

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

August 18, 2010

WORCESTER CITY HALL – LEVI LINCOLN ROOM

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

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
K. Russell Adams, Department of Public Works & Parks
Jody Kennedy-Valade, Department of Inspectional Services
Michael Traynor, Law Department
Jennifer Beaton, Law Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER:

Chair Anne O’Connor called the meeting to order at 5:42 PM.

APPROVAL OF THE MINUTES:

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 5-0 to approve the June 30, 2010 minutes. Approval of the July 21, 2010 minutes was held.

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

- 1. 348 Salisbury Street - Extension of Time - Definitive Site Plan (PB-2010-054):** Ms. Bold stated that her office received a letter from Attn. Todd Brodeur on August 11, 2010 (Exhibit E) requesting to continue the item to September 15, 2010 so that staff may correct an advertisement error. Ms. Bold stated that staff recommends continuation, as the item was advertised as an Extension of Time, and not an Amendment. Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to approve the request to continue the meeting to September 15, 2010.

Exhibits:

Exhibit A: Amendment to Definitive Site Plan Application, received July 15, 2010.

Exhibit B: Amendment to Definitive Site Plan; dated July 12, 2010, received July 15, 2010; engineer – Graves Engineering, Inc.

Exhibit C: Letter from Trees Unlimited regarding 354 (a.k.a. 348) Salisbury Street recommending removal of the large Butternut tree; dated September 24, 2009, received August 11, 2010.

Exhibit D: Letter from Attn. Todd Brodeur to the Planning Board requesting continuance of the meeting to September 15, 2010; dated August 11, 2010, received August 11, 2010.

UNFINISHED BUSINESS:

Public Hearing

2. Leland Street – To Remove Private Way from the Official City Map: Mr. Coblenz, representative for D&A Industries Realty Corporation, petitioner, stated that the petition is seeking to remove Leland Street, a private way for 250+ feet, from the Official City Map. Also present was Marc D. Curtis, President of D&A Industries Realty Corp. Mr. Coblenz apologized for not being at the hearing last time. He stated that Leland Street is a short dead-end street, and that it is only partially paved. He stated that the petitioner may propose to demolish the structure on site in the future to provide additional development opportunities. He stated that there is a possibility of leasing the site to another business. He submitted two photos of Leland Street (Exhibit G). Ms. Bold stated that staff does not believe that the petition would have a negative impact on roadway connectivity or frontage for abutting lots. She stated that the removal of Leland Street would increase development potential for 18 Leland Street. She reminded the Board that it is the final recommending body for such a petition. Ms. Bold stated that any future developments on the site would be subject to the Definitive Site Plan approval by the Board. She recommended approval of the removal of Leland Street, provided that there is no objection at a public hearing by any person of interest and that the petitioner record at his own expense the plan of the private street removal of Leland Street in accordance with the Registry of Deeds Rules and Regulations.

Janice Bronzo, on behalf of Joyce Bronzo of 1091 Millbury Street, asked what business will be on the site in the future. Mark Curtis stated that the plans for the site were not drawn up yet. He stated that the petitioner is possibly looking to modify existing building and expand the business, but that he is not sure of the magnitude of the expansion.

Upon a motion by Mr. Rolle and seconded by Mr. Cashman, the Board voted 5-0 to close the Public Hearing. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to approve the petition to remove Leland Street, a private way, from the Official City Map with a condition that the petitioner record at his own expense the plan of the private street removal of Leland Street in accordance with the Registry of Deeds Rules and Regulations

Exhibits:

Exhibit A: Petition from Marc. D. Curtis and Donald R. Coblenz, addressed to the City Council, re: Leland Street.

Exhibit B: Abutters' list and abutters' map for Leland Street from the City of Worcester Assessing Department; dated June 7, 2010.

- Exhibit C: Memorandum, from Joseph Borbone, Director of Engineering, to Ruth Gentile, Division of Planning & Regulatory Services, re: Leland Street – Remove from official map; dated June 1, 2010; received June 7, 2010
- Exhibit D: Memo to the Planning Board from the Division of Planning and Regulatory Services staff, dated June 25, 2010, updated August 6, 2010.
- Exhibit E: Map of Leland Street; created by Department of Public Works, Engineering Division; titled “Remove from official map Leland Street.”
- Exhibit F: Cover letter (dated October 6, 2009) and memo (dated September 18, 2009) from Michael V. O’Brien, City Manager, addressed to the Worcester City Council, re: “Communication Relative to Sewer Improvement Needs in the Granite Street Area”
- Exhibit G: Two photographs of Leland Street submitted on August 18, 2010 by Mr. Coblenz.

