

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

**May 4, 2011
WORCESTER CITY HALL – LEVI LINCOLN ROOM**

Planning Board Members Present: Anne O'Connor, Chair
Stephen Rolle, Clerk
Andrew Truman

Staff Present: Joel Fontane, Planning & Regulatory Services
Edgar Luna, Planning & Regulatory Services
Kathleen Donovan, Inspectional Services
Christopher Gagne, Public Works & Parks
Michael Traynor, Law Department
Jennifer Beaton, Law Department

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

Chair Anne O'Connor called the meeting to order at 5:30 PM.

APPROVAL OF THE MINUTES

Mr. Luna informed the Board that the minutes from the previous meeting will be submitted at a later date.

UNFINISHED BUSINESS

Public Hearing:

- 1. Zoning Ordinance Amendment (ZO-2011-001):** Amend Article XV (Adaptive Reuse Overlay District), Section 3A (Permitted Uses in the Adaptive Reuse Overlay District) of the Worcester Zoning Ordinance. Robert Longden, representative for Beacon Herman, LLC, petitioner, presented the petition. Mr. Longden stated that the petitioner was proposing to amend the Worcester Zoning Ordinance to allow single-family attached dwellings (town houses) as a use permitted by Special Permit in an Adaptive Reuse Overlay District (AROD). Mr. Longden indicated that Beacon Herman, LLC is the owner of parcels at 64 and 79 Beacon Street stated that both are historic sites listed in MACRIS (Massachusetts Cultural Resource Information System), and the vacant industrial buildings located in these parcels formerly housed, and were known as, the Junction Shop Mills. Mr. Longden further indicated that the proposed amendment would facilitate adaptive reuse of the vacant buildings for residential uses.

Mr. Longden indicated that the site is located in a MG-2 (Manufacturing, General) zoning district, and in an Adaptive Reuse Overlay District, which City Council approved in order to facilitate redevelopment of properties in manufacturing zones for residential uses. Mr. Longden stated that on October 14 2004, the Planning Board approved a Definitive Site Plan, and a More than one Building on a Lot Plan to redevelop the site into 180 dwelling units; however, he indicated that the project has stalled, and the buildings remain vacant.

Mr. Longden informed the Board that recently, Beacon Herman, LLC entered into an estate purchase and sale agreement with Legacy Park Apartments, LLC, to buy the property and proceed with the Adaptive Reuse plan for the redevelopment of the site. He indicated that Legacy Park Apartments, LLC is proposing a redevelopment plan that is slightly different from the previously approved plan, by including single-family

attached dwellings (town houses) as part of the project, and by increasing the total number of residential units from 180 to 193 units. He indicated that of the proposed 193 residential units, 33 would be townhouses, 27 units would be located in a new multi-family low-rise building to be constructed, and 133 dwelling units would be located in the historic building at 64 Beacon Street, formerly known as the Junction Shop Mills.

Mr. Longden indicated that in order to construct the proposed new multi-family low-rise building, a portion of the existing building would need to be demolished; however, he indicated that the portion to be demolished was in an advanced state of disrepair and was severely damaged.

Mr. Longden indicated that currently, the provisions of the Adaptive Reuse Overlay only allow for multi-family high-rise, multi-family low rise and single-family semi-detached residential uses through a Special Permit process, but does not allow town houses; therefore, he indicated that the petitioner was seeking to amend the Zoning Ordinance provisions for Adaptive Reuse Overlay to allow single-family attached residential uses within these districts. He further added that the inclusion of town-house as an allowed residential use, would further the preservation of historic buildings and ensure development of the site which had not occurred for a lengthy period of time.

Finally, Mr. Longden stated that the owner respectfully requested that the Planning Board endorse and recommend to City Council that the proposed Zoning Ordinance Amendment be approved and ordained.

Chair O'Connor asked Mr. Gagne, DPW&P representative, and Katie Donovan, DIS representative if their respective Departments had any comments on the proposed project and both responded that they did not.

Mr. Fontane stated that adaptive reuse overlay districts are intended to provide for the reuse of abandoned, vacant or underutilized buildings or structures by providing dimensional and parking flexibility. He also indicated that since its ordination in 2002, it has been the City's interpretation that any new construction using the adaptive reuse overlay article be subordinate to the adaptive reuse of existing buildings and that new development within these districts should not occur in isolation in these overlay districts, but rather only in support of the adaptive reuse of existing buildings.

He also stated that the concept plans provided for the Junction Shops show how appropriate urban design elements that include single-family attached uses can support the adaptive reuse of existing buildings. Mr. Fontane indicated that, provided that the adaptive reuse of the Junction Shops is the first phase of the proposed concept development, the addition of townhouses in support of Junction Shops' adaptive reuse would be compatible and would further City policy. He also indicated that it was important to note that amendments to the zoning ordinance are not conditioned upon any particular plan or concept, and indicated that, should the Board choose to adopt the proposed recommendation, consideration would be before the Planning Board as part of the Special Permit and Site Plan processes.

