

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

April 3, 2013

WORCESTER CITY HALL – LEVI LINCOLN ROOM

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

Planning Board Members Absent: None

Staff Present: Joel Fontane, Division of Planning & Regulatory Services (DPRS)
Abby McCabe, Division of Planning & Regulatory Services
Marlyn Feliciano, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services
K. Russell Adams, Department of Public Works & Parks
Michael Traynor, Law Department

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Andrew Truman called the meeting to order at 5:46 P.M.

APPROVAL OF THE MINUTES:

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

1. **525 (aka 525-545) Lincoln Street (Lincoln Plaza) – Special Permit for Comprehensive Sign Plan Approval (PB-2013-007)**

Mr. Truman stated that the applicant submitted a request a postponement to the June 5, 2013 meeting. Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Rolle, the Board voted 4-0 to approve the postponement to June 5, 2013.

List of Exhibits.

- Exhibit A: Special Permit for Comprehensive Sign Plan Approval; received February 13, 2013; prepared by Trustees of Clark University.
- Exhibit B: Partial Site Plan – Existing Tenant Locations, Lincoln Plaza, Worcester, MA; dated February 12, 2013; prepared by Dana F. Perkins, Inc.
- Exhibit C: Photographs of existing permanent signage in site with dimensions (application packet).
- Exhibit D: Building Key Plan (Exhibit A of the application packet).
- Exhibit E: Summary of wall sign and freestanding sign dimensions (application packet)
- Exhibit F: Application requirement waiver request; submitted by Michael Maurello; e-mail dated March 14, 2013.
- Exhibit G: Summary of freestanding sign dimensions compiled by staff.
- Exhibit H: Building Key Plan marked up by staff summarizing tenants and freestanding sign location and size.
- Exhibit I: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 525 (aka 525-545) Lincoln Street (Lincoln Plaza) - Special Permit for Comprehensive Sign Plan Approval (PB-2013-007); March 15, 2013.
- Exhibit J: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 525 LINCOLN STREET; Special Permit – PB-2013-007; dated March 14, 2013.
- Exhibit K: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 525 (aka 525-545) Lincoln Street (ZB-2012-049); dated August 24, 2012, last revised January 23, 2013.
- Exhibit L: Request for postponement and extension of the public hearing deadline to June 5, 2013.

2. **501 & 509 Salisbury Street – Cluster Zoning Special Permit (PB-2013-011) and Definitive Site Plan Approval (PB-2013-011A)**

Attorney Donald O’Neil stated that they were requesting a postponement because they were informed by DPRS staff that they needed to apply for a More Than One Building on a Lot. Mr. O’Neil stated that they would like to postpone to the April 24, 2013 meeting to allow them time to submit the application. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to approve the postponement to April 24, 2013.

List of Exhibits.

- Exhibit A: Definitive Site Plan and Special Permit Application; received February 28, 2013; prepared by Brookside Gardens, Inc.
- Exhibit B: Definitive Site Plan of Land; dated January 25, 2013, revised February 25, 2013 and March 12, 2013; prepared by Quinn Engineering.

- Exhibit C: Architectural Roof Plans, Elevations & Sections; dated June 8, 2012; prepared by Theodhosi & Michael Architecture and Design.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 501 & 509 Salisbury Street – Definitive Site Plan Approval (PB-2013-011A) and Cluster Zoning Special Permit (PB-2013-011); dated March 29, 2013.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 501 & 509 Salisbury Street Special Permit – PB-2013-007; dated March 14, 2013.
- Exhibit F: Letter from Quinn Engineering, Inc. to Planning Board; re: Special Permit/Site Plan 501 & 509 Salisbury Street; dated April 3, 2013.

Mr. Truman stated that since the ASL interpreter had not arrived they could begin reviewing the ANR plans. A few minutes later Mr. Fontane stated that the interpreter arrived and since she is contracted to be there for a specific amount of time he asked if they could take up items #2 and #5 right away.

NEW BUSINESS:

Public Hearing

3. **0 Sarah Drive (aka Bittersweet Boulevard – Arboretum Village Subdivision – Phase IV) – Definitive Subdivision Amendment (PB-2013-010)**

Cynthia Ramos was the ASL interpreter for this item.

Attorney George Kiritsy stated he was representing Arboretum Village and introduced the owner, Steven Gallo and the project engineer, Tony Haghanizadeh. He stated that there were two matters before the Board: a modification to the existing definitive subdivision plans and a new application for a site plan for further development of Arboretum Village. Mr. Kiritsy stated that since the applications were submitted various portions of the site have failed. His client, Mr. Gallo, has tried to salvage the slope and redesigned it, gone through several inspections, and several reviews. Recently, after a heavy snow fall and an immediate warming another portion of the site failed. Mr. Gallo has chosen to scrap the plans submitted that try to salvage the current slope and has decided to redesign the slope on site to a different grade. On the right side (coming in from Sophia Drive) the stone armor slope will be removed and will be re-graded on a 3:1 slope, which will be loamed and seeded and have a vegetative stabilization. The left side of the road will be graded to a 2.5:1 slope and will all for a vegetative grading on that as well.

