MINUTES
WORCESTER PLANNING BOARD
AUGUST 13, 2003

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

Staff Present: Diana Collins, Division of Regulatory Services
Michael Pace, Department of Code Enforcement
Paul Moosey, Department of Public Works
Russell Adams, Department of Public Works
Joel Fontane, EONS Division of Planning
Edgar Luna, EONS Division of Planning
Jeffrey Head, Law Department

Regular meeting (5:30 PM) – Council Chambers, Worcester City Hall

1- **Call to order:** Chairman Joe Boynton called the meeting to order at 5:45 PM.

2- **Approval of Minutes – July 23, 2003:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the minutes of the July 23, 2003 meeting.

3- **Westview Heights – Definitive Subdivision Approval:** Kevin Quinn and Douglas Scott presented the project. No one spoke in opposition. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to waive the 3% grade requirement for the roadway to allow a 5% grade. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to waive the eighty-foot cul-de-sac diameter requirement to allow a seventy-foot diameter for the right of way. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the Definitive Subdivision Plan with the following conditions:

- **Sidewalk be installed up to the guard rail section of the cul-de-sac in front of Lot 2**.
- **Parcel labeled "Remaining land not to be considered a buildable lot" should be labeled "This lot may not be further divided nor developed without Definitive Subdivision Approval.**
- **Four copies of revised plan be submitted to the Regulatory Services Office.**
- **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- **Westview Heights – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the site plan with the following conditions:

- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, shall de installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

5- **Quisset Street/Buckley Road – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the site plan with the following conditions:

- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other 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.**

6- **120 Stafford Street – Parking Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the parking plan with the following conditions:

- **Applicant must use City of Worcester standard catch basins.**
- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other 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 Regulatory Services Office prior to release of decision.**

7- **Amendments to the Site Plan Rules and Regulations:** Notice of the hearing was read by John Shea. Upon a motion by Samuel Rosario and seconded by John

Shea, the Board voted 4-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the Amendments to the Site Plans and Regulations as amended and as follows:

The Worcester Planning Board's Rules and Regulations for Site Plan Approval, adopted on April 11, 1991, be and are hereby amended as follows:

I. Each reference to the Office of Planning and Community Development ("OPCD") contained within the Planning Board Rules and Regulations for Site Plan Approval is hereby deleted and inserted in lieu thereof is the following:

"Department of Code Enforcement"

II. Article II, section 5 entitled "Filing of an Application" is deleted in its entirety and the following new section 5 is inserted in lieu thereof:

A. An applicant shall file a preliminary or definitive application for site plan review with the City of Worcester Planning Board c/o the City's Department of Code Enforcement.

Applications for site plan review must be filed with the Planning Board at least twenty-eight (28) days prior to the scheduled date of the public meeting at which the site plan is to be reviewed by the Planning Board. The site plan reviewed by the Planning Board shall be the site plan on file with the Department of Code Enforcement as of the advertising of said public meeting.

At the time the plan is received, the Department of Code Enforcement shall collect the applicable fee. This fee shall be waived for one resubmission of an application which has been rejected during the administrative review process and for which an application fee has already been paid. Waivers for re-submissions after the first resubmission may be made only by a majority vote of the Planning Board upon a written request for such waiver.

B. Upon receipt of a preliminary application for site plan approval, the Department of Code Enforcement shall conduct an administrative review for completeness and to assure compliance with the requirements set forth in Article II, sections 3 (Preliminary Application) and 4 (Application Form) of the Planning Board's Rules and Regulations for Site Plan Approval. The administrative review shall assess only the form and completeness of documents submitted and shall not include any substantive review under the standards set forth in Article 5, Section 5 of the Worcester Zoning Ordinance.

C If a preliminary application is incomplete or otherwise fails to meet the requirements of sections 3 and 4 of Article II of the Rules and Regulations for Site Plan Approval, the Department of Code Enforcement shall provide written notice to the applicant that the application has been rejected based upon the administrative review standards. The notice shall state the specific reason(s) for the rejection of the application and identify any provision(s) of city's Zoning Ordinance or the Rules and Regulations for Site Plan Approval where the application has been deemed to be deficient. A preliminary application which is rejected at the administrative review stage shall not be considered to have been "submitted to the Planning Board" for site plan purposes.

D. Upon receipt of an application for definitive site plan approval, the Department of Code Enforcement shall conduct an administrative review for completeness and to assure compliance with the requirements of Article II, sections 4 (Application Form), 6 (Contents of Definitive Application) and 7 (Site Plan) of the Planning Board's Rules and Regulations for Site Plan Approval. The administrative review shall assess only the form and completeness of documents submitted and shall not include any substantive review under the standards set forth in Article 5, Section 5 of the Worcester Zoning Ordinance.

