

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

**February 24, 2010
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

Planning Board Members Present: Anne O’Connor, Chair
Scott Cashman, Vice Chair
Stephen Rolle, Clerk
Satya Mitra

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services
K. Russell Adams, Department of Public Works & Parks
Jennifer Beaton, Law Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

Chair O’Connor called the meeting to order at 5:35 PM.

APPROVAL OF MINUTES:

The Board approved minutes from the January 13, 2010 and February 3, 2010 meetings.

POSTPONEMENTS/CONTINUATIONS:

- 1. 40 Harlow Street – Definitive Site Plan (PB-2009-091):** Jonathan Finkelstein, representative for Murray Marketing, Inc., was not present. Ms. Bold informed the Board that Mr. Finkelstein submitted a letter requesting a continuance of the petition to March 10, 2010. She then stated that staff recommends continuation of the item to March 31, 2010, after the scheduled Zoning Board of Appeals hearing. Upon a motion by Stephen Rolle and seconded by Satya Mitra, the Board voted 4-0 to continue the item to the March 31, 2010 meeting.

UNFINISHED BUSINESS:

Public Hearing

- 2. 222 June Street & 55 Botany Bay Road – Amendment to Zoning Map, RS-7 to RL-7 (ZA-2009-007):** Robert Longden, representative for 222 June Street, LLC, and Botany Bay Properties, LLC, petitioner, is seeking to rezone 222 June Street and 55 Botany Bay Road (approximately 6.12 acres) from RS-7 to RL-7. Also present were Carl Foley, the owner, and Jim Finley, site engineer. Mr. Longden stated that when constructed, the multi-family dwellings in the entire Botany Bay complex

were allowed by a Special Permit in the RS-7 zoning district, but are currently neither allowed by-right nor by a Special Permit. He noted that there is a vacant building, previously a retirement home for priests, located at 222 June Street, which was purchased by Mr. Foley in 2008, and that the 55 Botany Bay Road property consists of 40 market-rate apartments and 80 parking spaces.

Mr. Longden gave a brief history of the two parcels and the entire Botany Bay complex. He stated that the 222 June Street parcel was originally owned by Crompton and Knowles company, then purchased by the Diocese of Worcester, and, lastly, by Mr. Foley. The Botany Bay complex was originally permitted for 176 units and was built in two phases – 80 units were developed west of Botany Bay Road first, and 43 condo units were developed on the easterly side of the Botany Bay Road a couple of years later. The apartments at the 55 Botany Bay Road were constructed approximately around the same time. Mr. Longden noted that a Site Plan was approved for the construction of a two-story, twenty-four unit building with fifty parking spaces (to accommodate 24 priests) at 222 June Street in 2004 and it was never constructed.

Mr. Longden stated that the petitioner intends to construct apartment units at 222 June Street that are consistent in type, appearance, use, and market value to the ones located at 55 Botany Bay Road. He stated that the 222 June Street would also be under the same ownership and management use. Therefore, he added, it would be logical to rezone both parcels at the same time. He showed the concept plan of the site if rezoning petition was approved.

He noted that Botany Bay development is dominated by older individuals with few children, and that traffic does not seem to be heavy. Lastly, he stated that the petitioner is not proposing any changes to the 55 Botany Bay Road parcel, and that the reason for seeking rezoning is to avoid spot zoning and to deal holistically with the two parcels that have common ownership.

Mr. Longden stated that in response to the staff memo's recommendation of preserving a stretch of land along June Street for single-family dwellings development, the petitioner submitted a revised concept plan which would retain the RS-7 zone along June Street and which would reduce the proposed development from 40 to 32 dwelling units. With respect to the staff's preference for rezoning the entire Botany Bay complex and thus extending the RL-7 zone line from the south, he responded that Mr. Foley does not have control of the complex and cannot petition on behalf of the residents. He added that since the Botany Bay complex is already built-out, there is little incentive to change its zone.

