2022; prepared BSC Group

Exhibit C: Planning Board Definitive Site Plan Decision; PB-2023-002

9. 37 Circuit Avenue East (PB-2024-015)

a. Public Hearing – Definitive “Frontage” Subdivision Plan

Donald O’Neil, attorney on behalf of the applicant, Wendell Butler, stated the applicant is seeking to divide the lot with frontage on Circuit Avenue East with parking provided through Vincent Avenue. Mr. O’Neil stated no new roadways are proposed and requested waiver from the subdivision rules and regulations.

Ms. Holden stated the property has an existing two-family detached dwelling and the applicant is looking to divide the lot to construct an additional two-family detached dwelling. Ms. Holden explained that the lots would be deficient in frontage, providing only 50’ where 70’ is required, but the applicant has already obtained a variance approval for frontage from the ZBA. Ms. Holden concluded, stating the applicant will need to come back before the board for site plan approval due to the slope trigger and will likely need to file a Notice of Intent with the Conservation Commission as well.

No public comment.

Board Discussion:

Mr. Moynihan stated this seems straightforward and sees no reason not to 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 4-0 to approve the definitive frontage subdivision plan with DPRS recommended conditions of approval.

List of Exhibits:

Exhibit A: Definitive Frontage Subdivision Plan Application; filed 2/15/2024; prepared by Donald J. O’Neil

Exhibit B: Definitive Frontage Subdivision Plan; dated 2/13/2024; prepared by B&R Survey, Inc.

12. 115 Northeast Cutoff (PB-2024-018)

a. Public Hearing – Special Permit Amendment & Special Permit (WRPOD)

Stephen Madaus, attorney on behalf of the applicant, 115 Northeast Cutoff Realty Trust, described the location of the property, what currently exists on the site, and the previous special permit approvals this site has obtained through the Planning Board. Mr. Madaus stated the applicant is seeking to divide the lot, keeping one lot for the Worcester Public Schools (WPS) and their transportation fleet and the other would become the new home of David Clark Company, a longtime Worcester business. He explained that upon dividing the lots, the newly created lot will exceed the max allowable impervious surface in the WRPOD and they are requesting a special permit to allow the excess of impervious surface, adding that prior to dividing the lot, the whole site complies with the 20% threshold for impervious. Mr. Madaus stated they are also seeking to amend the existing special permit to expand/alter/change a preexisting, nonconforming use for storage of hazardous materials and they will be conveying a 10-acre Conservation Restriction on Lot 115.

Ms. Smith stated not much is changing in terms of physical aspects of the site but by dividing the lot, several regulatory triggers are pulled. Ms. Smith explained that the goal of the WRPOD is to protect drinking water and the special permits are to ensure that protection. She stated the special permit to expand/alter/change the

nonconforming use for storage of hazardous materials needs to be amended to allow this use for WPS only and only on their lot. Ms. Smith added that a deed restriction will also go on both properties to restrict any additional impervious be added or that it must be recharged if it is added. She continued, stating the impervious on site as a whole will be reduced to 18.9% by removing some impervious surface from proposed Lot 125 but that lot will contain 42% impervious coverage which does not comply with WRPOD. Ms. Smith described the newly issued conditions of approval.

Mr. LaValley asked if the applicant agrees to the conditions of approval; Mr. Madaus stated he and his team met with staff during the review process and they accept all the conditions.

No public comment.

Board Discussion:

Mr. Moynihan stated he only has concern around Poor Farm Book and wants to ensure that it's protected and is happy to see the condition for trees to help with cooling and discharge.

Mr. McCormack stated he is happy to see the Conservation Restriction and will support this.

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

On a motion Mr. Moynihan, seconded by Mr. McCormack, the Board voted 4-0 to endorse the ANR for item 15 b.

On a motion by Mr. Moynihan, seconded by Mr. McCormack; the Board voted 4-0 to approve the special permit, the special permit amendment, and findings of fact with DPRS recommended conditions of approval.

List of Exhibits:

Exhibit A: Special Permit Application; filed 2/15/2024; prepared by Thompson-Liston Associates, Inc.

