

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

February 6, 2013

WORCESTER CITY HALL – LEVI LINCOLN ROOM

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

Planning Board Members Absent: Satya Mitra, Clerk

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
Alexandra Haralambous, 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. Ochoa-Schutz and seconded by Mr. Rolle, the Board voted 3-0 to approve the minutes for the January 16, 2013 meeting as written.

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

1. 595 Mill Street – Parking Plan Amendment, McDonald’s USA, LLC (PB-2013-001)

The applicant submitted a postponement request to the next meeting on February 27, 2013 after receiving the DPRS plan review memo that recommended a postponement until after the applicant was heard by the Zoning board of Appeals on February 11, 2013. Upon a motion by Mr. Rolle and seconded by Mr. Ochoa, the Board voted 3-0 to approve the postponement request.

List of Exhibits.

- Exhibit A: Parking Plan Application; received January 3, 2013; for McDonald's USA, LLC; prepared by Bohler Engineering.
- Exhibit B: Site Development Plans for Proposed McDonald's with Drive-Thru; dated December 27, 2012, prepared by Bohler Engineering.
- Exhibit C: Elevation Sheets A2.0 & A2.1; dated November 7, 2012; prepared by Visi3n Architects.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 595 Mill Street – Parking Plan; dated February 1, 2013.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 595 Mill Street – Parking Plan – PB-2013-001; dated January 30, 2013.
- Exhibit F: Letter from Bohler Engineering dated January 31, 2013; re: McDonald's Restaurant 595 Mill Street, Worcester, MA.
- Exhibit G: Postponement request Form dated February 5, 2013 from John Kucich.

NEW BUSINESS:

2. 721-731 Main Street & 722-724 Main Street – Parking Plan (PB-212-059)

Mike Andrade, project engineer, introduced the property owner and applicant Vinh Tran. Mr. Andrade stated that the applicant is seeking Parking Plan Approval for 721-731 Main St & 722 (aka 724) Main Street as part of a project to renovate the basement on his property to add storage, retail, and office space. For that purpose, the owner is organizing the parking on the two sites. Mr. Andrade stated that Mr. Tran will be re-paving and striping the parking lot at 722-724 Main Street. He will also add a landscape buffer on the YMCA's land, per a private agreement.

Mr. Andrade stated that the Zoning Board of Appeals approved the requested Special Permit: To reduce the required parking by 10% (4 parking spaces); Variance for relief of 4 parking spaces, and a Special Permit to modify the parking layout with respect to the 5-ft landscape buffer (Article IV, Section 7), with conditions, which he stated were acceptable. Mr. Andrade also stated that Mr. Tran needs to relocate the curb cut / access to 722 Main Street, which will necessitate removal and replacement of a street tree, a sidewalk, and, possibly, a parking meter. This work will require an approval from the Department of Public Works & Parks.

Ms. McCabe stated that this project was recently approved by the ZBA last week with several conditions as outlined in DPRS's plan review memo. DPRS respectfully recommends that the Parking Plan be approved with the condition that 2 copies of the final revised plans be submitted to DPRS. The revised plans should be updated to include the missing annotations outlined in the memo (label the dumpster, label the lighting & signage, & erosion control notes) and that the ZBA relief & conditions be listed on the final revised plans. A letter from the YMCA was also included in the packet and the applicant has agreed to provide landscaping on the YMCA's land along the western property line between the parking lots.

Jo Hart, Worcester resident, stated that the existing Honda sign, which is flush with the building, could be covered up but it should remain. She also stated her concern about flooding at the corner of Main & Hermon Street.

Mr. Adams stated that there is maintenance work being done to the pipes in that area of the City to help with the flooding.

Mr. Truman asked where the nearest crosswalk is and Mr. Andrade pointed out that there is one on the corner of Main and Hermon Street.

Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to approve the petition subject to the following conditions.

- 1) That two (2) copies of final revised plans are submitted to the Division of Planning & Regulatory Services prior to release of the decision with the following changes:
 - a. Plan labeling and annotations are added as stated in the DPRS memo;
 - b. Per ZBA conditions of approval outlined in the DPRS memo.
- 2) That the parking area be constructed in substantial accordance with the final approved parking plan.

List of Exhibits.

- Exhibit A: Parking Plan Application; received December 18, 2012; prepared by Vinh Tran.
- Exhibit B: Parking Plan; dated December 11, 2012; prepared by Graves Engineering.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 721-731 Main St & 722 (aka 724) Main Street - Parking Plan; dated February 1, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Zoning Board of Appeals; re: 721-731 Main St & 722-724 Main Street, Special Permit Petition – ZB-2012-075; dated January 23, 2013
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 721-731 & 722-724 MAIN STREET - Parking Plan – PB-2012- 059; dated January 30, 2013
- Exhibit F: Letter from Kathryn Zingg Hunter, President/CEO YMCA to Andrew Freilich, ZBA Chair Re: Application for Variance and Special Permit; Vinh Tran Property at 721-731 and 722-724 Main Street, Worcester, MA; dated January 25, 2013.