Mr. Fontane also indicated that the concept plan provided for the Junction Shops was, in fact, the project which the City was hoping would revitalize and adaptively reuse the buildings on site. In addition, he indicated that the proposed project made sense as a whole in that each component in isolation may not function; however, as a whole, all components would contribute to its viability and financial success.

Finally, Mr. Fontane indicated that he was respectfully recommending that the Planning Board recommend to City Council to adopt the proposed amendment to the Zoning Ordinance; however, he indicated that, he indicated that the petition be modified to allow single-family attached dwellings (town houses) by Special Permit as follows: **To amend Article XV, Section 3A of the Worcester Zoning Ordinance by adding the following subsection: "5(d) Single-family attached dwelling"**.

Chair O'Connor asked Mr. Fontane to inform the Board if, in his opinion, the proposed amendment would work effectively in all existing AROD districts throughout the City.

Mr. Fontane stated that although one particular AROD concept plan had been presented to them, the petition before the Planning Board was a proposed legislative change that would apply to all existing AROD districts, and that concept plan presented was not necessarily going to come to fruition and would not be a condition of approval that the Board would have to recommend to City Council.

Chair O'Connor re-emphasized that she was asking whether or not the proposed legislative change would also work well in all other AROD districts throughout the City, and not just in the Beacon Street AROD District.

Mr. Fontane stated that the Beacon Street site met well the triggers for the proposed use because it included on-going selected demolition, as well as additional demolition that would be needed to achieve the proposed plan to free up space for both parking and additional support development in the form of the new town houses. He also emphasized that, in other cases, the adaptive reuse overlay districts would have similar opportunities for a similar type of supportive development, but stressed that such opportunities would depend on how tightly the structures are joined.

Chair O'Connor asked if the Special Permit based on the proposed amendment would help redeveloping all AROD districts in the City.

Mr. Fontane indicated that the Special Permit process would allow the proposed uses, and indicated that the proposed uses were appropriate uses. However, he indicated that from a policy perspective, the lower density single-family attached uses should be subordinate to the reuse of the existing building for multi-family residential purposes.

Mr. Rolle stated that although the concept plan presented was just one example of the redevelopment possibilities on site, it illustrated well how the proposed amendment to the Zoning Ordinance made sense in the context that it would help further the objectives of the Adaptive Reuse Overlay District; therefore, he indicated that he supported the proposed change.

Upon a motion by Mr. Truman, and seconded by Mr. Rolle, the Board voted 3-0 to close the hearing. Upon a motion by Mr. Truman and seconded by Mr. Rolle the Board voted 3-0 to recommend to City Council to approve the proposed Zoning Ordinance amendment to allow single-family attached dwellings (town houses) in Adaptive Reuse Overlay Districts, by amending Article XV, Section 3A of the Worcester Zoning Ordinance by adding the following subsection: **“5(d) Single-family attached dwelling”**.

- Exhibit A: Petition from Beacon Herman, LLC to the City Council to amend the Worcester Zoning Ordinance by adding a subsection regarding single-family attached dwellings and renumbering the subsections following, dated March 17, 2011.
- Exhibit B: Memorandum to the Worcester Planning Board from Joel Fontane dated May 4, 2011.

Public Meeting:

2. **72-82 Wauwinet Road (PB-2010-079) – Definitive Site Plan:** John Grenier, representative for Joseph Record, petitioner, presented the petition. Mr. Grenier stated that the petitioner was seeking Definitive Site Plan approval to construct residential dwellings on site. Mr. Grenier stated that, as originally submitted, the applicant was requesting approval to construct four (4) single-family, semi-detached residential units (duplexes), and eight (8) associated parking spaces on four (4) parcels of land with 15% slope or more. Mr. Grenier stated that after discussing the feasibility of the proposed project with staff from the Department of Inspectional Services, the applicant was advised that the conditions of the road and topography of the land triggered the need to submit a Street Opening petition (81-G), which he proceeded to do.

In addition, he indicated that the applicant was informed that as part of the street opening petition, the applicant would be required to install complete drainage infrastructure that would drain into Wigwam Road, install sewer lines, and extend the water line from Wauwinet Road to the four (4) new lots. However, Mr. Grenier indicated that evaluating the additional cost estimates of the required betterments, the applicant

realized that the residential project, as proposed, would not be financially feasible; therefore, he decided to scale back the scope of the project.

Mr. Grenier stated that the revised scaled-down project which the applicant was now proposing included retaining the site as 3 separate parcels, and not four (4) parcels as previously proposed, constructing only one (1) single-family semi-detached building with two (2) dwelling units, and four (4) associated parking spaces. In addition, Mr. Grenier indicated that the applicant was proposing to improve the conditions of Wauwinet Road by paving the road up to the lot line of the proposed duplex and thereby, provide adequate access to both dwelling units, and meet the Zoning Ordinance requirements for appropriate frontage.

Mr. Grenier also apologized to neighbors attending the meeting for the fact that the hearing for this application was postponed several times due to ongoing consultations with City staff. However, he stressed that the reduced level of development would cause less disturbance to the land, reduced the height of the retaining walls required, and less disturbance to Wauwinet Road in general.

Chair O'Connor asked Mr. Gagne if he had reviewed the revised plans and he responded that he had not seen them; therefore, he said that DPW&P comments remained as stated in their memo dated April 13, 2011. Chair O'Connor asked Ms. Donovan if she had any comments on behalf of the Department of Inspectional Services, and she responded that her Department had not received copies of the revised plans. Ms. Donovan stated that Commissioner Kelly had been informed that the applicant intended to reduce the scope of work; however, she stated that he had not received revised plans to date. In addition, she stated that after receiving and reviewing the revised plans Mr. Kelly would make a determination, whether or not, the revised plans provided appropriate frontage for project, or, if an 81-G Street Opening Petition would still be needed.

Chair O'Connor stated that since the Board had not been able to review the revised plans prior to the meeting, the Board would not be able to render a decision at this meeting; however, she stressed that the project engineer would benefit from receiving comments and feedback regarding the scaled down plans. She also stated that the Board would receive comments from the review staff after they had a chance to see the revised plans.

Jane Cronin, an abutter, stated that she had hired a land surveyor to determine the accurate boundaries between her property and the proposed project and indicated that she had sent copies of the plan to the Board for reference. She also asked if the Board had made a determination to continue the petition, and if so, to what date. Chair O'Connor stated the hearing would be continued to May 26, 2011, and indicated that abutters would not be notified in writing again, and encouraged Ms. Cronin to plan accordingly.

Patricia Butler and Carol Groccia, abutters, expressed concern regarding the proposed project. Specifically, they reported being concerned with stormwater and drainage in the proposed project. Ms. Butler stated that, in her opinion, the steep topography of the land requires a solid retaining wall.

Chair Anne asked for clarification regarding, whether or not, the 81-G Street Opening plan petition was still required. Ms. Donovan stated that Commissioner Kelly had not been able to review the revised plans to determine whether or not the applicant had provided adequate access for the scaled down project, and/or, determine that an 81-G Street opening was still needed.

Mr. Grenier stated that although 90% of the revised plans were complete, additional time was needed to do a final revision. He also indicated that the information regarding the street opening was not complete, and asked if the Board may consider leaving the Street Opening as a condition of approval.

Chair O'Connor asked for clarification regarding the statements expressed by Mr. Grenier and he responded that his statement pertained to the revised plans, and whether or not, as revised, the lots would be recognized as being buildable lots with sufficient frontage by Commissioner Kelly prior to the next meeting. Chair O'Connor stated that a determination by Commissioner Kelly would be needed by the following meeting in order for the Board to render a vote on the matter.

Ms. Donovan stated that Commissioner Kelly would need to determine whether or not the proposed project had adequate access to the site in order to issue a building permit for the revised lot configuration; however,

she also suggested that the Board consider visiting the site again prior to the next meeting in order to take a closer look at the conditions of the road.

Mr. Fontane stated that what was before the Board was a Definitive Site Plan for buildable lots, and indicated that it was important to realize that what matter most was not only for the site plans to show an access way, but that it actually could be travelled to get to the proposed lots. Therefore, he indicated that it made sense to keep both petitions moving forward. He also indicated that technically and legally, Commissioner Kelly would need to determine the adequacy of the road prior to the issuance of the Building Permits; however, keeping both applications moving forward would the applicant to go forward with the Site Plan, and then, if the Commissioner were to determine that the road was not adequate, the petitioner would be required to proceed with the 81-G petition. He also stressed that there was significant interest from abutters and indicated that it would be best to figure out what could be done as a whole in terms of the Site Plan. In addition, he stated that, in this case, it seemed that that access to the site was as important as what would be built on site. Therefore he indicated that he was recommending keeping both projects moving forward and to continue them to the same meeting date.

Mr. Traynor stated that it was the Building Commissioner's responsibility to determine whether or not the proposed project had adequate frontage on a street, as defined by the Zoning Ordinance, which would include adequate access, drainage, and surfacing. In addition, he indicated that if the Building Commissioner determines that the proposed access way is not a street, as defined by the Zoning Ordinance, he would refer the applicant back to the Planning Board for an 81-G Street Opening petition.

Mr. Grenier requested the Board to continue the hearing to June 15, 2011.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 3-0 to continue the hearing for 72-82 Wauwinet Road (PB-2010-079) – Definitive Site Plan: to June 15, 2011.

