

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

June 13, 2018

LEVI LINCOLN CHAMBERS

Planning Board Members Present: Andrew Truman, Chair
John Vigliotti, Vice Chair
Satya Mitra
Paul DePalo
Albert LaValley

Staff Present: Stephen R. Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
Nick Lyford, Department of Public Works
Jodi Kennedy Valade, Inspectional Services

Approval of Minutes:

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 to approve the minutes of May 23, 2018.

Mr. Truman welcomed new Planning Board member, Albert LaValley.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 11 Nathaniel Court (aka 80 Southwest Cutoff) - Definitive Site Plan (PB-2018-018)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 to continue the Definitive Site Plan to the July 11, 2018 Planning Board meeting and to extend the constructive deadline until August 30, 2018.

2. Lots 66L, 66R, 67L & 67R Honeysuckle Road – Definitive Site Plan (PB-2018-024)

Mr. Rolle stated that at previous meeting the Board had requested more information for stability on the slope and have drafted a letter to the applicant for the Board to vote on, which states that in order to proceed with the proposed site plan, the Board requests a geotechnical study be provided to supplement your current application. The study should be conducted by a registered professional engineer with expertise in geotechnical engineering who is independent from the current project team and should address the following issues:

(1) Review the existing slope and ledge behind Lots 66L, 66R, 67L & 67R Honeysuckle Road, including upland areas beyond the property limits;

- (2) Perform a slope stability analysis, providing an assessment of the overall condition of the slope and identify whether the slope is expected to remain in stabilized condition free from erosion over the long-term. This assessment should address both surface erosion and inherent structural stability;
- (3) Identify recommended stabilization work (if any) that should be considered prior to construction of homes on the subjects parcels; and
- (4) Assess the whether the proposed development would preclude future stabilization work should such work become necessary.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 4-0 to continue the Definitive Site Plan to the July 11, 2018 Planning Board meeting and to extend the constructive deadline to August 30, 2018 as well as voting to approve that staff send a letter stating the above to the applicant.

3. Malden Woods – Definitive Subdivision Plan Amendment (PB-2018-026)

4. Malden Woods – Definitive Site Plan (PB-2018-026)

Items #3, #4 were taken contemporaneously.

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 to postpone the Amendment to Definitive Subdivision Plan and Definitive Site Plan to the July 11, 2018 Planning Board meeting and to extend the decision deadline to August 30, 2018.

5. 316 Shrewsbury St (aka 48 & 50 Wilson Street) – Special Permit for CCOD (PB-2018-028)

6. 316 Shrewsbury St (aka 48 & 50 Wilson Street) – Definitive Site Plan (PB-2018-028)

Items #5, #6 were taken contemporaneously.

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 to postpone the Special Permit for CCOD & Definitive Site Plan to the July 11, 2018 Planning Board meeting and to extend the decision deadline until August 30, 2018.

7. 30 & 32 (aka Lot 2) Chiltern Hill Drive – Definitive Site Plan (PB-2018-032)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 5-0 to postpone the Definitive Site Plan to the July 11, 2018 Planning Board meeting and to extend the decision deadline to August 30, 2018.

8. 30 & 32 (aka Lot 3) Chiltern Hill Drive – Definitive Site Plan (PB-2018-033)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 5-0 to postpone the Definitive Site Plan to the July 11, 2018 Planning Board meeting and to extend the decision deadline to August 30, 2018.

9. 30 & 32 (aka Lot 4) Chiltern Hill Drive – Definitive Site Plan (PB-2018-034)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 5-0 to postpone the Definitive Site Plan to the July 11, 2018 Planning Board meeting and to extend the decision deadline to August 30, 2018.

10. 30 & 32 Chiltern Hill Drive (public) & Aylesbury Road (public) (AN-2018-024)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 5-0 to postpone the ANR to the July 11, 2018 Planning Board meeting and to extend constructive approval deadline to July 11, 2018.

Old Business

Public Hearing

11. Zoning Ordinance Amendment – Table 4.1 (ZO-2018-002)

The petition seeks to amend the Worcester Zoning Ordinance by amending Article IV, Section 4, Table 4.1 for the permitted uses in the RL-7 zoning district pertaining to multi-family low-rise and single-family attached dwellings.

