



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

Wednesday, May 4, 2022

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 415-655-0001 (Access Code: 1601714991).

Board Members Present: Albert LaValley, Chair
Edward Moynihan, Vice Chair
Kevin Aguirre, Clerk
Conor McCormack

Board Members Absent: None

Staff Present: Michelle Smith, Division of Planning & Regulatory Services (DPRS)
Stephen Rolle, DPRS
Stephen Cary, Division of Planning & Regulatory Services (DPRS)
Alexandra Kalkounis, Law
Jodie Kennedy Valade, Inspectional Services

Call to Order

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

Request for Continuances, Extensions, Postponements, and Withdrawals

- 1. 1103 Millbury Street (PB-2020-076)**
 - a. Public Meeting – Definitive Site Plan

Request to continue the public meeting to May 18th, 2022 and extend the constructive grant deadline to June 9th, 2022
- 5. 9 Dalton Street (PB-2022-003)**
 - a. Public Meeting – Definitive Site Plan

Request to continue the public meeting to May 18th, 2022 and extend the constructive grant deadline to June 9th, 2022

7. 0 Meadow Lane/Pleasant Street (fka part of 14 Meadow Lane) (PB-2022-010)

- a. Public Meeting – Definitive Site Plan

Request to continue the public meeting to May 18th, 2022 and extend the constructive grant deadline to June 9th, 2022

12. 490 Shrewsbury Street (PB-2022-018)

- a. Public Hearing – CCOD Special Permit to allow a drive-through uses
b. Public Hearing – CCOD Special Permit to modify parking, loading, layout & dimensional requirements
c. Public Meeting – Definitive Site Plan

Request to continue the public meeting to May 18th, 2022 and extend the constructive grant deadline to June 9th, 2022

14. 248 & 253 Mill Street (PB-2022-021)

- a. Public Meeting – Parking Plan

Request to continue the public meeting to May 18th, 2022 and extend the constructive grant deadline to June 9th, 2022

On a motion made Mr. Moynihan and seconded by Mr. McCormack, the Board voted 4-0 to grant the continuances and postponements.

New Business

2. White Birch Village (fka Burncoat Gardens) or 34, 36, 44, 46, and 49-80 Goldthwaite Road (aka Phases 2 & 3) and areas east of Cherry Blossom Circle, Paper Birch Path & Sourwood Circle (aka Phase V) (PB-2021-026)

- a. **Public Hearing – Definitive Plan – More than One Building on a Lot**
b. **Public Meeting – Definitive Site Plan**

Carlos Quintal, project engineer, appeared on behalf of the applicant; gave an overview of what has already been built and what is being proposed; described site layout and site improvements, gave overview of parking on site; described grading and drainage on-site and proposed detention areas; discussed utility plan and proposed sewer connections; described landscape plan, plantings, and retaining walls proposed; discussed erosion controls proposed; discussed phasing of project; described proposed lighting and addressed an abutter concern; discussed DPW comments that were received on the topic.

Michelle Smith suggested topics for the Board to discuss – pedestrian connectivity and access; lighting and spillover; architecture and their unadorned appearance. Ms. Smith recommended that the Board grant a continuance to give staff more time to review the plans.

Law and Zoning Departments had no comment.

Sean Quinlivan, DPW, listed departmental comments.

Public Comment

David Wright, an abutter on Goldthwaite Road, described his concern about light spillover on to his property.

Mr. Quintal addressed Mr. Wright's concern.

Mr. Rolle stated that fixtures will be dark-sky compliant and that staff has recommended a condition of approval addressing this.

James Pappas, an abutter expressed concerned about detention basin/wetland at the southern end of the project.

Mr. Quintal stated that the wetland/detention basin is not within the Wetlands Protection Act, and that the drainage plan show the proposed work will if anything reduce the flow from the site.

Board Discussion

Mr. Moynihan stated his preference to continue the hearing given that he does not have enough information and would like staff to have time to address issues.

Mr. LaValley stated that he agrees.

Mr. Aguirre stated that he agrees.

Mr. McCormack stated that he agrees and would like to see façade improvements; Mr. LaValley stated his agreement with that.

Mr. Moynihan made a motion, seconded by Mr. McCormack, the Board voted 4-0 to continue the public hearing to 5/18 and extend the Constructive Grant Deadline to 6/9.

