



**MEETING MINUTES**  
**January 27, 2016**

Chairman: Marc Frieden

Members Present: Vincent Vignaly, Christopher Olson, Cheryl Carlson, Barur Rajeshkumar

Members Absent: None

Others Present: See Attached Sign-In Sheet

**All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 140 Worcester Street.**

The meeting was called to order at 7:45 p.m.

**CMRPC Village District Zoning Bylaw Evaluation Update (Eric Smith)** – Mr. Smith from Central Mass Regional Planning Commission provided copies of his assessment presentation. He talked about the project update, the town center existing conditions assessment, his summary of findings, the board's input, and the next steps needed. There are 151 parcels in the area being considered in the center of town which are currently included in one of three zoning districts: General Residence, Business and Single Residence Districts. He reviewed the Assessors' data and explained the dimensional requirements. Business is 43,560' (bigger than what residential areas allow), has a larger frontage requirement, but a smaller setback. Mr. Vignaly said there is only limited area left for development along Route 12 so the town voted to create the current High Rise District to allow greater building heights from 35' to 50'. Mr. Smith said according to the zoning lot size analysis of 151 lots, 36 lots are conforming; 115 lots are non-conforming. Mr. Vignaly asked him if he assessed that sometimes there are two lots shown on the Assessors' map based on old plans, when in fact they are owned by the same entity and are considered a single lot. He was asked to make sure when specifying the number of lots that it is the actual number of lots. Mr. Smith will take that into consideration. According to his frontage analysis, 78 lots conform; 70 lots are non-conforming; 3 are "other" lots. The use analysis resulted in 142 lots conforming and 9 lots non-conforming. Mr. Vignaly said we need to find a balance between the current bylaws with non-conforming lots and the ability to create a Village Zoning District to encourage reasonable business uses and residential uses. Extending zoning lines only on the lots that front Route 12 was researched when the Master Plan made the recommendation to change zoning on Route 12. Mr. Vignaly said he remembers there was a large number of property owners who had to agree to the changes and it was determined that presenting something with over 1,000 properties being impacted was not worth the effort. Mr. Smith said once he has the framework in place, he can send letters to the property owners requesting they come to a meeting. He will draft language in mid-February and forward the information to Mr. Olson. It was suggested he start with incorporating the existing Business uses in a zone. In addition, if he can put the use on the map and overlay the zoning, it would show where there is a conflict with residential areas. The board would like to have it completed for the fall town meeting.

**99 Hartwell Street (VHB Stormwater Review)** – Tabled to February 10<sup>th</sup>.

**Worcester Corporate Center Definitive Plan Approval Three-Year Extension** – The board signed the letter and it will be forwarded to Donna Truex (Bowditch & Dewey) for recording.

**New Business/Review of Correspondence/Emails:**

Angell Brook Certificate of Compliance – Carl Barstow submitted several emails with the Board of Trustees’ concerns and comments on VHB’s review. They want to make sure that no money is released or a Certificate of Completion issued to the Heritage Design Group until the board is satisfied with the work. Mr. Barstow mentioned the cleaning the forebays. Heritage Design Group said they were cleaned, but not excavated. Mr. Vignaly said Heritage noted that they cleaned them and will excavate in the spring. Mr. Barstow also noted problems with the driveways that should be fixed. Mr. Vignaly said VHB did their review and found items that need to be addressed; Heritage has committed to fixing them. Mr. Staiti is proposing that \$25K be returned to Keystone Development with \$20K to remain until the items are addressed in the spring. Mr. Vignaly said the process that the Planning Board follows is that the developer makes a request for a reduction of the bond and submits an estimate for that work, and the board has VHB verify if the work is appropriate before any action is taken. The \$45K bond will remain in place until that process is followed. It was suggested that Mr. Barstow take photos and submit a summarized list of items to be addressed for the board. Mr. Barstow also has an issue with the revised O&M Plan not indicating where it came from. He was told to include that on the list as well.