He stated that the 222 June Street parcel is currently vacant, and that the proposed density would be consistent with the overall complex density, while somewhat less dense than the existing density at 55 Botany Bay. He added that the petitioner does not anticipate a large traffic impact as the proposed development would use only a small stretch of the Botany Bay Road. Lastly, he stated that a positive aspect of the project would be an increase in tax revenue, as 55 Botany Bay pays approximately \$40,000 annually, while 222 June Street pays \$17,000. He also mentioned some similar re-zoning precedents: 1) a Salisbury West condominium complex that was re-zoned from RS-10 to RL-7, 2) a Highland House building on Suburban Road that was rezoned to RG-5, and 3) a Plantation Heights that was rezoned to RG-5. Lastly, he submitted letters of support from 28 residents at the 55 Botany Bay Road.

Mr. Fontane stated that he reviewed the revised concept plans presented at this hearing and stated that from the land use perspective, the second proposal appears to be more compatible with the neighborhood and has a better site layout. He stated that staff does not oppose the second alternative, but would like to present two choices to the Planning Board. He distributed two maps – the first one

showing a smaller proposed area to be rezoned, and the second one showing an extension of the RL-7 zone northerly over the entire Botany Bay complex. Ms. Beaton clarified to the Board that the Planning Board's re-zoning recommendation to the City Council can be less in area than the petitioner's actual proposal, but not larger. In the latter case, a new petition would be required.

John Ford of 45 Waterford Drive stated that he represents 46 residents of the Botany Bay condominiums who signed an opposition letter to the proposed zoning change (Exhibit A). He stated that he called the residents who signed the original opposition letter to hear their opinion with respect to the revised concept plan, and that everyone remained opposed to it. Mr. Ford stated that while 8 fewer dwelling units are now on the revised concept plan, all of the remaining proposed units would be accessed from Botany Bay Road and that the main reason for the opposition is what residents believe is the dangerous curve on an already heavily trafficked Botany Bay Road. He stated that very few people can make the curve and stay on their side of the road. He also stated that he believes the proposed project would diminish the property values and will increase stormwater runoff, which already presents a problem. He asked the Board to recommend denial of the petition.

Robert Dykstra of 39 Waterford Drive spoke against the petition. He encouraged Mr. Foley not to make a curb cut off of Botany Bay Road into the 222 June Street site and to have an egress instead where there is an existing parking lot. He stated that he would like to retain the original look of the Botany Bay Road.

Chair O'Connor reminded the public that the petition in front of the Board is a land use and zoning map consideration, and not a site plan review. Mr. Fontane stated that traffic impact statements and access issues would be reviewed as part of a site plan approval process. He corrected his memo to the Board stating that the alternative proposal would involve 32, and not 29 proposed dwelling units. He also stated that proposed multi-family low-rise dwellings would also require a special permit from the Zoning Board of Appeals which would consider proposed density and access to the site as well and represents good example of discretionary local control.

David Tabery of 1 Bayberry Lane expressed his opposition to the project and stated that he believes the proposal is spot-zoning. He stated that he would prefer the proposed option retaining RS-7 buffer of land along June Street to remain for the single-family residential dwelling development. His concerns were of increased density, increased traffic, and potential access issues. He stated that snow does not quickly melt along sections of the Botany Bay Road due to the shade of the tall pine trees along the road.

Mr. Longden stated that there will be opportunity to analyze potential effects of the proposed development and to propose mitigations through the Site Plan Review and the Special Permit approval processes. He stated that in his opinion the proposed zone change does not constitute spot zoning, because the 222 June Street parcel would be developed for a compatible and similar use and because the current use at the 55 Botany Bay Road is similar in use to the surrounding neighborhood. Lastly, he stated that Mr. Foley and his grandchildren live at the development, which shows that he is invested and committed to the high-quality development.

Lee Barmakian of 32 Rosslare Drive stated that he does not oppose the proposed density of 222 June Street, but is concerned with the potential impact on Botany Bay Road. He stated that the middle line on the road is worn out because people go over it at the curve. He then asked if a row of hedges would be removed to improve visibility. Chair O'Connor reminded that the Board is reviewing the rezoning petition, and not the concept plan.

