

**City of Worcester, Massachusetts  
Planning Board**

Albert LaValley  
Chair



Edward Moynihan, *Vice Chair*  
Kevin Aguirre, *Clerk*  
Conor McCormack

**DECISION – AMENDMENT TO DEFINITIVE SITE PLAN**

<b>Application:</b>	Amendment to Definitive Site Plan	<b>File #:</b>	PB-2022-020
<b>Subject Property:</b>	115 Northeast Cutoff	<b>Map Block Lot #:</b>	52-006-01+02
<b>Applicant:</b>	The Trustees of 115 Northeast Cutoff Realty Trust	<b>Property Owner:</b>	Same
<b>Zoning District(s):</b>	BG-2.0; WRPOD (GP-2) & (GP-3)	<b>Review Trigger:</b>	>10,000 SF
<b>Existing:</b>	A pre-existing non-conforming multi-tenant office and manufacturing complex with 7 buildings, associated surface and bus parking, truck repair, and above ground fuel storage previously approved for the construction of a series of new driveways and surface parking fields, for use by the Worcester Public Schools' transportation division for operations and fleet storage (buses, vans and passenger vehicles), including service and repairs.		
<b>Proposed:</b>	The applicant seeks amend their prior approval in order to re-configure the proposed driveway and parking layout (±690 spaces), revised drainage infrastructure, and related site improvements.		
<b>Plan Preparer:</b>	Thompson & Liston Associates, Inc.	<b>Plan Date:</b>	January 13, 2020, as revised January 31, 2021
<b>Meeting date(s):</b>	May 4, 2022	<b>Board Action:</b>	Approved with conditions 4-0

**Conditions of Approval**

1. Prior to the issuance of a Building Permit or commencement of site work (whichever occurs first), provide one (1) copy of revised site plans (1 full-sized stamped and signed original with all plan sheets), a complete copy of all application materials, including the traffic study, and a revised stormwater report and checklist, and a PDF file of each of the same, to the Division of Planning & Regulatory Services reflecting the following, as applicable:
  - a. Revise the zoning compliance table to reflect quantities as approved and now proposed.
  - b. Reflect proposed changes to landscaping in compliance with the requirements of zoning.
  - c. Reflect proposed changes to lighting.
2. Prior to issuance of a certificate of occupancy:
  - a. Provide an as-built plan (including location and elevations of inverts, outlets walls, etc.) and a written certification for all culverts prepared by a Massachusetts licensed

registered Professional Engineer within 30 days of completion of the final culvert demonstrating substantial compliance with the approved plans.

3. Prior to commencement of construction, provide to-scale details, prepared by a Massachusetts Registered Professional Engineer, for all proposed drainage elements including the concrete culvert and headwalls (crossing) which reconcile with the site plan.
4. During construction, any existing floor drains shall be sealed (in accordance with the state plumbing code, 248 CMR 10.00: Uniform State Plumbing Code), connected to the municipal sewer system (with all appropriate permits and pre-treatment), or connected to a holding tank meeting the requirements of all appropriate state and local regulations and policies.
5. Prior to and continuing during all construction activities, appropriate soil erosion and sedimentation control measures including hay bales and silt fences, shall be installed and maintained subject to the oversight and direction of the Commissioner of Inspectional Services.
6. All tree and stump removal shall be in accordance with the Asian Longhorned Beetle program requirements and all new trees and shrub plantings shall be Asian Longhorned Beetle and Emerald Ash Borer resistant.
7. All work shall conform to the City of Worcester's Zoning Ordinance, as applicable, the Planning Board decision and conditions of approval, and to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
8. Prior to issuance of a building permit for and/or commencement of construction for the crossings, one (1) to-scale properly stamped and sealed original wall and footing plans, with sections, prepared by a currently licensed Massachusetts Registered Professional Engineer shall be submitted to the Division of Planning and Regulatory Services. Said plans shall reconcile with the approved site layout plans on file.
9. Prior to issuance of a certificate of occupancy:
  - a. Provide a written certification prepared by a Massachusetts registered Professional Engineer that the stormwater system has been constructed in substantial compliance with the approved plans and is functioning as designed. One (1) original of said certification, and a .pdf of the same, shall be provided to each the Department of Inspectional Services, Department of Public Works & Parks, and the Division of Planning & Regulatory Services.
  - b. Provide a certification prepared by a Licensed Site Professional indicating that all underground storage tanks have been removed and properly remediated.
  - c. Provide an as-built plan (including location and elevations of inverts, outlets walls, etc.) and a written certification for all wetland/stream crossings prepared by a Massachusetts licensed registered Professional Engineer within 30 days of completion of said crossing demonstrating substantial compliance with the approved plans.
10. Landscaped setback/buffer areas shall not be used for snow storage; once designated snow storage areas reach capacity or interfere with visibility, snow shall be trucked off-site.
11. All parking spaces shall be striped in accordance with the plans and accessible spaces placarded as required by the Architectural Access Board. Compact spaces shall be striped or placarded accordingly.
12. Provided that the project is constructed in substantial accordance with the approved final revised Site Plans, Special Permit Findings of Fact, calculations, all operation and maintenance plans and schedules, including pollution prevention and emergency response plans on file with the City of Worcester and in compliance with all governmental codes.

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### *Waivers Previously Granted*

1. Strict compliance with the interior tree location requirements (the number of trees shall comply with the zoning requirements) due to the operational characteristics of the bus fleet.
2. Labeling trees in excess of 9" in diameter on the plan.

**Authorized Signature,**

DATE \_\_\_\_\_

\_\_\_\_\_  
Stephen S. Rolle, PE  
Assistant Chief Development Officer  
*Signed on behalf of the Worcester Planning Board*

**REMINDERS**

Time Limitations: Approval under this article shall become invalid unless the work or action authorized by it shall commence within one year after the Planning Board has granted such approval and thereafter shall proceed in good faith continuously to completion so far as is reasonably practicable under the circumstances. Per Article V, Section 3F "Site Plan Review" of the City of Worcester Zoning Ordinance.

Landscaping Requirements: Required landscaping shall be maintained in a healthy growing condition, free of refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or the property owner within a reasonable period of time. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles or snow storage in areas used for screening and buffering. Per Article V, Section 5, C. iv of the City of Worcester Zoning Ordinance.

Construction Noise: No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and d Saturday, and between the hours of 9:00 a.m. and 7:00 p.m. on Sundays....Per Chapter 9 Section 1A (e) (9) of the City of Worcester's Ordinance Relative to Excessive and Unreasonable Noise.

**City of Worcester, Massachusetts  
Planning Board**

Albert LaValley  
Chair



Paul DePalo, *Vice Chair*  
Eleanor Gilmore, *Clerk*  
Toni Mollnari  
Edward Moynihan

**DECISION - DEFINITIVE SITE PLAN**

<b>Application:</b>	Definitive Site Plan	<b>File #:</b>	PB-2020-011
<b>Subject Property:</b>	115 Northeast Cutoff	<b>Map Block Lot #:</b>	52-006-01+02
<b>Applicant:</b>	The Trustees of 115 Northeast Cutoff Realty Trust	<b>Property Owner:</b>	Same
<b>Zoning District(s):</b>	BG-2.0; WRPOD (GP-2) & (GP-3)	<b>Review Trigger:</b>	>10,000 SF
<b>Existing:</b>	The former site of Allegro with a pre-existing non-conforming multi-tenant office and manufacturing complex with 7 buildings, associated surface parking, ancillary vehicle and equipment repair on +/-40 acres.		
<b>Proposed:</b>	The applicant seeks to construct a series of new driveways and surface parking areas (+/- 724 spaces total), and to conduct associated site work, largely for use by the Worcester Public Schools' transportation division for operations and fleet storage (buses, vans and passenger vehicles), including conducting related service and repairs.		
<b>Plan Preparer:</b>	Thompson & Liston Associates, Inc.	<b>Plan Date:</b>	January 13, 2020, as revised November 12, 2020
<b>Meeting date(s):</b>	December 9, 2020	<b>Board Action:</b>	Approved with conditions 5-0

**Conditions of Approval**

Prior to the issuance of a Building Permit or commencement of site work (whichever occurs first), provide one (1) copy of revised site plans (1 full-sized stamped and signed original), a complete copy of all application materials, including the traffic study, and a revised stormwater report and checklist, and a PDF file of each of the same, to the Division of Planning & Regulatory Services reflecting the following, as applicable:

- a. Reflect proposed tree plantings as a minimum of 3.5" caliper.
- b. Provide details for all proposed site features including but not limited to walkways, curbing, gates, fencing, stairs, paving, bike parking (racks or other storage accommodations), signage, inlet protection, detention basin, infiltration areas requiring impermeable barriers, etc.
- c. Clarify limits of existing surface treatments and clarify all proposed surface treatments on the landscape plan.
- d. Provide a phase 1 plan and a phase 2 plan clearly demarcating the limits of each phase including any areas of re-surfacing, etc. within the existing parking area.