NEW BUSINESS:

Public Meeting

3. **15 Putnam Lane - Extension of Time - Definitive Site Plan Approval (PB-2010-051):** Robert Longden, representative for Princeton Development LLC, is seeking an Extension of Time for a Definitive Site Plan for the construction of a 160-unit multi-family low-rise dwelling, an accessory parking garage for 327 parking spaces, a pool and a cabana. He stated that on June 24, 2003, the City Council adopted an official Zoning Map change by rezoning 15-17 Putnam Lane from MG-2.0 to RL-7. Mr. Longden stated that he also represents CSX and stated that the CSX does not object to this petition. He stated that on August 2, 2010 the Zoning Board of Appeals granted a Special Permit – Extension of Time. Mr. Fontane stated that staff recommends approval of the petition for one year. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 5-0 to approve the requested Extension of Time – Definitive Site Plan for one year to August 18, 2011.

Exhibits:

- Exhibit A: Definitive Site Plan – Extension of Time Application – dated July 9, 2010, prepared by Jeffrey M. Brown. Received July 9, 2010.
 - Exhibit B: Definitive Site Plan – dated August 27, 2003, prepared by Hancock Associates. Received July 9, 2010.
 - Exhibit C: Memo to the Planning Board from the Division of Planning and Regulatory Services staff, dated August 6, 2010.
 - Exhibit D: Memo to the Planning Board from the Department of Public Works & Parks staff, dated August 13, 2010.
4. **26 Portland Street - Amendment – Definitive Site Plan (PB-2010-052):** Tim Toomey, representative for Enterprise Construction, LLC and Worcester Commons LLC, applicants, stated that the applicant is seeking to change the number of proposed residential units from 41 to 81 and to eliminate the commercial portion of the property. Mr. Toomey stated that the applicant has the building permit, but that the financial institution requires a Planning Board approval. Ms. Bold recommended approval of the application with a condition that the applicant submits six final revised copies incorporating comments as indicated in her memo (Exhibit D) with respect to labeling annotation such as brick walkway, handicap parking spaces, and plan notes.

Jo Hart recommended keeping the historic signage on the building as she believed it is in character with the neighborhood.

Mr. Cashman asked if the submitted plan size is sufficient. Ms. Bold stated that the size was sufficient to review changes to the site which effectively consisted of interior changes only. She stated that the final revised plans should be full-sized.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to approve the requested application requirement waiver to provide updated full size sets of plans and to approve the Amendment to Definitive Site Plan with the following conditions of approval:

- Submit six full-sized final revised plans with the following changes:
 - Provide an updated title sheet with new date.
 - Provide an updated Sheet 4 of 10, removing the note on the building that previously referenced 41 units and commercial space and update to indicate 81 units will be provided.
 - Clarify whether proposed brick walkway connection between parking lot and ground floor on Salem Street will remain.
 - Label additional proposed handicap parking spaces to be located in existing off-street parking lots adjacent to the building.

Exhibits:

Exhibit A: Definitive Site Plan Amendment Application – dated July 14, 2010, prepared by Tim Toomey, Entercon Construction – Received July 15, 2010.

Exhibit B: Portland Street Lofts – Drawing Permit Set – dated March 12, 2010, prepared by Annino Incorporated, Received July 15, 2010.

Exhibit C: Portland Street Lofts – Definitive Site Plan, dated October 29, 2009, BSC Group, Received July 15, 2010.

Exhibit D: Memo to the Planning Board from the Division of Planning and Regulatory Services staff, dated August 16, 2010.

Exhibit E: Memo to the Planning Board from the Department of Public Works & Parks staff, dated August 13, 2010.