Upon a motion by Scott Cashman and seconded by Satya Mitra, the Board voted 4-0 to close the public hearing.

Chair O'Connor stated that she likes the revised zoning map amendment alternative that would retain the area along June Street in the RS-7 zone and stated that she would feel differently about the petition if the Botany Bay condominium complex consisted of the single-family dwellings. She stated that the special permit and the site plan review would be good safeguards for the concerns of the proposed development at 222 June Street. Mr. Cashman concurred. Mr. Fontane stated that when viewing rezoning petitions and considering whether or not they might constitute spot zoning, one should not just look at the size of the proposed rezoning, but also at the surrounding uses. Mr. Cashman stated that the proposed rezoning appears consistent with the surrounding neighborhood's uses. Mr. Mitra asked when the revised plan was presented to staff. Mr. Fontane responded that the plan was given to him after the memo to the Board was sent and, therefore, he made a verbal amendment to his memo at the meeting. He stated that RS-7 zone became more restrictive over time. Mr. Mitra asked what kind of uses would be allowed in an RL-7 zone. Mr. Fontane responded that the following uses are currently not allowed in the RS-7 zone, but would be allowed by a Special Permit in the RL-7 zone: low rise multi-family dwellings, single-family attached dwellings, three-family detached dwellings, funeral undertaking establishments, service shops, personal services, and the following uses would be allowed by-right: single-family semi-detached dwellings and two-family detached dwellings. Mr. Mitra thanked the public for their comments, and stated that the issues presented would be considered by the land use Boards.

Upon a motion by Stephen Rolle and seconded by Scott Cashman, the Board voted 4-0 to recommend that the City Council approve the zone change petition, provided that the petition is amended to include an RS-7 zoning buffer along the entire length of the parcel at 222 June Street - 330' in length and southerly from June Street 108' deep for the following reasons:

- The land use regime in the immediate area includes multi-family low rise development; and therefore the change is consistent with the existing neighborhood character; and
- As amended, the Zoning buffer will maintain the Single Family character along June Street; and
- Any residential development of single-family attached or multi-family low rise will require a Special Permit from the ZBA, which would provide for additional review and reasonable conditions of approval.

NEW BUSINESS:

Public Meeting

- 3. Goldthwaite Road (Burncoat Gardens – Phase II) – Extension of Time - Definitive Site Plan (PB-2010-001):** Charles Scott of CFS Engineering, representative for Goldthwaite Holdings, the applicant, is seeking an extension of time for a year for a Definitive Site Plan for the construction of 28 multi-family low-rise dwelling units and 216 parking spaces on a property located at Goldthwaite Road with 15% slope or more, which is in a RG-5 (Residential, General). Ms. Bold stated that staff recommends an approval of the extension of time for a year. Mr. Fontane clarified to the public that this was not a rezoning petition, and that the petitioner had applied for two zone changes in the past – one was withdrawn and another one approved by the City Council. Upon a motion by Scott Cashman and

seconded by Satya Mitra, the Board voted 4-0 to approve the request for an extension of time for a year for a Definitive Site Plan.

- 4. Goldthwaite Road (Burncoat Gardens – Phase III) – Extension of Time - Definitive Site Plan (PB-2010-002):** Charles Scott, representative for CFS Engineering, the applicant, is seeking an extension of time for a year for a Definitive Site Plan for the construction of 8 multi-family low-rise dwelling units and 35 parking spaces on a property located at Goldthwaite Road with 15% slope or more, which is in a RG-5 zone (Residential, General) and RS-7 (Residential, Single Family). Ms. Bold stated that staff recommends an approval of the extension of time for a year. Upon a motion by Scott Cashman and seconded by Stephen Rolle, the Board voted 4-0 to approve the request for an extension of time for a year for a Definitive Site Plan.