- e. Reflect existing and proposed parking, and parking calculations for each building (including buildings 3 and 4) and reflect required loading spaces.
- f. Revise the layout and/or cross section of the central driveway so that vehicles do not track off of the paved roadway surface.
- g. Provide an updated photometric plan for proposed lighting, including all locations and specifications for all proposed pole bases and fixtures.
- h. Clarify where existing chain link fencing will remain or be removed or replaced. Staff recommends that new fencing be of a black vinyl coated chain-link variety.
- i. Clarify the location of any EV ready spaces, both for employees and fleet vehicles, including proposed conduit locations.
- j. Reflect sidewalks continuing at elevation across proposed driveways and provide an updated detail accordingly per city standard specifications; or secure confirmation of acceptance proposed driveway treatment from DPW&P.
- k. Reflect a no-mow buffer to the existing pond extending 15 feet from the pond bank (along NE Cutoff) bank to aide in phosphorus mitigation.
- l. Reflect adjustments to remove impervious areas such that the property does not exceed the 20% impervious limitation within the WRPOD and updating lot area calculations to exclude open water.
- m. Adjust parking table to reflect revised parking counts based on changes to the site layout (note: utility, energy, corridor, stairway, restroom, and building maintenance areas are exempt from space assignment, per Article IV, Section 7.A.5.).
- n. Provide a revised stormwater report, checklist, and operation and maintenance plans/schedules to:
  - i. Demonstrate appropriate design of the infiltration system to meet requisite /groundwater elevation offsets required by Stormwater Standard 3.
  - ii. Reflecting discharges to a critical area, with a TMDL.
  - iii. Reflect protocols for management of phosphorus to address TMDL.
  - iv. Add to the operation and maintenance a daily visual inspection of the vehicles for signs of fluid leaks.
  - v. Reconcile impervious area calculations.
  - vi. The City of Worcester and Town of Shrewsbury shall be parties added to any emergency response plan notification lists.
- o. Connect the walkway bordering the northernmost driveway to the external sidewalk along NE Cutoff.
- p. Provide an emergency response plan.
  1. Prior to commencement of construction, provide to-scale details, prepared by a Massachusetts Registered Professional Engineer, for all proposed drainage elements including the concrete culvert and headwalls (crossing) which reconcile with the site plan.
  2. During construction, any existing floor drains shall be sealed (in accordance with the state plumbing code, 248 CMR 10.00: Uniform State Plumbing Code), connected to the municipal sewer system (with all appropriate permits and pre-treatment), or connected to a holding tank meeting the requirements of all appropriate state and local regulations and policies.
  3. Prior to and continuing during all construction activities, appropriate soil erosion and sedimentation control measures including hay bales and silt fences, shall be installed and maintained subject to the oversight and direction of the Commissioner of Inspectional Services.

4. All tree and stump removal shall be in accordance with the Asian Longhorned Beetle program requirements and all new trees and shrub plantings shall be Asian Longhorned Beetle and Emerald Ash Borer resistant.
5. All work shall conform to the City of Worcester's Zoning Ordinance, as applicable, the Planning Board decision and conditions of approval, and to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
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7. Prior to issuance of a certificate of occupancy:
  - a. Provide a written certification prepared by a Massachusetts registered Professional Engineer that the stormwater system has been constructed in substantial compliance with the approved plans and is functioning as designed. One (1) original of said certification, and a .pdf of the same, shall be provided to each the Department of Inspectional Services, Department of Public Works & Parks, and the Division of Planning & Regulatory Services.
  - b. Provide a certification prepared by a Licensed Site Professional indicating that all underground storage tanks have been removed and properly remediated.
  - c. Provide an as-built plan (including location and elevations of inverts, outlets walls, etc.) and a written certification for all wetland/stream crossings prepared by a Massachusetts licensed registered Professional Engineer within 30 days of completion of said crossing demonstrating substantial compliance with the approved plans.
8. Landscaped setback/buffer areas shall not be used for snow storage; once designated snow storage areas reach capacity or interfere with visibility, snow shall be trucked off-site.
9. All parking spaces shall be striped in accordance with the plans and accessible spaces placarded as required by the Architectural Access Board. Compact spaces shall be striped or placarded accordingly.
10. Provided that the project is constructed in substantial accordance with the approved final revised Site Plans, Special Permit Findings of Fact, calculations, all operation and maintenance plans and schedules, including pollution prevention and emergency response plans on file with the City of Worcester and in compliance with all governmental codes.

***Waivers Granted***

1. Strict compliance with the interior tree location requirements (the number of trees shall comply with the zoning requirements) due to the operational characteristics of the bus fleet.
2. Labeling trees in excess of 9" in diameter on the plan.

**Authorized Signature,**



DATE 12/30/2020

Stephen S. Rolle, PE  
Assistant Chief Development Officer

*Signed on behalf of the Worcester Planning Board*

## REMINDERS

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Landscaping Requirements: Required landscaping shall be maintained in a healthy growing condition, free of refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or the property owner within a reasonable period of time. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles or snow storage in areas used for screening and buffering. Per Article V, Section 5, C. iv of the City of Worcester Zoning Ordinance.

Construction Noise: No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and d Saturday, and between the hours of 9:00 a.m. and 7:00 p.m. on Sundays....Per Chapter 9 Section 1A (e) (9) of the City of Worcester's Ordinance Relative to Excessive and Unreasonable Noise.



# The City of **WORCESTER**

Planning Board

Albert LaValley, Chair  
Edward Moynihan, Vice Chair  
Brandon King  
Conor McCormack  
Adrian Angus

Notice of Voluntary Withdrawal recorded in Book 68127, Page 52  
See Deed registered as Document No. 114165

## **SPECIAL PERMIT - FINDINGS OF FACT AND DECISION**

### **105 & 115 Northeast Cutoff (aka proposed Lots 115 & 125) (MBL 52-006-01+02) (PB-2024-018)**

The Planning Board scheduled a public hearing on March 20, 2024, at 6:30 PM in the Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the petition of 115 Northeast Cutoff Realty Trust, Meletios D. Chacharone, & Zachary Curzon seeking a Special Permit for property located at 105 & 115 Northeast Cutoff (aka proposed Lots 115 & 125), Worcester, Massachusetts.

Due notice of a public hearing to be held on March 20, 2024, was sent to the individuals listed on the City of Worcester Certified Abutter's list for the subject property.

On March 6, 2024 & March 13, 2024, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On March 20, 2024, the hearing was called to order by Albert LaValley, Chair. Board members present for the hearing at Worcester City Hall, 455 Main Street, Levi Lincoln Chamber were Albert LaValley, Edward Moynihan, and Conor McCormack. Board member Brandon King participated remotely. Board member Adrian Angus was absent. Remote participation was facilitated for attendees via phone at call-in number, 844-621-3956, access code: 2633 685 5101 and via WebEx link (<https://cityofworchester.webex.com/meet/planningboardwebex>).

### **FINDINGS**

The Worcester Planning Board, having conducted a public hearing and reviewed the submitted evidence, finds that:

1. 115 Northeast Cutoff Realty Trust, Meletios D. Chacharone, & Zachary Curzon, whose address is 1 West Boylston Street, Suite LL05, Worcester MA, 01605 are the owners of certain land situated at 105 & 115 Northeast Cutoff in the City of Worcester and more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 91, Page 181.
2. The property is located in a BG-2.0 (Business, General) zoning district, the Water Resource Protection Overlay District (WR(GP-2) & WR(GP-3)), and partially within the Floodplain Overlay District.
3. Presently on the premises is a multi-tenant office and manufacturing complex with 7 buildings, associated school bus parking & repair, including nonconforming storage of hazardous materials in containers greater than 5 gallons, previously specially permitted as part of a WPS fleet-storage and WPS bus/van repair facility.
4. The petitioner seeks to divide the property into two lots and modify the nonconforming storage of hazardous materials in containers greater than 5 gallons on both lots to allow more than household storage in less than 5 gallon containers on the new lot.
5. The following zoning relief is required and is being sought by the petitioner:

**Special Permit Amendment:** To expand, alter, and/or change a preexisting nonconforming use within the Water Resource Protection Overlay District (WR(GP-2)) (Article XII, Section 6) on proposed Lot 115 to update the list of hazardous materials and limit storage in excess of 5-gallon containers to Lot 115.



**Special Permit:** To render more than 20% of lot area impervious within the Water Resource Protection Overlay District (WR(GP-2)) (Article XII, Section 4, Table 12.1, use # 11) within the Water Resource Protection Overlay District GP-2 on proposed Lot 125.

**General Findings of Fact – Special Permit**

6. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:

a. Social, economic or community needs that are served by the proposal;

*The proposed redevelopment of the property will provide Worcester Public Schools with a singular campus to house all its student transportation operations, employees, and equipment.*

*Creation of Lot 125 will allow a manufacturing use on a separate and distinct lot from the present school department educational use, so that its use regulatory status are independent. A significant industry to Worcester's heritage and a major employer will remain in Worcester along with its highly skilled workforce.*

b. Traffic flow and safety, including access, parking and loading areas;

*The property will provide safe, adequate parking for all student transportation vehicles and for staff, employees, and visitors. The existing and proposed parking areas are adequately set back from the street, such that vehicles will not be backing up into the public way.*

c. Adequacy of utilities and other public services;

*The buildings on the property are currently served by adequate utilities for the proposed use. The improvements to be made (additional parking lots and new stormwater management infrastructure) will be adequate for the proposed use.*

*Cross easements will allow shared utility and public services between Lot 115 and Lot 125.*

d. Neighborhood character and social structure;

*The property is located in the BG-2.0 Zoning District and currently consists of a manufacturing complex and parking lots. The proposed use is consistent with Zoning and with the prior use of the property.*

e. Impacts on the natural environment;

*New stormwater management facilities for the collection, treatment and recharge of stormwater runoff will be installed and maintained on the site to protect the natural environment. (See responses to questions 8-10, herein). Also, it is anticipated that the fleet of buses for the Worcester Public Schools will include buses fueled by natural gas, in the near future, which will be more protective of the natural environment.*

*No additional site changes are planned for the subject property that would adversely affect the natural environment.*

f. Potential fiscal impact, including city services needed, tax base, and employment.

*Although the Worcester Public School Department will be the lessee, the property will remain subject to local property taxes. By relocating and consolidating its student transportation operations to the property, hundreds of employment positions (jobs) will remain in the City of Worcester.*

*The manufacturer of specialized life safety equipment will relocate to the new facility, allow it to modernize and improve efficiency, both to maintain its existing workforce and to attract top tier employees from area educational institutions. Not only will the City realize direct real estate and personal property tax revenue, but the company and its highly skilled workforce contribute greatly to Worcester community.*

## **Supplemental Findings of Fact – Water Protection Overlay District Special Permit**

Per Article XII, Section 1(A), the purposes of the Water Resources Protection Overlay District (WRPOD) are: 1. To promote the health, safety and general welfare of the community; 2. To preserve and maintain the existing and potential groundwater supplies, aquifers and groundwater recharge areas of affected municipalities and to protect them from adverse development or land use practices; 3. To preserve and protect present potential sources of drinking water supply for the public health and safety; 4. To prevent blight and the pollution of the environment.

