

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

February 12, 2014

WORCESTER CITY HALL – LEVI LINCOLN ROOM

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

Planning Board Members Absent: John Vigliotti

Staff Present: Steve Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Katie Donovan, Department of Inspectional Services
Jonathan Gervais, Department of Public Works & Parks
Alexandra Haralambous, Law Department

BOARD SITE VISITS

REGULAR MEETING

CALL TO ORDER

Chair Andrew Truman called the meeting to order at 5:30 P.M.

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

1. **Goldthwaite Road (aka Burncoat Gardens) Phase 1 - Amendment to Special Permit (PB-2013-041)**
2. **Goldthwaite Road (aka Burncoat Gardens) Phase 5 - Special Permit (PB-2013-043)**
3. **Goldthwaite Road (aka Burncoat Gardens) Phase 5 - More than One Building on a Lot (PB-2013-045)**
4. **Goldthwaite Road (aka Burncoat Gardens) Phase 1 - Amendment to Definitive Site Plan (PB-2013-042) (a public meeting)**
5. **Goldthwaite Road (aka Burncoat Gardens) Phase 5 - Definitive Site Plan Approval (PB-2013-044) (a public meeting)**

Michelle Smith, Division of Planning & Regulatory Services, stated that the applicant submitted a written request for continuation and extension of the associated constructive grant deadlines to the March 5, 2014 meeting.

Upon a motion by Robert Ocha-Schutz, Clerk, and seconded by Satya Mitra, Vice Chair, the Board voted 3-0 to approve the continuance to March 5, 2014.

List of Exhibits.

- Exhibit A: Burncoat Gardens Phase 1 Application; received 11/8/2013; prepared by CFS Engineering.
- Exhibit B: Burncoat Gardens Phase 5 Application; received 11/8/2013; prepared by CFS Engineering.
- Exhibit C: Burncoat Gardens Phase 5 Plan; dated 10/23/2013; prepared by CFS Engineering.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Goldthwaite Road (aka Burncoat Gardens); dated January 14, 2014.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Goldthwaite Road (Burncoat Gardens); dated January 16, 2014
- Exhibit F: Request for Continuation/Postponement/Leave to Withdraw from Chuck Scott, CFS Engineering to the Planning Board; dated 12/06/2013 and 12/31/2013.
- Exhibit G: Notes from Fire Department; re: Burncoat Gardens.

6. Bittersweet Boulevard – Definitive Site Plan Approval (PB-2013-048)

Ms. Smith stated that the applicant has not submitted any updates and staff recommended postponement.

Chair Truman asked if the applicant, Arboretum Village LLC, submitted revised plans as requested in a letter the Board issued as its January 22, 2014 Meeting.

Ms. Smith stated that no such plans were submitted yet.

Mr. Mitra requested clarify about the letter sent to the applicant and associated deadline.

Mr. Rolle stated that the letter the Board sent to the applicant requested that the applicant file for an amendment to subdivision on or before February 20, 2014 in order to meet the filing deadline for the March 26, 2014 meeting.

Chair Truman clarified that if the Board did not receive a filing for an amendment by the 20th the Board would figure out how to act at the next meeting.

Alexandra Haralambous, Law Department, advised the Board to postpone the item to the March 26, 2014, to allow all of the Arboretum Village related items to be heard together.

Upon a motion by Mr. Ocha-Schutz and seconded by Mr. Mitra, the Board voted 3-0 to postpone the item and extend the public hearing deadline to March 26, 2014.

List of Exhibits:

- Exhibit A: Bittersweet Boulevard Application; received November 27, 2013; prepared by HS&T Group, Inc.

- Exhibit B: Bittersweet Boulevard Plan; dated November 27, 2013; prepared by HS&T Group, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Bittersweet Boulevard – January 22, 2014; dated January 22, 2014.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Bittersweet Boulevard Definitive Site Plan Approval; January 16, 2014.
- Exhibit E: Comments from the City of Worcester Fire Department; re: Bittersweet Boulevard Definitive Site Plan Approval; January 17, 2014.
- Exhibit F: Enforcement Order for Arboretum Subdivision (Phase IV) Bittersweet Boulevard off Sophia Drive issued by Conservation Commission 7/26/2013.
- Exhibit G: Request for Postponement form, dated and received 1/22/2014.

OTHER BUSINESS:

7. Communication:

- a. **Letter from Land Planning, Inc, re: Inspection Report (James Bisceglia); dated June 10, 2013.**

Chair Truman asked if Mr. Bisceglia wanted to comment.

James Bisceglia, 54 Honeysuckle Road, appeared and expressed concerns about the slope and the safety of residents whose homes abut the slope. He expressed concerns about the developer not being a good neighbor and stated Gallo was doing things without letting the City know.

Mr. Bisceglia told the Board that the Conservation Commission conducted a site visit and stated the Commissioners were surprised by the conditions on the site. He expressed concerns related to the residents' safety with rocks falling from the slope and excess runoff. He expressed concerns that the process has been extended and that disciplinary action keeps being postponed.

Mr. Bisceglia stated, and submitted into evidence, that he made a drawing with various slopes. He expressed desire for the slope to be modified to 3:1 slope, 30 degrees or less, rocks or grass.

Mr. Bisceglia asked where the approved 1:1 slope is supposed to start? He expressed concerns about rock-slides on his property and encouraged the Board to make decisions expeditiously. He stated that Gallo made mistakes and needed to fix them.

Chair Truman stated that he understood Mr. Bisceglia's frustrations and that the Board was also frustrated. He noted that the letter the Board sent to the applicant will give the Board direction to take action at the March 26, 2014 meeting and reiterated that until then the Board did not have anything to review.

