

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

April 13, 2011

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Anne O’Connor, Chair
Stephen Rolle, Clerk
Satya Mitra
Andrew Truman

Staff Present: Joel Fontane, Planning & Regulatory Services
Luba Zhaurova, Planning & Regulatory Services
Kathleen Donovan, Inspectional Services
Chris Gagne, Public Works & Parks
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

Approval of the March 23, 2011 minutes was held.

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

1. **74 – 82 Wauwinet Road – Definitive Site Plan (PB-2010-079):** Items #1 and #2 were taken contemporaneously. The petitioner has requested postponement. The abutters were opposed to the project which involved “losing soil and exposing oak tree roots and digging up the road and dropping its level by 10 feet” and the number of postponements. Mr. Gagne stated that DPW&P has no jurisdiction over private roads. Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to approve the petitioner’s request to postpone the hearing to May 4, 2011.

2. **Wauwinet Road (in the vicinity of 74-82 Wauwinet Road parcels) – Street Opening (81-G) (PB-2011-013).** Items #1 and #2 were taken contemporaneously. See above.

3. Zoning Ordinance Amendment - Amend Article XV (Adaptive Reuse Overlay District), Section 3A (Permitted Uses in the Adaptive Reuse Overlay District) of the Worcester Zoning Ordinance by adding the following subsection:

“4. Single family attached dwelling;” and renumbering subsections 4 and 5 as subsections 5 and 6.

Per petitioner’s request (Exhibit A) and upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to approve the petitioner’s request to postpone the hearing to May 4, 2011.

Exhibit A: Letter requesting postponement of the Definitive Site Plan Application (PB-2010-079) from J.M. Grenier Associates Inc. to the Planning Board; dated February 16, 2011.

4. Gardner-Kilby-Hammond – Phase IV (25 Hammond Street, 152 Beacon Street, 30/32 Hammond Street, 0 Tainter Street, 10 Gardner Street and 22 Kilby Street) – Definitive Site Plan Extension of Time (PB-2011-018):

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to approve the petitioner’s request (Exhibit B) to Leave to Withdraw Without Prejudice the Definitive Site Plan Extension of Time.

Exhibit A: Application for Definitive Site Plan Extension of Time; dated and received March 21, 2011.

Exhibit B: Letter from Todd Rodman to Anne O’Connor, Chair of the Planning Board; re: Letter to Withdraw Site Plan Extension of Time; dated April 8, 2011.

5. 359A, 375, 395, 405, 413, 415 Grafton Street – Zoning Map Amendment: Ms. Zhaurova stated that the original petition was referred to the Planning Board on February 15, 2011, but contained an error related to description of land referenced in the petition. She stated that the petitioner has requested Leave to Withdraw the petition on March 28, 2011. The subsequent (corrected) petition was referred to the Planning Board on March 29, 2011. It will be advertised for a hearing at the next Planning Board meeting.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to approve the petitioner’s request to Leave to Withdraw without Prejudice

Exhibit A: Rezoning Petition from Rodney Perro to the City Council requesting to rezone 395, 405, 413, 375, and 359W (a/k/a 355) Grafton Street.

Exhibit B: Memo from Division of Planning & Regulatory Services to the Planning Board; re: 359A, 375, 395, 405, 413, 415 Grafton Street - Zoning Map Amendment; dated April 12, 2011; revised April 13, 2011.

Exhibit C: Leave to Withdraw Request from Rodney Perro (represented by Donald O’Neil) to the Planning Board; re: Zoning Exchange Petition; dated March 29, 2011; received April 13, 2011.