UNFINISHED BUSINESS:

Public Hearing

- 5. Malden Woods Subdivision - Amendment to Definitive Subdivision (PB-2009-087):** Michael Revelli, representative for MR Real Estate, Inc, is seeking to waive the provision of M.G.L. c. 41 § 81W under Section VI (I)(2) and extend the sunset date (expiration date) of the Malden Woods Subdivision on property located off of Whippoorwill Drive to February 24, 2015. Ms. Bold stated that the original subdivision was approved unanimously and that no waivers were granted then. She stated that this petition had been continued from the last meeting in order to contact the petitioner and ask him to be present to answer Board's potential questions and in order to provide time for staff to research whether any waivers had been previously granted. Ms. Bold stated that staff would be in support of the amendment if the applicant submits a revised landscaping plan sheet indicating which species of trees will be planted on each lot and further clarifying that one tree shall be planted in the front yard setback for each side of the duplex lot, that they will be Asian Longhorn Beetle resistant and that the proposed chain link fence be replaced with fencing more appropriate for a residential setting. Mr. Adams stated that the Department of Public Works recommended the waiver and the extension of the sunset date for five years. Upon a motion by Scott Cashman and seconded by Stephen Rolle, the Board voted 4-0 to close the public hearing. Upon a motion by Scott Cashman and seconded by Satya Mitra, the Board voted 4-0 to approve a waiver of the provisions of Section VI(I)(2), Worcester Subdivision Regulations with respect to sunset date. Upon a motion by Scott Cashman and seconded by Satya Mitra, the Board voted 4-0 to approve the extension of Amendment to Definitive Subdivision and establishment of a new sunset date of February 24, 2015 with the following conditions:

- Six copies of revised plans are submitted reflecting the following changes:
 - That the proposed chain link fence be replaced with fencing more appropriate for a residential setting.
 - That a revised landscaping plan sheet be submitted indicating which species of trees will be planted on each lot and further clarifying that one tree shall be planted in the front yard setback for each proposed lot (each side of each proposed duplex lot should contain one tree). Tree species shall be Asian Longhorn Beetle resistant. Subdivision plan shall also include a standard detail for tree planting on the detail sheet.

Standard Conditions of Approval

- All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
- Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.
- The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Commissioner of Inspectional Services.
- All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

Public Meeting

6. 500 Lincoln Street - Definitive Site Plan (PB-2009-090): Attorney Mark Donahue, representative for RFP VI Hotel Worcester-O, LLC, the applicant, is seeking to construct a 16,650 SF retail store with associated parking on property with 15% or more slope. Also present were Matthew Smith from Bohler Engineering, Michael Walton of RFP Realty, and Steve Bowman of ALDI. Mr. Donahue stated that the Holiday Inn formerly located on the site was demolished and that the applicant is planning to develop the site in two phases. He stated that the submitted traffic and environmental impact studies analyzed both phases, but that the Definitive Site Plan in front of the Board currently is for Phase A. He stated that the overall stormwater runoff will be reduced at the completion of the construction as compared to the current conditions. Mr. Smith responded to staff comments by stating that the applicant agrees to do some striping and additional sidewalks for pedestrian access. Mr. Donahue stated that the applicant has applied for a Special Permit for relief of some landscaping requirements through the Zoning Board of Appeals and then asked that the Board vote on this petition today because it would expedite obtaining the building permit and thus recruiting new tenants. Mr. Adams stated that the DPW&P traffic engineer had reviewed the traffic impact study and indicated that it is satisfied with the results. Ms. Bold reviewed staff comments from the memo to the Board and indicated that staff will not be recommending to the Zoning Board of Appeals relief of the landscaping to the extent proposed by the applicant and that staff has developed some acceptable potential alternatives that will provide for flexibility and visibility for the building and signage. She stated that if the relief is not granted by the Zoning Board of Appeals, the applicant would need to apply for an Amendment to Definitive Site Plan if the Board acts on the item this night. She then recommended that the Board, instead, continue the item to the next meeting. Mr. Donahue suggested that the Board condition the approval on two alternatives – compliance with the Zoning Ordinance landscaping requirement or with the Zoning Board of Appeals approval. Ms. Beaton stated that it would be acceptable. Mr. Cashman indicated that he would be amenable to the condition of approval proposed by the applicant.