1. Explain how the proposed use will not degrade the groundwater quality at the boundaries of the premises below existing levels;

*The proposed parking lot construction entails surface improvements to allow for parking of vehicles for the Worcester Public Schools transportation division. By employing sound and proven best management practices (BMPs) to collect, treat, and recharge runoff from the impervious surfaces, the quality of the groundwater can be assured. These BMPs will provide a level of treatment to prevent degradation of groundwater quality at the boundaries of the premises below existing levels.*

*Previous work at the site was undertaken to provide for improved stormwater quality and quantity control, and significantly increased the recharge of rainfall to increase and sustain groundwater resources in the long term. To the extent possible, stormwater runoff is being treated, and roof runoff is being recharged to the ground where it was discharged directly to surface waters in the past. The roof runoff from Building 1, the main building on Lot 125, has been connected to pond 26, the large subsurface infiltration structure on the southwest side of Lot 115.*

2. Explain how this proposed use is in harmony with the purpose and intent of this Ordinance and does not denigrate from the purposes of the Water Resources Protection Overlay District;

*Providing parking for the Worcester Public School transportation division is a municipal function and because the proposed use will not include fuel stations for the transportation fleet, the use is in harmony with the purpose and Intent of the Ordinance. Since the proposed improvements are nonresidential, non-commercial, non-industrial uses that do not involve hazardous uses or processes, they are not prohibited. The proposed use does not pose a threat to the drinking water supply and therefore does not denigrate from the purposes of the Water Resources Protection Overlay District.*

*No changes are proposed to the site affecting the intent of the Ordinance or to denigrate from the purposes of the Water Resources Protection Overlay District. The uses in in harmony with the BG-2 Zoning District.*

3. Explain how the proposed use will not, during construction or thereafter, have an adverse environmental impact on the Zone of Contribution (GP-2) or Secondary Recharge Area (GP-3);

*Construction period erosion and sedimentation controls will be employed to protect the surface water runoff, and thereby protect the wetland resource areas which contribute to water quality and aquifer recharge. The contractor will comply with the US EPA NPDBS program, and will seek coverage under the Construction General Permit. In order to do so, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and followed. Among other details, the SWPPP will describe the construction period physical practices and management practices to prevent adverse environmental effect during the construction period. With the sandy soils and deep groundwater that is present, the runoff during earth moving operations and construction of the parking lots will not have an adverse environmental effect upon the GP-2 or GP-3. Upon completion of the improvements, the site will have a collection, treatment, and recharge system in place. Coupled with good housekeeping practices and adherence to the operation and maintenance program, the site will not have an adverse environmental effect upon the GP-2 or GP-3.*

4. Explain how the proposed use will not adversely affect an existing or identified potential public water supply within the Water Resources Protection Overlay District:

*No existing or identified potential public supply wells are within the, WRPOD. The nearest public water supply well in the Poor Farm Brook Zone (Shrewsbury 2271000-12G) is approximately 2,600/ feet from the site, and the nearest backup well (Worcester 2348000-02G) is approximately 4,100 feet from the site, both located in Shrewsbury. Given the BMPs that are proposed and the net increase in recharge volume, the proposed site improvements will not adversely affect the existing or potential public water supply within the WRPOD.*

*Previous work at the site was undertaken to provide for improved stormwater quality and quantity control, and significantly increased the recharge of rainfall to increase and sustain groundwater resources in the long term. To the extent possible, stormwater runoff is being treated, and roof runoff is being recharged to the ground where it was discharged directly to surface waters in the past*

5. Explain how the proposed use meets the following standards:

- a. Any earth removal or land disturbing activity within the GP-2 zone of the overlay district may not be closer than four (4) feet above the historic high-water elevation. Such earth removal must employ appropriate measures to control erosion and siltation.

*Based upon the test pits that were conducted at the site, the seasonal high groundwater was found to be approximately 6-10 feet below the ground surface. The site improvements have been designed to avoid earth removal or land disturbance within 4feet of the seasonal high groundwater. An extensive erosion and sedimentation control plan will be implemented and a construction period SWPPP will be prepared and followed by the site contractor during the construction period to protect the water resources.*

- b. All fill material must be clean and free from hazardous materials, construction debris and other material whose leaching would be a potential contamination hazard to ground or surface waters.

*Other than processed material, such as washed crushed stone, no fill is expected to be imported onto the site. Earth material that is excavated in one area will be moved, placed, and appropriately compacted in a fill area on the site. No building demolition is proposed or anticipated at this time. Accordingly, the earth moving operation and leaching/rain hazardous materials or debris will not pose a potential contamination hazard to ground or surface waters.*

- c. Hazardous materials stored above-ground must be located on an impervious surface. The storage area must be equipped with a secondary containment system to prevent the material from reaching ground or surface water in the event of a leak or spill. The containment system must be able to contain one hundred and ten (110) percent of the tank's contents.

*Hazardous materials will be used in the manufacturing process, and will be stored in containers up to five gallons. Please see the supplemental information provided describing the storage, spill containment, and cleanup protocol.*

*With the discontinuation of semiconductor manufacturing on the site, the storage of hazardous materials has been greatly diminished. Storage tanks for various raw and waste chemicals have been removed from the site. In fact, with the new use the owner will also remove two 10,000-gallon fuel storage tanks and three 500-gallon tanks. Other than normal site and building maintenance materials that will be stored indoors, the Worcester Public School transportation department use will entail only a small quantity of motor oil and diesel fuel within Building 4. The limited number of 55-gallon tanks (8, 55-gallon tanks) will be stored on a containment pad within the building, providing a minimum 110% capacity. The improvements to the property will result in a reduction of on-site fuel storage from the current capacity of 21, 500-gallons to 220-gallons (2, 55-gallon tanks for new oil*

*and 2, 55-gallon tanks for waste oil; there will also be 2, 55-gallon tanks for washer fluid and 2, 55-gallon tanks for coolant).*

- d. Appropriate measures must be taken to ensure that any increase in storm water runoff is artificially recharged into the ground. This may be done through such methods and dry wells, infiltration trenches, retention basins, etc.

*In addition to mitigating the peak rate of flow and meeting the minimum recharge volume required by the Massachusetts DEP Storm water Policy, the site has been designed to provide extensive subsurface recharge structures to mitigate the volume of runoff and to maximize the volume of runoff recharged to the ground. By also directing runoff from nearly 100,000 s.f of existing roofs to a recharge system, the project will result in a net decrease in the volume of surface and net increase in recharge.*

- e. All storm water management facilities must be designed for the twenty-five (25) year storm and designed to ensure that the rate and amount of runoff leaving the site does not exceed the rate and amount of runoff in the predevelopment state. Facilities for runoff from paved areas shall include structures for trapping oil, gas, and other contaminants before recharge into the ground. These facilities shall be maintained by the owner on a not less than annual basis.

*As described in the stormwater report and shown on the plans, the proposed stormwater management system will collect treat and fully recharge runoff from the proposed impervious areas for the 2-year, 10-year, and 25-year storms (i.e. up to 6.00 inches of rainfall), and will mitigate the runoff from the 100-year storm (7.68"), such that in all studied storms, the peak rate of flow and volume of runoff leaving the site will not increase over the existing predevelopment conditions. The stormwater management system includes structures for trapping oil, gas, and other pollutant, before recharging to the ground. The operation and maintenance program describes periodic inspection and annual maintenance tasks (or more often as inspections warrant)*

## DECISION

At the meeting of the Board on March 20, 2024, and on a duly made and seconded motion, it was voted 4-0 by Board members Albert LaValley, Edward Moynihan, Conor McCormack, and Brandon King (Adrian Angus absent) to approve the following requested relief:

**Special Permit Amendment:** To expand, alter, and/or change a preexisting nonconforming use within the Water Resource Protection Overlay District (WR(GP-2)) (Article XII, Section 6) on proposed Lot 115 to update the list of hazardous materials and limit storage in excess of 5-gallon containers to Lot 115.

**Special Permit:** To render more than 20% of lot area impervious within the Water Resource Protection Overlay District (WR(GP-2)) (Article XII, Section 4, Table 12.1, use # 11) within the Water Resource Protection Overlay District GP-2 on proposed Lot 125.

With the following conditions of approval:

Prior to Construction and Before April 30, 2024:

1. Provide the recording reference for Special Permit Amendment from 2022.
2. Provide one (1) complete original set of properly stamped/sealed revised site plans, and an electronic copy of the same (.pdf), to the Division of Planning & Regulatory Services reflecting the following changes:
  - a. Quantify the SF of impervious surface in each area proposed for removal on Lot 125 and reflect proposed vegetated surfaces, with a wildlife conservation seed mix to be used on the northeastern corner of the lot.
  - b. Reflect installation of at least thirty five (35) minimum 2.5" caliper shade trees of a native, non-ALB or EAB species on Lot 125. Said trees shall be located adjacent to remaining impervious surfaces to the maximum extent practical including a minimum of every 25' on center between the parking lot and NE Cutoff and along the main the driveway adjacent to the pond.
  - c. Reflect installation of a cement concrete walkway from the main entrance of building #1 to the sidewalk on NE Cutoff on Lot 125.
  - d. Reflect removal of all outdoor storage of sand/salt, etc. presently located in the northwestern corner of Lot 125.

Prior to the Transfer of Title on Lot 125:

3. Removal of impervious surfaces and re-stabilization with vegetation, installation of walkways, removal of outdoor storage, and new tree plantings required by condition 1 shall be complete.
4. A copy of a recorded long term pollution prevention plan/program and systems operation & maintenance plan/program - including any stormwater facilities - shall be provided to the Division of Planning & Regulatory Services and Department of Public Works and Parks clearly establishing the responsible property owner for each infrastructure component and maintenance activity.
5. A recorded, reciprocal deed restriction, in a form acceptable to the City of Worcester Law Department, shall be provided to the Division of Planning & Regulatory Services. Said restriction shall prevent the construction/placement of additional impervious surfaces on either Lot 115 or Lot 125 causing the total impervious surface of both sites to exceed 18.9% impervious surface (or 331,446 SF net impervious surface) as proposed and depicted on the approved plans. Said restriction shall ensure that there is no further increase in impervious surface on either site, as defined by Article XII of the City of Worcester Zoning Ordinance, in perpetuity unless there is a subsequent grant of a Special Permit from the Planning Board altering this requirement.

**During Construction:**

6. Any existing underground storage tanks located on the entire site shall be removed and may be replaced with above ground storage facilities that meet the approved criteria set forth in Section-7(C)(5)(c) of the Ordinance.

