

Sealed  
Worcester City Clerk  
RECEIVED - 6 FEB 2024

DONALD J. O'NEIL

COUNSELOR AT LAW

688 PLEASANT STREET  
WORCESTER, MASSACHUSETTS 01602  
TELEPHONE: 508-755-5655  
FAX 508-755-9655



DONALD J. O'NEIL, ESQ.

DJO@ONEILBARRISTER.COM

February 15, 2024

Worcester Planning Board  
c/o Division of Planning & Regulatory Services  
455 Main Street, Room 404  
Worcester, MA 01608

Re: Definitive Frontage Subdivision Plan  
37 Circuit Avenue East

Dear Planning Board Members,

I am writing on behalf of my client, Wendell Butler, to request approval of the Definitive Subdivision Plan filed herewith for property situated at 37 Circuit Avenue East. The Zoning Board of Appeals has recently voted to grant frontage relief to allow for the division of the property into two lots utilizing the property's frontage on Circuit Avenue East for pedestrian access and the frontage on Vincent Avenue at the rear of the property for vehicular access. No new road construction is proposed or necessary and the existing utilities available on site are adequate in all respects for the proposed use of the property. On behalf of my client, I also respectfully request that you grant as needed waivers of the Subdivision Rules and Regulations required for the approval of the plan filed herewith with the exception of those applicable to ANR submissions. If you need anything further for me please let me know.

Very truly yours,

Donald J. O'Neil

Cc: Wendell Butler



**DEFINITIVE "FRONTAGE" SUBDIVISION PLAN APPLICATION**

**CITY OF WORCESTER PLANNING BOARD**  
455 Main Street, Room 404; Worcester, MA 01608  
Phone 508-799-1400 Ext. 31440 - Fax 508-799-1406

1. The undersigned applicant, being the owner of all land included within a proposed subdivision shown on the accompanying plan entitled Definitive Frontage Subdivision Plan  
Land Owned By Wendell Butler, 37 Circuit Avenue East, Worcester, Massachusetts  
and prepared by B&R Survey, Inc.  
Massachusetts Registered (Engineer) (Surveyor), Registration Number 36868,  
dated February 13, 20<sup>24</sup>, submits such plan as a Definitive Plan of the proposed subdivision and makes application to the Board for approval thereof.
  
2. The land within the proposed subdivision is subject to the following easements and restrictions:  
None.  
\_\_\_\_\_  
\_\_\_\_\_
  
3. There are appurtenant to the land within the proposed subdivision the following easements and restrictions: None.  
\_\_\_\_\_  
\_\_\_\_\_
  
4. A preliminary Plan of the proposed subdivision was approved by the Board on \_\_\_\_\_ 20\_\_\_\_. The modifications recommended at this meeting have been incorporated in the accompanying plan.
  
5. The applicant agrees if the Definitive Plan is approved, to construct and install all improvements within the proposed subdivision required by the Rules and Regulations of the Worcester Planning Board as in force on the date of this application and as modified and supplemented by the work specifications and other requirements of the Public Works Commissioner and the Health and Code Enforcement Commissioner.
  
6. The applicant covenants and agrees to complete all said required improvements; (1) within three (3) years from the date of approval of a Definitive Subdivision Plan of ten lots or fewer; or (2) within five years from the date of approval of a Definitive Subdivision Plan of more than ten lots.
  
7. The applicant agrees if this application is approved, to file with the Board within twenty (20) days of such approval a bond in form satisfactory to the Board and conditioned on the completion of all required improvements in the time and manner prescribed, in a penal sum sufficient in the opinion of the Planning Board upon the advice of the Commissioner of Public Works to cover the cost of such work and executed by the applicant as principal and a surety company authorized to do business in the Commonwealth of Massachusetts and satisfactory to the Board as surety or secured by the deposit with the City Treasurer of money or negotiable securities satisfactory to the Board in the amount equal to the penal sum of the bond.

