

MINUTES
WORCESTER PLANNING BOARD
April 28, 2004

Planning Board Members Present: Joe Boynton
Stephen Petro
John Shea
Anne O'Connor
Samuel Rosario

Staff Present: Michael Pace, Department of Code Enforcement
Kathleen Donovan, Land Use
Russ Adams, Department of Public Works
Joel Fontane, EONS
Edgar Luna, EONS
Judith Stolberg, Economic Development Office

Regular Meeting (5:30 PM) – City Council Chamber, City Hall.

1. **Call to Order:** Chairman Joe Boynton called the meeting to order at 5:55 PM.
2. **Approval of the Minutes – April 14, 2004 Meeting:** The Board held the minutes to be approved at the May 12, 2004 meeting.
3. **Olean Estates – Definitive Subdivision Approval:** Josh Renke presented the plan. Debra Holmes and Michael Plourde expressed concerns about wetland issues. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to close the hearing. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to approve the following waivers:
 - **Waiver from 30' roadway pavement width requirement to allow 26' wide pavement.**
 - **Waiver from 80' diameter paving requirement on the cul-de-sac to allow 60' diameter paving.**
 - **Waiver of requirement for sidewalks on both sides of the roadway to allow sidewalk only on the northerly side and around the cul-de-sac as shown on the plan.**

Upon a motion by John Shea and seconded by Stephen Petro, the Board voted to approve the Definitive Subdivision plan dated March 18, 2004 with the following conditions:

- **At the time of conveyance, applicant must provide the City of Worcester with an easement for street and utility purposes.**
- **Endorsement of the Definitive Plan is contingent upon the following:**

1. **Notice from the City Clerk of “No Appeal” from the action of the Board in approving this subdivision or if an appeal is taken, notice of the court either sustaining the approval or dismissing the appeal.**
2. **Applicant must guarantee the construction of ways, the installation of municipal services and the successful performance of all other conditions to the approval of the subdivision in the manner provided in the Subdivision Regulations, Section VII, as authorized by MGL, Chapter 41, Section 81U.**

4. **Rural Street – Preliminary Subdivision Approval:** A motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to deny approval for the following reasons:

- **The dead end exceeds the 500’ limitation.**
- **There are no sidewalks shown on the plan.**
- **There is no cul-de-sac on the plan.**
- **The plan does not meet the minimum standards of the City of Worcester for approval.**

5. **Andrews Avenue – 81G Street Opening:** Joe Boynton recused himself and Samuel Rosario assumed the Chair. Site Plan Approval was taken collectively. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to extend the date for constructive grant for the site plan to May 27, 2004 and continued the site plan and 81G street opening to May 26, 2004. The Board requested staff obtain an opinion from the Law Department regarding a retaining wall within the right of way and advised the applicant to meet with Department of Public Works staff to address issues raised by said department.

6. **Andrews Avenue – Site Plan Approval:** See #5 above.

7. **24-28 Wachusett Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to extend the deadline for constructive grant to May 13, 2004 and continued the site plan approval to May 12, 2004 at the request of the applicant.

8. **Sunrise Avenue – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to approve the site plan with standard conditions. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 5-0 to reconsider. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 5-0 to approve the site plan with the following conditions:

- **Lots will require separate sewer and water services.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering**

Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.

- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Four copies of revised plan be submitted to the Land Use Office prior to release of the decision.**

- 9. 160 Fremont Street – Special Permit:** Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 4-0 to continue the special permit hearing to May 12, 2004. The hearing was not opened.
- 10. 160 Fremont Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the site plan approval was continued to May 12, 2004.
- 11. 503 Plantation Street – Site Plan Approval:** Upon a motion by Anne O'Connor and seconded by Stephen Petro, the Board voted 5-0 to extend the deadline for constructive grant to May 27, 2004 and continued the site plan to May 26, 2004. The Board urged the developer to try to come to some agreement with the other property owners and the City regarding signalization and traffic issues raised by Traffic Engineering. The Board advised that the revised plan show 3-3.5" caliper trees on the landscaping table. The Board requested staff research whether a letter from Traffic Engineering was sent at the time of the prior site plan approvals for the other parcels at this site. The Board voted to request a representative from Traffic Engineering appear at the continued hearing to discuss traffic issues.
- 12. 1300 Grafton Street – Definitive Subdivision Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to continue the definitive subdivision approval to May 12, 2004 at the request of the applicant.
- 13. 1300 Grafton Street – More Than One Building On A Lot:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to continue the item to May 12, 2004.
- 14. 267 & 271 Mill Street – Preliminary Subdivision Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 (Stephen Petro had left the room) to deny approval of the preliminary subdivision for the following reasons
 - **The roadway is not built to City of Worcester standards.**
 - **There is no sidewalk on the southerly side.**

The applicant was advised that the rounding waiver would be approvable at the time of definitive approval.

15. **Rodney Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to continue the site plan to May 26, 2004 at the request of the applicant.
16. **1300 Grafton Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to continue the site plan approval to May 12, 2004.
17. **124 Jolma Road – Site Plan Approval:** Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 5-0 to approve the request of the applicant for leave to withdraw.
18. **895 Millbury Street – Site Plan Approval:** Stephen Petro recused himself. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to continue the site plan to May 12, 2004 and advised the applicant to submit a revised plan showing a parking table, any off site parking that can be utilized, snow storage, 24' aisle width, drainage plan and tree species from the approved list in the Zoning Ordinance.
19. **Anchor Street Subdivision – Work Completion Date:** John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 4-0 to extend the work completion date to October 1, 2004.
20. **Jeremiah Lane Subdivision – Work Completion Date:** Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to extend the work completion date to September 30, 2004.
21. **Approval Not Required (ANR) Plans:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-1 (Joe Boynton voted no) to endorse ANR Plan #5773 6 Billow Street. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to deny endorsement of ANR Plan #5775 Polito Drive/Saybrook Road because the plan shows frontage on a way that was not in existence at the time the City adopted the Subdivision Control Law and does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 3-1 (Joe Boynton voted no and Stephen Petro recused himself) to endorse ANR Plan #5776 Southold Road. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #5782 Holden Street. Upon a motion by Stephen Petro and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #5786 Ludlow Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to hold ANR Plan #5787 Mill Street. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan # 5788 Rockrimmon Road. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to deny endorsement of ANR Plan #5789 Benoit Road because the way shown on the plan does not have sufficient width,

suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #5790 Heard Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #5791 Anderson Avenue. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 (Joe Boynton recused himself) to endorse ANR Plan #5792 Tainter Street.

Other Business:

Edgewater Subdivision – Release From Covenant: Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 5-0 to release all lots on Meena Drive from the restrictive covenant.

Special Meeting – Zoning Ordinance: The Board set a special meeting on at 5:00 P.M. on May 27, 2004 at 25 Meade Street to continue the Zoning Ordinance review.

ANR Plans – Legal Opinion: Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to direct the Chairman to request a legal opinion from the Law Department as to which date the Board should use when determining if a private way was in existence at the time of the City's acceptance of the Subdivision Control Law for purposes of endorsing plans pursuant to M.G.L. chapter 41, section 81L.

The meeting was adjourned at 8:45 PM.