5. 47 Fourth Street - Extension of Time - Definitive Site Plan Approval (PB-2010-053): Charles Scott of CFS Engineering, representative for Lee Homes, Inc., applicant, stated that the applicant is seeking an Extension of Time for Definitive Site Plan for the construction of 9 dwelling units (4 single-family semi-detached dwellings, and 1 single-family detached dwelling) on a property with 15% slope or more. Ms. Bold recommended approval of the application. Mr. Cashman stated that the project has been extended many times, and asked if this extension can be granted for more than a year. Ms. Beaton stated that the Definitive Site Plan can be extended for a maximum 1 year. Mr. Mitra asked from what date the extension year is counted. Ms. Bold said from the approval date. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 5-0 to approve the requested Extension of Time – Definitive Site Plan for one year to August 18, 2011.

Exhibits:

Exhibit A: Definitive Site Plan – Extension of Time Application – dated July 15, 2010, prepared by Charles F. Scott, Jr., Received July 15, 2010.

- Exhibit B: Definitive Site Plan (Layout and Materials Plan sheet) – dated April 12, 2006, prepared by CFS Engineering. Received July 15, 2010.
- Exhibit C: Memo to the Planning Board from the Division of Planning and Regulatory Services staff, dated August 12, 2010.
- Exhibit D: Memo to the Planning Board from the Department of Public Works & Parks staff, dated August 13, 2010.

6. 4 Chequesset Road and 2 Pocono Road - Definitive Site Plan Approval (PB-2010-055): Thomas Michalak of Graves Engineering, representative for Elvira Diliddo, applicant, stated that the applicant is seeking to construct three single-family semi-detached dwellings on a property with 15% slope or more. Mr. Adams stated that the applicant's intent is to propose a new sanitary main and to have the City to take it over. He stated that the DPW&P policy is to have the applicant address drainage and surfacing issues and that he spoke with the applicant before the meeting about that. He stated that the diameter of the pipe coming onto Dominion Road should be 12-inch in diameter. Ms. Kennedy-Valade stated that if the proposed retaining wall on the lots 1A and 1B is higher than 4 feet, it will need to be setback 5 feet from the property line as it will be considered a structure. Ms. Bold stated that some plan annotations are missing, such as existing contours, existing and proposed trees, and the plan title. She stated that staff recommends approval of the application upon resolution of the above issues to the Board's satisfaction and with 2 conditions of approval. Mr. Cashman stated that the applicant will need an Approval Not Required to subdivide the 3 lots into 6, and that he does not know how he will vote as he was not on the Board in 2004 when the Board approved an ANR to subdivide 4 Chequesset Road parcel into two. Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions of approval:

- That the pipe coming onto Dominion Road should be 12-inch diameter reinforced concrete.
- That the fence on top of the retaining wall exceeding 4 feet in height, along side and rear side line of Lots 1A and 1B, be wood or simulated wood stockade fence, and not a chain-linked fence.
- At least one Asian Longhorned Beetle resistant tree is planted in the front yard setback of each dwelling unit.
- Submit six full-sized final revised plans with the following changes:
 - Label the plan "Definitive Site Plan"
 - Change the title block on sheets 1,2 and 4 to "3 single-family semi-detached dwellings"
 - Label existing contours
 - Label existing conditions
 - Label existing and proposed trees.
 - Label Chequesett and Pocono Roads as private.

Exhibits:

- Exhibit A: Definitive Site Plan Application, received July 15, 2010.
- Exhibit B: Definitive Site Plan; dated June 29, 2010, received July 15, 2010; engineer – Graves Engineering, Inc.
- Exhibit C: Memo to the Planning Board from the Division of Planning and Regulatory Services staff, dated August 9, 2010.

Exhibit D: Memo to the Planning Board from the Department of Public Works & Parks staff, dated August 13, 2010.