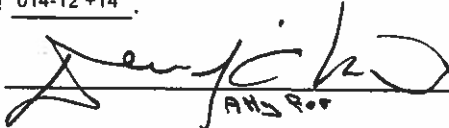
**OR**

8. The applicant further agrees, if this application is approved, to cause the Definitive Plan of the subdivision to be recorded in the Worcester District Registry of Deeds or in the Worcester Land Registry District within six (6) months of such approval, and agrees not to sell or to offer to sell, any of the lots within the subdivision.

9. The owner's title to the land is derived under deed from

Jaga Koirala and Binita Koirala

dated March 2, 2021, and recorded in the Worcester District Registry of Deeds, Book 64616, Page 265; or Land Court Certificate of Title Number \_\_\_\_\_, registered in Worcester Land Registry District, Book \_\_\_\_\_, Page \_\_\_\_\_ and Worcester Assessor's Book 14, Page 014-12 +14.

Applicant's Signature: 

Applicant's Name (Please Print): Wendell Butler

Applicant's Address: 646 Raphael Place

Charlotte, NC 28205

Applicant's Phone Number: (860) 377-3224 Fax Number: (508) 755-9655

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ as duly submitted under the Rules and Regulations of the Planning Board.

For

WORCESTER PLANNING BOARD

By:

\_\_\_\_\_  
Division of Planning & Regulatory Services



### Certified Abutters List

A list of 'parties in interest' shall be attached to the application form and shall include the names and addresses. All such names and addresses shall be obtained from the most recent applicable tax list maintained by the City's Assessing Department. The Assessing Department certifies the list of names and addresses.

Total Count: 53

Parcel Address: 37 CIRCUIT AVE EAST  
 Assessor's Map-Block-Lot(s): 14-014-12+14  
 Owner: BUTLER, WENDELL PHILLIPS IV  
 Owner Mailing: 646 RAPHAEL PL  
CHARLOTTE, NC 28205  
 Petitioner (if other than owner): DONALD J ONEIL  
 Petitioner Mailing Address: 688 PLEASANT ST  
WORCESTER, MA 01602  
 Petitioner Phone: 5087555655

Planning: X      Zoning: \_\_\_\_\_      License Commission: \_\_\_\_\_      Conservation Commission: \_\_\_\_\_  
 Historical: \_\_\_\_\_      Cannabis: \_\_\_\_\_      Other: \_\_\_\_\_