**On or Before December 31, 2024:**

7. Provide the recording reference for the executed Conservation Restriction permanently protecting the remaining undeveloped areas of the site consistent with that shown on the site plans.

**Perpetual Conditions:**

8. Use of the Lot 115 for truck/trailer/bus storage or servicing shall be limited to transportation services provided for the Worcester Public Schools system. This Special Permit does not permit nor establish any privilege for such operations, storage or servicing other than those for Worcester Public Schools transportation.
9. Bus storage shall be confined to the areas on Lot 115 on the approved plan identified for such storage, consisting of +/- 143 large buses, 102 medium busses, and 443 vans, light trucks and/or passenger vehicles.
10. All vehicle parking and storage shall occur on paved surfaces.
11. Emergency spill-kits shall be maintained on site at all times. A minimum of one spill-kit shall be located within Building 4 and one additional spill-kit shall be located within each distinct parking area.
12. Storage of any hazardous materials must be above ground, on an impervious surface, and within a container located within a building that includes a secondary containment system with the minimum storage capacity of 110% of all containers' contents.
13. All vehicle servicing and storage of hazardous materials in excess of 5-gallons shall be conducted indoors and be confined to Building 4 on Lot 115.
14. There shall be no fueling or refueling, car-washing, or use of fertilizers permitted on-site.
15. There shall be no fill, including temporary stockpiling (including snow), within the 100-year floodplain (FEMA A Zone).
16. The City of Worcester and Town of Shrewsbury shall be parties added to any emergency response plan notification lists.
17. Impervious surfaces, including but not be limited to all buildings, parking areas, driveways, roads, sidewalks, and areas of concrete or asphalt, except where runoff from impervious surfaces is recharged on-site and diverted to areas allowing for surface infiltration to the maximum extent possible, shall not exceed 18.9% (331,446 SF) of the combined site (i.e., both Lots 115 and 125).
18. Stormwater infrastructure will be maintained in compliance with the operation and maintenance plans and schedules on file with the City of Worcester. Such plans and schedules shall incorporate best practices and shall include provisions for regular visual inspections of vehicles for signs of leaking fluids. The O&M plan shall be updated on an as needed basis. Copies of current maintenance plans and schedules shall be furnished to the City of Worcester DPW&P and the Town of Shrewsbury Engineering Department.
19. Copies of all operation and maintenance inspection forms and maintenance logs shall be provided the City of Worcester DPW&P and the Town of Shrewsbury Engineering Department in order to confirm that the stormwater management system is being cleaned and inspected in accordance with maintenance plans and schedules. Such materials shall be provided in an annual report, provided that the city and town shall be additionally notified immediately of

**inspection results and subsequent maintenance actions when a threat to groundwater or surface water quality is identified.**

- 20. Landscaped setback/buffer areas shall not be used for snow storage; once designated snow storage areas reach capacity or interfere with visibility, snow shall be trucked off-site.**
- 21. Provided that the project is constructed and operated in substantial accordance with the approved final revised Site Plans, Special Permit Findings of Fact, calculations, all operation and maintenance plans and schedules, including pollution prevention and emergency response plans on file with the City of Worcester and in compliance with all governmental codes.**


The Special Permit shall not take effect until the petitioner records, at their own expense, a certified copy thereof with the Worcester District Registry of Deeds, pursuant to Massachusetts General Laws, Chapter 40A, Section 11, as amended.

Appeals of this decision shall be made pursuant to M.G.L. c. 40A §17 and shall be filed within twenty days after the filing of this decision in the office of the City Clerk. If litigated, all time periods for recording and commencement shall toll and not commence until a final, favorable decision of the Honorable Court is rendered.

It was ORDERED by the Board that persons notified of the hearing be notified of the foregoing decision.

The name(s) typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duly authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 328.

**ADJOURNED:**

DocuSigned by:  
  
5C1463F28311048C

**ALBERT LAVALLEY**

DATE 04/12/2024

\_\_\_\_\_  
**EDWARD MOYNIHAN**

DATE \_\_\_\_\_

\_\_\_\_\_  
**CONOR MCCORMACK**

DATE \_\_\_\_\_

\_\_\_\_\_  
**BRANDON KING**

DATE \_\_\_\_\_

\_\_\_\_\_  
**ADRIAN ANGUS**

DATE \_\_\_\_\_

**REMINDERS**

Special Permit Time Limitations: If the activity authorized by a Special Permit is not initiated within one (1) year of the date of grant (one year from date Special Permit is received by the City Clerk) and/or the activity is not completed within two (2) years, then the Special Permit shall lapse unless the Director of Code Enforcement makes a determination that the failure to complete was for good cause. City of Worcester Zoning Ordinance, Article II, Section 9.D.5.

Landscaping Requirements: Required landscaping shall be maintained in a healthy growing condition, free of refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or the property owner within a reasonable period of time. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles or snow storage in areas used for screening and buffering. Per Article V, Section 5, C. iv of the City of Worcester Zoning Ordinance.

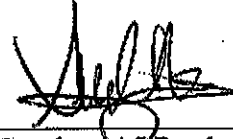
Construction Noise: No person shall operate any powered construction equipment or build, erect, construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and Saturday, and between the hours of 9:00 a.m. and 7:00 p.m. on Sundays. Per Chapter 9 Section 1A (e) (9) of the City of Worcester's Ordinance Relative to Excessive and Unreasonable Noise.



City of Worcester, MA

**May 7, 2024**

I certify that twenty days have elapsed after the attached Decision for **105 & 115 Northeast Cutoff (aka proposed Lots 115 & 125)** has been filed with the City Clerk Department as of **April 12, 2024** and that no appeal has been filed.



---

Stephen AJ Pottle  
Deputy City Clerk I

**City of Worcester, Massachusetts  
Planning Board**

Albert LaValley, *Chair*



Edward Moynihan, *Vice Chair*  
Kevin Aguirre, *Clerk*  
Conor McCormack

**AMENDMENT TO SPECIAL PERMIT – FINDINGS OF FACT AND DECISION**

**115 Northeast Cutoff (MBL 52-006-01+02)  
(PB-2022-020)**

The Planning Board scheduled a public hearing on May 4, 2022 at 5:30 PM in Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the petition of 115 Northeast Cutoff Realty Trust, seeking a Special Permit for a property located at 115 Northeast Cutoff, Worcester, Massachusetts.

Due notice of a public hearing to be held on May 4, 2022 was sent to the individuals listed on the City of Worcester's Certified Abutters list for the subject property.

On April 20, 2022 & April 27, 2022, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On May 4, 2022, the hearing was called to order by Albert LaValley, Chair. Board members present for the hearing at Worcester City Hall, 455 Main Street were Albert LaValley, Edward Moynihan, Kevin Aguirre, and Conor McCormack. Remote participation was facilitated for attendees via phone at call-in number, 415-655-0001, access code: 160 171 4991) and via Webex link (<https://cow.webex.com/meet/planningboardwebex>).

**FINDINGS**

The Worcester Planning Board, having conducted a public hearing and reviewed the submitted evidence, finds that:

1. 115 Northeast Cutoff Realty Trust, whose address is One West Boylston Street, Worcester, Massachusetts, is the applicant and owner of certain land situated at 115 Northeast Cutoff in Worcester, Massachusetts and more particularly described in a deed recorded with the Worcester District Registry of Deeds Certificate of Registered Land 18181, Book 91, Page 181.
2. Said land is situated in districts classified under the City of Worcester Zoning Ordinance as BG-2.0 (Business, General) and Water Resource Protection Overlay District WRPOD(GP-2) & WRPOD(GP-3), and is partially located within the Floodplain Overlay District.
3. Presently on the premises is a pre-existing non-conforming multi-tenant office and manufacturing complex with 7 buildings, associated surface and bus parking, truck repair, and above ground fuel storage.
4. While vehicle service and repairs are prohibited in the WRPOD(GP-2) (Article XII, Section 4, Table 12.1, Use #12), the WRPOD includes provisions (Article XII, Section 6) that allow the Planning Board to grant a Special Permit to extend, alter or change preexisting nonconforming uses within the WRPOD.
5. On December 9, 2020, the Planning Board granted a Special Permit to an expansion, alteration, and/or change of a pre-existing non-conforming use(s) within the Water Resource Protection Overlay District to allow service and repairs associated with a fleet



storage and management use with conditions (recorded with the Worcester District Registry of Deeds Certificate of Registered Land 18181, Book 91, Page 181, document number 117850). The project involved the construction of a series of new driveways and surface parking areas and related site work largely for use by the Worcester Public Schools' transportation division for operations and fleet storage (buses, vans and passenger vehicles), including related service and repairs.

6. The applicant seeks amend their plans from the prior approval in order to re-configure the proposed driveways and parking layout, drainage infrastructure, and related site improvements.

7. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:

(1) Social, economic or community needs that are served by the proposal:

*The proposed redevelopment of the property will provide the Worcester Public Schools with a singular campus to house all its student transportation operations, employees and equipment.*

*The proposed reuse of Building No. 4 will reduce the number of trips required for school buses and other vehicles in the student transportation fleet to travel over neighboring roads to be serviced. Building No. 4 has limited potential for reuse, other than to continue as a vehicle/equipment maintenance building. Therefore, the proposed reuse will allow for maintenance service of vehicles to be provided on-site, in an existing building, located in the rear of the subject property, in an area not visible to the public.*

(2) Traffic flow and safety, including access, parking and loading areas:

*The property will provide safe, adequate parking for all student transportation vehicles and for staff, employees, and visitors. The existing and proposed parking areas are adequately set back from the street, such that vehicles will not be backing up into the public way.*

*Building No. 4 is located in the rear of the subject property and allows for safe vehicular access to and from the building. Sufficient access and parking existing at the building already, so no improvements are required for the proposed reuse of Building No. 4.*

(3) Adequacy of utilities and other public services:

*The buildings on the property are currently served by adequate utilities for the proposed use. The improvements to be made (additional parking lots and new stormwater management infrastructure) will be adequate for the proposed use.*

*Building No. 4 already has adequate electric, water and sewer service. No new utility installations are required for the proposed reuse of Building No.4.*

(4) Neighborhood character and social structure:

*The property is located in the BG-2.0 Zoning District and currently consists of a manufacturing complex and parking lots. The proposed use is consistent with the prior use of the property.*

*Building No. 4 is an existing structure, originally constructed and use and occupied for purposes of providing maintenance and repair service of equipment and vehicles. Building No. 4 is located in the rear of the property and is not visible from the public way (Northeast Cutoff). The application does not propose any alteration to the existing*

footprint or exterior of Building No. 4, so the proposed reuse of the building will not alter the appearance of Building No. 4.