7. **3 Forestdale Road - Amendment - Definitive Site Plan Approval (PB-2010-057):** George Valeri single-family detached dwelling to a lodging house with nine (9) bedrooms and four (4) off-street parking spaces on a property with 15% slope or more, abutting a Nationally Registered Historic Property. Mr. Valeri stated that the Zoning Board of Appeals approved a relief for one parking space. Ms. Bold stated that the relief granted was less than originally requested, thus necessitating an Amendment to Definitive Site Plan. Ms. Bold stated that on July 12, 2010, the Zoning Board of Appeals approved a Special Permit to allow a Lodging House use in an RG-5 zone and a Variance for relief of 1 parking space from the off-street parking requirement with the following conditions: 1) That the gravel depth of the driveway and parking areas is to be approved by the Planning Board in accordance with site plan approval; 2) That the driveway and parking area to remain gravel and existing pavement be eliminated and label such on amended site plan; and 3) That relief is for one parking space; provide the four parking spaces on the eastern portion of the site. Ms. Bold recommended that final revised plans are submitted showing the type of dumpster enclosure. She stated that the applicant has requested a fee waiver of \$300. She stated that if Board considers waiving the fee, staff recommends waiving no more than \$250 to account for the costs of copies and legal advertisement. Mr. Cashman asked why the Zoning Board of Appeals conditioned the approval on the driveway and the parking area to remain gravel. Mr. Fontane responded that the ZBA was amenable to the gravel material as long as it was sufficient depth, because the anticipated use of the driveway and the parking area is light. He stated that the depth was not specified because the ZBA lacked technical expertise to determine what the depth should be. Mr. Adams stated that he believes 8 inches of the gravel depth should be sufficient. Mr. Truman expressed concern with the position of the proposed parking spaces and how cars would have to back out on the street and the wall might interfere with visibility. He suggested that the parking area is reconfigured to allow the cars to turn around on site. Mr. Fontane responded that this issue was discussed by the Zoning Board of Appeals and that it felt that because it is a residential dwelling located on a residential side street, and people are familiar with the parking situation, the Board was amenable to the proposed plan. Mr. Rolle asked what the height of the existing retaining wall is. Mr. Valeri responded that it is located on the neighbor's property. He stated that he is planning to construct a small wall at the end of the driveway filled with gravel to allow for 4 parking spaces. He stated that the residents in the 63 lodging house rooms he owns in the City have 3 vehicles and that therefore he does not anticipate that the future residents of 3 Forestdale Road will have vehicles.

Upon a motion by Mr. Truman and seconded by Mr. Cashman, the Board voted 5-0 to approve the Amendment to Definitive Site Plan with the following conditions of approval:

- The driveway and parking area will have minimum 8-inch gravel.
- Submit six final revised plans with the following changes:
 - Label the type of dumpster enclosure

Mr. Rolle stated that he was against granting the fee waiver because the applicant had an opportunity to continue the item at the last meeting thus avoiding the need for reapplying for an Amendment to Definitive Site Plan. Mr. Cashman concurred with Mr. Rolle. Mr. Truman made a motion to deny the requested fee waiver and Mr. Cashman seconded the motion. Mr. Mitra suggested that a smaller fee waiver is granted given that the plan did not change much. Mr. Truman withdrew the previous

motion. Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to approve a fee waiver of \$50.

Exhibits:

Exhibit A: Application with plan showing four parking spaces submitted July 29, 2010

Exhibit B: Memo to the Planning Board from the Division of Planning and Regulatory Services staff, dated August 6, 2010.

Exhibit C: Applicant's request for a fee waiver; received August 10, 2010.

OTHER BUSINESS:

8. **Carriage House Lane Subdivision – Extend work completion date:** Ms. Bold stated that on January 13, 2010, the Planning Board approved an extension of the sunset date and extended it to January 13, 2013. Mr. Adams stated that DPW&P recommends an extension of the work completion date to September 1, 2011. Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to extend the work completion date for Carriage House Land Subdivision to September 1, 2011.

UNFINISHED BUSINESS:

Public Hearing

9. **To amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts. Summarily, the proposed amendment would:**

- Delete Article IV, Section 6 – Signs in its entirety and insert a new Article IV, Section 6 - Signs.
- Amend Section 2 of Article I – Definitions of the Worcester Zoning Ordinance by deleting all definitions relating to signs and incorporating new and/or revised definitions into Article IV, Section 6. – Signs.
- Amend Section 1 of Article III – Districts by inserting the following designations at the end of the list:
 - Union Station View Corridor Sign Overlay District
 - Blackstone River Parkway Sign Overlay District
 - Blackstone Canal Sign Overlay District
- Amend Section 2 of Article III – Zoning Map by designating the area within the boundaries therein described as the Union Station View Corridor Sign Overlay District in the area of I-290, Grafton, Summer and Shrewsbury Streets.

- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Blackstone River Parkway Sign Overlay District in the area of Blackstone River Road and I-146.
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Blackstone Canal Sign Overlay District in the area of Millbury, Grafton, Water and Washington Streets.

Mr. Fontane distributed to the Board “Proposed Sign Ordinance Amendment Policy Consideration Package with compilation of background research, illustrations, public comment, and staff response” (Exhibit A). He asked that staff has an opportunity to present a brief overview of key policy considerations and recommended changes to the proposed sign ordinance amendment with respect to wall, window, and digital signs. Ms. Bold presented “Modifications to Proposed Sign Ordinance” (Exhibit B). She summarized staff’s recommended change to the proposed regulations of noncommercial messages as: “A noncommercial message of any type may be substituted for any permitted or allowed commercial message or any duly permitted or allowed commercial message, provided the sign or sign structure is legally compliant with the terms of this ordinance.” Mr. Fontane stated that the purpose of the regulations is not to regulate speech; to regulate the “container,” and not its contents. Mr. Rolle asked if staff still proposed to differentiate between accessory and non-accessory signs. Mr. Fontane responded yes.

Ms. Bold stated that with respect to maintenance and enforcement, staff is proposing the following changes to the proposed regulations: 1) Replace 60 day timeframe in current/proposed ordinance with timeframe deemed appropriate by the Building Commissioner; 2) Tie sign maintenance to approved sign permit application. She stated that these provisions provide more flexibility and control for the Department of Inspectional Services.

Ms. Bold stated that with respect to pre-existing non-conforming signs, staff is proposing the following changes to the proposed regulations: Upon adoption of the sign ordinance, the temporary signs including temporary window signs and operational standards of signs with digital display must come into compliance. She stated that the proposed ordinance “grandfathers” all other legally pre-existing permitted signs.

Ms. Bold stated that with respect to projecting signs, staff is proposing the following changes to the proposed regulations: 1) On single-story buildings, where a projecting sign is located on a lot with no freestanding signs and where the wall signage is 50% or less than what would otherwise be permitted, the projecting sign area may be increased by right to 36 SF; 2) For multi-story buildings, an additional 0.5 SF of projecting sign area may be added to the base projecting sign area allowance (16 SF) for each linear foot of building height. Mr. Fontane stated that the Massachusetts College of Pharmacy projecting signs, as mentioned at the previous hearing, would be allowed under the proposed ordinance if the above-mentioned changes are made. He noted that form-based code was the overarching theme for the proposed ordinance. Mr. Truman clarified whether the entire height of the building would be measured. Mr. Fontane said yes.

Ms. Bold stated that with respect to Union Station Sign Overlay District, the purpose was modified to state: “To protect the sense of place and orientation that is provided by preserving the visibility, from multiple vantage points throughout the city of this iconic historically and architecturally significant building.”

Ms. Bold stated that with respect to Downtown/Blackstone Canal Overlay District, the district would include the same area as the initially proposed Blackstone Canal Overlay, but would reduce a portion of the BG-6.0 (Downtown) district subject to overlay regulations pertaining to non-accessory

freestanding and roof signs and accessory freestanding pole and roof signs. Mr. Fontane stated that this change would technically reduce the total area proposed to be regulated, but that a new petition would be required from the Planning Board to the City Council. Ms. Bold stated that the proposed new purpose of the Downtown/Blackstone Canal District, is: "To protect the sense of place and character of the Downtown / Blackstone Canal District, including its dense network of urban streets and high concentration of historically and architecturally significant sites." The proposed new purpose of the Blackstone River Parkway Overlay District is "To preserve the National Heritage Corridor, restore the landscape and prevent incompatible uses within this parkway image."

Ms. Bold stated that with respect to awnings and canopy signs, the proposed modifications to the initial proposal are to permit backlit awnings and to permit canopy signs not associated with a building to be 2 SF of signage per length of side of canopy. With respect to marquee, roof, and wall signs, Ms. Bold stated that staff recommends to allow more than one marquee sign per lot (specifically one per each side of building visible from different street) and to remove proposed restriction to reduce allowable roof sign area when buildings also have a wall sign.