Mr. Kiritsy stated that a new subdivision amendment will be submitted showing the re-grading he just explained and stated that because of the grading the Snowberry Circle cul-de-sac will most likely be eliminated.

Mr. Kiritsy stated that new site plans will be developed and submitted in the future as there is need to develop the lots in the future. The plans will be site specific and based upon the construction need at the time of construction. Therefore, Mr. Kiritsy stated that his client is respectfully requesting a Leave to Withdraw without Prejudice for the Definitive Site Plan

application (Item #5 on agenda) and a continuation for the Definitive Subdivision Amendment to the April 24, 2013 meeting in order to provide revised plans showing the re-grading.

Mr. Adams, DPW&P, stated that he was in agreement with how the applicant is choosing to move forward but he disagreed with the statement the attorney made. The problem with the slope was not only that it failed after some storms but that it was not in conformance with the approved plans or to City standards. If they are changing the slope they need to show that on the updated plans and the plans should also reflect the existing (present) slope conditions and the houses that exist on Honeysuckle Road.

Hussein Haghanizadeh, HS&T Group, stated that he surveyed the land recently and the new plans will reflect the current topographical conditions.

Mr. Fontane stated that this has been continued a number of times and wants to make sure that the item is continued to an appropriate date. He wouldn't want for it to get continued too far out because there are issues in the field that need to be resolved this building season.

Mr. Haghanizadeh stated that he would submit the plans by the next filing deadline on April 11, 2013 but he would like to be on the agenda for April 24, 2013. Mr. Fontane stated that he respectfully requests that the hearing be held on May 15, 2013 in order to allow staff enough time to properly review the revised plans. He expects the plans to be significantly different from the original ones submitted, which is why he is requesting that staff be able to charge a new fee for the filing and that it be subject to the April 11th deadline for the May 15th meeting.

Mr. Haghanizadeh was amenable to that proposal.

Jim Bisceglia, resident of 54 Honeysuckle Road, through the interpreter, introduced his lawyer Nicole and stated that Mr. Gallo had not informed him when he bought his home (December 2010) that there was an easement or that new homes would be built on the top of the slope. He stated he would not have bought the house if he had known that. He bought the home thinking the small vegetated slope in the back would remain as it was. Mr. Bisceglia stated that Mr. Gallo started excavating and that he was told that they were installing a drain pipe and that there was going to be a gradual slope of about 15 feet that he would be able to see over. But over time, the slope got higher and higher the slope is 32 feet from where it was originally and he no longer has a backyard. He is concerned about safety since rocks have slid down and are encroaching in his yard.

Mr. Bisceglia stated he submitted photographs to the Planning office showing the slope and view from his property. He stated that he recommends that the builder not be allowed to build homes on the top and that the rocks should be replaced.

Attorney Nicole Reeves Lavalee, stated that she was representing Mr. Bisceglia and that when he bought the house the slope was approximately 15 feet with a 30% pitch. Today, the slope is over 50 feet tall and the pitch is approximately 70%. Rocks are sliding into his backyard and they are creating water drainage issues into his property. She stated that Mr. Bisceglia's insurance will not pay for any damage relating to this slope. Due to this situation, her client's house has depreciated because the house is an eyesore. Her client's ask is that the slope be re-graded to be 15-20 feet as it was originally.

Timothy Viele, 46 Honeysuckle Road, stated that the majority of the neighbors were present. He asked where will they start grading and who is responsible if someone gets hurt. He asked that the inspectors needs to ensure that they keep to the 3:1 slope.

Mr. Kiritsy stated that they would begin re-grading the slope from the property line to the right of way with a 3:1 pitch. When it's time to build the other lots they will need site plan review and they will address that when the need arises.

Mr. Traynor agreed that all subdivision lots need site plan review, no matter what the trigger, but it will not necessitate a subdivision amendment.

Mr. Bisceglia passed around the photographs to the Board.

Mr. Mitra stated he visited the site today and wondered how the builder could change it so drastically after the houses were built. He stated that he is concerned for safety.

Mr. Adams stated that the builder would need approval to change the grade. The problem was that what was built was different from what was approved. That is why they filed a subdivision amendment to prove that what out there is satisfactory or propose something else altogether.

Mr. Fontane stated that the subdivision was approved in 2009 but when it was built it is not in accordance with the approved plans. That is why the applicant was asked to submit an amendment.

Mr. Kelly stated that he issued a letter in October of 2012 stating that the slope needed to be rectified before any more building could occur.

Mr. Rolle expressed his frustration that the project was not built according to what was approved by the Planning Board. Mr. Ochoa-Schutz stated that the Board had approved a good plan unfortunately it wasn't built according to the plans.

Jorlemy Stark, abutter, stated that she was disappointed because she had thought she bought her dream home but every time it rains she ends up with a mudslide in her yard, which she has to wash.

Mr. Rolle stated that he was going to be out of state for the May 15 meeting.

David Starr, abutter, asked how the City allowed this to happen. He stated that he was also never told that the slope would change so drastically.

Mr. Kelly stated that it was approved for a certain slope, when it was found that they were not compliant, the City stopped any additional building until it gets resolved.

Mr. Truman stated that he would be interested in having an independent party review the plans.

Mr. Ochoa-Schutz stated he might not be present for the May 15 meeting either.

Mr. Kiritsy stated that the type of slope suggested is as benign a re-design as possible, it won't even require a building permit, and he stated he believed that Inspectional Services and the Department of Public Works could review it. He also asked if the matter could be expedited to the April 24 meeting.

Mr. Adams asked if it's a 50 ft slope and the applicant is grading back from the property line at a 3:1 slope then horizontally he is grading 150 feet. He stated that looking at it that way he would be into the middle of the house on the other side of the street. He asked the engineer to comment where he intends the slope to end.

Mr. Gallo stated that they will be re-grading only a portion of the slope between the property lines and the edge of Honeysuckle Road and that they will have enough space to do it.

Mr. Fontane stated that with staff vacations and current caseload he does not feel that we can expedite the matter to April 24, 2013.

Upon a motion by Mr. Ochoa-Schutz and seconded by Mr. Mitra, the Board voted 4-0 to continue the definitive subdivision plan application and public hearing to June 5, 2013.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to grant the Leave to Withdraw without Prejudice for the Definitive Site Plan application.

Mr. Bisceglia asked who does he contact if something happens between now and June 5 and if an interpreter could be provided for that meeting as well.

Mr. Truman stated that City staff will arrange to have an interpreter on June 5th and the Department of Inspectional Services should be contacted if something occurs.

List of Exhibits.

- Exhibit A: Definitive Site Plan Application; received August 8, 2012; prepared by Arboretum Village LLC.
- Exhibit B: Arboretum Bittersweet Boulevard Definitive Site Plan in Worcester, MA Plan; dated July 24, 2012; revised on October 15, 2012 (sheets 1-5 & 7) and December 4, 2012 (sheet 6) and revised on February 11, 2013, prepared by HS&T Group, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 0 Sarah Drive (MBL 29-11A-00090) Arboretum Phase IV (Bittersweet Boulevard) – Definitive Site Plan – Lots 81-92, 112-116, 18 dated September 19, 2012 (revised on September 27, 2012, October 19, 2012, November 9, 2012, December 7, 2012 January 11, 2013, February 22, 2013, and March 15, 2013).
- Exhibit D: Letter from Inspectional Services Commissioner, John Kelly to Mr. Gallo dated October 3, 2012.
- Exhibit E: Letter from Arthur Allen of EcoTec, Inc. dated October 11, 2012.
- Exhibit F: Request for Postponement Form dated November 14, 2012, dated February 22, 2013.
- Exhibit G: Fire Department comments from Deputy District Chief Ed Thomas dated January 9, 2013.
- Exhibit H: Letter from Lesley Wilson, HS&T Group, Inc.; Re: Arboretum – Phase 4 Amendment to definitive subdivision plans; dated February 11, 2013.
- Exhibit I: Letter from Brian Dorwart of Brierley Associates; Subject: Arboretum – Bittersweet Boulevard Slope Assessment, Worcester, MA; dated February 6, 2013.
- Exhibit J: Arboretum – A Definitive Subdivision in Worcester, Massachusetts; dated June 30, 2009; received on February 14, 2013; sheets 1-13 approved plans.
- Exhibit K: Arboretum – A Definitive Subdivision in Worcester, Massachusetts; dated June 30, 2009; revised on February 11, 2013.
- Exhibit L: Memorandum from Department of Public Works; Re: Arboretum IV – Definitive Subdivision – PB-2013-010; dated March 14, 2013.

4. **Planning Board Rules and Regulations Amendment**

Ms. McCabe asked that this item be postponed to the April 24, 2013 meeting. Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 4-0 to postpone it to April 24, 2013.

Public Meeting

5. **0 Sarah Drive (aka Bittersweet Boulevard – Arboretum Village Subdivision – Phase IV) – Definitive Site Plan Approval (PB-2012-043)**

This item was taken up contemporaneously with the Subdivision Amendment.