Mr. Rolle asked how frequently the driveway would be accessed by large trucks. Mr. Bowman stated that he anticipates approximately a dozen deliveries a week. Mr. Rolle stated his concern that such a large driveway radius could encourage drivers to turn into the development at a higher rate of speed, possibly endangering pedestrians in the crosswalk. Mr. Smith stated that people driving to the site would be travel uphill, which would limit their speed. Mr. Rolle noted that while he favors smaller driveway openings, the nearby Lincoln Plaza has a driveway with similar characteristics and serves as a precedent. He also stated a concern with the driveway access to the site being so close to the intersection with Lincoln Street and asked whether there were any issues with traffic queuing from the intersection. Mr. Smith responded that the DPW&P reviewed the traffic study results and was satisfied. Mr. Rolle suggested that a connection on site between phases I and II would be advantageous going forward.

Mr. Cashman asked if trash area is proposed. Mr. Smith indicated that it would be located in the rear of the building. Ms. Bold asked if it would be screened. Mr. Smith stated that the petitioner was not planning to screen it, and that given the grade of the site, the dumpster would only be partially visible from the street level. Ms. Bold stated that it is a standard policy of the Board to require dumpsters to be screened. Mr. Cashman stated that he does not want to impose a requirement if there is not a good reason for it. Ms. Bold stated that staff required dumpster screening for a similar project - the PriceRite site.

Upon a motion by Stephen Rolle and seconded by Satya Mitra, the Board voted 4-0 to approve the Definitive Site Plan with the following conditions of approval:

- The applicant fully complies with the landscaping requirements of the Zoning Ordinance or complies with the conditions of approval of the Zoning Board of Appeals with respect to the requested relief from landscape screening requirements (submitted on February 17, 2010, ZB-2010-010).
- Six copies of revised plans are submitted reflecting the following changes:
 - Provide deed reference on the cover page.
 - Change the third column name in Zoning Classification table from “Required” to “Proposed” on the Overall Site Plan sheet.
 - Provide a painted pedestrian crosswalk across the driveway entrance at Country Club Boulevard.
 - Extend the proposed pedestrian access through the parking field via a painted pedestrian crosswalk to the building entrance.
 - Enclose the dumpster with a six-foot stockade fence.

On the Cover Page:

- Indicate the date of approval and any conditions of approval from the Zoning Board of Appeals.
- Remove the waiver note on the cover page.
- Clarify ownership of the parcel.

On the Landscape Plan:

- Correct the landscaping table to indicate the required number trees (13) along the Lincoln Street and the required number trees (13) along Country Club Boulevard (20-25 feet on center).
- Correct the landscaping table to indicate that 3 trees are required for the interior parking area.
- Label snow storage and parking layout.
- Label the size of the proposed pylon sign.
- Show dedicated spaces for cart returns, if any.
- To maintain visibility from the Lincoln Street, remove “snow storage” from the landscape buffer along Lincoln Street. The snow storage may be placed along the northern portion of Phase A in excess parking spaces.

Standard Conditions of Approval

- All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
- Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.
- The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Commissioner of Inspectional Services.
- All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

NEW BUSINESS:

Public Meeting

7. 25 Tobias Boland Way – Amendment to Definitive Site Plan (PB-2010-003): Attorney Mark Donahue, representative for Madison Worcester Holdings, LLC, is seeking to amend Phases B and C of the Definitive Site Plan approved April 4, 2007. The proposed modifications to the site include: 1) changes to the site design in the southerly section of the site so as to accommodate a proposed Sam's Club consisting of 137,066 SF; 2) addition of a 6-pump 12-station automobile refueling station; 3) reduction of the proposed Retail A/Restaurant B Building from 58,102 SF to 27,095 SF; and 4) modification of access drives to the proposed Worcester Crossing. Mr. Donahue stated that the Zoning Board of Appeals granted a Special Permit for the automobile refueling station use on January 25, 2010. He then described the site plan and stated that three new curb cuts are proposed on the Tobias Boland Way, that the landscaping was modified in accordance with the regulations, that the design is consistent throughout the site, including pedestrian connections, and that bike path will be accommodated in the rear of the site. Ms. Bold stated that staff recommends approval of the plan with conditions that annotation changes are made in accordance with staff memo, that all tree species planted on site are Asian Longhorned Beetle resistant, and that additional trees are added along the street near the proposed refueling station. Mr. Smith confirmed that the applicant is amenable to the proposed conditions of approval in blue in the staff memo.

