

MINUTES
WORCESTER PLANNING BOARD
April 13, 2005

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

Staff Present: Michael Traynor, Law Department
Jody Kennedy-Valade, Code Enforcement
Judith Stolberg, Planning
Joel Fontane, Planning
Edgar Luna, Planning
Russell Adams, DPW

Regular Meeting (5:30 PM) – Saxe Room, Worcester Public Library

1. **Call to Order:** Chairman Joe Boynton called the meeting to order at 5:40 PM.
2. **Approval of the Minutes – March 23, 2005 Meeting:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 (Scott Cashman was not yet present) to approve the minutes of the March 23, 2005 meeting.
3. **Rice Lane/Shannon Street – Special Permit:** Items 3-6 were taken collectively. Notice of the hearing was read by the Clerk. Attorney Samuel DeSimone and David Mackwell presented the plan. Attorney DeSimone explained revisions to the plan including reducing the number of units to 46. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to close the hearing. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 3-2 (Joe Boynton and Samuel Rosario voted no) to approve the Special Permit, however because four affirmative votes are required for approval, the Special Permit was denied. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to reconsider the vote. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to grant the request of the applicant for leave to withdraw without prejudice the Special Permit, Site Plan Approvals and More Than One Building on a Lot applications.
4. **Winthrop Street/Rice Lane – Site Plan Approval:** See #3.
5. **Winthrop Street/Shannon Street – Site Plan Approval:** See #3.
6. **Rice Lane – More Than One Building on a Lot:** See #3.

7. **20 Johnson Street – Site Plan Approval:** John Shea and Samuel Rosario recused themselves. Upon a motion by Anne O’Connor and seconded by Scott Cashman, the Board voted 3-0 to approve the site plan with the following conditions:

- **Plan must denote townhouses not condominiums.**
- **Plan must show evergreen shrubs to be planted atop of the retaining wall on the westerly and northerly sides to screen townhouses from headlights on Elliot Street with said shrubs to be at least 4 feet tall and placed no more than 4 feet on center.**
- **Plan must note 6’ chain link fencing must be installed atop retaining walls over 4 feet in height.**
- **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 must be submitted to Land Use Office prior to release of the decision.**

8. **40-42 Hooper Street – Site Plan Approval:** Joe Boynton recused himself. Samuel Rosario assumed the Chair. 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:

- **Plan must show a 6’ chain link fence along the easterly side of the property above the retaining wall.**
- **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. **344 Pleasant Street – Parking Plan Approval:** Joe Boynton recused himself and Samuel Rosario assumed the Chair. 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:
- **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.**
10. **1300 Grafton Street – Amendment to Definitive Subdivision Approval:** Joe Boynton recused himself and Samuel Rosario assumed the Chair. Notice of the hearing was read by the Clerk. Kevin Quinn, Quinn Engineering, presented the plan. Rod Morgan, Bill Wood and Pat McGrath asked questions, which were answered by Mr. Quinn. Upon a motion by John Shea and seconded by Anne O’Connor, the Board voted 4-0 to close the hearing. Upon a motion by John Shea and seconded by Anne O’Connor, the Board voted 4-0 approve the amendment.
11. **110 Pocasset Avenue (Pocasset Estates) – Preliminary Subdivision Approval:** Joe Boynton recused himself and Samuel Rosario assumed the Chair. Attorneys Jonathan Finkelstein and Samuel DeSimone represented the owners and presented the plan. Upon a motion by John Shea and seconded by Anne O’Connor, the Board voted 4-0 to deny approval of the preliminary subdivision plan because the Department of Public Works advised that excessive waivers would be required.
12. **203 Norfolk Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 5-0 to approve the site plan with the following conditions:
- **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.**