NEW BUSINESS

Public Hearing

- 6. Barbara Lane - Official City Map Amendment – Private Way Removal:** Ned Bartlett of Bowditch & Dewey, representative for CSX, the petitioner, stated that the petitioner is seeking to remove the entire length of the Barbara Lane - a private street - from Official Map. He stated that all four parcels abutting Barbara Lane belong to the petitioner and that the recently approved site plan provides access to the David Clark Company complex by way of New Street A. Mr. Gagne recommended approval of the petition. Mr. Fontane recommended approval of the petition because in staff's opinion it would not affect the neighborhood's connectivity, nor the future development potential of the four parcels directly abutting Barbara Lane. Jo Hart, City resident, asked if New Street A can be used by anyone, or just by the David Clark Company. Mr. Gagne stated that the New Street A would be used exclusively by the David Clark Company and CSX.

George Cajolle from the Grafton Hill neighborhood was opposed to the petition.

Mr. Bartlett stated that this private way removal is part of a larger CSX expansion project, which was based on a decision made by the community and City officials. He stated that Franklin Street Overpass will be constructed over the truck access as well.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the petition to remove entire length of the Barbara Lane - a private street - from Official Map, with the following conditions:

- That the petitioners record, at their own expense, a plan depicting the street removal of the Barbara Lane, as petitioned, in accordance with the Registry of Deeds Rules and Regulations.
- That the petitioners provide evidence of such recording to the Division of Planning & Regulatory Services.

Exhibit A: Petition to the City Council from Robert Longden on behalf of CSX Transportation; re: CSX Transportation, Inc. – Petition to the Worcester City Council; dated March 17, 2011 (includes a cover letter and a map).

Exhibit B: Communication from Robert Longden to Joel Fontaine, Division of Planning & Regulatory Services; re: CSX Transportation, Inc. – Petition to the Worcester City Council (re: deeds and plans which confirm CSX Transportation, Inc. ownership of properties in question, and a copy of the Decision in Kilgar v. Planning Board of the City of Worcester court case); dated April 8, 2011.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Barbara Lane – remove private way from Official City Map; dated April 12, 2011.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Remove from the Official Map; dated March 24, 2011.

- 7. Zoning Ordinance Amendment - Article VI – Floodplain Overlay District:** Mr. Fontane stated that according to a communication from Federal Emergency Management Agency, to continue eligibility in the National Flood Insurance Program (NFIP), the City of Worcester must adopt floodplain management standards that meet or exceed the standards of Paragraph 60.3(d) of the NFIP regulations (44CFR 59, etc.) by July 4, 2011 – the effective date of the FIRM. He stated that

he proposed amendments to Article VI are needed to ensure that the City is in full compliance with the National Flood Insurance Program and related regulations. He recommended approval of the amendment.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to recommend approval of this zoning ordinance amendment to ensure that the City maintains its compliance with the National Flood Insurance Program and related regulations.

- Exhibit A: Petition of the Planning Board to the City Council re: Proposed Zoning Ordinance Amendment - Article VI – Floodplain Overlay District; dated March 24, 2011.
- Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Proposed Amendment to Article VI – Floodplain Overlay District - National Flood Insurance Program Compliance; dated April 12, 2011; revised April 14, 2011
- Exhibit C: Memorandum from Joel Fontane, Planning & Regulatory Services Division, to the Planning Board; Re: Proposed Amendment to Article VI – Floodplain Overlay District National Flood Insurance Program Compliance; dated March 22, 2011.
- Exhibit D: Letter with enclosures from Luis Rodriguez, Federal Insurance and Mitigation Administration, to Mayor O'Brien of the City of Worcester; re: FEMA's re-evaluation of flood hazards in the community; dated January 4, 2011.

Public Meeting

8. **24 Gold Star Boulevard - Definitive Site Plan (PB-2011-015):** Todd Brodeur of FletcherTilton Attorneys at Law, representative for UniBank for Savings, the applicant, stated that the applicant is seeking to construct a 7,291 SF building to be used as a branch facility for UniBank, the first in Worcester, with two (2) drive-thru lanes, twenty eight (28) accessory parking spaces, improved landscaping and newly paved and stripped parking lot, on a property with 15% slope or more. Also present was Joshua Swirlin of Bohler Engineering. Attorney Brodeur stated that per DPW&P recommendation, the revised plans now show an island at the entrance to the site. He stated that one of the conditions of approval of the Zoning Board of Appeals on April 4th was: "That the applicant will construct, at its own expense, a sidewalk to the City's standards in the public right-of-way of Gold Star Blvd, provided there is enough area within unbuilt portion of Gold Star Blvd for such a sidewalk." Mr. Gagne stated that 5-ft wide is the general sidewalk width standard. Mr. Rolle was troubled by a proposed "5-ft sidewalk next to a high-speed street". Mr. Gagne stated that currently the City does not have plans for street modification along the Gold Star Boulevard corridor.

