

PLANNING BOARD MEETING

September 13, 1989
4:00 p.m.

Present: Planning Board Members

John Keaney, Chairman
Frank DeFalco, Vice Chairman
Joan Sadowsky, Clerk
George Russell
John Reynolds

Francis Donahue, Director, BLUC
Gerhard Muenchmeyer, Assistant Commissioner, DPW
Philip Hammond, Planning Coordinator, OPCD
Michael Traynor, Assistant City Solicitor
Gloria Coop, Administrative Assistant, OPCD
Judy Stolberg, Administrative Assistant, OPCD

Pursuant to the view held at 2:00 p.m., the regular meeting was called to order in Room 209 of City Hall at 4:00 p.m.

Item #3: Catalpa Circle and Burncoat Meadows - Review

Atty. Michael Traynor summarized a meeting that was held regarding the above, attended by representatives of the Department of Public Works, Code Inspection, ComFed Savings Bank and Atty. Gerard Richer. Atty. Richer requested that the Board defer the votes on the subdivisions until the foreclosure of the properties is complete. A date of September 28, 1989 was given for the Burncoat Meadows foreclosure; October 11, 1989 was offered for Catalpa Circle. He noted that road work is underway presently at the bank's expense, and an engineering firm has been hired and is at the site now.

Mr. Muenchmeyer expressed satisfaction that DPW issues have been addressed.

Mr. Keaney asked what the bank's plans are after acquisition and for an estimated timetable. Atty. Richer responded that the site will be developed and the property improved for sale to builders. The road will be built by the bank irregardless of the outcome of the foreclosures. As for a timetable, engineering and road work is commencing now in anticipation of the acquisition of the property.

John Reynolds moved to keep the item on the table; the motion was seconded by Mr. DeFalco and so voted.

Item #2: Approval of Minutes

The minutes of August 9 and August 30, 1989 were approved.

Item #4: Jonathan Circle - Bond Review

Chairman Keaney noted the developer (Mr. Gallo) is requesting that his bond be released. Previously, the Board had listened to problems as expressed by an abutter. The abutter is displeased with a perceived run-off problem caused by the development. Mr. Gallo stated that because of preventative actions on his part, the run-off problem is improved but can't be controlled 100%. Mr. Gallo expressed his belief that the source of the problem lies in the groundwater which always existed and wasn't caused by his development. He noted that several meetings with his abutter in an effort to alleviate the problems. Mr. Gallo put the abutter in touch with his liability carrier; has also offered to have his work crew spend time digging a ditch to further alleviate the problem. Since these actions, Mr. Gallo hasn't heard from the abutter for 3 to 4 weeks.

Mr. Russell asked Mr. Muenchmeyer his assessment of the situation. After testing the iron content of the water, Mr. Muenchmeyer stated that it is a groundwater and not a run-off problem.

Mr. Traynor noted that the matter between Mr. Gallo and his abutter is a private one having no bearing on the bond. Therefore, Mr. Reynolds moved that the bond be released; it was seconded by Ms. Sadowsky and so moved by the Board.

Item #6: Summit Park - Bond

Mr. Muenchmeyer recommended that no bond be set at this date until the area of Tyson Road to West Boylston Street is improved to City of Worcester standards. Submission of plans for Tyson Road and some technical problems need to be addressed before setting a bond.

A motion was made by Mr. Reynolds and seconded by Mr. Russell that no bond be set and so moved by the Board.

Item #5: Attleboro and Kendig Streets - Private Street Opening

The developer of this duplex, Mark Meola, and abutters to the area were present. It was noted that neighbors had approached the Conservation Commission with a concern about wetland problems, and after review, the Commission found it has no jurisdiction.

Mr. Muenchmeyer informed the Board that he had sent a letter to the developer's engineer noting the deficiencies in the plans, and requested that a plan be submitted to his office outlining drainage, surface, grading and sanitary issues to determine the effects on abutters. Mr. Muenchmeyer said that no decision can be made by his office until a plan showing the full picture was available. He suggested the developer's engineer meet with DPW staff to provide them with the needed information.

After examining site plans, Mr. Russell noted that since the duplex is in an RL-7 zone, cars cannot be parked within the first 20 feet of frontage from the street line. He suggested the developer check with the Code Inspection Department regarding the required number of spaces for duplexes.

Mr. Meola noted that if he waits for Planning Board approval until their next meeting, he will have to get another loan extension from his bank. The Board was asked to entertain a motion that, provided the developer meets all requirements he be given the right to build without coming back to the Board. The Board did not feel so inclined. They directed the developer to come back after supplying the DPW with the necessary information. The next Planning Board meeting is a special one called specifically to review the proposed zoning ordinance of the City (9/27/89). The Board voted to set October 11, 1989 at 4:00 p.m. as their next regular meeting at which time Mr. Meola could appear.