3. 75 Quinsigamond Avenue (PB-2021-079)

a. Public Meeting – Definitive Site Plan

Mark Donahue, attorney on behalf of the applicant, described the history of and ongoing permitting for this project.

Randy Miron, Bohler Engineering, described the existing site and its history; described proposed site and access and how it has changed since initial proposal; described drive-thru; described EV charging; stated that they are addressed floodplain and stormwater issues; described utility and lighting improvements; referred to rendering.

Mr. Rolle described staff comments and how applicant has worked to address them; discuss traffic speed issues along Quinsigamond Avenue; discussed Arwick Avenue and the process of making it a two-way street; discussed

pedestrian circulation – asked applicant to address pedestrian pathway from parking area to the building; asked applicant if there was an update on soil suitability.

Mr. Miron stated that a pedestrian connection from parking to building could be added; addressed stormwater runoff rate and containment.

Mr. LaValley asked if the backflow preventer was optional or mandated by regulations; Mr. Miron confirmed they were opting to do it.

Mr. Rolle stated staff concern that some barrier between loading area and drive-thru should be installed; Mr. Miron stated that some kind of curbing or bollards would be added.

Law and Zoning Departments had no comment.

Mr. Quinlivan, DPW, listed department comments.

No public comment

Board Discussion

Mr. McCormack asked if issues that were brought up should be conditioned; Mr. Rolle stated that condition regarding pedestrian connection from parking to building should be added.

Mr. Donahue asked that DPW conditioned be handled administratively; Mr. LaValley agreed that they could be.

Mr. Moynihan noted that the flooding issues on site; asked applicant to address the underground storage of gasoline tanks; Mr. Donahue stated that a thorough presentation on the tanks was given to the Conservation Commission and they are designed with state-of-the-art technology and that there is a detailed spill response system.

Mr. Moynihan asked for clarification about Arwick Avenue; Mr. Rolle clarified.

Mr. Moynihan asked Mr. Donahue to summarize traffic report; Erin Ferdette described the traffic analysis, predicted impact, and vehicular circulation; Mr. Moynihan asked Ms. Ferdette about which kinds of vehicles and estimated numbers and whether there were restrictions; Ms. Ferdette stated that these were not calculated but that heavier vehicles typically arrive during off peak hours; Mr. Donahue addressed product delivery hours and operations.

Mr. Moynihan asked if applicant anticipates significant pedestrian access to the site; Mr. Donahue discussed anticipated pedestrian activity.

Mr. LaValley asked about drive-through and who would operate it; Mr. Donahue stated that those details are still being worked out.

Mr. Moynihan made a motion to approve with staff-recommended conditions of approval, adding condition: 1H, A pedestrian route added from parking area connecting to the building and incorporating DPW comments dating 4/28/2022; and seconded by Mr. McCormack, the Board voted 4-0 to grant the Site Plan approval.

4. 34-52 (fka 35) Modoc Street aka Modoc Street Extension Subdivision (PB-2022-002)

a. Public Hearing – Amendment to Definitive Subdivision Plan

b. Public Meeting – Amendment to Definitive Site Plan

Mr. O’Neil described changes to the project necessitating the amendment to the Definitive Subdivision Plan, and described increases to structure size.

Ms. Smith stated staff concerns and that plans were received late so a full review has not been done; discussed revised plan sheets that staff would like to see; stated that engineer has provided soil test pit locations but it was unclear if they were in the same location as the infiltration units; suggested modifications to site and subdivision plan conditions of approval.

No comment from Law.

No comment from Zoning.

DPW had no additional comments.

Public Comment

Gay McLain, 28 Modoc Street, described her concerns about the ongoing construction; stated that a poured foundation has encroached on an adjacent site; described other site issues.

Antonio Arena, 32 Modoc Street, stated that he would like to know where proposed deck would be built; he owns house that Ms. McLain stated was encroached on.

Patricia Arena, 32 Modoc Street, also stated concern about foundation that was poured next to her house; stated her concern that house to be built will not be structurally sound.

Reema Shabo, 25 Bird Street, reiterated concerns of other comments, stated that foundation was not properly poured; stated her concern that an excessive amount of trees were cleared for this project; and the potential impact that tree removal has on the surrounding environment and in regard to sound buffers.

Mr. O’Neil addressed concern about encroachment on 32 Modoc Street; Ms. Smith stated that civil and architectural plans do not agree in terms of decks and that staff has suggested a condition of approval to reconcile these.

