



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

Wednesday, June 12, 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
Conor McCormack (*Participated Remotely*)
Brandon King (*Participated Remotely*)

Board Members Absent:

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)
Todd Miller, Inspectional Services Division (ISD) (*Participated Remotely*)

Call to Order

Board Chair Albert LaValley called the meeting to order at 5:30 pm.

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

Item 1: 0 Myrick Avenue (PB-2024-004) – 81-G Street Opening Plan & Definitive Site Plan

Request to Postpone the Public Hearing to July 10, 2024
Extend the Constructive Grant Deadline to July 25, 2024

Item 2: 5 Gates Road (PB-2024-006) – Definitive Site Plan

Request to Postpone the Public Hearing to July 10, 2024
Extend the Constructive Grant Deadline to July 25, 2024

Item 4: 487 Park Avenue (PB-2023-077) – Definitive Site Plan

Request to Postpone the Public Hearing to July 10, 2024
Extend the Constructive Grant Deadline to July 25, 2024

Item 5: 30-50 Lagrange Street & 47 Oread Street (PB-2024-017) – Definitive Site Plan Amendment

Request to Postpone the Public Hearing to July 10, 2024
Extend the Constructive Grant Deadline to July 25, 2024

Item 6: 79 Pullman Street (PB-2024-020) – Definitive Site Plan

Request to Postpone the Public Hearing to July 10, 2024

Extend the Constructive Grant Deadline to July 25, 2024

Item 7: 39 & 49 Upland Street (PB-2024-022) - Definitive Site Plan & MTOB Plan

Request to Postpone the Public Hearing to July 10, 2024

Extend the Constructive Grant Deadline to July 25, 2024

Item 9: 0 Meadowbrook Road (PB-2024-037) - Definitive Subdivision Plan Amendment

Request to Postpone the Public Hearing to July 10, 2024

Extend the Constructive Grant Deadline to July 25, 2024

Item 13: 167 West Boylston Drive (PB-2024-045) – Definitive Site Plan

Request to Postpone the Public Hearing to July 10, 2024

Extend the Constructive Grant Deadline to July 25, 2024

On a motion by Mr. Moynihan seconded by Mr. McCormack, the Board voted 5-0 to grant the postponements requests.

3. 135 Brooks Street (PB-2024-027)

a. Public Meeting – Definitive Site Plan Amendment

Item was taken out of order at the request of the applicant.

Joshua Lee Smith, attorney on behalf of the applicant, 135 Brooks Street LLC, stated the plans have been updated since the last meeting with the Board and summarized the previous approval to construct an approximately 207,000 SF warehouse. Mr. Lee Smith described that changes that have been made which include a reduction of trailer spaces and an increase in passenger vehicle parking spaces, additional landscaping, and added green space. He continued, stating the warehouse has obtained a tenant, Restaurant Depot, and these changes are to accommodate the new tenant. Mr. Lee Smith concluded, stating an updated noise study has been provided and demonstrates the changes will not result in an increase in noise levels.

Michelle Smith of DPRS stated this item was continued from the 5/22/24 Board meeting and noted that the recommended conditions of approval have been updated to reflect revisions that have been made since the previous meeting. She described the conditions of approval recommended by staff and stated that staff received a letter from the legal counsel of an abutter that includes some additional conditions of approval at the request of the abutter. Ms. Smith concluded, stating the conditions recommend by the abutter were not written into the staff memo but the Board can choose to adopt them as part of their conditional approval if they wish.

Public Comment:

Todd Rodman, attorney on behalf of abutting property owner, 222 Brooks Street LLC, stated his client requests conditions that information demonstrating noise reduction from the silencer box truck is provided to the Board prior to installation, that the visual screening wall be replaced with a sound barrier if the sound reduction

doesn't meet the assumptions made in the noise study, that no refrigeration trucks are permitted to operate overnight, and that the acoustic model demonstrating no pure tone conditions gets provided to the board.

Board Discussion:

Mr. Moynihan asked if the applicant is being asked to provide more than is typically required regarding noise studies; Ms. Smith stated the noise study is meeting the threshold standards.

Mr. Moynihan asked if condition # 18 would cover what the abutting neighbor is asking for; Ms. Smith stated that is somewhat up to interpretation and this is not a condition they'd typically see and was not included in the original approval.