Mr. Russell moved to table the item; it was seconded by Mr. DeFalco and so moved by the Board.

Item #7: Longview Estates - Bond

Mr. Donahue read the developer's letter to the Board and took the following actions:

1. It was moved by Mr. Reynolds and seconded by Mr. Russell, after an explanation by Atty. Traynor, to extend the completion date to 7/1/90.
2. It was moved by Ms. Sadowsky and seconded by Mr. Russell to reduce the bond.
3. It was moved by Mr. Russell and seconded by Mr. Reynolds that the new bond be reduced by \$180,000.

Item #8: Highland Hills - Bond Release

It was moved by Mr. Reynolds and seconded by Ms. Sadowsky to reduce the bond to \$36,000 pending final inspection.

Item #9: Parsons Hill - Bond Release

It was moved by Mr. Russell and seconded by Ms. Sadowsky to release the bond based upon execution of the covenant.

Item #10: Plans to be Ratified

All plans listed below were voted by the Board to be ratified:

Ralph Ave.
Lawton St.
Ballard St.
Wigwam Hill Drive
Manhattan St.
Wyola Drive
Fox Meadow
Manhattan/Rydal
Fourth St.

Item #12: Any Other Business

Smallwood Village Subdivision: It was moved by Ms. Sadowsky and seconded by Mr. Reynolds to approve the covenant for this project.

Indian Hill Estates Subdivision: It was moved by Ms. Sadowsky and seconded by Mr. Russell to release three (3) lots, Numbers 6, 7 and 8, from the covenant.

DPW Policy on Private Streets

Mr. Muenchmeyer offered a policy for development of private streets as public for the Board's information.

Burncoat Meadows

Atty. Traynor submitted a draft letter for the Board's review regarding complaints to the DEP on this project. It was moved by Ms. Sadowsky and seconded by Mr. Russell to send the letter as written.

There being no further business, the Planning Board adjourned at 5:20 p.m.

Public Hearings - City Council Chambers - City Hall

John Keaney, Chairman, called the meeting to order at 7:35 P.M.

Zoning Ordinance - Amend Article VIII

Paul Clancy, City Councillor, stated that the amendment clarifies language in the zoning ordinance relative to accessory uses and he was in favor of its adoption.

Wiser Avenue - Abandon Portion

There were no public comments on this petition to abandon.

Tacoma Street - Petition To Change Zone

Attorney David Kneeland stated that the zone should be changed because the proponent was having trouble leasing the units and a wider range of use was needed.

Mr. Keaney asked about a specific plan. Mr. Russell asked what kind of uses were being proposed and what effect there would be on the nearby playground. Atty. Kneeland responded that checking out car warranties would be one of the considered uses and that the area would be adequately fenced and secured so there should be no impact on the playground.

Pleasant Estates - Definitive Subdivision

Carl Foley of the Worcester Builders' Association introduced James Scola, attorney for the proponents, and William Bouley, an engineer from Bouley Brothers. They explained the project would be a 3.5 acre subdivision between Pleasant and Mower Streets consisting of 9 lots, one of which falls under the Approval Not Required category. The size range of the remaining 8 lots is 9,600 - 25,000 sq. ft. and they would be serviced by sewer and water. A waiver had been granted previously by the Board during the preliminary approval process for a sidewalk on only one side of the street. All plans have been submitted to DPW regulations, erosion controls will be in place, water service would be connected from Pleasant St. and a fire hydrant would be placed at the cul-de-sac.

William Picard of William Picard Associates, representing an abutter, Daniel J. Casal of 32 Baxter St., stated that Mr. Casal was not necessarily in opposition but was concerned about run-off on his property and requested that hay bales and siltation fences be in place as part of the plan.

High Meadow Estates - Definitive Subdivision

Jordan Levy, Mayor, stated that he had major concerns about traffic, infrastructure and environmental impacts but his biggest concern was that the school system could not accommodate the number of school age children that this size development would generate. He stated that this was a rational reason for denial and urged the Board to do so.

Raymond Mariano, City Councillor, said that the accident rate at the intersection of Ararat St. and I-190 should be looked at closely. He stated the traffic problems would be significant and the area needs to be protected.

John Harrity, City Councillor, stated that as a former member of the School Committee, he was aware of the impact such a development would have on the school system and in particular the Nelson Place School which presently has a population of 494 students when it was built to accommodate only 350. He stated that in conversations with the proponent's attorney, it was suggested that the City would be forced to build a new school but the funding was not available. He also referred to a letter from Joseph McCarthy regarding sewerage, air pollution and solid waste disposal problems. He said that developments such as this should be in a proper place with proper aspects and urged denial.