Mr. Swirlin stated that the driveway will be exit-only.

Mr. Fontane recommended approval of the petition.

Mr. Mitra asked how many employees will be on site. Attorney Brodeur stated about 12.

Mr. Truman stated that the digital signs will need to comply with the new sign ordinance.

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

- Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision with the following:
 - Label all Plans as “Definitive Site Plan”.
 - Indicate if the existing mature trees located on the north-westerly side can be incorporated into the proposed landscaping.
 - The proposed drainage system must have catchbasin to manhole connections. Catchbasin to catchbasin connections are not allowed.
 - Use 8” DR18 PVC pipe for the catchbasin connections.

Exhibit A: Definitive Site Plan Application received on March 10, 2011 prepared by Unibank for Savings.

Exhibit B: Definitive Site Plan dated February 16, 2011, prepared by Bohler Engineering.

Exhibit C: Traffic Impact Assessment for the proposed Unibank development at 24 Gold Star Boulevard; prepared by MDM Transportation Consultants, Inc.; dated March 18, 2011.

Exhibit D: Definitive Site Plan; revised March 16, 2011; received March 21, 2011.

Exhibit E: Memo from Division of Planning & Regulatory Services to the Planning Board; re: 24 Gold Star Boulevard (MBL: 13-30C-00007) – Definitive Site Plan; dated April 8, 2011.

Exhibit F: Memo from Department of Public Works & Parks to the Planning Board; re: 24 GOLDSTAR BOULEVARD - Definitive Site Plan- 15% Slope– PB-2011- 015; dated April 8, 2011.

- 9. 242 and 242A Stafford St - Definitive Site Plan Amendment (PB-2011-016):** Peter F. Keenan, Jr., representative for Michael McIntyre, the applicant, stated that the applicant is seeking an Amendment to Definitive Site Plan for the construction of 4,000 SF building on site for to be used as a truck collision repair facility and associated office use on a 242 and 242A Stafford Street property. Also present were Michael McIntyre, the applicant, and Robert O’Neil, project engineer. Mr. O’Neil, responding to DPRS comments, stated that a rendering of the proposed building is shown on the plan and that it will be covered with corrugated metal. Mr. Truman asked if there is enough space for the turning radius of trucks on site. Mr. Adams stated that minimum 45-ft radius is required. Mr. O’Neil stated that 55-ft radius is provided. Mr. Rolle was concerned with the parking space #8 being too close to the entrance. Mr. O’Neil stated that the site has been used with this parking configuration for years.

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

- Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision with the following:
 - More clearly delineate AE (FEMA) flood zone line and label it on the legend.
 - Is the applicant proposing grading of the subject property? If so – more clearly delineate existing and proposed topography.

- Label the height of the existing and proposed retaining wall. Please note that retaining wall higher than 6 feet is required to have a fence on top of it for safety. Given that the site is located in a residential zoning district and is surrounded by residential uses, a wooden or simulated wooden stockade fence is recommended.
- Label the materials of the proposed and existing buildings on site.
- List in a note the date and conditions of approval associated with the Special Permits approved by the Zoning Board of Appeals on January 31, 2011 (for 242 Stafford Street) and February 28, 2011 (for 242A Stafford Street).
- Verify the area of the existing building at 242 Stafford Street – the dimensions shown on site indicate it would be 106 ft * 72 ft = 7,632 SF. The plan annotation indicates it is 8,980 SF.
- Number three parking spaces currently labeled “additional parking for 242A Stafford Street” by removing this label and numbering accordingly. Recent ANR plan ensures that the required number of parking spaces is provided for the uses on each property should they be sold to different owners.
- Correct the note on the plan related to the required off-street parking space numbers for the new use at 242A Stafford Street.