Mr. McCormack stated he appreciates the review staff has completed regarding the noise concerns and it seems the conditions recommended by staff appropriately address the concerns of the abutter.

Mr. Angus and Mr. King stated no comment.

Mr. LaValley stated one of the Board's review criteria is to ensure that unsightliness does not affect the abutting property owners and it is rare that industrial uses are next to residential properties, however, feels the conditions as recommended are appropriate. He added that there are some concerns with light levels, but it seems to be an error on the photometric plan.

Greg DiBona of Bohler Engineering stated the lighting plan presented is the same plan that was approved previously but they have made revisions since the last meeting to reduce lighting levels. He added that they still have hot spots for lighting levels and explained the challenges they are having with placing the lights and preventing spillage.

Mr. LaValley asked how staff would prefer to see the light changes; Ms. Smith stated the preference would be to have them placed lower with a higher concentration of light near the front along the street and the concern is less on the loading bay side but it's ultimately at the discretion of the Board; Mr. LaValley stated he feels the applicant should submit a revised lighting plan for staff review prior to release of the decision; Ms. Smith suggested striking condition 1.e.i and revising 1.e.ii to add language "or increase the height to no more than 20'".

Mr. Lee Smith asked that the Board rely solely on staff recommended conditions of approval and not include the conditions requested by the abutter as this project was already approved a year ago and the changes proposed had already been contemplated with the last approval and the noise study provided is ultimately in compliance with the law.

Mr. Rodman, attorney on behalf of the abutter, stated his client is requesting additional conditions in response to the proposed changes for this project and all requested conditions are related to sound and are all consistent with the applicant's own noise study.

Mr. LaValley stated he is inclined to go with the staff recommended conditions and feels that staff does not have the technical level of expertise to review what the abutter is asking for or the capacity to review the technical conditions requested.

Mr. McCormack and Mr. Moynihan stated they agree with Mr. LaValley.

Mr. Angus stated he appreciates the concerns from the abutter, but he feels staff and the Board have given them the appropriate level of scrutiny.

Mr. DiBona stated trailer storage has an entirely separate entrance from restaurant depot area and would like to strike the condition for an additional sidewalk; Ms. Smith provided clarity on what staff is requesting; Mr. DiBona stated the way this area is configured is to store empty trailer boxes and requested to strike condition 1c.

Mr. DiBona asked if the condition 14 for dust control could be revised to strike the last sentence due to having other measures in place to control dust and they don't want to be in a position where they must truck everything off site when they have areas to stockpile and ways to control that dust; Ms. Smith stated DPRS would be comfortable with striking that but would defer to the Board; Mr. LaValley stated he would be comfortable striking that given the applicant's comments.

Mr. McCormack and Mr. Angus agreed.

On a motion by Mr. Moynihan seconded by Mr. McCormack; the Board voted 5-0 to approve the Definitive Site Plan Amendment with DPRS, DPW, and DTM recommended conditions of approval, striking conditions 1.c and 1.e.i, revising 1.e.ii to include language "or increase the height to no more than 20'", and revising condition 14 to strike the second sentence.

List of Exhibits:

- Exhibit A:** Definitive Site Plan Amendment Application; filed 05/02/2024; prepared by Bohler Engineering
- Exhibit B:** Definitive Site Plan Extension of Time Application; filed 05/02/2024; prepared by Joshua Lee Smith
- Exhibit C:** Site & Tennant Changes Narrative; dated 2/22/2024; prepared by Bohler Engineering
- Exhibit D:** Site Plans; dated 5/10/2023; revised 6/10/2024 prepared by Bohler Engineering
- Exhibit E:** Red-Line Plan; dated 6/7/2023; received on 5/3/2023; prepared by Bohler Engineering
- Exhibit F:** Definitive Site Plan Decision (PB-2023-003); meeting held 6/7/2023
- Exhibit G:** Architectural Elevations and Floorplans; dated 5/21/24; prepared by Randall Paulson Architects
- Exhibit H:** Redlined Original Noise Evaluation and Updated Noise Evaluation; dated 6/6/2024; prepared by Acentech Incorporated
- Exhibit I:** Architectural Renderings; received on 6/10/2024; undated/unsigned
- Exhibit J:** Transportation Memorandum; dated 6/10/2024; prepared by MDM Transportation Consultants, Inc.