Joe Graham, engineer for the application addressed concerns about foundations being poured; stated that soils were tested and documented at the beginning of the construction process; stated that it was his professional opinion that these foundations were properly poured and will provide structural stability.

Board Discussion

Mr. Aguirre asked if there was another method through which the abutter concerns could be addressed; Mr. LaValley stated that the Planning Board is a regulatory and not enforcement body and suggested the abutters reach out to Inspectional Services.

Mr. Moynihan asked the applicant to discuss the abutter concern that an excessive number of trees were removed; Mr. Graham stated there is no current plans for planting trees but the applicant is amenable to adding more trees and landscaping.

Mr. Moynihan asked Mr. O'Neil to reiterate the purpose of the amendment; Mr. O'Neil stated the amendment is to adjust property line to accommodate the larger structures to comply with Zoning.

Mr. McCormack asked whether the Board should postpone or move to a vote; Mr. LaValley stated that he would be amenable to postponing the item to allow staff more time to review the revised plan set, or to approve it.

Mr. O'Neil reiterated that the purpose of the amendment is minor and that a postponement this evening would push back the project two month due to permitting timelines.

Mr. LaValley stated his reluctant support for voting this evening, noting the minor changes and to minimize the impact on the numerous abutter's time this project has already taken; Mr. Moynihan agreed; Mr. Aguirre and Mr. McCormack stated their agreement.

Ms. Smith stated her suggested conditions of approval.

DSub: Replace 1b with "revised the dimensional table and lot layout sheet to reflect the updated lot configuration shown on the plan stated 5/4/22 demonstrating zoning compliance."

DSP: 1g. "Provide soil test pit data for all infiltration units are proposed including lots 113 and 110 demonstrating compliance with the Massachusetts's Stormwater Standards Handbook."

Modify 1c. "Demonstrate compliance for all lots and structure types with dimensional requirements of the Zoning Ordinance.

Ms. Smith also added the Board could add a condition row of vegetation along abutter's property and near the railroad tracks to add a noise buffer. Mr. O'Neil stated the applicant would be amenable to a fence or hedging as suggested for the abutters, and near the railroad tracks. Abutter's Patricia and Antonio Arena stated their preference for solid style fencing over a landscaping buffer.

Mr. Moynihan made a motion to approve with staff-recommended conditions of approval, adding condition: 1b, 1g and 1c as noted by Michelle Smith with added condition the developer install a solid style fence between 117 Modoc and the property to the West, and add five additional trees at the end of the subdivision; seconded by Mr. McCormack, and approved 4-0.

6. Salisbury Hill CCRC (a/k/a 727 Salisbury Street) (PB-2022-005)

a. Public Hearing – CCRC Special Permit Amendment

b. Public Meeting – Definitive Site Plan Amendment

Bob DiPietri summarized the Definitive Site Plan CCRC Special Permit amendment requests before the Planning Board to allow for a crusher on site temporarily. Bill Depitri stated the crusher would be similar to the sound of an excavator during the day and will be placed as far away from residences as possible.

Ms. Smith described staff recommended conditions of approval.

Mr. LaValley asked Ms. Smith to clarify about rock crushing and how common it is; Ms. Smith stated that it was common for larger projects in the city and cited the Arboretum subdivision as an example.

Law had no comment.

Zoning had no comment.

Mr. Quinlivan, DPW, listed department comments.

Public Comment

Ken Jones, 7 Primmitt Lane, stated that he is favor of rock crush as it will reduce wear and tear on road; stated that his wife has a medical condition that is aggravated by noise and dust; requested that operations moved as far away as possible.

Francis Dufault, Primmitt Lane, expressed concern about noise and dust and asked that it be moved as far as possible to mitigate effects on the closest residents to the project.

James White, 70 Barrows Road, stated that he has come before Board before about his project; stated that he has submitted a clip to the Board showing the impact of the construction on his backyard; stated that his 2-year-old daughter has medical issues that will be aggravated by the dust; asked why the rock crushing was not foreseen originally; urged Board to not approve the amendment.

Ben Bruneau, Barrows Road, stated that he also has been before Board before; stated his concern; noted that rock crushing was not permitted in the original decision and that there was a reason for that; stated his concern about dust in the air; urged Board to not approve the amendment and keep the requirement in place.

Kristopher Beckeman, 62 Barrows Road, stated that he also is concerned about rock crushing on site; stated his concern about ecological impacts.

Board Discussion

Mr. Moynihan asked Mr. Quinlivan for clarification on DPW issues that were raised; Mr. Quinlivan explained.

Mr. Moynihan stated he is inclined the amendment with regards to surety; Mr. Smith gave an overview of purpose of surety.

Mr. Moynihan stated that he is not inclined to support the rock crushing amendment.

Mr. Aguirre stated that he is in favor of the surety amendment but not inclined to support rock crushing amendment.

Mr. Moynihan agreed in favor of the bond but not in favor of the rock crushing, as it was originally explicitly not permitted for a reason.

Mr. LaValley stated that he commends the abutting residents for their participation in project as it has come before the Board over the years; described that *not* crushing rocks on site will also have negative impacts; citing the lack of public concerns over a similar project in a different part of Worcester.

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

On a motion by Mr. Moynihan; seconded by Mr. McCormack; 4-0 to approve the CCRC Special Permit amendment.

On a motion by Mr. Moynihan; seconded by Mr. McCormack, the board voted 3-1 (Mr. LaValley, opposed) to deny the Definitive Site Plan Amendment.

8. 8 Harvard Street

a. Public Meeting – Definitive Site Plan

Donald J. O’Neil gave a brief overview of the plan and introduced the other members of the project team in attendance.

Mr. Rossi described the project, stating he owns the abutting property that is currently under construction. He described the expansion of Sudbury Street to make it a two-way street; 20,000 SF of green space for residents; the architecture of the building; space available for restaurants and other mixed uses; parking and bike storage; amenities for residents and stated the building would be pet-friendly.

Mr. Rolle discussed Sudbury Street and the expansion/potential change to two-way traffic and commended architecture and design changes to activate Harvard Street with restaurant and commercial spaces.

Mr. Quinlivan gave DPW comments on the project.

Public Comment

Steven Taylor, 3 Harvard Place, stated that he is generally in favor of the project; stated his concern about parking issues, and the effects such a large development will affect the area. He also expressed how vibrant downtown is and the need for a mix of income levels to be able to rent. He stated his main concern is for the size of the building.

Mr. Rossi stated that he wants to build a quality residence that people want to live in, and the green space has a large cost associated but it’s what he thinks residents will appreciate.

Board Discussion

Mr. Aguirre would like to see a more mixed level of affordability in the units, everyone would benefit and with such a large project, he would like to see some affordable units.

Mr. McCormack stated his support for the project.

Mr. Moynihan asked for clarification on number of Electric Vehicle charging and bicycle storage; Mr. Rossi clarified; Mr. Moynihan stated that there currently is not pedestrian activity there and thinks this is an interesting fit for the area.

Mr. LaValley stated that he appreciates the site design and that Worcester currently lacks the inclusionary zoning that would require some of the units be made affordable.

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted 4-0 to approve with staff recommended conditions of approval and DPW comments.

9. 41 Fremont Street (PB-2022-015)

a. Public Hearing – Special Permit to allow an adult use marijuana establishment (microbusiness)

Joshua Lee Smith, on behalf of Uproot, LLC; described existing site and other businesses within the building; described 10,000 SF space to be leased; described rooms that microbusiness would have; described that applicant is not proposing any site improvements and would utilize existing approved parking layout; discussed number of employees; described delivery procedures and that these confirm with CCC requirements; described hours of operation.

Ms. Smith described the conditions of approval relative to hours and delivery.

No comment from the Law Department.

No comments from the Zoning Department.

No comments from DPW.

No public comment.

Board Discussion

Mr. Moynihan asked for clarification on delivery procedure; Mr. Smith clarified; Mr. Moynihan stated his appreciation of the name change.

Mr. McCormack and Mr. LaValley both stated their support.

On a motion by Mr. Moynihan, seconded by Mr. McCormack; 4-0 to close the public hearing.

Mr. Smith confirmed waivers requested.

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted 4-0 to approve the special permit with staff recommended conditions of approval.

10. 640 & 642 Park Avenue (PB-2022-016)

a. Public Meeting – Definitive Site Plan

Patrick Healy, the engineer for the project gave an overview of the site and proposed work; described drainage, utilities, and electric vehicle chargers; described stormwater improvements; stated that existing lighting would be maintained; described landscaping improvements.

Mr. Rolle described revisions to plan reducing drive-aisle width and adding pedestrian connectivity.

Mr. Rolle asked Mr. Healy to clarify about change in grading and if the proposed riprap can be done away with; Mr. Healy confirmed that it could be landscaped if that is preferred.

No comment from Law.

No comment from Zoning.

Mr. Quinlivan, DPW, asked for clarification on drainage; Mr. Healy clarified.

Public Comment

Jim & Cheryl Freeman South Buffum Street, asked what the use of the building would be. Mr. Healy stated that it would be personal service/retail type of uses. Jim & Cheryl asked about lighting and stated that existing lighting affects their backyard and stated their issue with noise on site. Mr. Healy stated that they are not proposing to change any lighting on the parking lot and there are some building lights facing down.

Mr. Rolle stated that plan does add landscaping buffer and all lights will be dark-sky compliant.

Ms. Freeman asked if any trees at the back of the lot would be removed; Mr. Healy stated that the arborvitae would remain in place.

Board Discussion

Mr. Moynihan asked DPW about letter dated 4/28/22; Mr. Quinlivan discussed drainage and sewer connection; Mr. Healy stated that they would work with DPW to meet conditions of approval.

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted 4-0 to approve the Definitive Site plan with conditions of approval and meeting the satisfaction of DPW.

11. 112, 114, 116, 120 & 120½ Houghton Street & 1 Nuttall Lane (aka Blaire House) (PB-2022-017)

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

Mr. O’Neil gave history of the approval and described why work had not started yet due in part to Covid-19 delays, and requested a two-year extension of time for previous approval.

Ms. Smith stated that it can at a maximum be extended to May 24, 2024

No comment from Law, Zoning, or DPW.

No public comment.

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted 4-0 to approve the extension of time through May 2024.

13. 115 Northeast Cutoff (PB-2022-020)

a. Public Hearing – Special Permit to allow expansion, alteration, change of pre-existing non-conforming use(s) within the Water Resource Protection Overlay District (WR(GP-2))

b. Public Meeting – Amendment to Definitive Site Plan

Mr. Healy described history of site approvals and ongoing construction; described reason for and scope of site plan changes.

Ms. Smith and Mr. Rolle agreed that applicant should improve intersections in accordance with forthcoming traffic study. Ms. Smith suggested a condition of approval that the final plan must be submitted within six months of approval.

Mr. Rolle described the condition of approval that the applicant must complete a traffic study since the original study had been completed at the beginning of the pandemic, when traffic movements may have had altered traffic patterns.

Mr. Healy stated they would be amenable to produce an updated traffic study.

Law, Zoning, & DPW had no comments.

Mr. Quinlivan asked applicant about transition between pipe types; Mr. Healy answered.

No public comment.

Board Discussion

Mr. Moynihan asked if the amendment/changes would affect water quality or temperature reaching adjacent Brook. Mr. Healy elaborated and stated they would be of benefit to the water quality

On a motion by Mr. Moynihan, seconded by Mr. McCormack, 4-0 to close the public hearing.

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted 4-0 to approve the amended relief with the added condition of approval #4 “Any recommendations for mitigation to decrease level of service made by the traffic study will be implemented in coordination with DPW at the applicant’s expense within a reasonable timeframe.”

Other Business

15. Approval Not Required (ANR) Plans(s)

a. 24&26 Honeysuckle Rd. (Public), 0 Snowberry Cir. & Bittersweet Blvd. (Developers) (AN-2021-069)

Mr. Cary and Ms. Smith described the ANR application to reconfigure subdivision lots.

b. 50 Skyline Drive (Officer Manny Familia Way) (Parks Road) (AN-2022-008)

Not properly before the Board.

c. 0 Apricot Avenue (Public) (AN-2022-018)

Not properly before the Board.

d. 27R Whipple Street & Reeves Street (Public) (AN-2022-019)

Not properly before the Board.

e. 196 Moreland Street (Public) (AN-2022-022)

Mr. Cary described the ANR application to divide an existing lot to create a buildable lot.

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted 3-0 to endorse the ANR plans. (Mr. Aguirre, recused)

16. Communications

a. Worcester Now | Next Citywide Plan – Spring Survey; from the City of Worcester

Mr. LaValley described the upcoming citywide plan and survey. Mr. Rolle expanded on the Citywide plan.

17. Approval of Minutes – 3/9/2022; 4/6/2022

The minutes were held until the following meeting.

On a motion by Mr. Moynihan, seconded by Mr. McCormack, the Board voted unanimously to adjourn at 9:55PM.