- Exhibit A: Definitive Site Plan Amendment Application; received March 10, 2011; prepared by Peter F. Keenan, Jr.
- Exhibit B: Definitive Site Plan Amendment Plan; dated March 4, 2011; prepared by Robert D. O’Neil Jr.
- Exhibit C: Definitive Site Plan for 242A Stafford Street; dated July 27, 2005; prepared by CFS Engineering.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 242 and 242A Stafford Street - Amendment to Definitive Site Plan (PB-2011-016); dated April 12, 2011.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 242-242A STAFFORD STREET Definitive Site Plan Amendment EOT – PB-2011- 016; dated April 8, 2011.

10. 500 Lincoln Street (Phase B) - Definitive Site Plan (PB-2011-017): John Kucich of Bohler Engineering, representative for Richard L. Bowen and Associates, Inc., applicant, stated that the applicant is seeking to construct a 64,477 SF building (Phase B in the northerly portion of the site), with associated 265 off-street parking spaces, to be used for retail. Currently on site under construction is a 16,650 SF building to be used as a grocery store with 85 associated parking spaces (southerly portion of the site - Phase A). Mr. Kucich stated that given the elevation of the site, the staff’s proposed dumpster screening is not necessary. He also stated that the applicant would prefer not to remove the chain-linked fence separating his property with the neighboring residential property because it serves as a visual screen and also keeps trash from blowing over.

Mr. Gagne stated that DPW&P recommends:

- 1) Removing the crosswalks and ramps from the driveway entrances. The driveway apron should be a continuation of the sidewalk. The sidewalk grade should not be lowered to accommodate the driveway, the driveway should be graded to accommodate the sidewalk.
- 2) Keeping all traffic signage and pavement markings on property.
- 3) Providing/ modifying any ramps which allow access to existing crosswalks in Country Club Boulevard.
- 4) Removing the proposed manholes for the 6" PVC sanitary line, and replace them with cleanouts for every 100 linear feet of the connection.

Mr. Fontane stated that DPRS recommends fence screening of the dumpster; a stockade fence along the residential property at 40 Country Club Boulevard; and labeling an outlot lease area so that the site inadvertently fall out of compliance with parking requirements. He suggested bioretention area as an alternative to standard detention area proposed. Mr. Truman asked about the infiltration rate of the soils in the area. Mr. Kucich stated infiltration would be slow due to some ledge presence, but that there is pipe out just in case.

Mr. Truman asked who will be doing operation and maintenance. Mr. Kucich stated that it will probably be Kohls.

Mr. Truman was amenable to not requiring the owner to replace the chain-linked fence. Mr. Rolle felt that a new and better quality fence will improve the site visually.

Chair O'Connor asked if labeling an outlot area as a lease area will give the owner rights. Ms. Beaton stated that the leased area will need to comply with the Zoning Ordinance, and would most likely trigger an Amendment to Definitive Site Plan if the owner decided to modify the site.

The Board recommended that the applicant provides evergreen tree buffer alongside the proposed dumpster.

Mr. Truman was amenable to the DPW&P's condition of approval of removing the crosswalks and ramps from the driveway entrances. He stated that Phase A was much closer to the potentially dangerous intersection (of Lincoln St. and Country Club Boulevard) and therefore warranted the presence of pedestrian crosswalks more.