The City of Worcester  
Administration & Finance

14-013-09+9A	MITCHELL JUDITH L	0046 ENGLEWOOD AVE	WORCESTER MA 01603
14-022-02+21	DAVIS RAYMOND E +	0062 CIRCUIT AVE NORTH	WORCESTER MA 01603
14-014-7A+08	VERA SONNIA M	0043 CIRCUIT AVE EAST	WORCESTER MA 01603
14-014-05+5A	GUZMAN XAVIER +	0049 CIRCUIT AVE NORTH	WORCESTER MA 01603
14-014-22+24	SIROIS STEPHANIE + SCAVONE	0038 CIRCUIT AVE EAST	WORCESTER MA 01606
14-014-10+35	COBOS ALEX R	0041 CIRCUIT AVE EAST	WORCESTER MA 01603
14-014-12+14	BUTLER WENDELL PHILLIPS IV	0646 RAPHAEL PL	CHARLOTTE NC 28205
14-015-002+3	VILLABROZA RUBEN + LORNA	0003 GENOA ST	WORCESTER MA 01603
14-021-09+24	LANIN KIRILL SERGEYEVICH+	0027 CIRCUIT AVE EAST	WORCESTER MA 01603
14-014-00034	SPRING DANIELLE	0004 GENOA ST	WORCESTER MA 01603
14-022-00008	KELLEY KATHRYN J	0051 VINCENT AVE	WORCESTER MA 01603
14-014-00036	ALAFBERG JOHN F + SANDRA E	0039 CIRCUIT AVE EAST	WORCESTER MA 01603
14-014-00033	LECLAIR EUGENE III +	25 ENGLEWOOD AVE	WORCESTER MA 01603
14-022-00013	MUCHIRI STEPHEN	0059 CIRCUIT AVE NORTH	WORCESTER MA 01608
14-022-00010	CRAIG WYATT + BUCKJUNE	0061 CIRCUIT AVE WEST	WORCESTER MA 01603
14-022-009-3	MYAGHSHIMA CORWYN Y	0053 NORTH CIRCUIT AVE	WORCESTER MA 01609
14-022-0008A	CAPRAE GABRIELLE A + SAMUEL B	0067 CIRCUIT AVE WEST	WORCESTER MA 01603
14-013-00041	LEGASEY RICHARD A + MARIE C	0048 ENGLEWOOD AVE	WORCESTER MA 01603
14-014-0017A	WOCHNA BRIAN W + CHRISTINE A	40A CIRCUIT AVE EAST	WORCESTER MA 01603
14-013-00040	LE QUY V	0044 ENGLEWOOD AVE	WORCESTER MA 01603
14-022-00001	REARDON DONALD P + PATRICIA A	0060 CIRCUIT AVE NORTH	WORCESTER MA 01603
14-014-00020	SMITH ANDREW B	0027 WESTWOOD DR	WORCESTER MA 01609
14-014-00023	LE VAN	0035 ENGLEWOOD AVE	WORCESTER MA 01603
14-014-00021	WORCESTER DEVELOPMENT PROJECT VIII	0075 ARLINGTON ST 5TH FLOOR	BOSTON MA 02116
14-022-00003	HABBO MOHAMMAD J	0064 CIRCUIT AVE NORTH	WORCESTER MA 01603
14-014-00025	HAMMETT STEVEN C	0031 ENGLEWOOD AVE	WORCESTER MA 01603
14-015-00004	NOP BONNDOLE KDEUP + CHHON	0001 GENOA ST	WORCESTER MA 01603
14-014-00016	MORALES ELIOENAI	0035 CIRCUIT AVE EAST	WORCESTER MA 01603
14-014-00031	SOUTRA PENNY J	0027 ENGLEWOOD AVE	WORCESTER MA 01603
14-014-00009	GRAHAM PAUL R + ROSEMARY F	0066 VINCENT AVE	WORCESTER MA 01603
14-022-00004	VU DINH HUU	0068 CIRCUIT AVE NORTH	WORCESTER MA 01603
14-022-00009	EISNOR DAVID	0053 VINCENT AVE	WORCESTER MA 01603
14-014-00026	PINEDA HUGO A + HUGO V	0034 CIRCUIT AVE EAST	WORCESTER MA 01603
14-014-00011	VU CHAU H	0012 LAKESIDE DR	SHREWSBURY MA 01545
14-014-00032	JENOURE FREDERICK E + PAMELA K	0002 GENOA ST	WORCESTER MA 01603
14-022-009-1	NGUYEN MINH H + CHAU	0057 CIRCUIT AVE NORTH	WORCESTER MA 01603
14-022-00007	BOROWY ELIZABETH NAOMI	53 VINCENT AVE	WORCESTER MA 01603
14-014-00015	MILOTT PATRICK D + PATRICIA K	0054 VINCENT AVE	WORCESTER MA 01603
14-021-00007	LAPOINTE RICHARD + JEAN TRUSTEES	0050 VINCENT AVE	WORCESTER MA 01603
14-015-00001	GORING CLIVE & SANDRA	28 CIRCUIT AVE EAST	WORCESTER MA 01603
14-015-00035	GORING CLIVE + SANDRA	28 CIRCUIT AVE EAST	WORCESTER MA 01603
14-021-00028	MEDINA RICCI AZOR	0033 CIRCUIT AVE	WORCESTER MA 01603
14-022-08A-1	TRIMBLE KATHLEEN RIDLEY	0063 CIRCUIT AVE WEST	WORCESTER MA 01604