On February 27, 2018, the City Council referred to the Planning Board a petition that was submitted by Councilor George J. Russell to amend Article IV, Section 2, Table 4.1 – Permitted Uses By Zoning Districts as it pertains to the RL-7 zoning district for Residential Uses #11 (Multi-family dwelling, low rise) and #12 (Single-family attached dwelling) by altering the permitted use from “SP” (Special Permit) to “N” (No) whereby these two types of residential uses would no longer be permitted in this zoning district.

Mr. Rolle stated that following testimony at the public hearing, the Board asked staff for guidance on the extent to which a zoning petition may be modified. The action of the Board is to make a recommendation to the City Council regarding the petition before them. The recommendation may be to approve, to deny, or to approve with certain modifications resulting from public testimony and Board discussion. In general, recommendations should not change the fundamental character of the proposal, but may adjust or modify aspects in order to refine or improve the original proposal.

It should be noted that the Board’s action does not modify the petition, but instead is a recommendation that accompanies it as it progresses through the City Council process. The method for modifying a petition with specific changes would be to withdraw and resubmit as a new petition.

Councilor Russell stated that his recommendation would be to look at requiring a special permit for 6 units or less.

Paul Towler stated that he was appearing in support of the petition but believes that some modifications need to be made to the RL-7 table.

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 5-0 to close the public hearing.

Mr. Vigliotti stated his only comment was that there shouldn’t be an outright ban but a limit on number of units.

Mr. Truman stated he thinks this proposal is too broad and knows that the master plan will be addressing that.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 4-0 to recommend to City

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 4-0 to recommend to City Council to amend the Worcester Zoning Ordinance by amending Article IV, Section 4, Table 4.1 for the permitted uses in the RL-7 zoning district pertaining to multi-family low-rise and single-family attached dwellings with a modification that a cap on the number of dwellings in RL-7 be implemented, rather than an outright ban.

List of Exhibits

- Exhibit A: Proposed Zoning Ordinance Amendment Petition; petition submitted by Councilor George J. Russell; referred to Planning Board on February 27, 2018.
- Exhibit B: Location of Existing 3-family and Multi-family Residences in the RL-7 Zoning District

Public Meeting

12. 100 Wall Street & 38 Norfolk Street - Definitive Site Plan (PB-2018-004)

Alton Stone appeared upon behalf of the petitioner, Branded Realty LLC.

Mr. Stone stated that the applicant seeks to construct a multi-family high-rise dwelling with 72 units on a lot and reviewed the updated plans for the site.

Carolyn Berrli expressed concern about the traffic pattern.

Mr. DePalo asked if bike racks/storage had been considered. Mr. Stone stated that he believes that the developer can look into that.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 4-0 to approve the waiver request to not label abutters to abutters on the plan.

Upon a motion by Mr. Mitra and second by Mr. Vigliotti the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

List of Exhibits:

- Exhibit A: Definitive Site Plan Application; received December 14, 2017; prepared by Branded Realty, LLC.
- Exhibit B: Definitive Site Plan; received December 14, 2017; revised May 24, 2018; prepared by Alton Engineering.
- Exhibit C: Zoning Map Amendment; Report to City Council; dated December 7, 2016.
- Exhibit D: Rondeau Court- Remove from Official Map - Report to City Council; dated June 17, 2008.
- Exhibit E: E-mail from Fire Department regarding turn radius; dated June 1, 2018.

New Business

Public Hearing

13. 72 (fka 78) Upland Street – Definitive Site Plan Amendment (PB-2018-027)

Mark Farum appeared upon behalf of the application. He stated that previous Definitive Site Plan was approved in 2015 for the construction of a 12-unit, three-story multi-family low-rise building at the northerly portion of the property and a 4-unit, two-story multi-family low-rise building and they would like to amend the previous approval in order to a construct one 6-unit single family attached dwelling and two 4-unit single-family attached dwellings, for a total of 14 dwelling units as would be more consistent with the neighborhood.

Upon a motion by Mr. Mitra, and seconded by Mr. DePalo, the Board voted 5-0 to approve the waiver to not label abutters to abutters on the plan.

Upon a motion by Mr. Mitra and seconded by Mr. DePalo the Board voted 5-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

List of Exhibits:

- Exhibit A: Definitive Site Plan Amendment Application; received April 27, 2018; prepared by the applicant.
- Exhibit B: Amended Site Plan; dated April 20, 2018; prepared by Joseph Graham, PE & Robert D. O'Neil Jr., PLS.
- Exhibit C: Rendering & elevations for proposed single-family attached dwelling; dated April 2, 2018; prepared by W.A. Hurley and Associates.
- Exhibit D: Various ZBA & PB decisions – included in application materials.
- Exhibit E: Fire Department comments; dated May 18, 2018.