Chair Truman requested the Board have the Original approved plans at the March 26, 2014 meeting

Mr. Rolle stated that staff would ensure the Board had copies of all of the previously approved plans at that time.

Tim Viele, 46 Honeysuckle Road, appeared and expressed his frustration with repeated continuations and noted that by the time the issue is addressed it would be spring. He requested the Board take disciplinary action immediately with specific consequences. He wondered what the Board's capabilities were for disciplinary action and asked what the Board's maximum penalty could be.

Chair Truman stated that the letter the Board sent to Gallo outlined the disciplinary process.

Mr. Viele asked for clarification about the disciplinary timeline.

Chair Truman stated that the letter the Board sent to Gallo stated he needed to submitted revised plans as an amendment to the Board by February 20, 2014

Mr. Rolle explained that this deadline would allow for revised plans to be placed on the agenda for the March 26, 2014 meeting.

Mr. Viele asked what would happen if the Board did not receive the plans.

Mr. Rolle stated that the Board would consider further disciplinary actions at that time and staff would work with the Law Department to make recommendations prior to the next meeting.

Mr. Viele confirmed that the disciplinary action would take place on March 26, 2014.

Chair Truman confirmed.

Mr. Rolle reminded the Board that the Subdivision Amendment was not on the agenda at this time, only a site plan for Bittersweet Boulevard.

Mr. Bisceglia reappeared and expressed concerns about enforcement. He stated that he felt Gallo is taking advantage of the City. He asked who would be responsible if Gallo built homes higher up on the hill, sold them and then they collapsed.

Jo Hart, Worcester resident, appeared and stated that she believes something needs to happen. She clarified that Bittersweet is the Road that caused the slope issue. She stated she felt the Law Department should handle the issue. She expressed that no one should have to live under such conditions. She expressed that she felt Gallo should be forced to remove Bittersweet entirely.

Mr. Mitra stated that the Board is frustrated. He expressed his opinion that if the Board does not receive everything by March 26, the Board should take action.

Chair Truman stated that this was the process outlined in the letter.

Ms. Haralambous stated that the letter the Board sent to Gallo has enforcement options and that staff will have options to present to the Board.

- b. **Worcester** Regional Airport Environmental Notification Form, dated January 15, 2014.

Approval Not Required (ANR) Plans

- **Sophia Drive (AN-2013-058) (public)**
Ms. Smith stated that this property is in the RS-7 zone, on a public way. She noted that the purpose is to make interior lot line changes. She stated the change will not affect frontage. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the board voted 3-0 to endorse.
- **Miami Street / Carpenter Avenue (AN-2014-003) (public)**
Ms. Smith stated that this property is in the RS-7 zone, on a public way. She stated the purpose is to subdivide it into two lots. She explained that 65 ft. of

frontage is required and that both lots would meet this: Lot 2 would provide 130.67 ft. and Lot 1 would provide 87.35 ft. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the board voted 3-0 to endorse.

- **63-65 Alvarado Avenue (AN-2014-004) (public)**

Ms. Smith stated that the applicant had not provided signatures from both property owners and that staff attempted to reach the applicant unsuccessfully. She stated that the constructive approval warranted a decision and that staff recommended denial. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the board voted 3-0 to deny.

- **23 Paradox Drive (AN-2014-007) (public)**

Ms. Smith stated that this property is in the RS-7 and RS-10 zone, on a public way. She stated that the purpose of the plan is to reconfigure the lot lines of two existing parcels, commonly owned. She stated the reconfiguration effected frontage but did not make the lots non-conforming with the required 80 ft. of frontage: Lot 1 would provide 120.47 ft. and Lot 2 would provide 90.31 ft. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the board voted 3-0 to endorse.

- **375 Franklin Street (AN-2014-005) (public)**

Ms. Smith stated that this property is in the MG-2 and zone, on a public way; she stated that while the alteration effects frontage, required frontage is not specified by the Ordinance. She explained the owner, CSX, is creating a parcel and conveying the parcel to the Louise Realty, LLC. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the board voted 3-0 to endorse.

- **639 Franklin Street (AN-2014-006) (public)**

Ms. Smith stated that this property is in the BL-1.0 and MG-2.0 and zone, on a public way; she stated that the alteration would not affect frontage. She explained the owner, CSX, is creating a parcel and conveying the parcel to the Brown Square Civic Club for what appears to be additional parking. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the board voted 3-0 to endorse.

- **6 Hurtle Street (AN-2014-008) (public)**

Ms. Smith stated that this property is in the RL-7 zone, on a public way. She stated the purpose is to subdivide the property into two lots. She stated 65 ft. of frontage is required and that both lots would meet this: Lot 2 would provide 65 ft. and Lot 1 would provide 85 ft. She stated the existing shed was to be removed. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the board voted 3-0 to endorse.

- **Portion of Washington Square (AN-2014-009) (public)**

Ms. Smith stated that this property is in the BG-6.0 zone, on a public way. She stated the purpose is to discontinue a portion of Washington square. She stated that the City owns the property and plans to convey this parcel to the Worcester Redevelopment Authority. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the board voted 3-0 to endorse.

8. Olean Circle – Street Petition to Rename (ST-2014-001)

Chair Truman clarified that the petition is to rename the subdivision.

Mr. Rolle confirmed and stated the Department of Public Works provided a written recommendation.

Chair Truman asked if the signs were already up.

Mr. Rolle stated that the parcels were all under common ownership and he did not believe signs had gone up yet.

Chair Truman clarified that the street was not developed yet.

Katie Donovan, Inspectional Services, stated that the homes had not been sold.

Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the board voted 3-0 to recommend approval.

10. Decisions from prior meetings – The decision for Arctic Street was signed at this meeting.

ADJOURNMENT:

Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted 3-0 to adjourn the meeting at 6:03 p.m.