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

- The Long Term Stormwater System Operation and Maintenance Plan and Long Term Pollution Prevention Plan (as stated in the application on file with the Division of Planning & Regulatory Services) are followed and implemented to ensure that stormwater management system functions as designed;
- That six copies of a rendering of the proposed building are submitted to the Division of Planning and Regulatory Services prior to issuance of the building permit;
- That six copies of an Abutter's Map are submitted to the Division of Planning and Regulatory Services prior to issuance of the building permit;
- That six copies of final revised plans are submitted to the Division of Planning and Regulatory Services prior to issuance of the building permit with the above-mentioned missing annotations and requirements:

- Rename the Plan a “Definitive Site Plan – Phase B”;
- Provide the height and elevation drawings of the proposed building;
- Include size of proposed signs or provide a note stating that all signs shall comply with the current sign ordinance;
- Any light spillover along the northern property line adjacent to residential uses at 40 Country Club Boulevard shall not exceed 1.0 foot candle;
- Provide and label proposed snow storage areas;
- Provide evergreen trees along the southern portion of the proposed dumpster area, to lessen visual impact from the Country Club Boulevard;
- Add a note to the plan that the off-street parking spaces in the proposed Outlot Lease Area shall be designated for the approved Phase B retail use, and not to be used for leasing without further Planning Board approval;

DPW&P Comments

- Remove the crosswalks and ramps from the driveway entrances of Phase B. The driveway apron should be a continuation of the sidewalk. The sidewalk grade should not be lowered to accommodate the driveway, the driveway should be graded to accommodate the sidewalk;
- Keep all traffic signage and pavement markings on property;
- Provide/ modify any ramps which allow access to existing crosswalks in Country Club Boulevard;
- Remove the proposed manholes for the 6” PVC sanitary line, and replace them with cleanouts for every 100 linear feet of the connection.

- Exhibit A: Definitive Site Plan Amendment Application; received March 11, 2011; prepared by Bohler Engineering.
- Exhibit B: Definitive Site Plan Plan; dated 2/15/2011; prepared by Bohler Engineering.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 500 Lincoln Street – Amendment to Definitive Site Plan (PB-2011-017); dated April 11, 2011.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 500 LINCOLN STREET Definitive Site Plan – PB-2011-017; dated April 8, 2011.

11. Remove a portion of Taylor Street (a public way) – Removal/Abandonment of a portion of the Public Way from Official Map: Spyridon Frangos, petitioner and owner of property at 117 and 121-123 Millbury Street & 3 Taylor Street, stated that he petitioned to remove a portion of the street adjacent to highway, because it is being misused by people dumping trash and fixing their cars. Mr. Gagne stated that DPW&P recommends approval of the petition with a condition that the petitioner provides a utility easement for the City for the discontinued area; and that the petitioner provides to the Department of Public Works and Parks plans and descriptions suitable for recording of the

alteration of Taylor Street Layout, as petitioned, in accordance with the Registry of Deeds Rules and Regulations.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 4-0 to recommend approval of the petition to discontinue and abandon a ~25 ft long by 38 ft wide portion of Taylor Street, a public street, with the following recommended conditions of approval:

- That the petitioner provides a utility easement for the City for the discontinued area;
- That the petitioner provides to the Department of Public Works and Parks plans and descriptions suitable for recording of the alteration of Taylor Street Layout, as petitioned, in accordance with the Registry of Deeds Rules and Regulations;
- That the petitioner provides evidence of such recording to the Division of Planning & Regulatory Services.

Exhibit A: Petition of the Spyridon Frangos to the City Council; re: Discontinue a portion of Taylor Street; undated.

Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Taylor Street - Remove Portion of Public Street from Official Map; dated April 11, 2011.

Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Taylor Street; dated March 8, 2011.

12. Heath Street – To Make Public: Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 4-0 to recommend a Priority #1 designation of the petition to make public a ~500 ft portion of Heath Street, based on a recommendation from the Department of Public Works and Parks.

13. ANR Plans:

- **Scandinavia Avenue / Wescott Street (AN-2011-017):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2011-017.
- **Winco Road (AN-2011-018):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2011-018.
- **Glezen Street (AN-2011-019):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2011-019.
- **Somerville Road (AN-2011-020):** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to endorse ANR Plan AN-2011-020.

ADJOURNMENT: Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to adjourn the meeting at 7:30 pm.