E. If a definitive site plan application is incomplete or otherwise fails to meet the requirements set forth under sections 4, 6 or 7 of Article II of the Rules and Regulations for Site Plan Approval, the Department of Code Enforcement shall provide written notice to the applicant that the application has been rejected based upon the administrative review standards. The notice shall state the specific reason(s) for the rejection of the application and identify any provision(s) of the Worcester Zoning Ordinance or the Rules and Regulations for Site Plan Approval where the application has been deemed to be deficient. A definitive site plan application which is rejected at the administrative review stage shall not be considered to have been "submitted to the Planning Board" for site plan purposes.

F. Copies of preliminary and definitive applications received by the Department of Code Enforcement shall be sent to the following:

1. City Planner;
2. Department of Code Enforcement;
3. Department of Public Works (3 copies);
4. Fire Department;
5. School Department; and
6. Any other department, board or commission deemed appropriate by the Planning Board.

G. Transmittal to the above-noted entities shall take place not more than three (3) business days after the date that the Department of Code Enforcement has completed its administrative review - but not more than ten (10) days after the site plan application has been received by the Department of Code Enforcement. The transmittal shall specify the date and time of the Planning Board meeting at which the application is to be considered. If a definitive or preliminary application is rejected under the administrative review criteria no transmittal to the above-noted entities shall be required. A transmittal made in accordance with this section shall not constitute an approval under the administrative review standards.

H. Any city department, board or commission to which an application is referred for review, shall make such recommendations as deemed appropriate. Copies of the recommendations shall be sent to the Planning Board in care of the Department of Code Enforcement. Failure of any such department, board or commission to make its recommendation prior to the meeting date indicated on the transmittal shall be deemed lack of opposition thereto.

ADMINISTRATIVE REVIEW
SITE PLAN APPROVAL

APPLICATION

1. Applicant's name and address and interest in the subject property, and, if different, owner's name and address along with signed and notarized consent to file the application. *Worcester Zoning Ordinance, Article V, § 2 (A), 2(B).* _____

2. Street Address of the property. *Worcester Zoning Ordinance, Article V § 2(c).* _____

3. Original signed application and fifteen (15) copies. *Rules and Regulations for Site Plan Approval §6 (A) (1).* _____

4. Application Fee – *Worcester Zoning Ordinance*, Article 5, § 3(3). _____

5. Certified List of Abutters. *Rules and Regulations for Site Plan Approval §6 (A) (5).* _____

6. One (1) stamped, addressed envelope for each Party on the certified list of abutters and one (1) stamped, addressed envelope for the petitioner. *Rules and Regulations for Site Plan Approval, Article III, § 4 (B) - 4 (D).* _____

7. Impact Statement. *Worcester Zoning Ordinance*, *Article V, § 4 (2)(F).* _____

SITE PLAN

1. Original and fifteen (15) ***folded*** copies of the Site Plan with a scale of not less than 40 feet to the inch. *Rules and Regulations for Site Plan Approval, Article II, § 7(A)* _____

2. Professional Engineer's stamp or request for waiver stating reasons therefor. *Worcester Zoning Ordinance, Article 5,§ 4 (2)(G) .* _____

3. Title block indicating the location, applicant, owner and party responsible for preparing the plan. *Rules and Regulations for Site Plan Approval, Article II, Section 7(B).* _____

4. Names of all public and private rights of way depicted. *Rules and Regulations for Site Plan Approval, Article II, Section 7(B).* _____

5. Locus plan and summary of zoning classification. *Worcester Zoning Ordinance, Article 5, § 4(G)(1).* _____

6. Location, size and use of all buildings depicted, including: Height, Floor to Area Ratio, Total Floor Area, number and size of dwelling units. *Worcester Zoning Ordinance, Article 5, § 4(G)(3).* _____

7. Landscaping information, including: adequacy, type and arrangement of trees, shrubs and other landscaping elements in accordance with the Landscaping Design Standards. *Rules and Regulations for Site Plan Approval, Article II, Section 7(8); Worcester Zoning Ordinance, Article 5 § 4 (2)(G)(8).* _____

8. Drainage facilities and calculations. *Article II, § 7(B)(6); Worcester Zoning Ordinance, Article 5, § 4(2)(G)(6).* _____

9. Location of snow storage or indication that snow is to be removed from site. _____

10. Where outdoor trash storage is planned, a depiction of it's location and type of enclosure. _____

8- **Olean Estates – Preliminary Subdivision Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the Preliminary Subdivision Plan with the following recommendations to the applicant:

- **Eliminate the sidewalk up to where the house stops, southeasterly quarter of the circle only.**
- **Pavement of the road be reduced to 26 feet.**

9- **Olaf Street – 81-G Street Opening:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted to deny the opening of the way because of the inadequacy of the surfacing, drainage and grading to the site.