The City of Worcester  
Administration & Finance

14-021-00001	FIGUEROA ADRIAN E JR	0049 VINCENT AVE	WORCESTER MA 01603
14-015-00007	ORTIZ JONATHAN + TATAREK	0024 CIRCUIT AVE EAST	WORCESTER MA 01603
14-021-00026	DOW RONALD W + KATHLEEN M	47 VINCENT AVE	WORCESTER MA 01603
14-021-00031	MCCARTHY JAMES L III + BEVERLY	44 VINCENT AVE	WORCESTER MA 01603
14-021-00002	DOW RONALD W + KATHLEEN M	00047 VINCENT AVE	WORCESTER MA 01603
14-020-00001	DOW RONALD W + KATHLEEN M	0047 VINCENT AVE	WORCESTER MA 01603
14-021-00032	PENA RAMON OSVALDO PEREZ	0025 CIRCUIT AVE EAST	WORCESTER MA 0163
14-014-00029	GERARDI SHARON E TRUSTEE	0032 CIRCUIT AVE EAST	WORCESTER MA 01603
14-014-00007	BOGGS GEORGE A JR + JANE C TRUSTEES	0045 CIRCUIT AVE EAST	WORCESTER MA 01603

This is to certify that the above is a list of abutters to Assessor's Map-Block-Lot's 14-014-12+14 as cited above.

Certified by:

\_\_\_\_\_  
*Samuel E. Konicz*

02/16/2024

Signature

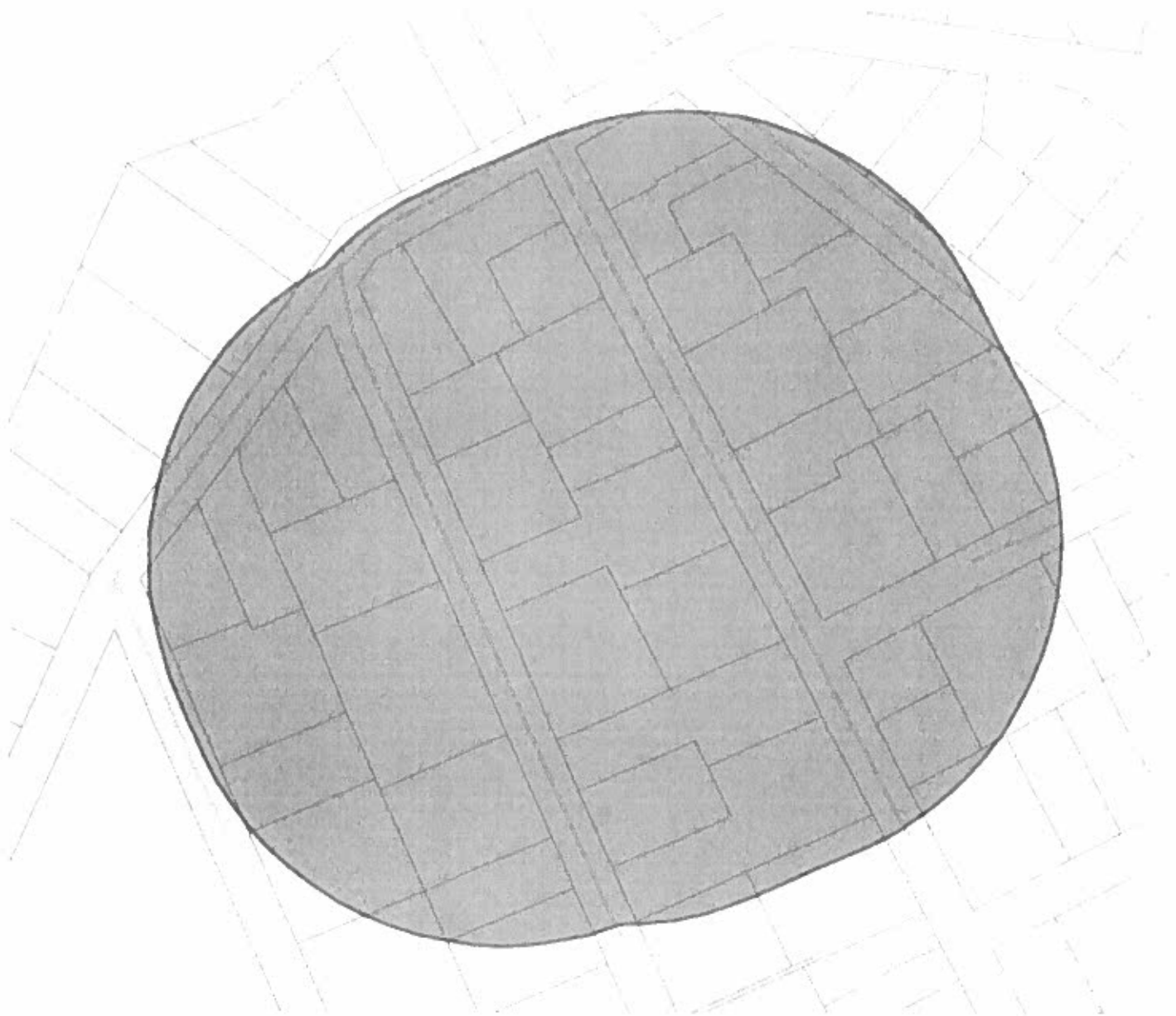
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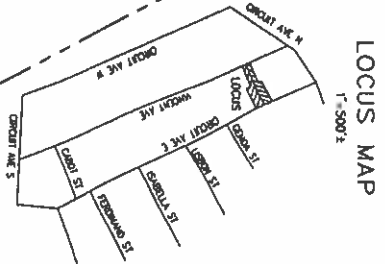
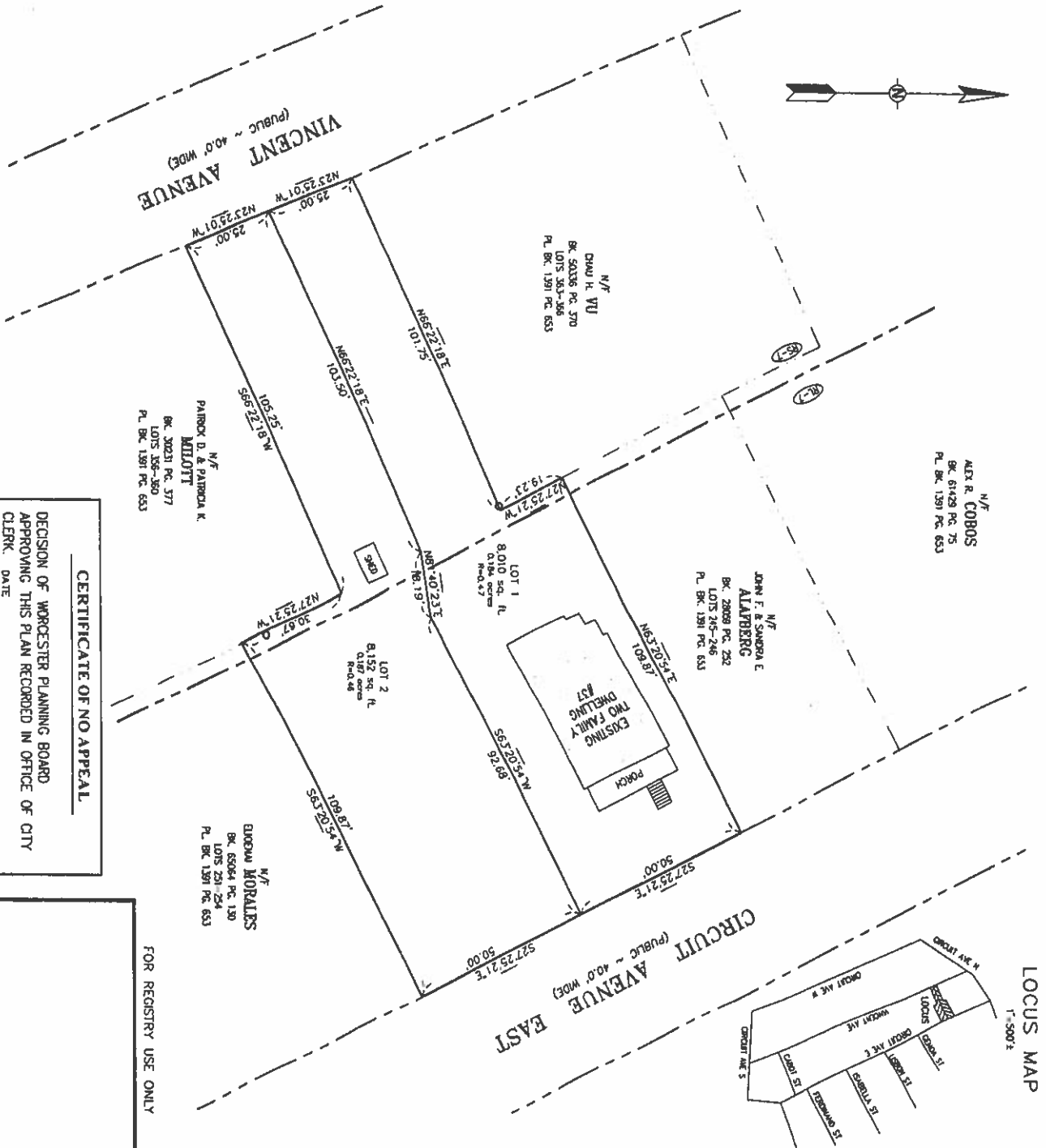
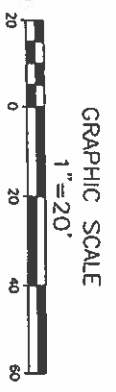
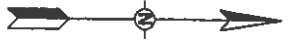