(5) Impacts on the natural environment:

*The project will install two new driveways crossings through wetland resource areas.*

*New storm water management facilities for the collection, treatment and recharge of storm water runoff will be installed and maintained on the site to protect the natural environmental. (See responses to questions on pages 8-10, herein). Also, it is anticipated that the fleet of buses for the Worcester Public Schools will include buses fueled by natural gas, in the near future, which will be more protective of the natural environment.*

*Allowing for the reuse of Building No. 4 will reduce the number of trips that student transportation vehicles must make to and from the site. Reuse of Building No. 4 will allow for the continued use of a structure that limited suitability for reuse or conversion. No greenspace will be consumed by allowing the reuse of an existing commercial building, with adequate paved areas.*

(6) Potential fiscal impact, including city services needed, tax base, and employment:

*Although the Worcester Public School Department will be the lessee, the property will remain subject to local property taxes. By relocating and consolidating its student transportation operations to the property, hundreds of employment positions (jobs) will remain in the City of Worcester.*

*Although the Worcester Public School Department will be the lessee, Building No. 4 will remain subject to local property taxes. Allowing the proposed reuse of Building No. 4 to services student transportation vehicles will ensure a few auto mechanic and service technician employment positions with the City of Worcester.*

8. In addition to its Special Permit review criteria under Article II of the Zoning Ordinance, the Planning Board shall also consider the proposed project's conformance with the following criteria:

a. Will not degrade the groundwater quality at the boundaries of the premises below existing levels.

*The proposed parking lot construction entails surface improvements to allow for parking of vehicles for the Worcester Public Schools transportation division. By employing sound and proven best management practices (BMPs) to collect, treat, and recharge runoff from the impervious surfaces, the quality of the groundwater can be assured. These BMPs will provide a level of treatment to prevent degradation of groundwater quality at the boundaries of the premises below existing levels.*

b. Is in harmony with the purpose and intent of the Zoning Ordinance and does not denigrate from the purposes of the Water Resources Protection Overlay District.

*Providing parking/or the Worcester Public School transportation division is a municipal function and because the proposed use will not include fuel stations for the transportation fleet, the use is in harmony with the purpose and intent of the Ordinance. Since the proposed improvements are non-residential, non-commercial, non-industrial uses that do not involve hazardous uses or processes, they are not prohibited. The proposed use does not pose a threat to the drinking water supply and therefore does not denigrate from the purposes of the Water Resources Protection Overlay District.*

- c. Will not, during construction or thereafter, have an adverse environmental impact on the Zone of Contribution (GP-2) or Secondary Recharge Area (GP-3).

*Construction period erosion and sedimentation controls will be employed to protect the surface water runoff, and thereby protect the wetland resource areas which contribute to water quality and aquifer recharge. The contractor will comply with the US EPA NPDES program, and will seek coverage under the Construction General Permit. In order to do so, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and followed. Among other details, the SWPPP will describe the construction period physical practices and management practices to prevent adverse environmental effect during the construction period. With the sandy soils and deep groundwater that is present, the runoff during earth moving operations and construction of the parking lots will not have an adverse environmental effect upon the GP-2 or GP-3. Upon completion of the improvements, the site will have a collection, treatment, and recharge system in place. Coupled with good housekeeping practices and adherence to the operation and maintenance program, the site will not have an adverse environmental effect upon the GP-2 or GP-3.*

- d. Will not adversely affect an existing or identified potential public water supply within the Water Resources Protection Overlay District.

*No existing or identified potential public supply wells are within the WRPOD. The nearest public water supply well in the Poor Farm Brook Zone (Shrewsbury 2271000-12G) is approximately 2,600 feet from the site, and the nearest backup well (Worcester 2348000-02G) is approximately 4,100 feet from the site, both located in Shrewsbury. Given the BMPs that are proposed and the net increase in recharge volume, the proposed site improvements will not adversely affect the existing or potential public water supply within the WRPOD.*

- e. Will meet the following standards:

- i. Any earth removal or land disturbing activity within the GP-2 zone of the overlay district may not be closer than four (4) feet above the historic high-water elevation. Such earth removal or grading must employ appropriate measures to control erosion and siltation.

*Based upon the test pits that were conducted at the site, the seasonal high groundwater was found to be approximately 6-10 feet below the ground surface. The site improvements have been designed to avoid earth removal or land disturbance within 4 feet of the seasonal high groundwater. An extensive erosion and sedimentation control plan will be implemented and a construction period SWPPP will be prepared and followed by the site contractor during the construction period to protect the water resources.*

- ii. All fill material must be clean and free from hazardous materials, construction debris and other material whose leaching would be a potential contamination hazard to ground or surface waters.

*Other than processed material, such as washed crushed stone, no fill is expected to be imported onto the site. Earth material that is excavated in one area will be moved, placed, and appropriately compacted in a fill area on the site. No building demolition is proposed or anticipated at this time. Accordingly, the earth moving operation and leaching from hazardous materials or debris will not pose a potential contamination hazard to ground or surface waters.*

- iii. Hazardous materials stored above-ground must be located on an impervious surface. The storage area must be equipped with a secondary containment system

to prevent the material from reaching ground or surface water in the event of a leak or spill. The containment system must be able to contain one hundred and ten (110) percent of the tank's contents.

*With the discontinuation of semiconductor manufacturing on the site, the storage of hazardous materials has been greatly diminished. Storage tanks for various raw and waste chemicals have been removed from the site. In fact, with the new use the owner will also remove two 10,000 gallon fuel storage tanks and three 500-gallon tanks. Other than normal site and building maintenance materials that will be stored indoors, the Worcester Public School transportation department use will entail only a small quantity of motor oil and diesel fuel within Building 4. The limited number of 55° gallon tanks (8, 55-gallon tanks) will be stored on a containment pad within the building, providing a minimum 110% capacity. The improvements to the property will result in a reduction of on-site fuel storage from the current capacity of 21, 500-gallons to 220-gallons (2, 55-gallon tanks for new oil and 2, 55-gallon tanks for waste oil; there will also be 2, 55-gallon tanks for washer fluid and 2, 55-gallon tanks for coolant).*

- iv. Appropriate measures must be taken to ensure that any increase in storm water runoff is artificially recharged into the ground. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc.

*In addition to mitigating the peak rate of flow and meeting the minimum recharge volume required by the Massachusetts DEP Stormwater Policy, the site has been designed to provide extensive subsurface recharge structures to mitigate the volume of runoff and to maximize the volume of runoff recharged to the ground. By also directing runoff from nearly 100,000 s.f of existing roofs to a recharge system, the project will result in a net decrease in the volume of surface and net increase in recharge.*

- v. All storm water management facilities must be designed for the twenty-five (25) year storm and designed to ensure that the rate and amount of runoff leaving the site does not exceed the rate and amount of runoff in the predevelopment state. Facilities for runoff from paved areas shall include structures for trapping oil, gas and other containments before recharge into the ground. These facilities shall be maintained by the owner on a not less than an annual basis.

*As described in the stormwater report and shown on the plans, the proposed stormwater management system will collect, treat, and fully recharge runoff from the proposed impervious areas for the 2-year, 10-year, and 25-year storms (i.e. up to 6.00 inches of rainfall), and will mitigate the runoff from the 100-year storm (7.68"), such that in all studied storms, the peak rate of flow and volume of runoff leaving the site will not increase over the existing predevelopment conditions. The stormwater management system includes structures for trapping oil, gas, and other pollutants before recharging to the ground. The operation and maintenance program describes periodic inspection and annual maintenance tasks (or more often as inspections warrant).*

## DECISION

At a meeting of the Board held on May 4, 2022, and on motion duly made and seconded, it was voted 4-0 by Board members Albert LaValley, Edward Moynihan, Kevin Aguirre, and Conor McCormack to **approve** the following:

### Amendment to

**Special Permit:** To expand, alter, and/or change a pre-existing non-conforming use(s) within the Water Resource Protection Overlay District (Article XII).

With the following conditions of approval:

#### Prior to Construction:

1. Prior to commencement of construction activities associated with the rear parking area, provide one (1) complete original set of properly stamped/sealed revised site plans, and an electronic copy of the same (.pdf), to the Division of Planning & Regulatory Services showing compliance with the definitive site plan and reflecting no more than 20% impervious area.

#### During Construction:

2. Any existing underground storage tanks located on the entire site shall be removed and may be replaced with above ground storage facilities that meet the approved criteria set forth in Section-7(C)(5)(c) of the Ordinance.

#### On or before December 31, 2022:

3. Provide the recording reference for the executed Conservation Restriction permanently protecting the remaining undeveloped areas of the site consistent with that shown on the site plans.
4. An updated traffic study shall be prepared to reflect traffic movements associated with turning movements into or out of the site driveways to NE Cutoff will require mitigation if such movements result in LOS E or lower conditions for traffic traveling on NE Cutoff. Any recommendations for mitigation made by the traffic study to address decreased levels of service shall be implemented by the applicant in coordination with DPW&P at the applicant's expense within a reasonable time-frame.

#### Perpetual Conditions:

5. Use of the property for truck/trailer/bus storage or servicing shall be limited to transportation services provided for the Worcester Public Schools system. This Special Permit does not permit nor establish any privilege for such operations, storage or servicing other than those for Worcester Public Schools transportation.
6. Bus storage shall be confined to the areas on the plan identified for such storage consisting +/- 143 large buses, 102 medium busses, and 443 vans, light trucks and/or passenger vehicles.
7. All vehicle parking and storage shall occur on paved surfaces.
8. Emergency spill-kits shall be maintained on site at all times. A minimum of one spill-kit shall be located within Building 4 and one additional spill-kit shall be located within each distinct parking area.
9. Storage of any hazardous materials must be above ground, on an impervious surface, and within a container located within a building that includes a secondary containment system with the minimum storage capacity of 110% of all containers' contents.
10. All vehicle servicing shall be conducted indoors and be confined to Building 4.
11. There shall be no fueling or refueling, car-washing, or use of fertilizers containing phosphorous permitted on-site.