6. **501 & 509 Salisbury Street – Definitive Site Plan Approval (PB-2013-011A)**

This item was postponed along with the Cluster Zoning Special Permit (PB-2013-011) to the April 24, 2013 meeting.

7. **1 Gorham Street – Parking Plan Amendment Approval (PB-2013-013)**

Brian McKune from Graves Engineering, representing the Joy of Music Program, stated that they are amending the approval from July 2009. The applicant has now submitted plans to amend the original plan by making the following changes:

- Update southwesterly corner property line to reflect land transfer to abutter, Terpollari
- Reduce three parking spaces adjacent to Terpollari property line to compact spaces
- Remove proposed tree (Silver Linden) near new compact parking spaces and revise landscaping table
- Update plan to include existing shed (to remain) near property line adjustment
- Update existing conditions to show ten (10) trees to be removed near southeasterly corner of the building
- ‘Close’ cape cod berm at the end of the loading area with no concrete pad adjacent to the building
- Update site grading at the end of the loading area and along southeasterly corner of the building
- Revise site lighting to reflect locations of pole mounted lights around the parking lot

Ms. McCabe asked if the land transfer already occurred and the applicant responded that it had already happened and the deed was submitted. She also stated that she recommends approval of the Parking Plan Amendment for 1 Gorham Street as submitted.

Upon a motion by Mr. Rolle and seconded by Mr. Ochoa-Schutz, the Board voted 4-0 that the Parking Plan Amendment be approved with a condition that the project is built substantially in accordance to the submitted plans.

List of Exhibits.

- Exhibit A: Parking Plan Amendment Application; received March 6, 2013; prepared by Joy of Music Program, Inc.
- Exhibit B: Parking Plan; dated December 2, 2008, revised March 6, 2013; prepared by Graz Engineering, L.L.C.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 1 Gorham Street – Parking Plan Application; dated March 29, 2013.
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 1 Gorham Street – Parking Plan; dated March 29, 2013.

OTHER BUSINESS:

Mr. Ochoa-Schutz left the meeting.

8. Approval Not Required (ANR) Plans

- **3 Long Vue Terrace (AN-2013-011)**

Ms. McCabe stated that the existing lot has a single-family dwelling on it and they are proposing to subdivide the lot to add another single-family structure in the RS-7 zoning district. This is located on a private street. Mr. Mitra stated that he viewed the house and what the applicant is proposing is to demolish the garage to allow space to build another house and it does have sufficient access.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

- **5 -7 Forbes Street (AN-2013-012)**

Ms. McCabe stated that the plan is to combine and evenly subdivide the lots. The lots are in RG-5 zoning district and require 55' of frontage, 56' of frontage was provided for each.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

- **29 Lanesboro Road (AN-2013-013)**

- Fee Waiver Request

Ms. McCabe stated that this plan was recently denied because we believed that it should have been filed as an 81X plan to discontinue that portion of Lanesboro Road but we later found that the land was never conveyed so it should be submitted as an ANR plan. Notes were added to the plan to clearly indicate that lots 1 & 2 are in a discontinued portion of Lanesboro Road. The applicant also requested a fee waiver request.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to grant the fee waiver request.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

- **CitySquare II Front Street – Parcel A (AN-2013-014)**

Ms. McCabe stated that the proposal is to combine the ramp parcel portion with Parcel A1.

Upon a motion by Mr. Mitra and seconded by Mr. Rolle, the Board voted 3-0 to endorse the plan.

- **CitySquare II Front Street – Parcel J & K (AN-2013-015)**

Ms. McCabe stated that the proposal is to combine Parcel J & K with the ramp and the portion on parcel A1.

Upon a motion by Mr. Mitra and seconded by Mr. Rolle, the Board voted 3-0 to endorse the plan.

- **CitySquare II Front Street – Parcel E (AN-2013-016)**

Ms. McCabe stated that the proposal is to subdivide the parcel into 3 lots (P2, 01, and P1). Parcel P1 will combine with Parcels A1 and C1.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

- **47-49 Litchfield Street (AN-2013-017)**

Ms. McCabe stated that this is the RG-5 zoning district and the lots are on the public way. The plan proposes to subdivide the existing properties on the lot into a separate lot. They are using the exemption that the lots were built prior to the subdivision control law because they do not meet the frontage requirement of 50'. They did provide water connection records from 1887 and 1910.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted 3-0 to endorse the plan.

9. **Decisions from prior meetings** – The decisions were for 39 Belcourt Road, 67 West Boylston St, 93 School Street, 950 Main Street, and 81 Providence Street were signed at this meeting.

ADJOURNMENT:

Upon a motion by Mr. Rolle and seconded by Mr. Mitra, the Board voted to adjourn the meeting at 7:12 p.m.