The City of  
**WORCESTER**

Assessing Division  
Samuel E. Konieczny, MAA, City Assessor  
City Hall, 455 Main Street, Worcester, MA 01608  
P | 508-799-1098 F | 508-799-1021  
assessing@worcesterma.gov

## Abutters Map





**CERTIFICATE OF NO APPEAL**

DECISION OF WORCESTER PLANNING BOARD  
 APPROVING THIS PLAN RECORDED IN OFFICE OF CITY  
 CLERK. DATE \_\_\_\_\_

NO NOTICE OF APPEAL THEREFROM RECEIVED BY CITY  
 CLERK DURING THE 20 DAYS FOLLOWING.

CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

FOR REGISTRY USE ONLY

LOCUS MAP  
1"=500'2

**NOTES:**  
 THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT  
 AND IS SUBJECT TO ANY FINDINGS SUCH A REPORT MIGHT DISCLOSE

**REFERENCES:**  
 DEED BOOK 64616 PAGE 265  
 PLAIN BOOK 1391 PAGE 653  
 ASSESSORS REFERENCE 14-014-12+14

**WAIVER:**  
 APPLICANT REQUESTS WAIVER OF SUBDIVISION REGULATIONS EXCEPT  
 THOSE FOR AN AIR PLAN.

**NOTE:**  
 ON FEBRUARY 12, 2024 THE ZONING BOARD OR APPEALS APPROVED  
 VARIANCES FOR RELIEF FROM THE FRONTAGE AND SETBACK  
 DIMENSIONAL REQUIREMENTS SET FORTH  
 RECORDED IN THE WORCESTER DISTRICT REGISTRY OF DEEDS.

**ZONING:**  
 AS SHOWN  
 ALL ABOVE DEEDS AND PLANS ARE RECORDED WITH THE WORCESTER  
 DISTRICT REGISTRY OF DEEDS.

APPROVAL, REQUIRED UNDER THE SUBDIVISION CONTROL LAW,  
 WORCESTER PLANNING BOARD.

DATE: \_\_\_\_\_

THE ABOVE ENDORSEMENT IS NOT A DETERMINATION BY THE PLANNING  
 BOARD AS TO CONFORMANCE WITH ZONING REQUIREMENTS.  
 I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE  
 WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

**B&R SURVEY, INC.**

100 GROVE STREET  
 WORCESTER, MA 01605  
 TEL 508-756-8579  
 FAX 508-421-4797

**DEFINITIVE FRONTAGE SUBDIVISION PLAN**

**WENDELL BUTLER**

LAND OWNED BY:

**37 CIRCUIT AVENUE EAST**  
**WORCESTER, MASSACHUSETTS**

SCALE: 1"=20' DATE: FEBRUARY 13, 2024

FIELD: RJS	CALC: RPB	CHECK: RJS
SHEET 1 OF 1		JOB #23-089