John Anderson, City Councillor, stated that this development was too dense for such a fragile area. He said the area was on the list of the top 10 open space preservation areas and was steeply sloped, included wetlands and was environmentally sensitive. He referred to an OPCD report and asked the Board to reject the proposal.

Thomas White, State Senator, stated that he had been in office for 15 years and had been involved in the planning and construction of I-290. He said that the parcel in question has served as a green buffer zone and is very environmentally sensitive, especially considering the steady increase in vehicles travelling on I-290. He said it was the duty and responsibility of the Board to maintain air quality in northern Worcester.

Kevin O'Sullivan, State Representative, stated that this project was a business risk for the proponent and the neighborhood should not have to pay. He said the Indian Hill and Stonegate projects have ravaged the area and urged for denial.

John Spillane, attorney for the proponent, in support, stated the plan had received preliminary Planning Board approval and Conservation Commission approval. He said the Conservation Commission had identified and handled problems addressed by City officials and had made many site visits. He assured the Board that all detention ponds were beyond wetland areas. An Environmental

Impact Report has been filed and all issues have been adequately addressed. The proponent has worked with DPW so that a pumping station would not be necessary for the project. He said the proponent had done a credible job of addressing traffic concerns and is bringing a quality product before the Board with no waivers being requested. He stated the proponent has the expertise and experience to bring a quality development to the site.

Andrew Liston, engineer for the proponent, stated the approximately 85 acres consisted of 266 lots with 14 lots having been excluded by the Conservation Commission for a total of 252 lots. He reviewed the plan which includes a gravity sewer line, showed all water and sewer lines and contained no streets steeper than a 10% slope.

Mr. Keaney asked if State approval had been obtained to install a gravity sewer system.

Mr. Spillane replied that the application and all preliminary design work has been submitted but formal approval has not been received to date.

Mr. Russell asked if detention ponds were close to existing homes. Mr. Liston said the flow would go toward I-190.

Mr. Spillane then stated that the proponent would work with engineers to comply with DPW concerns, particularly regarding retaining walls. He also stated that the proponent would assure the Health Department that the site does not contain an old dump site. Regarding Councillor Harrity's remark about building a new school, he suggested that it is the City's responsibility to provide good schools and the proponent would encourage that.

Mr. Keaney asked if a 21E report has been done and would it be available. James Coughlin, the proponent, replied that a 21E had been done at the time of purchase of the property from the Norton Co.

Mr. Russell asked that since there are 2 or 3 homes where detention ponds are near the property lines, could these ponds be moved or reshaped. Mr. Liston responded that they had not looked into that possibility. Mr. Spillane stated that the proponent would be amenable to any Planning Board requirement.

Mr. Keaney asked why the flow could not go through the City system and Mr. Liston responded that there was not sufficient area to discharge without detention. Mr. Keaney then asked if a study has been done to discuss the practicality of eliminating detention ponds. Mr. Liston replied it would more than likely be a very costly measure.

Mr. Russell then asked Mr. Muenchmeyer if the detention ponds could be moved away from backyards or possibly reshaped and still function properly. Mr. Muenchmeyer replied that this was possible.

Mr. Keaney then asked who wished to speak in opposition.

For the opposition, Timothy McGee, 148 Ararat St. stated that the Board could deny based solely on traffic. He cited City regulations, State regulations and a Mass. Supreme Court case as a basis for denial. He said the project would add traffic to access roads, Ararat St. in particular, and would significantly increase air pollution. He said it was not a good project because it would destroy more wetlands than allowed by-right, create erosion, overburden the school system and provide benefit to out of town speculators. He urged the Board to deny the project and stated that if any doubts exist, they should be resolved in favor of the neighbors because they deserve to be protected.

Al Smith, 156 Ararat St., representing the North Worcester Preservation Society, said that in the project's Supplemental Final Environmental Impact Report (SFEIR) wetlands must be delineated and they have not been. He discussed the negative impact of the development on Weasel Brook and said the developer has failed to comply with the Wetlands Protection Act. He also stated that the site has Paxton soils which are also contained in the Indian Hill project which has experienced serious erosion problems despite the presence of hay bales and siltation fences. He stated that stormwater flows will exceed erosion control capabilities. Mr. Smith explained that special design and feasibility studies are required for sites with Paxton soils and that the land in question is unsuitable for building because of the soil, wetlands and slopes.

