

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

OCTOBER 26, 2011

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Anne O’Connor, Chair
Andrew Truman, Vice Chair
Stephen Rolle, Clerk
Satya Mitra

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Deborah Steele, Division of Planning & Regulatory Services
Kathleen Donovan, Department of Inspectional Services
K. Russell Adams, Department of Public Works & Parks
Michael Traynor, Law Department
Jennifer Beaton, Law Department

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Anne O’Connor called the meeting to order at 5:39 p.m.

APPROVAL OF THE MINUTES

July 6, 2011 minutes held to November 16, 2011 Planning Board meeting.

Upon a motion by Stephen Rolle and seconded by Satya Mitra voted 4-0 to approve the minutes of October 5, 2011.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS**

1. 14 Marshfield Street – Definitive Site Plan (PB 2011-045)

Upon a motion Andrew Truman and seconded by Stephen Rolle the Board voted 4-0 to continue item until the November 16, 2011 Planning Board meeting.

NEW BUSINESS

2. **152, 152R, 0 155, 146, & 148 Moreland Street – Amendment for Cluster Subdivision Special permit (PB -2011-046)**
3. **152, 152R, 00, 155, 146, & 148 Moreland Street – Definitive Site Plan Amendment (PB-2011-047)**

Items #2, #3 were taken contemporaneously.

Attorney Donald J. O’Neil appeared on behalf of the applicant, Michael J. Hannon. The applicant is requesting that the Cluster Development Special Permit and Site Plan Approvals for the parcel situated at 146 Moreland Street be amended to remove land added to Lot 4R-2 (a/ka/ Lot 4B) by previous amendment approved on June 15, 2011 due to Mr. Hannon’s inability to obtain clear title to the additional land.

Mr. O’Neil stated that the request is to revert back to the original lot configuration which existed prior to the last amendment which was done in June 2011. In June of 2011 the applicant did have a perspective party interested in the lot and they had requested some additional land be added to supplement what was available which is over 14,000 square feet without the additional land. The owner expected that he would have no difficulty obtaining partial release of his mortgage because he owns the house next door which has just under four acres in an area that basically requires 10,000 square feet. The applicant was looking for release of the 2,700 square feet to add to this lot but applicant was unable to get the bank to agree to give him a partial release to that parcel.

Mr. O’Neil stated what the applicant is seeking, due to the complications with regard to the bank, to revert back to the configuration which was previously approved and in effect part of the last amendment.

Mr. O’Neil stated that there are no changes at all to the configurations which existed prior to the June 2011 amendment.

Katie Donovan from Inspectional Services stated she had no comments.

Russ Adams from DPW stated he had no comments.

Joel Fontane stated he had no comments and DPRS would recommend approval.

Ms. O’Connor asked about the conditions when plan was last amended.

Mr. O’Neil stated that the amendment that took place in June was to substitute Worcester’s new green flex code for the previous approval which applicant had substituted his own requirements which were superseded by the City’s adoption of the new building code so at that point the building code was substituted for those requirements and the lot was increased. The applicant wishes that change to remain in effect and the only request with this revision is to revert back to original lot configuration.

Mr. Fontane stated that initially there was condition that was voluntarily offered by the property owner with regard to a solar power home. That was requested to be removed and replaced with the construction abide by the energy stretch code during the last amendment hearing. The energy stretch code is now mandatory, so the condition would be unnecessary condition of approval as it applies regardless.

Ms. O'Connor asked whether the amendment before the Board would change any of the conditions that Planning Board granted at the last amendment.

Mr. Fontane stated no.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Rolle and seconded by Mr. Truman the Board voted 4-0 to approve the Definitive Site Plan Amendment with the following condition:

- Nine (9) copies of final revised plans be submitted to DPRS incorporating all proposed changes including any changes to landscaping and including all previously approved sheets of the plan set.

Upon a motion by Mr. Mitra and seconded by Mr. Truman the Board voted 4-0 to approve the Amendment for Cluster Subdivision Special Permit and adopt the same finding of facts and the following conditions:

- Nine (9) copies of final revised plans be submitted to DPRS incorporating all proposed changes including any changes to landscaping and including all previously approved sheets of the plan set.

List of Exhibits.

- Exhibit A: 152, 152R, 0, 155, 146, & 148 Moreland Street Amendment to Definitive Site Plan Application; received September 23, 2011 prepared by Attorney Donald O'Neil on behalf of Michael Hannon.
- Exhibit B: 152, 152R, 0, 155, 146, & 148 Moreland Street Amendment to Cluster Subdivision Special Permit Application; received September 23, 2011 prepared by Attorney Donald O'Neil on behalf of Michael Hannon.
- Exhibit C: 146 Moreland Street Definitive Site Plan and Special Permit (Cluster Subdivision) Amendment Plan; dated 9/22/2011, submitted September 23, 2011 prepared by Jarvis Land Survey.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Worcester Planning Board; re: 146- 152 Moreland Street 4th Amendment to Special Permit and Definitive Site Plan, dated October 19, 2011.
- Exhibit E: Memorandum from DPW dated October 20, 2011 to Planning Board regarding Special Permit
- Exhibit F: Memorandum from DPW dated October 20, 2011 to Planning Board regarding Definitive Site Plan.