Sign Bylaw Update – Mr. Frieden watched the televised BOS meeting where Selectman McCormick said he wanted no time limit on the display sign. Ms. Carlson said Section 5.6 of the Zoning Bylaws “Duration” reads that “full digital image or portion thereof may change no more than once per minute”. The board needs to verify that this is the only section where it is specified. The more changes that are made, the more confusing it will be at town meeting. Mr. Frieden suggested doing exactly what they want, 0 time change, and discuss the reasons at the public hearing why the PB does not feel it is the right thing to do. The public hearing notice can be advertised that way, we hold the hearing, and after the public hearing take the input we received and make a decision. The BOS was upset when the PB suggested 10 seconds, but we were trying to protect their interest in getting the bylaw passed at town meeting. There was misunderstanding of increasing and decreasing the time change. The original feedback that the PB received from the BOS was 10 seconds. Ms. Carlson said the High School sign is not compliant. She will notify the Building Inspector.

Ms. Carlson will draft a public hearing notice to incorporate the duration, removing the 10’ property line setback, and Chris Lund’s recommendation to clarify the conflict of the Business Center standing sign in the narrative compared to the table. Dave Femia asked if the duration had to be specified in the public hearing notice. Mr. Olson said we need to get across to the public what the proposed change is, what the amended change is, and how it is different from what is currently there. We will consider making it a broader notice once the changes are compiled.

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Clerk's Performance Review – The review has been completed and will be submitted to Nancy Lucier.

Forms of Surety and CCRSs – Bonnie Yasick, Treasurer/Collector in updating our performance sureties questioned the different forms for surety. She said some forms are more stable and secure than others. Occasionally if there is a performance agreement with a bank and a developer goes bankrupt, that money disappears. Her suggestion was to get a cash bond. It is an option, not a requirement. The method for securing performance may be one of the following, as selected by the applicant: proper bond, deposit of money or negotiable securities (preferred), covenant, lender's agreement, or a combination. We typically get a covenant initially, and after construction progresses require a bond, but we have recently done performance agreements. The board may want to reconsider changing that in the subdivision regulations. It will be discussed further at the April meeting.

Reports from Other Boards – Ms. Carlson said the Community Preservation Committee met. Their concern is how to encourage people to attend their annual meeting and come forward with ideas for projects.

Mr. Vignaly said the Open Space Committee met. DCR is in the process of buying a portion of a property (approximately 30 acres; mostly wetlands) with the remainder of the backland being considered for donation to the town (Conservation Commission). A potential CPA proposal will be for reimbursement of the cost for the due diligence work that was being done by the Greater Worcester Land Trust (a survey and preliminary site assessment to check for contaminants) on the portion to be given to the town. The committee is discussing approaching the CPC to ask for the funds to have it done. They are also looking at a list of other potential properties that might be good for Open Space acquisition and would like more input from the public. Coordination with Holden is needed because one of the properties is on the town line.

Open Space had their initial kickoff meeting with the CMRPC to update the Open Space and Rec Plan. Input was received from the Parks Commission and Parks Facilities Committee. They hope to have the update completed by September for presentation/discussion at the October town meeting. A survey will be prepared and comments can be sent to the Open Space Implementation Committee.

Mr. Frieden said the Affordable Housing Trust is investigating Afra Terrace cost certification issues. Some units were sold for under \$100. Under Chapter 40B, the town is to receive any profits greater than 20%. Mr. Femia said there are thirteen affordable units. The ZBA received a list of the 52 units indicating which were affordable and which were market value and a consultant is preparing an update of the Subsidized Housing Inventory.

Citizens' Comments – No comments tonight.

Review/Approve Invoices and Review Draft Meeting Minutes and Draft Public Hearing Minutes of January 13, 2016 – There were no invoices for approval tonight. Ms. Carlson made a motion to approve the Public Hearing Minutes and regular Meeting Minutes dated January 13, 2016; Mr. Olson seconded the motion; all voted in favor; motion approved.

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A motion was made by Ms. Carlson to adjourn; Mr. Olson seconded the motion; all voted in favor; motion approved. The meeting adjourned at 9:55 p.m.

Date Accepted: \_\_\_\_\_

By: \_\_\_\_\_  
Christopher E. Olson, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich