

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

**October 3, 2012**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Planning Board Members Present:** Andrew Truman, Chair  
Stephen Rolle, Vice Chair  
Satya Mitra, Clerk  
Robert Ochoa-Schutz

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Abby McCabe, Division of Planning & Regulatory Services  
Marlyn Feliciano, Division of Planning & Regulatory Services  
Kathleen Donovan, Department of Inspectional Services  
K. Russell Adams, Department of Public Works & Parks  
Michael Traynor, Law Department

**BOARD SITE VISITS**

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Chair Andrew Truman called the meeting to order at 5:39 P.M.

**APPROVAL OF THE MINUTES**

Upon a motion by Mr. Mitra and seconded by Mr. Rolle, the Board voted 4-0 to approve the September 12, 2012 meeting minutes.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,  
WITHDRAWALS**

**1. 0 Sarah Drive (aka Bittersweet Boulevard) – Definite Site Plan Approval (PB-2012-043)**

Mr. Fontane stated that he was proposing a postponement but the applicant submitted a continuance so he was unsure if the applicant wanted to be heard. Hossein Haghanizadeh of HS&T Group, requested a continuance to the October 24, 2012 meeting to allow for additional time to respond to staff comments and the letter from the Commissioner of Inspectional Services dated October 3, 2012. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted 4-0 to approve the postponement request.

## **NEW BUSINESS**

### **Public Meeting**

#### **2. 10 Claremont Street - Definitive Site Plan Approval (PB-2012-040)**

The applicant, Sun Nguyen stated that he has been working with the City for the past 10 months to convert the single family dwelling into a lodging house. As conditions of approval, the Zoning Board of Appeals required the applicant provide a one-way driveway from Claremont Street onto Silver Street. In order to comply the existing garage would have to be demolished. Since the property is on the MACRIS list Mr. Nguyen also had to go before the Historical Commission and it was found that the proposed demolition would not be detrimental to the architectural or historical resources of the City and the Building Demolition Delay Waiver for this project was approved. Mr. Nguyen is before the Planning Board for the Definitive Site Plan application.

Ms. Donovan from Inspectional Services had no comments.

Mr. Adams from DPW&P had no comments.

Ms. McCabe stated that the applicant provided revised plans a week prior and that the revised plans included the recommendations specified in staff's plan review memorandum. The revised plans specified where the proposed fencing was to be placed, included the landscape legend for buffering, and incorporated the one-way driveway. Ms. McCabe stated that staff recommends approval of the Definitive Site Plan for 10 Claremont Street with a condition that 8<sup>1</sup> copies of final revised plans are submitted to the Department of Planning & Regulatory Services prior to release of the decision. Ms. McCabe also asked the applicant to clarify the discrepancy between the note on the plan referencing the 5ft buffer and the plan itself, which showed less than 5ft when measured. That correction should also be on the final revised plans.

Mr. Truman asked the applicant if he was amenable to those changes. Mr. Nguyen responded that the property was tight and that he has worked with it as much as he could but if the Board requested changes he was amenable.

No one from the public commented.

Mr. Rolle stated that if there were cars parked in the spaces provided there will be some difficult turns for the tenants to navigate and asked DPW to comment. Mr. Adams responded by stating that DPW&P views it like a private driveway. The applicant doesn't have to meet zoning requirements because the property won't have the volume a retail store would have. Mr. Rolle asked the applicant if the parking spaces will be marked. Mr. Nguyen stated that they will be marked; which was a requirement imposed by the Zoning Board of Appeals.

Mr. Rolle also asked if there was a reason why the first parking space was set back 16' from the sidewalk. Ms. Donovan responded that because the property is on a corner lot that is considered to be an exterior side yard and therefore parking cannot be provided in the exterior side yard setback or the front yard setback.

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<sup>1</sup> Enough copies to close out both the ZBA and PB files.

Mr. Rolle and Mr. Truman both stated that they were concerned but wouldn't suggest a change because there didn't see a better solution. Mr. Truman also stated he was concerned with the snow plowing. Mr. Nguyen responded that he agreed with the Zoning Board of Appeals to have the snow removed from the premises. He also stated that the 6ft buffer was a requirement so he couldn't move the parking spaces further up but the buffer requirement for that specific corner was reduced to allow for a better turn radius.

Mr. Fontane stated that the zoning requirements for the proposed use of a lodging house with 8 beds are that the applicant has to provide 4 parking spaces. The applicant has to comply with the setbacks and it might be a difficult turn but that Mr. Nguyen has sufficient space on the property to provide the required parking.

Mr. Ochoa-Schutz asked why the parking spaces are not away from the structure. Mr. Fontane responded that the driver side door needs to be free and clear and cannot be blocked.

Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to approve the Definitive Site Plan subject to the conditions on the staff memo and as stated by Ms. McCabe.

Mr. Fontane stated that although the applicant was approved he still needs to obtain a license from the Licensing Commission to operate as a lodging house.

#### List of Exhibits.

- Exhibit A: Definitive Site Plan Application; received July 26, 2012; prepared by Son Nguyen.
- Exhibit B: Definitive Site Plan; dated March 4, 2011, last revised September 20, 2012; prepared by Robert D. O'Neil Jr. and James F. Malley, Jr.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 10 Claremont Street; dated September 6, 2012, revised September 28, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 10 CLAREMONT STREET - Special Permit – PB-2012-040; dated September 6, 2012.
- Exhibit E: Letter from Inspectional Services/Building Commissioner, John R. Kelly, to Steven Gallo dated October 3, 2012.

### **3. 149 & 151 Lake Avenue - Definitive Site Plan Approval (PB-2012-046)**

Hossein Haghanizadeh, from HS&T Group was representing the applicants, Mr. and Mrs. Russell, who are looking to build their home on this lot. Mr. Haghanizadeh stated that he received the staff memorandum on Monday, October 1 and supplied the six copies of the revised plans the same day. One of the comments on the memorandum was that the dimensions on the Assessor's map are different than the ones on the plans submitted and Mr. Haghanizadeh stated that he used the information on the deeds and from surveying the land.

Mr. Haghanizadeh stated that the Conservation Commission approved the petition to repair the walls and the construction of the house. Mr. Haghanizadeh explained that the site plan showed two dwellings and that

those will be demolished and one house will be constructed on the lot. All utilities will be connected to the City's utilities and the erosion control measures detailed on page 3 of the plans provided to the Board.

Ms. Donovan requested that the applicant provide the survey of the lots with the data used to determine setbacks to Inspectional Services at the time of applying for a building permit. Mr. Haghanizadeh was amenable to that request.

Ms. McCabe respectfully recommended approval of the Amendment to the Definitive Site Plan for 149-151 Lake Avenue with a condition that six (6) copies of final revised full plan set be submitted to the Division of Planning & Regulatory Services prior to release of the decision. It was noted that revised plans were submitted on Monday, October 1, but staff has not had the opportunity to review.

Mr. Adams stated that he didn't see a note on the plans that the existing curb cuts would be filled in. Mr. Haghanizadeh stated that those will be filled in and there will only be one as depicted in the proposed plan. Mr. Adams stated that the filling in of the two existing curb cuts should be a condition.

There were no comments from the public.

Mr. Truman asked Mr. Haghanizadeh about the wall on the east side of the property over concern that the wall was not on lots 149 or 151 Lake Avenue. Mr. Haghanizadeh responded that the existing wall will be taken down and it will be built on the property in question. He also stated that the wall will not exceed 5 ft. Mr. Haghanizadeh stated that the neighbor is in agreement and wants the wall removed.

Mr. Truman asked Mr. Traynor if we needed anything on file stating that the neighbor was in agreement. Mr. Traynor responded that it was between the private parties.

Mr. Mitra asked how the applicant will be controlling the demolition. He was concerned because of the busy road. Mr. Haghanizadeh stated that one of the conditions that the Conservation Commission placed on the approval is that there will be no stockpiling of materials onsite because the house is being demolished and the debris will be removed from the site.

Mr. Rolle made a motion to approve the Definitive Site Plan subject to the conditions of the Planning Department's memorandum dated September 27 and with the additional conditions that the existing driveway curb cuts are removed and restored to the sidewalk and that at the time of the building permit the alignment of the houses that were used to determine the setback are provided to Inspectional Services. The motion was seconded by Mr. Ochoa-Schutz, and was approved 4-0 with conditions.

### **List of Exhibits.**

- Exhibit A: Definitive Site Plan Application; received August 30, 2012; prepared by Doug Russell.
- Exhibit B: Definitive Site Plan; dated August 14, 2012 prepared by HS&T Group.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 149-151 Lake Avenue; dated September 27, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Lake Avenue; dated September 27, 2012.

#### 4. 1 Farm Street – Definitive Site Plan Approval (PB-2012-047)

Hossein Haghanizadeh, from HS&T Group, presented the proposal to construct a ~1,064 SF single-family house and an attached one-car garage on property located at 1 Farm Street. He stated that they were before the Board with this Definitive Site Plan because of the property's slope. Mr. Haghanizadeh stated that he received staff's memo and already submitted 6 copies of revised plans that show that the house has been moved back a foot and a half in order to keep the cars out of the 20' front yard setback.

Ms. Donovan from Inspectional Services had no comments. Mr. Adams had no comments.