- Exhibit A: Definitive Site Plan application submitted by Joseph Record, and received on December 29, 2010.
- Exhibit B: Definitive Site Plan prepared by J.M. Grenier Associates, Inc. dated December 23, 2010.
- Exhibit C: Memorandum to the Planning Board from the Department of Public Works and Parks dated February 4, 2011.
- Exhibit D: Memorandum to the Planning Board from the Department of Public Works and Parks dated February 9, 2011.
- Exhibit E: Letter to the Planning Board from Carol Groccia and Patricia Butler dated April 21, 2011 and received April 22, 2011.
- Exhibit F: Letter to the Planning Board from Jane Cronin dated April 23, 2011 and received May 2, 2011.
- Exhibit G: Letter to the Planning Board from J.M. Grenier Associates, Inc. dated February 16, 2011.

3. Wauwinet Road (PB-2011-013) Street Opening (81-G): John Grenier, representative for Joseph Record, petitioner, presented the petition. Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 3-0 to continue the hearing for 72-82 Wauwinet Road (PB-2011-013) to June 15, 2011.

- Exhibit A: 81-G Street Opening application submitted by Joseph Record dated February 24, 2011.
- Exhibit B: 81-G Street Opening Plan prepared by J.M. Grenier Associated, Inc. dated Fenruary 4, 2011.

Exhibit B: Memorandum to the Planning Board from the Division of Planning and Regulatory Services dated April 8, and received April 8, 2011.

OTHER BUSINESS:

4. **Marmon Place – Rename to Lois Lane (ZM-2011-008):** Chair O'Connor asked the audience if a representative for That's Entertainment, petitioner, was present but no one responded. She indicated that the petitioner was requesting to rename Marmon Place to Lois Lane. Mr. Gagne confirmed that the name Lois Lane was not a duplicate of an existing street name and indicated that the Department of Public Works and Parks did not have any objections on the name change. Mr. Rolle asked if there was a Marmon Place sign on site, and Mr. Gagne responded affirmatively. Mr. Rolle then asked Mr. Gagne to inform the Board who would finance the cost of the new street sign, and he responded that the City would. Mr. Rolle indicated that, in his opinion, the cost of the new street sign should be financed by the petitioner. Mr. Traynor stated that the Planning Board makes a recommendation to City Council regarding these petitions; therefore, he suggested that the Board could recommend, if desired, that the cost of the new street sign be borne by the applicant. Upon a motion by Mr. Rolle and seconded by Mr. Truman the Board voted 3-0 to recommend to City Council that Marmon Place be renamed Lois Lane with the condition that the cost of the new street sign be borne by the applicant.

Exhibit A: Petition to City Council submitted by That's Entertainment to re-name Marmon Place to Lois Lane.

Exhibit B: Memorandum to the Planning Board from the Department of Public Works and Parks dated April 30, 2011, and received March 31, 2011.

5. **Natural History Drive – Sewer Petition (ST-2011-011):** Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 3-0 to recommend a Priority #1 designation to the petition submitted by Jane K. Logan and Karah E. Logan to install sewer to Natural History Drive, based on the recommendation from the Department of Public Works and Parks.

Exhibit A: Petition to City Council submitted by Jane K. Logan and Karah E. Logan to install sewer to Natural History Drive.

Exhibit B: Memorandum to the Planning Board from the Department of Public Works and Parks dated April 21, 2011.

6. **Avery Estates Subdivision – Request for a Bond Reduction:** Mr. Gagne stated that Harry Avery, developer of Avery Estates, is requesting that that Board release the \$45,000 bond currently held by the City of Worcester as work is completed and DPW recommends approval of the bond reduction. Upon a motion by Andrew Truman and seconded by Stephen Rolle the Board voted 3-0 to release the bond.

Exhibit A: Petition to the Planning Board submitted by Harry Avery dated April 30, 2011 and received May 2, 2011 to release the \$45,000 bond currently held by the City of Worcester

Exhibit B: Memorandum to the Planning Board from the Department of Public Works and Parks dated May 2, 2011.

7. ANR Plans:

- a) **222 June Street / Botany Bay Road – Public Street (AN-2011-021):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the board voted 3-0 to endorse AN-2011-21.

- b) **Bake Path – off McKeon Road (AN-2011-022):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the board voted 3-0 to endorse AN-2011-22.
- c) **Eastham Street – Private Street (AN-2011-023):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the board voted 0-3 to endorse AN-2011-23; therefore, the plan was denied.
- d) **Canterbury Street – Public Street (AN-2011-024):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the board voted 3-0 to endorse AN-2011-24.
- e) **Front Street – CitySquare (AN-2011-025):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the board voted 3-0 to endorse AN-2011-25.

ADJOURNMENT: Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 3-0 to adjourn the meeting at 6:28 pm.