Mr. Fontane stated that the "Proposed Changes For Consideration By The Planning Board" document (Exhibit C) was created in response to the public and staff comments. He stated that the proposed ordinance improves on maintenance and enforceability, and allows more and less signage depending on the situation. He asked the Board for more time for his staff to do research and propose recommendations to the Board with respect to the interrelationship between temporary window and wall signs, and signs with digital display and the brightness factors. He recommended that the Board discuss and send to the City Council the petition amending the area of the Downtown/Blackstone Canal Sign Overlay District, so that this petition would catch up more quickly with the rest of the recommendation package to the City Council. He proposed to change the proposed district by pulling a portion of the line back along the I-290 highway to exclude the area which character does not seem to conform to the intent and purpose of the proposed overlays. He stated that this recommendation was in response to Jonathan Finkelstein's comment which prompted staff to do more analysis on the issue.

Mr. Rolle asked how an area is regulated if two overlays overlap. Mr. Fontane responded that in that case regulations of both overlays apply. Mr. Rolle asked if regulations conflict. Mr. Fontane stated that he believes not, but that he will double-check.

Mr. Cashman asked if the abutters of the overlays will be notified. Mr. Fontane responded that his office did an extensive outreach to the City's business community, neighborhood associations, sign companies, etc. Mr. Cashman thanked Mr. Fontane for this extra effort to reach out and stated that he believed that any interested parties were given enough opportunity to comment on the proposal.

Mr. Mitra asked what an overlay district is. Mr. Fontane responded that the zoning map consists of underlying district and overlay districts. Overlays can further restrict or further permit uses.

Mr. Truman asked if the boundaries of the overlay districts will be legally described. Mr. Fontane said yes, and stated that it is a required action after the City Council vote.

Mr. Rolle asked to explain the rationale behind excluding the eastern boundary along Thomas Street up until Lincoln Street. Mr. Fontane responded that the area did not have a historic character and did not fit in with the purpose of either overlay. Mr. Rolle stated that the area north of Highland Street had some church properties and historic properties. Mr. Fontane stated that while originally the overlays were drawn up to generally follow the BG-6.0 zoning district, this suggestion sounds reasonable. He suggested that Harvard Street and Lancaster Streets could also be included based on this reasoning.

Mr. Cashman asked if the hypothetical CSX expansion was considered and included. Mr. Fontane said yes and directed him to section 4A of the binder (Exhibit A).

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 5-0 to amend the proposed Downtown/Blackstone Canal Sign Overlay District as shown on Exhibit D by adding areas adjacent to Harvard Street and Lancaster Street along the western portion of the originally proposed area.

Mr. Traynor stated that he will incorporate all the comments and recommendations into one document to make it easier for the Planning Board to review.

Mr. Mitra expressed concern with the enforcement of the current and proposed sign ordinance. Mr. Fontane stated that with any set of regulations there are violators, but that the majority of people comply. He stated that he hopes the inspectors will receive training on the new ordinance enforcement and that compliance with sign ordinance can be performed simultaneously with other inspections as needed. He added that staff is working on creating version of the ordinance in a table format for easier consumption and that the Department of Inspectional Services is working on improving their sign permit application. He added that the proposed ordinance allows more flexibility by reducing uses of variances, and tying to form-based measurement standards. He stated that he believes the ordinance balances the businesses' needs and residents' quality of life needs. Mr. Mitra asked what the penalties are for breaking the law. Mr. Fontane stated that it is based on a standard enforcement mechanism from the City's General Revised Ordinance and involves a compliance letter, followed by an inspection and a stepped fine structure. Mr. Mitra asked if the digital signs will be grandfathered. Mr. Fontane stated yes and added that the operating standards will not be grandfathered. Mr. Mitra commended staff for the work done on the proposed sign ordinance amendment. Mr. Fontane thanked the Law Department for its help. He stated that all the supporting documentation compiled (Exhibit A) for the Board makes it a stronger ordinance and he hopes it will help the Board make the decision in an informed way. Mr. Cashman thanked staff for this information and the education it provided.