4. 144 Massasoit Road & 3 Lodge Street – Frontage Subdivision Plan (PB-2011-048)

Antoine Abeddy appeared on behalf of the applicants, Andrew and Ann Ansara. The applicant seeks to subdivide the parcel into two lots and waiver of Section IX and X of the Worcester Subdivision Regulations. Mr. Abeddy also requested a waiver of Article VIII of the subdivision plan application in order to build a single dwelling home on 3 Lodge Street also known as part of 144 Massasoit Road.

Russ Adams from DPW stated he had no comments.

Katie Donovan, from Inspectional Services stated she had no comments.

Mr. Fontane stated DPRS recommends approval with condition that a Mylar plan be submitted to DPRS and if approved the frontage subdivision is subject to waiver of the minimum frontage requirements for each lot otherwise mandated by the zoning ordinance waiver of sections IX and X of the subdivision regulations because no new street is being constructed and no improvements are being made to existing way nor are required.

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to approve the frontage subdivision plan subject to the following conditions:

- That applicant submit Mylar plan to DPRS of approved plan.
- Waiver of the minimum frontage requirements for each lot otherwise mandated by the Worcester Zoning Ordinance
- Waiver of Sections IX and X of the Subdivision Regulations because no street is being constructed and no improvements to the existing way is required.

Mr. Abeddy asked if article VIII was part of the approval.

Mr. Traynor stated that refers to fact that the applicant has to record the approved plan and applicant agrees not to sell any of the lots until the covenants are in place. Mr. Traynor stated that portion regarding not selling does not apply to this application but the plan must be recorded.

List of Exhibits.

- Exhibit A: Definitive (Frontage) Subdivision Application; received 9/28/2011; prepared by Andrew Ansara.
- Exhibit B: Definitive (Frontage) Subdivision Plan; dated 9/26/2011; prepared by B&R Survey, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Planning Board; re: 144 Massasoit Road (aka 3 Lodge Street) - Definitive Subdivision (Frontage Subdivision); dated 10/21/2011
- Exhibit D: Memorandum from the City of Worcester Department of Public Works & Parks to the Planning Board; re: 144 Massasoit Road - Definitive Subdivision (Frontage Subdivision); dated 10/21/2011.

OTHER BUSINESS

5. Sierra Street – to Make Public (ST-2011-024)

Mr. Adams stated this is petition to make Sierra Street a public street and DPW recommends a priority #1 for that street to be converted to a public street.

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to approve DPW's recommendation as a priority #1.

6. McRae Court – To Make Public (ST-2011-025)

Mr. Adams stated this is petition to make McRae Court a public street and DPW recommends a priority #1 for that street to be converted to a public street.

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to approve DPW's recommendation as a priority #1.

7. Oriol Drive – To Make Public (ST-2011-026)

Mr. Adams stated Oriol Drive is already a public street but applicant can take up at City Council but DPW would recommend this as a priority #1 to the Planning Board.

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to approve DPW's recommendation as a priority #1.

8. Sunnyview Heights – To Make Public (ST-2011-027)

Mr. Adams stated this is request to convert private street to public street and DPW recommends a priority #1.

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to approve DPW's recommendation as a priority #1.

9. Rustic Drive - Accept & Decree Public (ST-2011-028)

Mr. Adams stated Rustic Drive is a subdivision developer street and DPW is recommending a priority #1.

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to approve DPW's recommendation as a priority #1.

10. Stearns Street – To Make Public (ST-2011-029)

Mr. Adams stated DPW is recommending a priority #3 as not all the utilities are in the street so location has some engineering difficulties.

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to approve DPW's recommendation as a priority #3.

11. Foster Street – Discontinue a Portion of the Area between Sidewalk of Foster Street and the Railroad that Abuts Union Station Pursuant to Massachusetts General Law Chapter 40, Section 15, 15A (ST-2011-030)

Mr. Adams stated that DPW has petitioned to have a portion of the right away for Foster Street removed to make way for the new WRTA expansion. The Foster Street right of way is currently bigger than it needs to be so the Planning Board is considering discontinuing a piece. DPW is recommended that the Planning Board give a favorable report back to the City Council to remove this portion of Foster Street from the official map and lead to the City Council's favorable discontinuance of this portion of Foster Street.

Upon a motion by Mr. Truman and seconded by Mr. Mitra the Board voted 4-0 to discontinue a portion of the area between sidewalk of Foster Street and the Railroad that Abuts Union Station Pursuant to Massachusetts General Law Chapter 40, Section 15, 15A.

12. ANR plans .

- **AN-2011-042, 6 Deepdale Road & Dixfield Road: Upon a motion by Mr. Rolle and seconded by Mr. Mitra the board voted 4-0 to endorse AN-2011-042.**
- **AN-2011-043, Cliveden Street & Aphorp Street: Upon a motion by Mr. Rolle and seconded Mr. Truman the board voted 4-0 to endorse AN-2011-043.**

13. Registry of Deeds – ANR update

Item continued until the November 16, 2011 Planning Board meeting.

14. Election of Officers

Upon a motion by Ms. O'Connor and seconded by Mr. Truman the Board voted 4-0 to elect Stephen Rolle as clerk.

Upon a motion by Mr. Rolle and seconded by Mr. Mitra the Board voted 4-0 to elect Andrew Truman as Vice-Chair.

Upon a motion by Mr. Mitra and seconded by Mr. Truman the Board voted 4-0 to elect Anne O'Connor as Chair.

ADJOURNMENT: Upon a motion by Mr. Rolle and seconded by Mr. Truman, the Board voted 4-0 to adjourn the meeting at 6:03 p.m.