Exhibit B: Special Permit Amendment Application; filed 3/4/2024; prepared by Thompson-Liston Associates, Inc

Exhibit C: Summary of Lot Areas and Impervious Cover; filed 3/15/2024; prepared by Thompson-Liston Associates, Inc

Exhibit D: Impervious Surface Color Exhibit; filed 3/15/2024; prepared by Thompson-Liston Associates, Inc

Exhibit E: Proposed Conservation Restriction; filed 3/13/2024; prepared by Thompson-Liston Associates, Inc

Exhibit F: Draft Declaration of Easements, Covenants, and Restrictions; filed 3/18/2024; prepared by Stephen F. Madaus

13. Kiara Drive Subdivision (fka 770 Franklin Street) (PB-2024-019)

a. Public Hearing – Definitive Subdivision Plan Amendment

i. Performance Agreement Amendment - Extend Work Completion & Sunset Dates

Patrick Healy (participating remotely), engineer on behalf of the applicant, CLEB LLC, stated they are seeking an extension of time for one year to complete construction of the two remaining lots in the subdivision and that security also needs to be amended to extend the work completion date.

Ms. Holdens reiterated what the applicant is looking to do and why they are front of the Board.

No public comment.

No Board discussion.

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 approve the definitive subdivision plan amendment with DPRS recommended conditions of approval and to approve the performance agreement amendment to the extend the work completion and sunset dates.

List of Exhibits:

Exhibit A: Definitive Subdivision Amendment Application; filed 2/22/2024; prepared by Thompson-Liston Associates Inc.

Exhibit B: Extension Request Letter; filed 2/22/2024; prepared by Thompson-Liston Associates Inc.

Exhibit C: Definitive Subdivision Plan; recorded with Registry of Deeds 8/18/2017; prepared by H.S.&T. Group, Inc.

14. Powers Court ±260 feet South (ST-2023-011)

- a. Public Hearing – Discontinue and Remove a Private Way from the Official Map

Ms. Russell stated this is a petition to remove a portion of the private way from the official map that runs about 390' from north to south and the applicant only petitioned for 260' be removed. Ms. Russell stated the Board has jurisdictional action to remove roadways so this would be the final action if they vote to remove it. Ms. Russell added that the property owner on both sides of the way is the same owner so it appears a larger development is forthcoming, but it's uncertain at this time what may be going there. Ms. Russell concluded, stating the WFD requested a turnaround be provided for fire apparatuses.

No public comment.

Board Discussion:

Mr. LaValley asked if there are any utilities; Mr. Saltrick described the utilities currently in place.

Matt Eckel (participating remotely), attorney on behalf of the applicant, stated the DPW recommendation for an easement conflates issues for future development that has not been fully flushed out yet and requested that they maintain utility rights; Mr. Saltrick stated DPW wants the easement to be able to go in and maintain the utilities but they would be amenable to revisiting the easement requirement during site plan review process.

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 approve the discontinuance of the private street and removal of the private street from the official map with DPW and WFD recommended conditions of approval.

List of Exhibits:

Exhibit A: Petition; prepared by Mark Donahue, Esq.; received on 10/17/2023

Exhibit B: DPW Memo; prepared by Jay Mello, P.E., dated 11/2/2023

Exhibit C: Fire Comments; provided by Captain Bull; dated 3/19/2024

Other Business

15. Approval Not Required (ANR) Plans

- a. AN-2023-056 – 57 Mount Avenue (Public)
- b. AN-2024-008 – 115 Northeast Cutoff (Public)
- c. AN-2024-009 – 765 Salisbury Street (Public)
- d. AN-2024-010 – 40 Brattle Street (Public)

Item 15b was taken out of order. No discussion on items 15a, c, d.

16. Communications

- a. CMRPC FY 2025 Assessment Schedule – Rate Increase; from Central MA Regional Planning Commission; received 3/8/24
- b. Vision Zero Survey – Survey open through 3/31/24; from Dept. of Transportation & Mobility; received 3/11/24
- c. Interstate Crossing Notice of Project Change & Draft Environmental Impact Report – Clinton Street (Route 70), Shrewsbury, MA; from Durand & Anastas Environmental Strategies, Inc; received 3/13/24
- d. Mulcahy Field Activity and Use Limitation – 158 Doherty Street; from BETA Group, Inc.; received 3/13/24

Ms. Smith discussed the communications before the board.

17. Board Policy and Procedures

- a. Upcoming Meeting Scheduling

Ms. Russell explained staff will be sending calendar invites for all remaining 2024 meetings.

Mr. LaValley stated he has conflicts for 5/1 & 5/22 meetings.

18. Approval of Minutes - 7/26/2023; 11/1/2023; 11/22/2023; 1/31/2024; 2/7/2024; 2/28/2024

On a motion Mr. Moynihan, seconded by Mr. McCormack, the Board voted 4-0 to approve the minutes for 7/26/2023; 11/22/2023; 1/31/2024; 2/7/2024; 2/28/2024.

Adjournment

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted unanimously to adjourn at 9:03pm.