Mr. Cashman asked if there will be small wind turbines installed on site. Mr. Fontane responded that the 12 proposed small wind turbines are proposed and permitted per the recent wind turbine ordinance amendment passed by the City Council on January 5, 2010. He also stated that the turbines had already received a building permit for their construction. While the turbines do not require a Site Plan approval, the applicant is showing them on the plan for informational purposes.

Mr. Smith informed the Board that the applicant is proposing to eliminate a free-standing sign next to the Wal-Mart building and to move the one along the Tobias Boland Way northerly approximately 35 feet. Chair O'Connor was amenable to the change.

Mr. Donahue showed a rendering of the Olive Garden restaurant to the Board and stated that this restaurant would like to be a tenant for the Restaurant A building. He asked if the Board would be amenable to approving this elevation as part of the Amendment to Definitive Site Plan. Mr. Fontane stated that the original Definitive Site Plan was for site layout and building footprints and included condition of approval that all final elevations will be submitted to the Board for approval. Ms. Beaton

suggested that the condition of approval only applies to the Olive Garden restaurant, and not any other restaurant on site or for any changes to the footprint on site.

Upon a motion by Scott Cashman and seconded by Stephen Rolle, the Board voted 4-0 to approve the Amendment to the Definitive Site Plan with the following conditions:

- All original conditions of approval and amended conditions of approval from the previously approved Amendment to Definitive Site Plan, dated February 18, 2009, apply to this further amendment except for necessary updates to previously referenced plans and elevations to reflect current plans and renderings as reflected below.
- The elevations and physical appearance of the proposed “Sam’s Club” building shall be consistent with the design, materials, color scheme, landscaping and façade treatments as depicted on the final revised elevations shown on the O’Quinn Plan.
- No advertising shall be placed on, or incorporated onto the rear/ western façade of the “Proposed Sam’s Club” building.
- That an Olive Garden restaurant is constructed in place of Restaurant A in accordance with the rendering submitted at the 2-24-2010 meeting (Exhibit A).
- The location of the building labeled “Restaurant A”, as depicted on the Bohler Plan 2 is approved. However, conditional approval granted herein does not include the elevations, design, materials, color scheme, and façade treatments for this building. The Applicant shall apply for approval of the same to the Planning Board prior to the commencement of construction of said building.
- Six copies of final revised architectural renderings are submitted showing proposed enhancements in the rear of the building facing the bicycle path such as: four additional ornamental trees, 5-6 shrubs or ornamental grasses, and proposed trellises above service doors, as shown in rendering prepared by Shade O’Quinn dated February 19, 2010. Trellises shall include wisteria or similar flowering plant.
- Six copies of revised plans are submitted reflecting the following changes:
 - That a sign next to the Wal-Mart building is eliminated and the sign along Tobias Boland Way is moved northerly approximately 35 feet.
 - Label plan set “Definitive Site Plan”.
 - Replace proposed October Maples with a deciduous shade tree species resistant to the Asian Longhorn Beetle infestation.
 - Show additional trees to be planted in front of the automobile refueling station per Zoning Board of Appeals condition of approval.
 - Show four additional ornamental trees, 5-6 shrubs or ornamental grasses, and proposed trellises above service doors in the rear of the building facing the bicycle path, as shown in rendering prepared by Shade O’Quinn dated February 19, 2010. Trellises shall include wisteria or similar flowering plant.

Standard Conditions of Approval

- All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
- Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.

