

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

**August 1, 2012**

**WORCESTER CITY HALL – LEVI LINCOLN ROOM**

**Planning Board Members Present:** Andrew Truman, Acting Chair  
Stephen Rolle, Clerk  
Satya Mitra, Member  
Robert Ochoa-Schutz, Member

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Luba Zhaurova, Division of Planning & Regulatory Services  
Kathleen Donovan, Department of Inspectional Services  
K. Russell Adams, Department of Public Works & Parks

**BOARD SITE VISITS**

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Acting Chair Andrew Truman called the meeting to order at 5:35 P.M.

**APPROVAL OF THE MINUTES** – Approval of the 5/23/2012 & 7/11/2012 minutes was held.

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

1. **Dudley Place – Private Street Removal (ST-2012-013):** Robert Longden of Bowditch & Dewey requested a postponement of the hearing to August 22, 2012. Mr. Fontane stated that Mr. Finkelstein, representative for the second petitioner, verbally requested postponement as well. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the petitioners' request and postponed the hearing to August 22, 2012.

List of Exhibits.

- Exhibit A: Removal of Dudley Place Petition; dated June 14, 2012; signed by Jonathan Finkelstein and Katherine Garrahan on behalf of Michael Ushkurnis and South Middlesex Opportunity Council (SMOC), petitioners.
- Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: Dudley Street – Removal of entire length of Dudley Street – a Private Street from Official Map; dated July 6, 2012.
- Exhibit C: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: Dudley place – Remove from the Official Map; dated June 22, 2012.

Exhibit D: Request to Postpone from Katherine Garrahan of Bowditch & Dewey and Jonathan Finkelstein; dated July 11, 2012.

2. **93 Grand Street - Amendment to a Special Permit (Article XVII - Adaptive Reuse Overlay District) and an Amendment to Definitive Site Plan (PB-2012-036):** Robert Longden of Bowditch & Dewey requested a postponement of the hearing to August 22, 2012 in order to allow staff to re-advertise the petition as a new Special Permit and a Definitive Site Plan, not an Amendment, as the original approvals have expired. Mr. Fontane stated that there will be a three member board on August 22<sup>nd</sup>, and Mr. Longden then requested to postpone the hearing to September 12<sup>th</sup> and to extend the constructive grant deadline to October 16<sup>th</sup>. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to postpone the hearing to September 12, 2012 and extend the Construct Grant deadline to October 16, 2012.

**List of Exhibits.**

Exhibit A: Definitive Site Plan Amendment & Special Permit Amendment Application; received June 28, 2012; prepared by The Community Builders.

Exhibit B: Definitive Site Plan Amendment & Special Permit Amendment Plan; dated June 26, 2012; prepared by Graves Engineering, Inc.

Exhibit C: Rendering; titled "Worcester Loomworks;" dated June 27, 2012; prepared by The Architectural Team.

Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 93 Grand Street - Amendment to a Special Permit (Article XVII - Adaptive Reuse Overlay District) and an Amendment to Definitive Site Plan (PB-2012-036); dated July 26, 2012.

Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 93 Grand Street, Special Permit Amendment – PB-2012-036; dated July 27, 2012

Exhibit F: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 93 Grand Street, Definitive Site Plan Amendment – PB-2012-036; dated July 27, 2012.

Exhibit G: Email from Atty. Brian Beaton of Bowditch & Dewey, LLP to Joel Fontane, Director, City of Worcester Planning & Regulatory Services; re: 93 Grand Street; dated July 27, 2012.

Exhibit H: Postponement Request by Robert Longden; dated August 1, 2012.

3. **140 Higgins Street - Parking Plan Approval (PB-2012-033):** Mr. Fontane stated that staff determined that the applicant needs to apply for a Definitive Site Plan Approval instead of a Parking Plan Approval. Staff has informed the applicant of this change and consequently the applicant has submitted a Leave to Withdraw Request on July 31, 2012 (Exhibit E). Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to grant a Leave to Withdraw Without Prejudice for the Parking Plan Approval.

### **List of Exhibits.**

- Exhibit A: Parking Plan Application; received June 13, 2012; prepared by Lutco International Inc.
- Exhibit B: Parking Plan; dated June 12, 2012; prepared by Graves Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 140 Higgins Street – Parking Plan; dated July 23, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re:140 Higgins Street, Parking Plan – PB-2012-033.
- Exhibit E: Request to Leave to Withdraw Without Prejudice; submitted by John Stowe; received July 31, 2012.

4. **265 Grafton Street - Definitive Site Plan Approval (PB-2012-034):** Ms. Zhaurova stated that the applicant requested postponement of the hearing to the August 22, 2012 meeting in order to be heard first by the Zoning Board on August 13, 2012. Upon a motion by Mr. Mitra and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to postpone the hearing to August 22, 2012.

### **List of Exhibits.**

- Exhibit A: Definitive Site Plan Application; received June 27, 2012; prepared by Michael V. Marino & Brian Marino, Trustees of First Westborough Realty Trust.
- Exhibit B: Site Development Plan; dated May 10, 2012; prepared by Hannigan Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 265 Grafton Street – Definitive Site Plan; dated July 27, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 265 Grafton Street, Definitive Site Plan – PB-2012-034.
- Exhibit E: Email from Atty. Peter Keenan of the Keenan Law Firm, representative for Marino & Brian Marino, Trustees of First Westborough Realty Trust to Nancy Tran, Planning Analyst, City of Worcester Planning & Regulatory Services; re: 93 Grand Street; dated July 27, 2012.
- Exhibit F: Request for Postponement from Atty. Peter Keenan of the Keenan Law Firm, representative for Marino & Brian Marino, Trustees of First Westborough Realty Trust to the Planning Board; dated July 27, 2012.

## **UNFINISHED BUSINESS**

### **Public Meeting**

5. **21 Millbrook Street (aka 87 Gold Star Boulevard) - Parking Plan Approval (PB-2012-032):** Michael Andrade of Graves Engineering, representative for Cellular Sales of Massachusetts, LLC, the applicant, stated that the applicant is seeking to construct 22 parking spaces associated with a 6,100 SF footprint building (to be reduced from the 9,540 SF footprint) located at 21 Millbrook Street (aka 87 Gold Star Boulevard). He stated that the site's previous use was a furniture store.

Mr. Adams stated that the submitted revised stormwater report meets DPW&P standards.

Ms. Zhaurova stated that staff recommends approval of the application with a condition that revised plans are submitted addressing annotation and labeling comments provided by DPRS staff.

Mr. Truman had a concern that landscaping would block visibility for the outgoing traffic from the site. Mr. Andrade stated that one ornamental tree and short shrubs will be provided in the landscaping island just south of the northerly access from the site. Mr. Truman asked that the tree be moved back. Mr. Andrade was amenable to the request and stated that the tree location and the snow storage location will be switched.

Mr. Rolle asked if the sidewalk along the parcel would be ADA-accessible. Mr. Andrade said yes.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the Parking Plan Approval with the following conditions:

- That six (6) copies of final approved plans are submitted to the Division of Planning & Regulatory Services prior to release of the decisions with the following changes:
  - 1) Move the tree in the landscaping island located southerly of the northern access to the site closer to the parking area in order to improve the line of sight for the exiting vehicles;
  - 2) Label the dumpster screening height minimum 6-ft;
  - 3) Revise the plan's title to say: "Parking Plan Approval for 21 Millbrook Street (aka 87 Gold Star Boulevard)."

#### **List of Exhibits.**

- Exhibit A: Parking Plan Application; received June 7, 2012; prepared by Cellular Sales of Massachusetts, LLC.
- Exhibit B: Parking Plan; dated 5/7/2012 & revised July 9, 2012; prepared by Graves Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 21 Millbrook Street (aka 87 Gold Star Boulevard) - Parking Plan; dated July 6, 2012, revised July 27, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 21 MILLBROOK STREET (AKA - 87 GOLD STAR BOULEVARD) Parking Plan – PB-2012- 032; dated July 2, 2012, revised July 31, 2012.

- Exhibit E: Request for postponement submitted by Courtney Rheault of Graves Engineering; dated July 11, 2012.
- Exhibit F: Stormwater Management Report; prepared by The Contineo Group; dated June 4, 2012.
- Exhibit G: Stormwater Report; prepared by Graves Engineering, dated July 17, 2012.

## **NEW BUSINESS**

### **Public Meeting**

- 6. 10-12-14 East Worcester Street, 49 & 89 Shrewsbury Street - Parking Plan Approval (PB-2012-035):** Michael Andrade of Graves Engineering, representative for Condrion Worcester Realty LLC, the applicant, stated that the applicant is seeking to demolish a 8,800 GFA warehouse building in the rear of the 10-12-14 East Worcester Street parcel and to construct additional 47 off-street parking spaces with associated grading, storm water drainage and landscaping work. The existing and proposed parking spaces (a total of 96) will be used for associated commercial uses on property located at 10-12-14 East Worcester Street. The proposed parking area is located on 10-12-14 East Worcester Street and partially on 49 Shrewsbury Street. Mr. Andrade stated that parking for the Via Restaurant at 89 Shrewsbury Street is provided on the remainder of the 49 Shrewsbury Street parcel.