New Business:

- 8. 136 Burncoat Terrace (PB-2024-036)**
 - a. Public Meeting – Definitive Site Plan

Dan Sheehan, engineer on behalf of the applicant, TCP Homes Inc, stated the project was previously submitted to the board under a different contractor with similar plans. He stated that the approval has since expired but the intent is still to construct a single-family dwelling, explaining that the building footprint has slightly increased since then.

Olivia Holden of DPRS stated staff has added a few conditions that weren't included as part of the original approval and described the newly added conditions.

Mr. Sheehan stated due to site constraints they won't be able to achieve condition 1a and explained that during the wet season there will be additional overflow coming from the downspouts and during the dry season there will be sufficient recharge for the groundwater. He added that the additional windows may create issues for adding furniture and the rooms do currently have windows.

Ms. Holden stated staff is amenable to strike condition 1a.

Mr. LaValley stated the façade and overall environment in the rooms will be enhanced with the additional windows and asked the applicant if they are amenable to leaving that condition; Mr. Sheehan stated it shouldn't be an issue.

No public comment.

Board Discussion:

No discussion.

On a motion by Mr. Moynihan seconded by Mr. McCormack; the Board voted 5-0 to approve the Definitive Site Plan with DPRS & DPW conditions of approval, striking condition 1a.

List of Exhibits:

- Exhibit A:** Definitive Site Plan Application; filed 04/12/2024; prepared by TCP Homes, Inc.
- Exhibit B:** Site Plans; dated 05/20/2024; prepared by Graves Engineering
- Exhibit C:** Architectural Drawings; dated 09/10/2010; prepared by Marshall Architecture P.C.

10. 112, 114, 116, 120.5 Houghton Street & 1 Nuttall Lane (PB-2024-041)

- a. Public Meeting – Definitive Site Plan Extension of Time

Donald O'Neil, attorney on behalf of the applicant, Houghton Street Holdings LLC, stated the applicant is seeking a 1-year extension of time for the construction of the Blair House Nursing Home due to the complicated permitting process for nursing homes and requested to retain all original conditions of approval.

Victor Panak of DPRS stated staff does not have any additional comments to add.

No public comment.

Board Discussion:

No discussion.

On a motion by Mr. Moynihan seconded by Mr. McCormack; the Board voted 5-0 to approve the Definitive Site Plan Extension of Time retaining the original conditions of approval.

List of Exhibits:

- Exhibit A:** Definitive Site Plan Extension of Time Application; filed 04/24/2024; prepared by Donald O'Neil, Esq.
- Exhibit B:** Definitive Subdivision Plan; dated 02/20/2020; prepared by Guerriere & Halnon, Inc.

11. 16 Tamar Avenue (PB-2024-043)

- a. Public Hearing – Definitive Frontage Subdivision Plan

Joshua Lee Smith, attorney on behalf of the applicant, GM Properties LLC, stated the applicant recently received ZBA approval for a variance and the applicant now seeks to divide the lot in order to construct a single-family dwelling.

Public Comment:

Benjamin Stavros, abutter to the property stated it appears the application is missing information per the rules and regulations such as showing trees on the plans; Mr. LaValley stated this application is to formally divide the land and not to obtain site plan approval.

Mr. Stavros asked about betterment of the road and how this will affect current property owners and tax rates; Ms. Smith stated DPW would be able to answer this better, but the fee is calculated based on the amount of frontage each property has.

Mr. Stavros asked about providing an erosion control plan; Ms. Smith described the process of obtaining definitive frontage subdivision approval vs. subdivision approval and the differences between the two types of approvals.

Mr. Stavros stated he is concerned about trees being damaged on his property as a result of the construction and long-term damage to root systems that may be caused by the placement on the structure and driveway; Mr. LaValley suggested working with the contractor and property purchaser to address concerns about existing trees.

Mr. Stavros stated he is also concerned with glare from headlights as well as noise from the driveway and noted that the placement of the structure is out of character with the rest of the neighborhood.

Mr. McCormack exited the meeting at approximately 6:58pm.

Sean Brady, abutter to the property, asked what the purpose of this is; Mr. LaValley stated it is to divide the lot to construct a second house.

Mr. Brady asked why in this location; Mr. LaValley stated the city needs housing, the property owner has the right to divide the land, and these concerns are outside of the Board's purview.