13. **38-40 Heath Street/41 Malvern Road – Site Plan Approval:** Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 (Samuel Rosario had left the room) to continue the site plan approval to April 27, 2005 so the Board can view the site.
14. **1 Fay Street – Site Plan Approval:** John Shea and Scott Cashman recused themselves. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 3-0 to continue the site plan approval to April 27, 2005 and advised the applicant to move the maples in front to shade the parking area, show lighting on the plan, note the type of trash container enclosure on the plan and show the Board a conceptual plan with the building situated differently.
15. **23 Oxford Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to extend the deadline for constructive grant to June 8, 2005 and continued the site plan approval to June 8, 2005.
16. **24 Mill Street – Parking Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to approve the parking plan with the following conditions:
 - **Areas shown on the plan crosshatched (southwest and southeast corners and northeast lower lot on the southerly side and northeast upper lot on the northerly side) be labeled as snow storage areas and a shade tree from the list of species in the Zoning Ordinance be located at each of said locations.**
 - **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 Land Use Office prior to release of decision.**
17. **Proposed Zoning Ordinance:** Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to recommend that the City Council not adopt the changes in the November 18, 2003 transmittal to the City Council because due to budgetary constraints, organizational changes and multiple competing projects, the process was made much longer than desirable to complete. The resulting possibility of legal challenges based on the length of time it has taken to consider the revised ordinance makes it advisable to recommence the process.

18. **Approval of Minutes Special Meetings Proposed Zoning Ordinance Changes:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 (Scott Cashman abstained) to approve the minutes of the March 3, 2004, April 21, 2004, May 27, 2004 and July 22, 2004 meetings.
19. **Broughton Street – To Make Public:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to recommend a Priority 1.
20. **Fernside Road – To Make Public:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to recommend a Priority 1.
21. **Warwick Street – To Make Public:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to recommend a Priority 3.
22. **Jeremiah’s Lane – Extension of Time For Work Completion Date:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to extend the work completion date to June 30, 2005 and bond expiration date to August 30, 2005.
23. **Shepard Street – Sewer Petition:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to recommend a Priority 1.
24. **Windsor Street – Sewer Petition:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to recommend a Priority 1.
25. **Upland Estates:** Board wants developer to come to the next meeting to discuss status of this subdivision and completion of work.
26. **Meeting Schedule Remainder of Calendar Year:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 (Joe Boynton did not participate) to set the following schedule:
 - June 8 & 22**
 - July 13 & 27**
 - August 10 & 24**
 - September 14 & 28**
 - October 12 & 26**
 - November 9 & 30**
 - December 14 & 28**
27. **Approval Not Required (ANR) Plans:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to deny endorsement of ANR Plan #6017 Bowdoin Street because there was no proof that the structure was in existence prior to June 26, 1939. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to endorsement ANR Plan #6018 North Street (39-45). Upon a motion by John Shea and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR Plan #6019

Pullman Street. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #6020 Curtis Parkway. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6021 Acton Street. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan #6022 Havelock Road. 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 #6023 Tainter Street. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6024 Bjorklund Avenue. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #6025 Prioulx Street. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to hold ANR Plan #6026 Mystic/Greenwood Street for a view. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to deny endorsement of ANR Plan #6027 Circuit Avenue because the way 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 4-1 (Joe Boynton voted to deny) to endorse ANR Plan #6028 135/137 Loxwood Street. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6029 24 Claffey Avenue. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #6030 51 Randall Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #6031 West Boylston Drive. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6032 Massasasoit Road & Fenwood.

OTHER BUSINESS

Fenton Estates Subdivision: The Board voted to invite the developer to attend the next meeting to discuss the status of this subdivision and completion of work.

Indian Hill Subdivision: Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to deny the request for bond release for Phase II based on advice of the Department of Public Works. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to release \$10,000 of the existing bond leaving a new bond amount of \$100,000.00 for Phase III. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to release \$165,000 of the existing bond leaving a new bond amount of \$135,000.00 for Phase IV. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to deny the request for a bond reduction for Phase V based on advice of the Department of Public Works.

The meeting was adjourned at 9:15 PM.