Ms. Donovan stated that after reviewing supplemental information provided by the applicant (Exhibit E), she determined the site appears to meet Zoning Ordinance's parking requirements for all existing and proposed uses on the site, but that future additional uses will require relief. She stated that the applicant also needs a Special Permit from the Zoning Board of Appeals for this project because more than 25% of compact parking spaces are proposed.

Ms. Zhaurova stated that DPRS recommends approval of the application with a condition that six copies of final revised plans are submitted to the Division of Planning & Regulatory Services prior to release of the decision with the missing annotations as noted in the staff's memo (Exhibit C) and with the following conditions:

- A stop sign is installed in addition to the proposed painted stop bar and lettering on the discontinued portion of East Worcester Street;
- Landscaping and seating are provided for the building's tenants in front of the 1-story building fronting on the discontinued portion of East Worcester Street.

Ms. Zhaurova stated that according to Exhibit E, the applicant is currently proposing to utilize ~29,630 SF of the 58,446 SF building, on which parking calculations are based, and that full utilization of the building will require relief from the Zoning Board of Appeals.

Chair Truman asked if the petitioner would prefer to continue the meeting to allow Zoning Board of Appeals to render its decision first. Mr. Andrade stated that the applicant would prefer the Planning Board to make its decision tonight.

Ms. Zhaurova asked about proposed lighting and snow removal. Mr. Andrade stated that excess snow will be removed off-site and that the rear of the building will have wall packs installed to illuminate the rear parking area.

Mr. Andrade stated the applicant will not be seeking application requirement waiver regarding showing all 3 parcels on the plans and will provide this information on final revised plans.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the Parking Plan Approval for 10-12-14 East Worcester Street, 49 & 89 Shrewsbury Street with the following conditions of approval: That six copies of final revised plans are submitted to the Division of Planning & Regulatory Services prior to release of the decision with the missing annotations as noted in the staff's memo (Exhibit C) and with the following conditions:

- A stop sign is installed in addition to the proposed painted stop bar and lettering on the discontinued portion of East Worcester Street.
- That landscaping and seating are provided for the building's tenants in front of the 1-story building fronting on the discontinued portion of East Worcester Street.

### **List of Exhibits.**

- Exhibit A: Parking Plan Application; received 6/28/2012; prepared by Condron Worcester Realty LLC.
- Exhibit B: Parking Plan; dated June 26, 2012; prepared by Graves Engineering, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 10-12-14 East Worcester Street and 49 Shrewsbury Street - Parking Plan; July 27, 2012, revised August 1, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 12 East Worcester Street, Parking Plan – PB-2012-035.
- Exhibit E: Parking Plan – 10-12-14 East Worcester Street & 49 Shrewsbury Street Supplemental Information; submitted by Graves Engineering, Inc.; dated July 30, 2012.
- Exhibit F: Stormwater Report for Parking Modifications for 10 East Worcester Street; dated June 26, 2012; prepared by Graves Engineering, Inc.

- 7. 75 Grove Street – Definitive Site Plan Amendment (Priority Development Site) (PB-2012-038):** Attorney Mark Donahue, representative for Worcester Polytechnic Institute, the applicant, stated that the applicant is seeking a minor Definitive Site Plan Amendment with respect to elimination of the originally proposed 930 SF retail component on the first floor in lieu of an additional student housing unit with two bedrooms and four beds. He stated that Gateway Park Development will provide 2,500 SF retail use in the proximity to 75 Grove Street during future development phases. Mr. Donahue stated that as a result of this change, the project will consist of 74 dwelling units, 201 bedrooms and 263 beds. He stated that because the project is a Priority Development Site, insubstantial changes can come in front of the Planning Board without the advertising and notice requirement.

Ms. Zhaurova stated that staff recommends approval of this application with a condition that six copies of updated floor plans are submitted reflecting the new total number of units and bed. She stated that per discussion with the City Forester, staff recommends that Snow Goose Cherries or similar species are provided along the sidewalk, instead of the originally proposed oak tree species, which are less suitable for the sidewalk's tree-pit environment. Mr. Donahue was

amenable to the proposed conditions of approval and stated he will submit revised landscaping sheet.

Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to approve the Definitive Site Plan Amendment for 75 Grove Street with a condition that the applicant provides the following prior to release of the decision:

1. Six (6) final revised copies of the Floor Plan – Ground Level reflecting the new total number of units and bed;
2. Six (6) final revised copies of the Landscaping Sheet (with a reference to the originally approved plans) showing that Snow Goose Cherries or similar species are provided along the sidewalk, instead of the proposed oak tree species.

### **List of Exhibits.**

Exhibit A: Definitive Site Plan Amendment Application; received July 17, 2012; prepared by Worcester Polytechnic Institute.

Exhibit B: Floor Plan – Ground Level; dated June 26, 2012; prepared by ADD, Inc.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 75 Grove Street; dated July 26, 2012.

Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 75 Grove Street; dated August 1, 2012.

- 8. 25 Queen Street, 1, 4&5 Dudley Place - Amendment to Definitive Site Plan (PB-2012-037):** Attorney Robert Longden of Bowditch & Dewey, representative for South Middlesex Opportunity Council (SMOC), Inc., the applicant, stated that the applicant is seeking an Amendment to the previously approved Definitive Site Plan on May 2, 2012. He stated that the amendment primarily deals with drainage and utilities changes due to on-site conditions. Mr. Fontane asked that the Board approve only the changes listed in the application.

Jo Hart, Worcester resident, stated that the neighborhood was not informed of these changes and SMOC does not communicate well with the public among other negative comments about that organization and its employees. She submitted SMOC webpage print-outs stating that many links on the website do not work.

Mr. Fontane stated that the proposed changes are mainly utility-related and will not be seen by the abutters. He recommended approval of the project.

Attn. Longden refuted what Ms. Hart stated and said that SMOC was represented at every stakeholder meeting and that Ms. Hart's statements regarding SMOC are "reckless and offensive". He asked the Board to disregard her statements.

Mr. Rolle asked for clarification regarding where the proposed chain-linked vinyl fence will be installed. Mr. Longden showed the proposed fence on top of the retaining wall along Dudley Place on Sheet D-1 of the plan sets.

Mr. Mitra expressed his support for the application and stated that the Board had reviewed the Site Plan in detail, and the amendment in front of the Board is minor in nature.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the Amendment to Definitive Site Plan for 25 Queen Street, 1, 4&5 Dudley Place - Amendment to Definitive Site Plan.

**List of Exhibits.**

- Exhibit A: Definitive Site Plan Amendment Application; received July 12, 2012; prepared by South Middlesex Opportunity Council, Inc.
- Exhibit B: Definitive Site Plan; dated June 26, 2012; prepared by ADD, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 25 Queen Street, 1, 4 & 5 Dudley Place; dated July 26, 2012.
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 25 Queen Street, Definitive Site Plan Amendment – PB-2012-037; dated July 27, 2012.
- Exhibit E: South Middlesex Opportunity Council, Inc. webpages submitted by Jo Hart on August 1, 2012.

**OTHER BUSINESS**

**9. Approval Not Required Plans:**

- a. **103 Armory Street / 3 Burns Court (public & private streets) (AN-2012-023):** Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the proposed Approval Not Required Plan.
- b. **741 Franklin Street & Palfrey Street (public & private streets) (AN-2012-024):** Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 to approve the proposed Approval Not Required Plan.
- c. **5 Dixfield Street & 58 Castine Street (public street) (AN-2012-025):** Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the proposed Approval Not Required Plan.
- d. **32 Farmington Street (public street) (AN-2012-026):** Upon a motion by Mr. Rolle and seconded by Mr. Mr. Ochoa-Schutz, the Board voted 4-0 to approve the proposed Approval Not Required Plan.
- e. **114 Randolph Road & MBL RR-ROW-000ST owned by Boston & Maine Corporation (AN-2012-027):** Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the proposed Approval Not Required Plan.
- f. **47 Heywood Street & Vale Street (public street) (AN-2012-028):** Upon a motion by Mr. Rolle and seconded by Mr. Mr. Ochoa-Schutz, the Board voted 4-0 to approve the proposed Approval Not Required Plan.

**10. Decisions from prior meetings:** None were signed.

**11. Reorganization of the Board:** Mr. Fontane stated that due to change in membership and previous Chair's term ending at the previous meeting, the Board needs to vote on reorganization of the Board.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to elect Satya Mitra as Clerk.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to elect Andrew Truman as Chair.

Upon a motion by Mr. Mitra and seconded by Mr. Truman, the Board voted 4-0 to elect Stephen Rolle as Vice-Chair.

**12. Worcester District Registry of Deeds - Planning Board Member Update Form:** The Board signed the form.

**ADJOURNMENT:** The Board adjourned the meeting at 6:30 PM.