Mr. Brady asked which Board these concerns should be brought to; Mr. LaValley stated they can bring their concern to their city councilor.

Board Discussion:

No discussion.

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

On a motion by Mr. Moynihan seconded by Mr. King; the Board voted 4-0 to approve the Definitive Frontage Subdivision Plan with DPRS, DPW, and DTM recommended conditions of approval.

List of Exhibits:

Exhibit A: Definitive Frontage Subdivision Plan Application; filed 5/8/2024; prepared by Bowditch & Dewey, LLP

Exhibit B: Definitive Frontage Subdivision Plan; dated 4/25/2024; prepared by HS&T Group, Inc

12. 0 Dodge Avenue (PB-2024-044)

- a. Public Meeting – Definitive Site Plan

John Grenier, engineer on behalf of the applicant, Sunshine Real Estate Development Inc, stated the applicant is proposing to construct a split ranch style single-family dwelling and described the conditions of the land.

Victor Panak of DPRS described the proposal before the Board and staff recommended conditions of approval.

No public comment.

Board Discussion:

No discussion.

On a motion by Mr. Moynihan seconded by Mr. King; the Board voted 4-0 to approve the Definitive Site Plan with DPRS, DPW, and DTM recommended conditions of approval.

List of Exhibits:

Exhibit A: Definitive Site Plan Application; clerked 05/22/2024; prepared by J.M. Grenier Associates Inc.

Exhibit B: Definitive Site Plan; dated 5/9/2023; revised on 5/29/24; prepared by J.M. Grenier Associates Inc.

Exhibit C: Architectural Elevations; dated 5/28/2024; prepared by Acropolis Design Consultants

14. 866 Grafton Street (PB-2024-046)

- a. Public Meeting – Definitive Site Plan

Darguin Fortunata, on behalf of the applicant stated the project intends to construct a duplex on the currently vacant lot and described the current conditions of the lot.

Kevin Quetti, engineer on behalf of the applicant, Mustafa Alnaimi, stated the team has worked with staff to reposition the curb cut and driveway and add that test pits confirmed that stormwater infiltration is not possible due to ledge on the site. Mr. Quetti concluded, stating this project will also need approval from the Conservation Commission due to catch basin proximity.

Olivia Holden of DPRS described the proposal before the Board and staff recommended conditions of approval. Ms. Holden stated condition 1a has already been addressed between the applicant and staff and recommended striking that condition.

Mr. LaValley asked the applicant if they are amenable to the conditions as outlined in the memo; Mr. Fortunata confirmed they are.

Public Comment:

Joseph Lostracco, abutting property owner, asked how the huge amount of ledge on site will be removed and how it will affect his property which is adjacent to this site.

Mr. Fortunata stated the team is open to suggestions on how to remove the ledge and the project will also require meeting standards of MassDOT for blasting.

Mr. LaValley stated any blasting that may take place here will be heavily regulated to ensure the stability of the structure and surrounding properties; Mr. Lostracco asked if they are seeking approval tonight; Mr. LaValley

stated they are seeking approval for the site plan but not how it will be constructed and that construction will be regulated by the building department.

Mr. Lostracco stated the Board should not approve this without a plan for how they will build it; Mr. LaValley stated this item is in front of the Board because of the slope of the site, not the presence of ledge on it, and the applicant will have to have a construction plan prior to breaking ground, but those approvals are issued by another city entity.

Ms. Smith stated blasting is permitted through the Worcester Fire Department and any abutters that are within 250' of the location of the blasting will be offered a complimentary survey prior to any blasting at the cost of the developer. She added that if anything were to affect property after blasting, the abutter could file a complaint with the WFD. Ms. Smith also stated that if hammering the ledge takes place, there are strict protocols on times when hammering is allowed and any concerns with hammering can be addressed with ISD.

Board Discussion:

Mr. Moynihan, King, and Angus stated no comment.

Mr. LaValley stated he feels staff has reviewed the plans thoroughly and conditioned it appropriately.

On a motion by Mr. Moynihan seconded by Mr. King; the Board voted 4-0 to approve the Definitive Site Plan with DPRS, DPW, and DTM recommended conditions of approval, striking condition 1a.