3. CSX Transportation, Inc. – Atlanta Street, Plantation Street, Grafton Street, Franklin Street, Putnam Lane – Amendment to Definitive Site Plan - (PB-2013-002)

Attorney Robert Longden introduced Project Manager Keith Goldberg, Ken Goulet, and Ed Bartlett. Mr. Longden stated this petition was to present all the field changes that occurred at the terminal in the past year during construction. He referred to the DPRS memo that listed the changes reflected in the amendment to the Definitive Site Plan and explained that DPRS staff noticed four more changes that had not been documented as such in the amendment application.

1. Relocate notation for compressor (SP-101)

2. Move chassis racks to new location along Franklin Street, corresponding parking spaces moved to former location of chassis racks (SP-101, SP-102)
3. Move crossing location at west end of site (SP-101)
4. Add crossing area at center yard (SP-103)
5. Widen existing crossing area at center yard (SP-103)
6. Widen Foch Avenue maintenance driveway along curve (SP-106)
7. Add drainage basin and corresponding infrastructure along Foch Avenue maintenance driveway (SP-106)
8. Add metal guardrail along maintenance cul-de-sac (SP-106)
9. Move fence locations along Tampa Street curve (SP-107)
10. Remove solid pile notations on plans (SP-107)
11. Add fence at bottom of Wells Street (SP-109)
12. Relocate three trees to other side of fence at main entrance (SP-110)
13. Remove sidewalk along gate building employee parking (SP-111)
14. Add staircase at gate building employee parking (SP-111)
15. Change orientation of main entrance driveway (SP-112)
16. Remove retaining wall label near main entrance (SP-112)
17. Relocate fence line along open area in former Shaw's location (SP-112)
18. Remove apron area near former Shaw's location (SP-112)
19. Add sign to Barbara Lane entrance (SP-112)
20. Change orientation of sign at main entrance (SP-112)
21. Add curb cut to old Barbara Lane cul-de sac (SP-113)
22. Footprint increase for the Roadability Building from 2,013 SF to 2,280 SF (SP-102)
23. Additional landscaping at the employee entrance off of Foch Avenue (SP-106)
24. Reduction in number of wheeled stalls from 270 to 269 spaces (SP-110)
25. Rearranged landscaping along Grafton Street (SP-112)

Mr. Longden stated that on February 4, 2013 CSX held an informational meeting at North High School with the neighbors to explain the changes and answer their questions. Also, the Conservation Commission voted to issue a Certificate of Compliance for the project on February 4, 2013.

Ms. McCabe stated that during DPRS's review of the plans DPRS noticed additional changes to the plans not captured in the Amendment application such as increased footprint for the Roadability Building and reduced wheeled stalls. She stated that the applicant updated the Exhibit that added the additional changes and explained the ones that were not changes. DPRS respectfully recommends approval of the Amendment application with a condition that the 6 copies of the final revised be submitted to DPRS with the annotations described in the plan review memo.

Lenny Ciuffredo, resident of 280 Harrington Way, stated he was in close proximity to the CSX site and head of the Neighborhood Crime Watch Group. He asked at what capacity the freight yard was getting used and Mike Hermon stated that the freight yard has a maximum capacity of 250,000 lifts a year but expect to only do 150,000 in 2013, up from 50,000 in 2012. Mr. Ciuffredo stated that in the past he had suggested that CSX send out a letter explaining their complaint process to every abutter within 1,000 SF but they did not agree. He stated he believed that it was going to be difficult for CSX to post their complaint number in visible areas on an 80 acre site. Mr. Ciuffredo also stated that he believed CSX was disingenuous when they presented all the landscaping that would occur in the areas surrounding CSX parcels as part of the project but in fact that is work that would be done by others. He was also concerned with the train blowing their whistle in the middle of the night.

Mr. Longden stated that the original decision delineates conditions of approval in regards to noise that CSX has complied with such as creating a 24/7 complaint hotline and posting that number on their website and on the City's website. Mr. Longden stated that the written notification of the complaint hotline to abutters was not a condition of approval from the Board. Also, money is being provided by the state to landscape the areas surrounding the freight yard. This was depicted in both the original plans and the amended plan, as well as in the memorandum of agreement between the City, CSX, and the Massachusetts Department of Transportation.

Jimmy Ricciardi, direct abutter, stated that he was concerned because the wall behind his property is deteriorating to the point that large chunks of concrete are falling down. He brought it to the attention of CSX and nothing has been done since. Now, he was told that that portion of the railroad was sold and he needed to deal with the new owners.