12. There shall be no fill, including temporary stockpiling (including snow), within the 100 year floodplain (FEMA A Zone).
13. The City of Worcester and Town of Shrewsbury shall be parties added to any emergency response plan notification lists.
14. Impervious surfaces, including but not be limited to all buildings, parking areas, driveways, roads, sidewalks and areas of concrete or asphalt, except where runoff from impervious surfaces is recharged on-site and diverted to areas allowing for surface infiltration to the maximum extent possible, shall not exceed 20% of lot area.
15. Stormwater infrastructure will be maintained in compliance with the operation and maintenance plans and schedules on file with the City of Worcester. Such plans and schedules shall incorporate best practices and shall include provisions for regular visual inspections of vehicles for signs of leaking fluids. The O&M plan shall be updated on an as needed basis. Copies of current maintenance plans and schedules shall be furnished to the City of Worcester DPW&P and the Town of Shrewsbury Engineering Department.
16. Copies of all operation and maintenance inspection forms and maintenance logs shall be provided the City of Worcester DPW&P and the Town of Shrewsbury Engineering Department in order to confirm that the stormwater management system is being cleaned and inspected in accordance with maintenance plans and schedules. Such materials shall be provided in an annual report, provided that the city and town shall be additionally notified immediately of inspection results and subsequent maintenance actions when a threat to groundwater or surface water quality is identified.
17. Landscaped setback/buffer areas shall not be used for snow storage; once designated snow storage areas reach capacity or interfere with visibility, snow shall be trucked off-site.
18. Provided that the project is constructed and operated in substantial accordance with the approved final revised Site Plans, Special Permit Findings of Fact, calculations, all operation and maintenance plans and schedules, including pollution prevention and emergency response plans on file with the City of Worcester and in compliance with all governmental codes.

If the requested Special Permit is litigated, all time periods for recording and construction shall not commence to toll until a final, favorable decision of the Honorable Court is rendered.

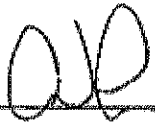
Appeals of this decision shall be made pursuant to M.G.L. c. 40A §17 and shall be filed within twenty days after the filing of this decision in the office of the City Clerk.



It was **ORDERED** by the Board that persons notified of the hearing be notified of the foregoing decision.

The name(s) typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duly authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 328.

**ADJOURNED:**



\_\_\_\_\_  
**ALBERT LAVALLEY**

DATE 6.9.2012

\_\_\_\_\_  
**EDWARD MOYNIHAN**

DATE \_\_\_\_\_

\_\_\_\_\_  
**KEVIN AGUIRRE**

DATE \_\_\_\_\_

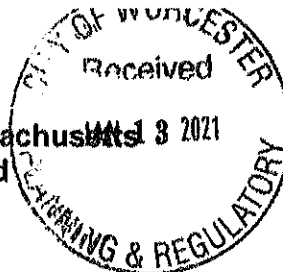
\_\_\_\_\_  
**CONOR MCCORMACK**

DATE \_\_\_\_\_

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Albert LaValley  
Chair  
2021 JAN 13 AM 8:47

City of Worcester, Massachusetts  
Planning Board



Paul DePalo, *Vice Chair*  
Eleanor Gilmore, *Clerk*  
Toni Molinari  
Edward Moynihan

**SPECIAL PERMIT – FINDINGS OF FACT AND DECISION**

**115 Northeast Cutoff  
(MBL 52-006-01+02)  
(PB-2020-011)**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, the Planning Board scheduled a remote public hearing on October 28, 2020 at 5:30 PM, on the petition of The Trustees of 115 Northeast Cutoff Realty Trust, seeking Special Permits for a property located at 115 Northeast Cutoff, Worcester, Massachusetts.

Due notice of a public hearing to be held remotely on October 28, 2020 was sent to the individuals listed on the City of Worcester Certified Abutter's list for the subject property.

On October 21, 2020 & October 21, 2020, notice of the remote hearing was duly advertised in the Worcester Telegram & Gazette.

On October 28, 2020 and November 18, 2020, the hearing was postponed to the Board's next regularly scheduled meeting with the consent of the petitioner.

On December 9, 2020, the Planning Board met remotely. The hearing was called to order by Albert LaValley, Chair. Participation was facilitated via a call-in number (415-655-0001, access code: 160 171 4991) and via Webex link (<https://cow.webex.com/meet/planningboardwebex>). Board members participating remotely for the hearing were Albert LaValley, Paul DePalo, Eleanor Gilmore, Toni Molinari, and Edward Moynihan.

**FINDINGS**

The Worcester Planning Board, having conducted a public hearing and reviewed the submitted evidence, finds that:

1. 115 Northeast Cutoff Realty Trust, whose address is One West Boylston Street, Worcester, Massachusetts, is the applicant and owner of certain land situated at 115 Northeast Cutoff in Worcester, Massachusetts and more particularly described in a deed recorded with the Worcester District Registry of Deeds Certificate of Registered Land 18181, Book 91, Page 181.
2. Said land is situated in districts classified under the City of Worcester Zoning Ordinance as BG-2.0 (Business, General) and Water Resource Protection Overlay District WRPOD(GP-2) & WRPOD(GP-3), and is partially located within the Floodplain Overlay District.
3. Presently located on the property is a pre-existing non-conforming multi-tenant office and manufacturing complex with seven buildings, associated surface parking, ancillary vehicle and equipment repair, and above ground fuel storage.



4. The petitioner seeks to construct a series of new driveways and surface parking areas (+/- 724 spaces total), and to conduct associated site work, largely for use by the Worcester Public Schools' transportation division for operations and fleet storage (buses, vans and passenger vehicles), including conducting related service and repairs.
5. While vehicle service and repairs are prohibited in the WRPOD(GP-2) (Article XII, Section 4, Table 12.1, Use #12), the WRPOD includes provisions (Article XII, Section 6) that allow the Planning Board to grant a Special Permit to extend, alter or change preexisting nonconforming uses within the WRPOD.
6. The petitioner seeks a Special Permit to allow expansion, alteration, and/or change of pre-existing non-conforming uses within the WRPOD(GP-2) in order to allow expanded service and repairs associated with the proposed fleet storage and management use.
7. Impervious coverage is limited to 20 percent within the WRPOD(GP-2). The site presently is 24.5 percent impervious.
8. The petitioner seeks a Special Permit to render impervious more than 20% of the lot area within the WRPOD(GP-2) (Article XII, Section 4, Table 12.1, Use # 11).
9. Revised plans presented to the Board demonstrate that the project will reduce impervious surface coverage, as defined in the Ordinance, to 20 percent or less, eliminating the need for a Special Permit relative to impervious coverage.
10. At the remote hearing on December 9, 2020, the petitioner verbally requested withdrawal, without prejudice, of the Special permit to render impervious more than 20% of the lot.
11. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:

(1) Social, economic or community needs that are served by the proposal:

*The proposed redevelopment of the property will provide the Worcester Public Schools with a singular campus to house all its student transportation operations, employees and equipment.*

*The proposed reuse of Building No. 4 will reduce the number of trips required for school buses and other vehicles in the student transportation fleet to travel over neighboring roads to be serviced. Building No. 4 has limited potential for reuse, other than to continue as a vehicle/equipment maintenance building. Therefore, the proposed reuse will allow for maintenance service of vehicles to be provided on-site, in an existing building, located in the rear of the subject property, in an area not visible to the public.*

(2) Traffic flow and safety, including access, parking and loading areas:

*The property will provide safe, adequate parking for all student transportation vehicles and for staff, employees, and visitors. The existing and proposed parking areas are adequately set back from the street, such that vehicles will not be backing up into the public way.*

*Building No. 4 is located in the rear of the subject property and allows for safe vehicular access to and from the building. Sufficient access and parking existing at the building already, so no improvements are required for the proposed reuse of Building No. 4.*

(3) Adequacy of utilities and other public services:

*The buildings on the property are currently served by adequate utilities for the proposed use. The improvements to be made (additional parking lots and new stormwater management infrastructure) will be adequate for the proposed use.*

*Building No. 4 already has adequate electric, water and sewer service. No new utility installations are required for the proposed reuse of Building No.4.*

(4) Neighborhood character and social structure:

*The property is located in the BG-2.0 Zoning District and currently consists of a manufacturing complex and parking lots. The proposed use is consistent with the prior use of the property.*

*Building No. 4 is an existing structure, originally constructed and use and occupied for purposes of providing maintenance and repair service of equipment and vehicles. Building No. 4 is located in the rear of the property and is not visible from the public way (Northeast Cutoff). The application does not propose any alteration to the existing footprint or exterior of Building No. 4, so the proposed reuse of the building will not alter the appearance of Building No. 4.*

(5) Impacts on the natural environment:

*The project will install two new driveways crossings through wetland resource areas.*

*New storm water management facilities for the collection, treatment and recharge of storm water runoff will be installed and maintained on the site to protect the natural environmental. (See responses to questions on pages 8-10, herein). Also, it is anticipated that the fleet of buses for the Worcester Public Schools will include buses fueled by natural gas, in the near future, which will be more protective of the natural environment.*

*Allowing for the reuse of Building No. 4 will reduce the number of trips that student transportation vehicles must make to and from the site. Reuse of Building No. 4 will allow for the continued use of a structure that limited suitability for reuse or conversion. No greenspace will be consumed by allowing the reuse of an existing commercial building, with adequate paved areas.*

(6) Potential fiscal impact, including city services needed, tax base, and employment:

*Although the Worcester Public School Department will be the lessee, the property will remain subject to local property taxes. By relocating and consolidating its student transportation operations to the property, hundreds of employment positions (jobs) will remain in the City of Worcester.*

*Although the Worcester Public School Department will be the lessee, Building No. 4 will remain subject to local property taxes. Allowing the proposed reuse of Building No. 4 to services student transportation vehicles will ensure a few auto mechanic and service technician employment positions with the City of Worcester.*

12. In addition to its Special Permit review criteria under Article II of the Zoning Ordinance, the Planning Board shall also consider the proposed project's conformance with the following criteria:

- a. Will not degrade the groundwater quality at the boundaries of the premises below existing levels.

*The proposed parking lot construction entails surface improvements to allow for parking of vehicles for the Worcester Public Schools transportation division. By employing sound and proven best management practices (BMPs) to collect, treat, and recharge runoff from the impervious surfaces, the quality of the groundwater can be assured. These BMPs will provide a level of treatment to prevent degradation of groundwater quality at the boundaries of the premises below existing levels..*

- b. Is in harmony with the purpose and intent of the Zoning Ordinance and does not denigrate from the purposes of the Water Resources Protection Overlay District.

*Providing parking/or the Worcester Public School transportation division is a municipal function and because the proposed use will not include fuel stations for the transportation fleet, the use is in harmony with the purpose and intent of the Ordinance. Since the proposed improvements are non-residential, non-commercial, non-industrial uses that do not involve hazardous uses or processes, they are not prohibited. The proposed use does not pose a threat to the drinking water supply and therefore does not denigrate from the purposes of the Water Resources Protection Overlay District.*

- c. Will not, during construction or thereafter, have an adverse environmental impact on the Zone of Contribution (GP-2) or Secondary Recharge Area (GP-3).

*Construction period erosion and sedimentation controls will be employed to protect the surface water runoff, and thereby protect the wetland resource areas which contribute to water quality and aquifer recharge. The contractor will comply with the US EPA NPDES program, and will seek coverage under the Construction General Permit. In order to do so, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and followed. Among other details, the SWPPP will describe the construction period physical practices and management practices to prevent adverse environmental effect during the construction period. With the sandy soils and deep groundwater that is present, the runoff during earth moving operations and construction of the parking lots will not have an adverse environmental effect upon the GP-2 or GP-3. Upon completion of the improvements, the site will have a collection, treatment, and recharge system in place. Coupled with good housekeeping practices and adherence to the operation and maintenance program, the site will not have an adverse environmental effect upon the GP-2 or GP-3.*

- d. Will not adversely affect an existing or identified potential public water supply within the Water Resources Protection Overlay District.

*The proposed expansion of the parking area will employ a catch basin to an oil/water No existing or identified potential public supply wells are within the WRPOD. The nearest public water supply well in the Poor Farm Brook Zone (Shrewsbury 2271000-12G) is approximately 2,600 feet from the site, and the nearest backup well (Worcester*

*2348000-02G) is approximately 4,100 feet from the site, both located in Shrewsbury. Given the BMPs that are proposed and the net increase in recharge volume, the proposed site improvements will not adversely affect the existing or potential public water supply within the WRPOD.*

a. Will meet the following standards:

- i. Any earth removal or land disturbing activity within the GP-2 zone of the overlay district may not be closer than four (4) feet above the historic high-water elevation. Such earth removal or grading must employ appropriate measures to control erosion and siltation.

*Based upon the test pits that were conducted at the site, the seasonal high groundwater was found to be approximately 6-10 feet below the ground surface. The site improvements have been designed to avoid earth removal or land disturbance within 4 feet of the seasonal high groundwater. An extensive erosion and sedimentation control plan will be implemented and a construction period SWPPP will be prepared and followed by the site contractor during the construction period to protect the water resources.*

- ii. All fill material must be clean and free from hazardous materials, construction debris and other material whose leaching would be a potential contamination hazard to ground or surface waters.

*Other than processed material, such as washed crushed stone, no fill is expected to be imported onto the site. Earth material that is excavated in one area will be moved, placed, and appropriately compacted in a fill area on the site. No building demolition is proposed or anticipated at this time. Accordingly, the earth moving operation and leaching from hazardous materials or debris will not pose a potential contamination hazard to ground or surface waters.*

- iii. Hazardous materials stored above-ground must be located on an impervious surface. The storage area must be equipped with a secondary containment system to prevent the material from reaching ground or surface water in the event of a leak or spill. The containment system must be able to contain one hundred and ten (110) percent of the tank's contents.

*With the discontinuation of semiconductor manufacturing on the site, the storage of hazardous materials has been greatly diminished. Storage tanks for various raw and waste chemicals have been removed from the site. In fact, with the new use the owner will also remove two 10,000 gallon fuel storage tanks and three 500-gallon tanks. Other than normal site and building maintenance materials that will be stored indoors, the Worcester Public School transportation department use will entail only a small quantity of motor oil and diesel fuel within Building 4. The limited number of 55° gallon tanks (8, 55-gallon tanks) will be stored on a containment pad within the building, providing a minimum 110% capacity. The improvements to the property will result in a reduction of on-site fuel storage from the current capacity of 21, 500-gallons to 220-gallons (2, 55-gallon tanks for new oil and 2, 55-gallon tanks for waste oil; there will also be 2, 55-gallon tanks for washer fluid and 2, 55-gallon tanks for coolant).*

- iv. Appropriate measures must be taken to ensure that any increase in storm water runoff is artificially recharged into the ground. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc.

*In addition to mitigating the peak rate of flow and meeting the minimum recharge volume required by the Massachusetts DEP Stormwater Policy, the site has been designed to provide extensive subsurface recharge structures to mitigate the volume of runoff and to maximize the volume of runoff recharged to the ground. By also directing runoff from nearly 100,000 s.f of existing roofs to a recharge system, the project will result in a net decrease in the volume of surface and net increase in recharge.*

v. All storm water management facilities must be designed for the twenty-five (25) year storm and designed to ensure that the rate and amount of runoff leaving the site does not exceed the rate and amount of runoff in the predevelopment state. Facilities for runoff from paved areas shall include structures for trapping oil, gas and other containments before recharge into the ground. These facilities shall be maintained by the owner on a not less than an annual basis.

*As described in the stormwater report and shown on the plans, the proposed stormwater management system will collect, treat, and fully recharge runoff from the proposed impervious areas for the 2-year, 10-year, and 25-year storms (i.e. up to 6.00 inches of rainfall), and will mitigate the runoff from the 100-year storm (7.68"), such that in all studied storms, the peak rate of flow and volume of runoff leaving the site will not increase over the existing predevelopment conditions. The stormwater management system includes structures for trapping oil, gas, and other pollutants before recharging to the ground. The operation and maintenance program describes periodic inspection and annual maintenance tasks (or more often as inspections warrant).*

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## DECISION

At a meeting of the Board held remotely on December 9, 2020, and on motion duly made and seconded, it was voted 5-0 by Board members Albert LaValley, Paul DePalo, Eleanor Gilmore, Edward Moynihan, and Toni Molinari to **approve** the following:

**Special Permit:** To expand, alter, and/or change a pre-existing non-conforming use(s) within the Water Resource Protection Overlay District (Article XII).

With the following conditions of approval:

### Prior to Construction:

1. Prior to the issuance of a Building Permit or commencement of construction activities - whichever occurs first:
  - a. Provide one (1) complete original set of properly stamped/sealed revised site plans, and an electronic copy of the same (.pdf), to the Division of Planning & Regulatory Services showing compliance with the definitive site plan and reflecting no more than 20% impervious area.

### During Construction:

2. Any existing underground storage tanks located on the entire site shall be removed and may be replaced with above ground storage facilities that meet the approved criteria set forth in Section-7(C)(5)(c) of the Ordinance.

### Prior to Occupancy:

3. Prior to occupancy, or commencement of the use, provide the recording reference for the executed Conservation Restriction permanently protecting the remaining undeveloped areas of the site consistent with that shown on the site plans.

### Prior to Phase 2 Construction:

4. An updated traffic study shall be prepared prior to, but within one-year, of commencement of construction for Phase 2; traffic movements associated with turning movements into or out of the site driveways to NE Cutoff will require mitigation if such movements result in LOS E or lower conditions for traffic traveling on NE Cutoff.

### Perpetual Conditions:

5. Use of the property for truck/trailer/bus storage or servicing shall be limited to transportation services provided for the Worcester Public Schools system. This Special Permit does not permit nor establish any privilege for such operations, storage or servicing other than those for Worcester Public Schools transportation.
6. Bus storage shall be confined to the areas on the plan identified for such storage consisting +/- 143 large buses, 102 medium busses, and 443 vans, light trucks and/or passenger vehicles.
7. All vehicle parking and storage shall occur on paved surfaces.
8. Emergency spill-kits shall be maintained on site at all times. A minimum of one spill-kit shall be located within Building 4 and one additional spill-kit shall be located within each distinct parking area.
9. Storage of any hazardous materials must be above ground, on an impervious surface, and within a container located within a building that includes a secondary containment system with the minimum storage capacity of 110% of all containers' contents.
10. All vehicle servicing shall be conducted indoors and be confined to Building 4.
11. There shall be no fueling or refueling, car-washing, or use of fertilizers containing phosphorous permitted on-site.



12. There shall be no fill, including temporary stockpiling (including snow), within the 100 year floodplain (FEMA A Zone).
13. The City of Worcester and Town of Shrewsbury shall be parties added to any emergency response plan notification lists.
14. Impervious surfaces, including but not be limited to all buildings, parking areas, driveways, roads, sidewalks and areas of concrete or asphalt, except where runoff from impervious surfaces is recharged on-site and diverted to areas allowing for surface infiltration to the maximum extent possible, shall not exceed 20% of lot area.
15. Stormwater infrastructure will be maintained in compliance with the operation and maintenance plans and schedules on file with the City of Worcester. Such plans and schedules shall incorporate best practices and shall include provisions for regular visual inspections of vehicles for signs of leaking fluids. The O&M plan shall be updated on an as needed basis. Copies of current maintenance plans and schedules shall be furnished to the City of Worcester DPW&P and the Town of Shrewsbury Engineering Department.
16. Copies of all operation and maintenance inspection forms and maintenance logs shall be provided the City of Worcester DPW&P and the Town of Shrewsbury Engineering Department in order to confirm that the stormwater management system is being cleaned and inspected in accordance with maintenance plans and schedules. Such materials shall be provided in an annual report, provided that the city and town shall be additionally notified immediately of inspection results and subsequent maintenance actions when a threat to groundwater or surface water quality is identified.
17. Landscaped setback/buffer areas shall not be used for snow storage; once designated snow storage areas reach capacity or interfere with visibility, snow shall be trucked off-site.
18. Provided that the project is constructed and operated in substantial accordance with the approved final revised Site Plans, Special Permit Findings of Fact, calculations, all operation and maintenance plans and schedules, including pollution prevention and emergency response plans on file with the City of Worcester and in compliance with all governmental codes.