Mr. Rolle thanked staff for its work and the public for their comments. He stated that he is not decided on whether or not existing digital signs should be grandfathered. He also was not decided yet on window sign regulations and proposed considering not only percent coverage of windows, but also total number of signs to be allowed. He stated that he was opposed to windows that are overrun with signs and signs that prevent one from looking in from the outside. He stated that he can share research he has found that differentiates automobile signs from instructional signs. He questioned whether or not allowances for wall and mural signs might be somewhat small. Mr. Fontane stated that some zones and large building allow for pretty big signs. He asked if Mr. Rolle can be more specific and point out to specific cases or zones where he thinks the proposed allowances would be small.

Ms. Bold stated that the height bonus for wall signs starts for taller buildings (50 feet or 4 stories or higher). She stated that there is a gap between 3 and 4-story buildings and that she can look into that.

Mr. Fontane asked that the Board formally accept a letter from Dennis Dowdle of Madison Properties who submitted comments at the last meeting. He also stated that the office has received a letter from the Worcester Regional Chamber of Commerce (Exhibit E) and another letter withdrawing it (Exhibit F).

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to continue the item to September 1, 2010.

Jo Hart asked clarification for the Mekong Market's type of sign. Mr. Fontane responded that it is a sign with digital display. Mr. Hart wanted to know the difference between a digital and motion sign.

Mr. Fontane responded that the proposed ordinance defines motion sign as those containing physical moving parts, while digital signs contain light emitting diode (LED), fiber optic or similar technology to allow messages to change.

Ms. Hart spoke in favor of preserving what she called historic signage that is pre-existing and good-looking. She used Boston Wire building sign on James Street as one example. Mr. Fontane responded that pre-existing non-conforming signs can be preserved, but that the proposed ordinance has an abandonment provision. Mr. Fontane stated that Mr. Hart's proposal is outside of the scope of the sign ordinance, because if someone purchases a building – it is the new owner's prerogative on what to do with the building and old signage. Mr. Hart stated that she believed signage is part of the City's heritage and should be preserved, and that she wanted people to discuss it or consider it. She expressed sadness over that fact that the historic signs on Heywood building and Standish building on Main Street have been taken down.

Ms. Hart spoke against signage that it is too small to read stating that it causes driver distraction.

Ms. Hart asked that defunct signage be removed.

Exhibits:

- Exhibit A: Proposed Sign Ordinance Amendment Policy Consideration Package with compilation of background research, illustrations, public comment, and staff response. Last updated August 13, 2010.
- Exhibit B: Power Point Presentation: "Modifications to Proposed Sign Ordinance," August 18, 2010; presented by Division of Planning & Regulatory Services, Joel Fontane and Lara Bold.
- Exhibit C: Proposed Changes for Consideration by the Planning Board
- Exhibit D: Proposed Sign Overlay District: Downtown/Blackstone Canal – as amended at the 8/18 Planning Board meeting (hand-drawn).
- Exhibit E: Letter from Richard B. Kennedy of the Worcester Regional Chamber of Commerce; re: Written testimony submitted to the planning board regarding their August 18, 2010 meeting;" dated August 16, 2010, received August 16, 2010.
- Exhibit F: Letter from Richard B. Kennedy of the Worcester Regional Chamber of Commerce; re: Withdrawal of testimony submitted;" dated August 18, 2010, received August 18, 2010.

OTHER BUSINESS:

10. ANR Plans:

- **AN-2010-042, Chester Street and Fox Hollow Road:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 5-0 to endorse ANR Plan AN-2010-042.
- **AN-2010-043, Benoit Street:** Upon a motion by Mr. Cashman and seconded by Mr. Rolle, the Board voted 5-0 to deny endorsement of ANR Plan AN-2010-043 – 6 (a.k.a. 4) Benoit Street because the way does not provide sufficient width, suitable grades, and adequate construction or access to provide for the needs of vehicular traffic in relation to proposed use of the land at Lot 1L where only ~ 25 feet of frontage is provided.
- **AN-2010-044, West Mountain Street:** Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 5-0 to endorse ANR Plan AN-2010-044.

- **AN-2010-045, 58-60 Chester Street:** Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 5-0 to endorse ANR Plan AN-2010-045.
- **AN-2010-046, 8 Winter Hill Drive & Chester Street:** Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 5-0 to endorse ANR Plan AN-2010-046.

ADJOURNMENT: Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to adjourn the meeting at 8:04 pm.