Thomas Foley, 47 Wedgewood Rd., encouraged the Board to review the SFEIR. He stated that traffic volumes have increased 15% to 20% in a two year period without any development of this size. He stated that five intersections would be impacted with low LOS ratings and high accident rates. He said a LOS D rating is unacceptable and there have not been acceptable responses from the proponent. He referred to the April report of the Traffic Engineer and the OPCD report in May and said this development should not be allowed to infringe upon the rights of others.

Mark Lynch, 11 Ridgewood Rd., attempted to introduce testimony regarding the track record of the proponent.

Mr. Keaney asked Assistant City Solicitor Michael Traynor if such testimony should be allowed. Mr. Traynor stated it should be allowed since the developer had introduced the subject.

Mr. Lynch continued that James Coughlin was associated with Security Homes which has filed bankruptcy and the proponent's history of economic decision making was not good. He also said consideration should be given to the current housing market.

Jeff Meyer, 52 Claridge Rd., presented a letter from Joan Crowell of the Blackstone River Commission to Secretary of Environmental Affairs John DeVillars which cites various downstream impacts.

Roger Comeau, 80 Ararat St., stated that the traffic on Ararat St. would increase far more than the developer is admitting.

James Adams, 40 Stoneleigh Rd., said the parcel is an habitat for many birds and animals that would be displaced.

Edward Smith, 156 Ararat St., read from a letter to Secretary DeVillars from the Blackstone River Watershed Commission which said the site was on the list of the 10 top ten open space sites, the impact on wetlands would be great and the wetlands had not been properly identified. It also stated that the slopes are very steep and serious erosion would occur. Mr. Smith also stated that trails have been developed through the years and have been extensively used by the people living in the area.

Roy Briggs, 14 Maranook Rd., spoke about the quality of life and preserving the integrity of the neighborhood. He said the increased traffic would be dangerous for the children in the neighborhood.

Timothy McGee said the developer had filed segmented plans with the Conservation Commission and that the developer wants to spend 5-7 years to complete the roads rather than the normal 2-3 years. Concerning the hiking trails, he said that adverse possession rights should be considered.

Regarding Joan Crowell's letter, Atty. Spillane stated that all of the concerns had been addressed. In response to Mr. Lynch's comments, Mr. Spillane stated that the proponent was not associated with Security Homes and that the proponent has the endurance to go through with the project and will meet all financial requirements.

Mr. Russell asked what studies had been done regarding soil stability. Mr. Liston responded that the SCS method had been used and he didn't anticipate any problems.

Mr. Reynolds said there were questions about the number of buildable lots that have not been resolved and the Conservation Commission has only given approval to the roads not the lots. He said each lot would have to be approved individually. He asked when the last information responding to DPW concerns had been submitted to the DPW. Mr. Muenchmeyer and Mr. Listen both responded that the information had been submitted on September 12, 1989. Mr. Reynolds said there were still many uncertainties concerning traffic, buildable lots, size and impact of the project which have not been adequately addressed.

Mr. Liston said that the plan shows all lots they say can be developed with the exception of the 14 lots the Conservation Commission has said are unbuildable.

Paul Brown, 59 Brattle St., said it is incumbent upon the Board to consider whether or not the school system can take this added burden.

Since there were no further speakers, the Chairman closed the hearing at 10:35 P.M.

Regular Meeting - Room 209

Call to order at 10:40 P.M.

Wiser Avenue - Abandon Portion

Mr. DeFalco moved that the item be tabled. The motion was seconded by Mr. Reynolds. The vote was unanimous.

Zoning Ordinance - Amend Article VIII

Mr. Reynolds moved approval and Mr. DeFalco seconded the motion. The vote was unanimous.

Tacoma St. - Petition To Change Zone

Mr. DeFalco moved to deny the petition and Mr. Reynolds seconded the motion. The vote was unanimous.

Pleasant Estates - Definitive Subdivision

Mr. Russell moved site plan approval and Ms. Sadowsky seconded the motion. The vote was unanimous.

Mr. Russell moved definitive subdivision approval with conditions (erosion control) and Mr. Reynolds seconded the motion. The vote was unanimous.

High Meadow Estates - Definitive Subdivision

Mr. Russell moved to deny site plan approval and have staff delineate the reasons in writing at the September 27, 1989 meeting for ratification. Mr. Reynolds seconded the motion and the vote was unanimous.

Mr. Reynolds moved to deny definitive subdivision approval due to a lack of information and have staff delineate the reasons in writing for ratification at the September 27, 1989 meeting for ratification. Mr. DeFalco seconded the motion and the vote was unanimous.

Mr. Keaney adjourned the meeting at 11:15 P.M.

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