The Board additionally voted 5-0 to authorize the petitioner's request to **withdraw**, without prejudice, of the following:

**Special Permit:** To render more than 20% of a lot impervious within the Water Resource Protection Overlay District (Article XII).

If the requested Special Permit is litigated, all time periods for recording and construction shall not commence to toll until a final, favorable decision of the Honorable Court is rendered.

Appeals of this decision shall be made pursuant to M.G.L. c. 40A §17 and shall be filed within twenty days after the filing of this decision in the office of the City Clerk.

It was **ORDERED** by the Board that persons notified of the hearing be notified of the foregoing decision.

The name(s) typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duly authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 328.

**ADJOURNED:**

DocuSigned by:  
*Albert LaValley*  
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DATE 1/12/2021

**ALBERT LAVALLEY**

DocuSigned by:  
*Paul DePalò*  
BA64F8958DCF488...

DATE 1/12/2021

**PAUL DEPALO**

\_\_\_\_\_  
**ELEANOR GILMORE**

DATE \_\_\_\_\_

DocuSigned by:  
*Toni Molinari*  
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DATE 1/12/2021

**TONI MOLINARI**

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**EDWARD MOYNIHAN**

DATE \_\_\_\_\_

2021 JAN 13 AM 8:14



# The City of WORCESTER

Zoning Board of Appeals

Russell Karlstad, Chair  
Jordan Berg Powers, Vice Chair  
Anthony Dell'Aera  
George Cortes  
Eric Torkornoo  
Nathan Sabo, Alternate Member  
Shannon Campaniello, Alternate Member

## SPECIAL PERMIT – FINDINGS OF FACT AND DECISION

### 115 & 125 NORTHEAST CUTOFF (MBL 52-006-01+02)

#### ZB-2024-030

The Zoning Board of Appeals scheduled a hybrid public hearing on May 6, 2024, at 5:30 PM in the Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the petition of 115 Northeast Cutoff Realty Trust, Meletios D. Chacharone, and Zachary M. Curzan, Trustees, seeking a Special Permit for property located at 115 & 125 Northeast Cutoff, Worcester, Massachusetts.

Due notice of the public hearing to be held on May 6, 2024, was sent to the individuals listed on the City of Worcester Certified Abutter's list for the subject property.

On April 22 & April 29, 2024, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On May 6, 2024, the hybrid meeting was called to order by Russell Karlstad, Chair. Board members physically present for the hearing at Worcester City Hall, 455 Main Street, Levi Lincoln Chamber were Russell Karlstad. Board members Jordan Berg Powers, George Cortes, and Eric Torkornoo participated remotely. Board members Shannon Campaniello and Nathan Sabo were absent. Remote participation was facilitated for attendees via phone at call-in number, 844-621-3956 (Access Code: 2630 362 4924) and via WebEx link (<https://cityofworchester.webex.com/meet/zoningboardofappealswebex>).

#### FINDINGS

The Worcester Zoning Board of Appeals (ZBA), having conducted a public hearing and reviewed all the submitted evidence, finds that:

1. 115 Northeast Cutoff Realty Trust, Meletios D. Chacharone, and Zachary M. Curzan, Trustees, whose address is 1 West Boylston Street, Suite LL05, Worcester, MA 01605, is the owner and applicant of certain land situated at 115 & 125 Northeast Cutoff, Worcester, MA in the City of Worcester, Massachusetts, and is more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 91, Page 181.
2. Said land is located in a zoning district classified under the City of Worcester Zoning Ordinance as a BG-2 (Business, General) zoning district, the WRPOD-GP2 & -GP-3 (Water Resource Protection Overlay District) overlay districts, and partially within the Floodplain Overlay District.
3. Presently on the premises is a multi-tenant office and manufacturing complex, comprised of 7 buildings on approximately 40 acres of land. The City of Worcester School Department occupies the southerly building and stores its school bus fleet on the property.
4. The applicant has divided the property into two lots and seeks relief from the requirement for parking lots to be setback 5 FT from property lines in order to retain a portion of the existing pavement along the new interior property line.
5. The following zoning relief is required and is being sought by the applicant:

**Special Permit:** to modify the parking dimensional and layout requirements, loading requirements, and/or the number of required parking spaces (Article IV, Section 7.A.2). The applicant seeks this Special Permit because the parking lots are not setback at least 5 FT from the property lines, as required in the Zoning Ordinance.

**Findings of Fact – Special Permit:**

6. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:
  - a. Social, economic or community needs that are served by the proposal:

*The requested relief will facilitate the sale of a portion of the property to a long time, historic business in Worcester, thereby providing for the retention of a manufacturing business and for the retention of jobs in the city.*
  - b. Traffic flow and safety, including access, parking, and loading areas:

*The requested relief will have no impact on existing traffic flow and safety. The relief from the required setback and landscaping requirements for parking facilities will allow for the retention of a proper, functioning drainage system, with little or no visual or aesthetic detriment to the property.*
  - c. Adequacy of utilities and other public services:

*The requested relief from the setback and landscaping requirements for parking facilities will have no impact on utilities or other public services. The current utilities are adequate to serve the uses on the property.*
  - d. Neighborhood character and social structure:

*The requested relief from the setback and landscaping requirements for parking facilities is in limited areas on the property and internal on the lots; the zoning relief will have little or no impact on the neighborhood and social structure.*
  - e. Impacts on the natural environment:

*Preserving the existing pavement at the areas indicated on the Plan will allow the existing drainage and stormwater management system to continue to protect the natural environment.*
  - f. Potential fiscal impact, including city services needed, tax base, and employment:

*The requested relief will have no impact on city services. The requested relief will allow for the sale of a portion of the property to an existing, historic manufacturing business in Worcester, thereby preserving the tax base and employment opportunities in the City.*

## DECISION

At a meeting of the Board on May 6, 2024, and on a motion duly made and seconded, it was voted 4-0 by Board members Russell Karlstad, Jordan Berg Powers, Eric Torkornoo, and George Cortes, to **approve** the following requested relief:

**Special Permit:** to modify the parking dimensional and layout requirements, loading requirements, and/or the number of required parking spaces (Article IV, Section 7.A.2)

With the following **conditions of approval:**

Prior to Construction and Before June 30, 2024:

1. Provide one (1) complete original set of properly stamped/sealed revised site plans, and an electronic copy of the same (.pdf), to the Division of Planning & Regulatory Services reflecting the following changes:
  - a. Quantify the SF of impervious surface in each area proposed for removal on Lot 125 and reflect proposed vegetated surfaces, with a wildlife conservation seed mix to be used on the northeastern corner of the lot.
  - b. Reflect installation of at least thirty-five (35) minimum 2.5" caliper shade trees of a native, non-ALB or EAB species on Lot 125. Said trees shall be located adjacent to remaining impervious surfaces to the maximum extent practical including a minimum of every 25' on center between the parking lot and NE Cutoff and along the main the driveway adjacent to the pond.
  - c. Reflect installation of a cement concrete walkway from the main entrance of building #1 to the sidewalk on NE Cutoff on Lot 125.
  - d. Reflect removal of all outdoor storage of sand/salt, etc. presently located in the northwestern corner of Lot 125.

Prior to Occupancy:

2. Provide a copy of the recorded cross-easements before the occupancy certificate is issued.

Perpetual:

3. Provided that the project is constructed and operated in substantial accordance with the approved final revised Site Plans, Special Permit Findings of Fact, calculations, all operation and maintenance plans and schedules, including pollution prevention and emergency response plans on file with the City of Worcester and in compliance with all governmental codes.

The Board also voted unanimously to approve **waivers** of the following plan requirements:

1. Zoning District.
2. Owners' names of abutting properties.
3. Distances from adjacent buildings and property lines shall be verified in the field and shown on the plan.
4. Dimensions of the lot.
5. Percentage of the lot covered by principal and accessory buildings.
6. Required parking spaces shall be shown.
7. Existing & proposed topography, entrances, and exits, pertinent to granting of the Special Permit.


This decision shall not take effect until the petitioner records, at their own expense, a certified copy thereof with the Worcester District Registry of Deeds, pursuant to Massachusetts General Laws, Chapter 40A, Section 11, as amended.

Appeals of this decision shall be made pursuant to M.G.L. c. 40A § 17 and shall be filed within twenty days after the filing of this decision in the office of the City Clerk. If litigated, all time periods for recording and commencement shall toll and not commence until a final, favorable decision of the Honorable Court is rendered.

It was **ORDERED** by the Board that persons notified of the hearing be notified of the foregoing decision.

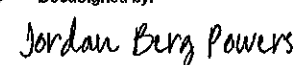
The names typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duly authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 327.

**ADJOURNED**

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DATE 05/09/2024

**RUSSELL KARLSTAD**

DocuSigned by:  
  
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DATE 05/09/2024

**JORDAN BERG POWERS**

\_\_\_\_\_  
**ERIC TORKORNOO**

DATE \_\_\_\_\_

\_\_\_\_\_  
**GEORGE CORTES**

DATE \_\_\_\_\_

**REMINDERS**

Special Permit Time Limitations: If the activity authorized by a Special Permit granted by the ZBA is not initiated within one (1) year of the date of grant (one year from date Special Permit is received by the City Clerk) and/or the activity is not completed within two (2) years, then the Special Permit shall lapse unless the Director of Code Enforcement makes a determination that the failure to complete was for good cause. City of Worcester Zoning Ordinance, Article II, Section 9.D.5.

Variance Time Limitations: If the rights authorized by a Variance are not exercised within one (1) year of the date of grant of such Variance they shall lapse. City of Worcester Zoning Ordinance, Article II, Section 9.D.7.

Landscaping Requirements: Required landscaping shall be maintained in a healthy growing condition, free of refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or the property owner within a reasonable period of time. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles or snow storage in areas used for screening and buffering. Per Article V, Section 5, C. iv of the City of Worcester Zoning Ordinance.

Construction Noise: No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and Saturday, and between the hours of 9:00 a.m. and 7:00 p.m. on Sundays. Per Chapter 9 Section 1A (e) (9) of the City of Worcester's Ordinance Relative to Excessive and Unreasonable Noise.