- The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Commissioner of Inspectional Services.
- All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

8. 661 Main Street – Definitive Site Plan (PB-2010-004): Thomas Michalak of Graves Engineering, representative for Caravan Development LLC, is seeking Definitive Site Plan approval for the construction of a fifty one (51) parking space lot on a property with 15% slope or more, which is in a BG-3, Arts District Overlay and Chandler Street Parking Overlay District. Also present was David Rodriquez Pinzon, the managing member of the Caravan Development LLC. Mr. Michalak stated that the original approval expired, and that the applicant is re-applying with an identical application. Ms. Bold stated that because the approval had expired, the application is not for an extension of time, but is a new application. She said the applicant submitted a copy of the 2007 application instead. She added that since the last approval, the Chandler Street Parking Overlay was established in the area of the project and that the City’s policy with respect to landscaping per the City Forester’s recommendations has been not to plant species susceptible to Asian Longhorn Beetle (ALB) infestation. She also stated that the application should include updated signatures and dates since it is a new filing and that the applicant should clarify whether the Caravan Company, LLC is the owner of the property, or, as City records indicate, the Caravan Development, LLC. Mr. Pinzon stated that since 2007, the owner’s original name of Caravan Company LLC was changed to the Caravan Development LLC, but that the owner, in effect, remains the same. Ms. Beaton stated that the applications should provide information completely and accurately, and that because the application submitted was for the extension of time, it might seem misleading, and suggested continuing the item to the next meeting to have this issue resolved. Ms. Bold stated that at the time staff accepted the application, it verified the identity of Mr. Pinzon and then asked if the Board would be amenable to Mr. Pinzon submitting a new application at the meeting. Mr. Cashman stated that he is opposed to this proposal and that he would like to continue the item to the next meeting. Mr. Pinzon stated that there would be a negative impact on the financing of the project if the Board’s decision is not rendered at this meeting and asked the Board to reconsider. He asked if the Board would be amenable to place a condition of approval that the applicant verifies that he is one and the same as the 2007 applicant. Mr. Mitra stated that he would be amenable to this proposal if Ms. Beaton is amenable to it as well. Ms. Beaton stated that it is an unusual situation, since the staff accepted and stamped the application. She suggested that the applicant fills out the 1st page of the application. Mr. Scott re-stated his opposition, and Chair O’Connor and Mr. Rolle stated they were amenable to the proposal. The Board voted to table the item to allow the applicant sufficient time to update the application.

OTHER BUSINESS:

9. Carriage House Lane bond reduction: Per DPW&P recommendation and upon a motion by Stephen Rolle and seconded by Satya Mitra, the Board voted 4-0 to deny the petitioner’s request for a bond reduction.

10. ANR Plans:

- **AN-2010-007, Massasoit Road:** Upon a motion by Satya Mitra and seconded by Stephen Rolle, the Board voted 4-0 to endorse ANR Plan AN-2010-007.

NEW BUSINESS:

11. 661 Main Street – Definitive Site Plan (PB-2010-004): The Board resumed the item at 8:25pm. Mr. Pinzon submitted a new application. Ms. Beaton stated that the petitioner is asking for a two-year approval but the Board can only grant one year. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-1 (with Anne O'Connor, Satya Mitra, and Stephen Rolle voting yes, and Scott Cashman voting no) to approved the Definitive Site Plan with the following conditions:

- Six copies of revised plans are submitted reflecting the following changes:
 - Show the Chandler Street Parking Overlay.
 - Replace the proposed sycamore maples and London Plane tree with two different deciduous shade species resistant to the Asian Longhorn beetle (ALB) infestation.
 - Show on the plan the new name of the property's owner - Caravan Development, LLC.

Standard Conditions of Approval

- All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
- Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.
- The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Commissioner of Inspectional Services.
- All work shall be done in accordance with the final approved Definitive Site Plan on file with the Division of Planning and Regulatory Services.

ADJOURNMENT:

Upon a motion by Mr. Cashman and seconded by Mr. Rolle, the Board voted to adjourn the meeting at 8:30 pm.