Jo Hart, Worcester resident, stated that CSX should work more closely with the abutters and should have been upfront about what the residents should have expected with this project.

Mr. Rolle asked on the status of the streetscape improvements.

Mr. Fontane stated that there is not a final schedule for the Brown Square area improvements.

Mr. Rolle stated that the one concern that was relevant was that the number to the noise complaint hotline be posted visibly for neighbors to see.

Mr. Longden stated that he would work with DPRS staff to place signs outside of the terminal with the necessary information.

Mr. Ochoa-Schutz asked when the noise was deemed to be too much. Mr. Longden replied that there are permissible noise levels set by the state that they must comply with so when someone complains it would be determined if the noise was within permissible noise levels. If it is not, then they would have to find the source of the noise and do whatever necessary to become compliant. As for the trains blowing the whistle, the duration and volume for blowing the whistle is regulated by federal regulation when a train is passing certain areas or making certain approaches.

Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Rolle, the Board voted 3-0 to approve the petition as amended in Exhibit D and with the condition in the DPRS memo including the previous conditions from the original decision regarding noise controls.

List of Exhibits.

Exhibit A: Definitive Site Plan Amendment Application; received January 3, 2013; prepared by CSX Transportation, Inc. and CSX Intermodal Terminals, inc..

- Exhibit B: Definitive Site Plan; dated February 9, 2011, revised December 7, 2012; prepared by Evans, Mechwart, Hambleton & Tilton, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re:CSX – Amendment to Definitive Site Plan (Atlanta, St, Plantation St, Franklin St, Grafton St and Putnam Ln; dated February 1, 2013.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: CSX Terminal; dated January 30, 2013.

OTHER BUSINESS:

4. Approval Not Required Plans

a. 88-92 Warner Avenue (AN-2013-002)

Ms. McCabe stated that this is an existing 10,016 SF lot with a single-family attached structure with 3 dwelling units is proposed to be divided into 3 separate lots in the RG-5 zoning district. All lots have over 20 feet of frontage & the zoning district requires 20 ft of frontage per dwelling unit. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Rolle, the Board vote 3-0 to endorse the plan.

b. 24 Jolma Road (AN-2013-003)

Ms. McCabe stated that this plan proposes to divide the existing 4.26 acre lot into two lots in the BG-2 zoning district. As proposed, and shown on the plan, lot 1 will have over 350 ft of frontage with over 200ft in the public portion and lot 2 will have 38.2 ft of frontage on the private portion of the street. There is no frontage requirement in the BG-2 zone except for residential which requires 40 ft of frontage per dwelling unit per the City's Zoning Ordinance.

Mr. Adams stated that Jolma Road consists of a public portion and a 73 ft private portion. The proposed plan has lot 2 fronting on what is beyond the private portion as depicted on the Official City Map so he was unsure if this plan was endorsable. Mr. Traynor stated that if the lot does not have frontage on a street that is shown on the Official City Map then you cannot create a lot. He also stated that even though the Zoning Ordinance does not require frontage, Subdivision Control Law states that they would need a minimum of 20 feet of frontage on an approved way.

Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to deny the endorsement of the plan.

c. 442 Park Avenue (AN-2013-004)

This item was put on the agenda in anticipation of receiving the ANR plans but the applicant did not submit, therefore no action was taken on this matter.

5. High Ridge Road – Convert Portion of Private Street to Public (ST-2013-001)

Mr. Adams stated that a petition was submitted to City Council to convert the private section of High Ridge Road to public and DPW&P recommends a Priority 1 for the conversion. Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to recommend the conversion to City Council.

6. Woodhaven Lane – Convert Private Street to Public (ST-2013-002)

Mr. Adams stated that a petition was submitted to City Council to convert the private section of Woodhaven Lane to public and DPW&P recommends a Priority 1 for the conversion. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Rolle, the Board voted 3-0 to recommend the conversion to City Council.

7. Toronita Avenue - Public Sewer Installation between Barry Road & Pelican Avenue (ST-2012-003)

Mr. Adams stated that this is a sewer petition to install public sewers on Toronita Avenue (a private street). He stated that DPW&P recommends a Priority 1 designation for the installation. Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 3-0 to recommend a Priority 1 designation for the sewer installation to City Council.

8. Whitla Drive – Convert Private Street to Public (ST-2013-004)

Mr. Adams stated that a petition was submitted to City Council to convert the private section of Whitla Drive to public and DPW&P recommend a Priority 1 for the conversion. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Rolle, the Board voted 3-0 to recommend the conversion to City Council.

9. Decisions from prior meetings

No decisions were signed at this meeting.

ADJOURNMENT

Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted to adjourn the meeting at 6:47 p.m.