Ms. McCabe stated that there was no landscaping depicted on the plans and asked Mr. Haghanizadeh to show the proposed landscaping on the plans. Ms. McCabe also asked the applicant if trees are to be removed and he stated that they were going to remove six trees.

If approved, staff respectfully recommends that:

- The paved parking area be extended at least 8' north (parallel to proposed garage) to prevent parking within the required 20' front-yard setback; or
- Shift the proposed structure 1' ½" north to prevent parking within the required 20' front-yard setback;
- One 3.5" diameter, ALB-resistant tree be planted at the driveway's southeasterly side; and
- Six (6) copies of final revised full plan set be submitted to the Division of Planning & Regulatory Services prior to release of the decision addressing staff comments.

Mr. Haghanizadeh stated he was amenable to those changes and that the changes were reflected in the revised plans.

Jodi Lafleur, direct abutter to the rear on Sunnyside Avenue, asked to see the plans. She expressed her concern due to a pole that is currently in the middle of the road opposite to where the driveway of the proposed house will be. She asked how the applicant would handle deliveries and storage of materials and equipment because the road is narrow with no sidewalks. She also asked if the proposed project will interrupt the wetlands behind it because there is an existing brook and a swamp. Mr. Haghanizadeh stated that the wetlands have been delineated in the provided plans and the plans show the proposed project is not within the 100-ft wetland buffer. He also stated that the owner of the property is also the contractor and will be careful because he will live in the proposed dwelling. Mr. Haghanizadeh offered to stake the corners of the property line to assure the neighbor that they will not perform any work outside of the property line. Mr. Truman stated that the pole was in the right-of-way and there was nothing the applicant could do about it's location.

Mr. Haghanizadeh stated that the applicant would pave the driveway first and have deliveries and storage on the lot and that he was amenable to have that as a condition of approval.

Ms. McCabe stated that there was an email from another Farm Street resident that was provided to the Board in their packets. The abutter mentioned the same concerns as Ms. Lafleur.

Mr. Mitra asked DPRS staff if the revised plans had been reviewed. Ms. McCabe stated that they had not had a chance to review them yet.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the Definite Site Plan subject to the conditions outlined in the memo (listed above) and that the lot line be staked every 50' and all deliveries shall occur on site and no storage of any equipment and/or material is allowed on the roadway or within the right-of-way.

### **List of Exhibits.**

- Exhibit A: Definitive Site Plan Application; received August 30, 2012; prepared by S&D Construction, Inc.
- Exhibit B: Definitive Site Plan; dated July 26, 2012; prepared by HS&T Group.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 1 Farm Street; dated September 26, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 1 Farm Street; dated September 28, 2012.
- Exhibit E: Opposition Letter and photo from Jacquelyn Stein to the Planning Board; re: Written testimony re: 1 Farm St.; received September 25, 2012.

## **OTHER BUSINESS**

### **5. Park Avenue – Alteration of a Public Street (ST-2012-015)**

Mr. Adams stated that Worcester Polytechnical Institute had filed a petition to alter the Park Avenue layout to include a part of the sidewalk that is on WPI property. This petition had been continued from the last meeting to allow the applicant to provide the plans. DPW&P has reviewed the plans and Mr. Adams recommended that the Planning Board give a favorable recommendation back to the City Council. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the alteration of a public street.

### **6. Ferraro Street - Convert to Public (ST-2012-020)**

Mr. Adams stated that DPW recommends Priority #1 to convert Ferraro Street from Grafton Street westerly to a public street. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to recommend to the City Council Priority #1 for the petitioned conversion.

### **7. Beaver Brook Parkway - Convert to Public (ST-2012-021)**

Mr. Adams stated that DPW recommends Priority #1 to convert Beaver Brook Parkway from Maywood Street to Thayer Street to a public street. Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to recommend to the City Council Priority #1 for the petitioned conversion.

### **8. Approval Not Required Plans**

- a) **Franklin and Harding Street (public street) (AN-2012-034)** – Ms. McCabe stated that this was a 683 SF parcel at the intersection of Harding and Franklin Streets that CSX deeded to the City to allow for a monument of Tobias Boland. The required frontage is 40' and the lot provides 56' on Franklin Street and 26' on Harding Street. The plan notes that this is an unbuildable lot. The monument will be installed and maintained by the Canal District Alliance. Upon a motion

by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to approve the Approval Not Required Plan.

Ms. McCabe also asked the Board to vote to approve a fee waiver since the City is the applicant. Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to approve the fee waiver.

### **Decisions from Prior Meetings**

There were no decisions signed at this meeting.

### **ADJOURNMENT:**

Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to adjourn the meeting at 6:21 P.M.