10- **Lake Avenue (Parcel A) – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the request of the applicant to continue the site plan to September 10, 2003.

11- **Salisbury Street (Lot 1) - Site Plan Approval:** Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 to approve the Site Plan with the following conditions:

- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other 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.**

12- **Marcius Road (Lot 2R) - Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the site plan with the following conditions:

- **Plan must be amended to show a subsurface drainage system for surface runoff, such system to be approved by the Department of Public Works, Engineering Division.**
- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other 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 must be submitted to the Regulatory Services Office prior to release of decision.**

13- **Mount Vernon Street - Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the request of the applicant to continue the site plan to September 10, 2003.

14- **Olaf Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to deny site plan approval because the Board had denied the opening of the way under M.G.L. Ch. 41, Sect. 81G.

15- **69 East Mountain Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the site plan with the following conditions:

- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other 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.**

16- **922 Grafton St. -Parking Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the request of the applicant to continue the parking plan to August 27, 2003.

17- **807, 811-813 Main Street – Parking Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the parking plan with the following conditions:

- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other 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.**
- **Applicant must move the dumpster to the northeasterly corner of the building.**
- **Applicant must keep pipe velocity under 10 feet per second.**
- **Applicant must place manhole at existing main.**
- **Four copies of revised plan must be submitted to the Regulatory Services Office prior to release of decision.**

18- **Dearborn Street – Private Street Conversion:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to recommend a Priority 2.

19- **Brooks Crossing Subdivision – Phase II – Bond Reduction:** Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 3-0 (John

Shea recused himself from voting) to hold this item at the request of the Department of Public Works.

20- **Endorsement of ANR plans:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 3-0 to endorse ANR Plan #5626 Bjorkland Avenue (Anne O'Connor recused herself). Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to hold ANR Plan #5631 Castine/Aroostook/Dixfield for a view. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to endorse ANR Plan #5632 Rosemary/Montgomery. Upon a motion by Samuel Rosario and seconded John Shea, the Board voted 3-1 to endorse ANR Plan #5633 Wigwam Hill Drive – Lot 47. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 3-1 to endorse ANR Plan #5634 Wigwam Hill Drive – Lot 25. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 3-1 to endorse ANR Plan #5635 Wigwam Hill Drive – Lot 24. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to endorse ANR Plan #5636 Northboro Street. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to endorse ANR Plan #5637 14 West Boylston St. Upon a motion by Samuel Rosario and seconded by John Shea the Board voted 4-0 to endorse ANR Plan #5638 Mower Street (138). Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 3-0 to endorse ANR Plan #5639 Highland Street (Joe Boynton recused himself). The Board held ANR Plan #5640 Jersey Dr./Oakmont Rd., ANR Plan #5641 Jersey Dr./West Boylston and ANR Plan #5642 Jersey Drive because of the lack of a quorum. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to endorse ANR Plan #5643 Fenton Drive. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to hold ANR Plan #5645 Miles Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to endorse ANR Plan #5646 Anderson Avenue. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to endorse ANR Plan #5647 Arrowsic Street.

Other Business:

Good Harbor Heights Subdivision – Set Bond: (John Shea recused himself.) Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 3-0 to set a bond in the amount of $275,000.00 with a work completion date of September 1, 2004 and bond expiration date of December 1, 2004. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 3-0 to release Lots 5-15 inclusive from the restrictive covenant upon issuance of the surety.

Anchor Street Subdivision – Extend Work Completion Date: Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to extend the work completion date to November 1, 2003.

Zoning Ordinance Review: The Board held a discussion of the process for considering substantial revisions to the City's Zoning Ordinance. The Board authorized the Chairman to discuss the process with the City Planner and the City Manager and present the Board's views on taking a phased approach to a thorough review of the Ordinance.

Re-zoning – St. Vincent's Hospital Area: The Board discussed a rezoning of those parcels included in the IN-H zone on Winthrop and Providence Streets. The Board requested the City Planner to present the Board with a proposal that included rezoning those parcels southerly of Winthrop Street in the BO-2.0 zone, rezoning those parcels outside the main hospital parcel RG-5 and creating a new BL-2.0 zone for the "main campus" of the St. Vincent Hospital parcel.

The meeting was adjourned at 8:30 PM.