14. Zoning Map Amendment – 223 Greenwood Street (ZM-2018-003)

Amendment to rezone the portion of 223 Greenwood Street that is zoned RL-7 (residence, Limited) to be included within the ML-0.5 (Manufacturing, Limited) zoning district.

Attorney Steven Madaus appeared upon behalf of the applicant, Rand Whitney Corp.

Mr. Madaus stated that the applicant seeks to amend the City of Worcester Zoning Map by rezoning the portion of 223 Greenwood Street that is zoned RL-7 (Residence, Limited) to be included within the ML-0.5 (Manufacturing, Limited) zoning district. Mr. Madaus stated prior to 1973 the area was manufacturing.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 5-0 to recommend to the City Council the Zoning Map Amendment for 223 Greenwood Street.

List of Exhibits

- Exhibit A: Petition – Agrand Realty, LLC; referred to Planning Board on May 15, 2018.
- Exhibit B: GIS Map – Zone Change to ML-0.5; dated May 29, 2018; prepared by DPRS Staff.

Mr. Vigliotti recused himself from the 407, 417, 421 & 423 Cambridge Street applications and left the meeting room.

15. 407, 417, 421 & 423 Cambridge Street – Special Permit Amendment for Cluster Zoning (PB-2018-021)

16. 407, 417, 421 & 423 Cambridge Street – Definitive Site Plan Amendment (PB-2018-021)

Items #15 and #16 were taken contemporaneously.

Attorney Don O'Neil appeared upon behalf of the applicant, Gold Star Builders, Inc. and stated that the applicant's previous Special Permit and Definitive Site Plan were approved for the construction of twenty-three (23) single-family attached dwelling units within five (5) buildings and the amendments seek to alter

the previously approved 6-unit structure by converting it into three 2-unit dwellings, for a total of seven (7) buildings on the premises.

Upon a motion by Mr. DePalo and seconded by Mr. Mitra the Board voted 4-0 to approve the Special Permit Amendment for Cluster Zoning with conditions outlined in staff's memo.

Upon a motion by Mr. DePalo and seconded by Mr. Mitra the Board voted 4-0 to approve the waivers requested not to label abutters to abutters on the plan and to not label trees greater than 9 inches in diameter on the plan.

Upon a motion by Mr. DePalo and seconded by Mr. Mitra the Board voted 4-0 to approve the Definitive Site Plan with conditions outlined in staff's memo.

List of Exhibits:

- Exhibit A: Definitive Site Plan Amendment Application; received April 10, 2018; prepared by Attorney Don O'Neil.
- Exhibit B: Special Permit for Cluster Zoning and Definitive Site Plan – 407 Cambridge Street; dated January 17, 2017 and revised through to March 5, 2018; prepared by Level Design Group, LLC.
- Exhibit C: DPW Comments; dated April 26, 2018.

Mr. Vigliotti returned to the meeting room.

17. 47R Fourth Street – Special Permit for Cluster Zoning (PB-2018-023)

18. 47R Fourth Street – Definitive Site Plan (PB-2018-023)

Items #17, #18 were taken contemporaneously.

Chuck Scott from CFS Engineering along with the applicant, Russell Stewart, appeared upon behalf of the applications.

Mr. Scott stated that the applicant proposes to construct 4 single family semi-detached dwellings and 1 single family detached dwelling for a total of 9 dwelling units.

Mr. Scott stated that the applicant currently has a hearing pending before the Conservation Commission but the hearing is still open as they are awaiting any comments from the Planning Board.

Mr. Scott reviewed the history of the property and reviewed the plan and said the plan is exactly the same as previously presented in 2006 but the time had run out on approval so they needed to reapply.

Mr. Scott stated that the wetland flagging has been done for the site and been accepted by the Conservation Commission and they have meeting in July with Conservation Commission to hopefully finalize their Order of Conditions.

Mr. Lyford stated that DPW wanted the driveway cornerstone to meet city standards.

Mr. Rolle stated that Mr. Scott had mentioned that the wetland flagging had been done for the site but according to staff's information that had not been completed and asked Mr. Scott when that had been done.

Mr. Scott stated that it had been done last June and they had filed the application right after that and they walked the wetland line with staff from the Conservation Commission last year.

Mr. Rolle stated that it is his understanding that there is still some concerns with the adequacy of the flagging of the wetland lines by the Conservation Commission and the Planning Board should keep that in mind.

Ms. Tatasciore stated that staff still recommends item be continued so that information can be provided as it pertains to the location, accessibility and contiguity of open space for compliance with the Zoning Ordinance and also confirmation when the last wetland delineation was done. Ms. Tatasciore discussed the accessibility of the proposed open space as the location of the proposed access easement, located between Units 7 & 8, is impeded by a proposed 1:1 rip rap slope and no practical access to the westerly designated open space area has been provided.

Abutter Joseph Swerli expressed concern about the increased traffic and limited parking in the area and believes a traffic study needs to be done.

Unidentified abutter expressed concern about increased traffic and stated that he had signatures from five neighbors who oppose the project.

Abutter Regina Conroy stated that her main concern is the increased traffic and does not see this development as a good idea.

Mr. Rolle stated that before staff and the applicant meet that they would like some feedback from the Planning Board members with regard to the open space requirements.

Mr. Vigliotti stated that his understanding of the ordinance it has to be accessible and useable and that a large portion of the proposed open space the space is unusable.

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 5-0 to continue the Special Permit for Cluster Zoning and the Definitive Site Plan to the July 11, 2018 Planning Board meeting.

List of Exhibits

- Exhibit A: Definitive Site Plan & Special Permit Application – Cluster Zoning; received June 29, 2017; prepared by Charles Scott.
- Exhibit B: Special Permit & Definitive Site Plan – 47 Fourth Street; dated January 10, 2006 and revised through to May 15, 2006; prepared by CFS Engineering.
- Exhibit C: Various Planning Board Decisions – submitted in application materials.
- Exhibit D: DPW Comments; dated May 17, 2017.

Mr. Mitra recused himself from item #19 and left the meeting room.

19. 14 & 16 Coburn Avenue – Definitive Frontage Subdivision (PB-2018-029)

Luigi (unknown surname) stated that he was the builder for the property and explained that the applicant proposes to divide the property and converting the existing 2-family structure into a single-family semi-detached structure

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 4-0 to approve the Definitive Frontage Subdivision.

List of Exhibits

- Exhibit A: Definitive Frontage Subdivision Plan Application; received May 10, 2018; prepared by Thomas Frongillo.
- Exhibit B: Definitive Frontage Subdivision Plan; dated May 9, 2018; prepared by New England Land Survey, Inc.

The Board took a five minute recess

Mr. Mitra returned to the meeting room

20. 27 Willard Avenue – Definitive Site Plan (PB-2018-031)

Engineer Carl Hultgren stated that the applicant stated that he seeks to construct a single family dwelling on a property and reviewed the plans for the site.

Abutter Ann (unknown surname) stated that there is concern about the drainage that could come onto her father's property, located at 25 Willard Ave., and that a swale or gulley should be part of the plan.

Mr. Hultgren reviewed how the drainage would be controlled on the site so would not go into the neighbor's property.

Upon a motion by Mr. DePalo and seconded by Mr. Vigliotti Mr. the Board voted 5-0 to approve the waivers to not label abutters to abutters on the plan and to not label trees greater than nine inches on the plan.

Upon a motion by Mr. DePalo and seconded by Mr. Vigliotti the Board voted 5-0 to approve the Definitive Site Plan with conditions outlined in staff's memo along with amended condition that the fence not be chain link material.

List of Exhibits

- Exhibit A: Definitive Site Plan Application; received May 10, 2018; prepared by the applicant.
- Exhibit B: Definitive Site Plan; dated May 8, 2018 and revised on June 5, 2018; prepared by Quinn Engineering, Inc.

21. Anthony Circle (aka 35 Modoc Street) - Definitive Subdivision Plan (PB-2018-035)

22. Anthony Circle (aka 35 Modoc Street) - Definitive Site Plan (PB-2018-035)

Items #20, #21 were taken contemporaneously.

Attorney Don O'Neil along with Robert O'Neil and Joseph Graham appeared upon behalf of the applicant St. Anthony Realty, LLC.

Attorney O'Neil stated that the applicant seeks to construct a 17 lot subdivision consisting of 7 Single-Family Semi-Detached structures and 3 single family detached structures on 5.37 acres.

Attorney O'Neil stated that the application had before the Board about six months ago and there was concern about access coming from Onedia Street and they have revised the plan so the traffic would come from Modoc Street.

Robert O'Neil gave an overview of the plan.

Mr. Rolle asked what the width of the driveways would be. Mr. O’Neil stated 20 feet total -10 feet per dwelling unit.

An unidentified abutter asked for clarification about the easement and the wetlands. Attorney O’Neil stated that the application will most likely have to go back before the Conservation Commission relative to the wetlands.

Abutter Catherine McCann stated that she does not want the proposed road accessed from Oneida Street and also expressed concern about wetlands. Attorney O’Neil stated that a separate hearing would be held before the Conservation Commission and as abutters they would be notified of that hearing date.

Abutter Remua Shamu expressed concern about the development and stated that she has a well on her property and has notices changes to the well since construction activity has started.

Abutter Kenneth McDonald stated that they have taken photos of debris on the property and they have contacted the city inspector and don’t understand why a retaining wall hasn’t been installed yet.

Attorney O’Neil stated that Inspectional Services had been monitoring the site and that any bad fill would have to be removed if on site.

Abutter Gay McClain spoke about the fill being constantly dumped on the property and doesn’t understand how houses can be built on these lots that have all this fill.

Abutter Catherine McCann expressed concern about the heavy trucks going up and down the street and the roads getting trashed and that the signs saying no trucks over certain limit have disappeared from the area.

Unidentified abutter spoke regarding the dumping in the area and asked that Inspectional Services should go out and ask owner to clean up the property.

Mr. Mitra asked if there was a formal way that the neighbors can file complaint about the dumping. Ms. Valade stated that the Department of Inspectional Services will send an inspector up to the site.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 5-0 to approve the waivers for the length of a dead end cul de sac exceeding 500 feet on the plan and to not label trees larger than 12 caliper on the plan on the Definitive Subdivision plan.

Upon a motion by Mr. Vigliotti and seconded Mr. Mitra the Board voted 5-0 to approve the Definitive Subdivision with conditions outline in staff’s memo.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 5-0 to approve the waiver to not label trees larger than 12 inches in caliper on the Definitive Site Plan

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 5-0 to approve the Definitive Site Plan with conditions outlined in staff’s memo and DPW memo and additional condition that the applicant be required to repair any damage caused by the contractor to Modoc Street.

List of Exhibits

Exhibit A: Definitive Subdivision Plan & Definitive Site Plan Applications; received May 16, 2018; prepared by St. Anthony Realty, LLC.

Exhibit B: Anthony Circle Definitive Subdivision Plan; dated May 14, 2018; prepared by Joseph Graham, PE and Robert D. O’Neil, Jr., PLS.

- Exhibit C: Stormwater Management & Hydraulic Calculations Report; dated May 14, 2018; prepared by Joseph Graham, PE.
- Exhibit D: Quitclaim Deed; Book 17359, Page 84; executed and recorded on September 29, 1995.
- Exhibit E: Comment Letter from the Principal Sanitary Inspector from the Air, Water and Hazardous Materials Division; dated May 23, 2018.

Other Business

23. Street Petition – Pocasset Avenue Private Street Conversion (ST-2018-003)

Mr. Lyford stated that DPW recommends a Priority Level #1.

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 5-0 to approve the Street Petition.

24. Street Petition – Havana Road Private Street Conversion (ST-2018-004)

Mr. Lyford stated that DPW recommends a Priority Level #1.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliottio the Board voted 5-0 to approve the Street Petition.

25. Street Petition – Gardner Terrace Private Street Conversion (ST-2018-005)

Mr. Lyford stated that DPW recommends a Priority Level #1.

Upon a motion by Mr. Mitra and seconded by Mr. Vigliotti the Board voted 5-0 to approve the Street Petition.

26. Approval Not Required Plans (ANR)

a. 235 Hamilton Street (public) (AN-2018-027)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 5-0 to approve the ANR.

b. 110 (aka 123) and 125 Front Street (public) (AN-2018-028)

Upon a motion by Mr. Vigliotti and seconded by Mr. DePalo the Board voted 5-0 to approve the ANR.

c. 50 Paine Street (public) (AN-2018-029)

Upon a motion by Mr. Vigliotti and seconded by Mr. Mitra the Board voted 5-0 to approve the ANR.

27. Acceptance of Performance Agreement & Release of Restrictive Covenant - The Village at Burncoat Heights

Ms. Tatasciore stated that this item should be ready for the July 11, 2018 meeting.

- 28. Registry of Deeds Signature Sheet**
- 29. Communication**
- 30. Signing of Decisions from prior meetings**

Adjournment

Upon a motion the Commission voted 5-0 adjourn the meeting at 7:45 p.m.