List of Exhibits:

- Exhibit A:** Definitive Site Plan Application; filed 05/10/ 2024; prepared by Boston Civil
- Exhibit B:** Definitive Site Plan; revised 05/09/2024; prepared by Boston Civil
- Exhibit C:** Architectural Drawings; dated 12/05/2023; prepared by Flow Design Architects

15. 66 Southgate Street and 91 Canterbury Street (ZA-2024-002)

a. Public Hearing - Map Amendment

Joshua Lee Smith, attorney on behalf of the petitioner, stated the reason for this petition to rezone is because he is having challenges leasing his property which contains a vacant commercial building and the rezoning will allow for more by-right business uses.

Victor Panak of DPRS described the zoning map amendment petition before the board to rezone the properties from RG-5 to BL-1.0 and described the how the rezoning will change dimensional requirements and uses allowed by right.

No Public Comment.

Board Discussion:

None.

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

On a motion Mr. Moynihan, seconded by Mr. King, the Board voted 4-0 to recommend in favor of the zoning map amendment.

List of Exhibits

- Exhibit A:** Petition – Sahil Properties LLC; referred to Planning Board on April 26, 2024
- Exhibit B:** Map of Proposed BL-1 Extension at 66 Southgate Street & 91 Canterbury Street

16. 55 Benefit Street (ZA-2024-003)

- a. Public Hearing - Map Amendment

Kim Vong, petitioner, stated they are seeking to rezone the property from MG-2.0 to RG-5.

Victor Panak of DPRS described the zoning map amendment petition before the board to rezone the properties and described the how the rezoning will change dimensional requirements and uses allowed by right.

No Public Comment.

Board Discussion:

None.

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

On a motion Mr. Moynihan, seconded by Mr. King, the Board voted 4-0 to recommend in favor of the zoning map amendment.

List of Exhibits

- Exhibit A:** Petition – Kim Vong; referred to Planning Board on April 26, 2024
- Exhibit B:** Map of Proposed RG-5 Extension at 55 Benefit Street

Other Business

17. Approval Not Required (ANR) Plans

- a. AN-2024-031 – 69 Upland Street (Public)
- b. AN-2024-032 – 7 Chester Street (Public)

Olivia Holden of DPRS described the ANRs before the board.

On a motion Mr. Moynihan, seconded by Mr. King, the Board voted 4-0 to endorse the ANRs for items 17 a-b.

18. Street Petitions

- a. ST-2024-007 – Brookline Street Extension (Accept as a Public Way)

Michelle Smith of DPRS read DPW’s level 3 recommendation for the acceptance of Brookline Street Extension into the record.

On a motion Mr. Moynihan, seconded by Mr. King, the Board voted 4-0 to recommend in favor of the street petition.

19. Subdivisions

- a. Covenant for Lincoln Heights Property – Related to Improvements in Benson Avenue
- b. 128 Alvarado Avenue Subdivision – Release of Performance Agreement Secured by Letter of Credit

Mark Borenstein, on behalf of the Lincoln Heights Subdivision, stated the development never commenced and the covenant was in place over 30 years ago and they need it released to move forward with closing.

Ms. Smith suggested the Board votes to issue a final release of the covenant for the Lincoln Heights property given that no work ever commenced.

On behalf of the Alvarado Avenue Subdivision, Ms. Smith stated there is a new developer and the Board needs to vote to release the old performance agreement being that there is sufficient surety in place with the new covenant.

On a motion Mr. Moynihan, seconded by Mr. King, the Board voted 4-0 to release the performance agreements for items 19 a&b.

20. Communications

- a. Community Preservation Committee – Representative Update
- b. Mobility Action Plan Recommendations

Mr. Moynihan provided an update on the CPC and stated they expect to release grants in the fall; Ms. Smith stated there is also a seat opening for the CPC as Mr. Moynihan is no longer able to serve and asked the Board member to let staff know if they are interested in taking the vacant seat.

Ms. Smith stated the MAP recommendations are open for public comment.

21. Board Policy and Procedures

- a. More Than One Building on a Lot Application Updates

Ms. Smith described the updates that were made to the form.

On a motion Mr. Moynihan, seconded by Mr. King, the Board voted 4-0 to approve the MTOB application updates.

22. Approval of Minutes - 5/22/2024

No Discussion.

Adjournment

On a motion by Mr. Moynihan, seconded by Mr. King, the Board voted unanimously to adjourn at 8:05pm.