

**MINUTES**  
**WORCESTER PLANNING BOARD**  
**January 28, 2004**

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

**Staff Present:** Katie Donovan, Regulatory Services  
Michael Pace, Department of Code Enforcement  
Russ Adams, Department of Public Works  
Jeffrey Head, Law Department  
Joel Fontane, EONS, Planning Division  
Edgar Luna, EONS  
Judith Stolberg, Economic Development Office

**Regular Meeting (5:30 PM) - City Council Chamber, City Hall.**

1. **Call to Order:** Chairman Joe Boynton called the meeting to order at 5:50 PM.
2. **Approval of the Minutes – January 14, 2004 Meeting:** Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 4-0 (John Shea recused himself) to approve the minutes of the January 14, 2004 meeting.
3. **54 Brooks Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-1 (Samuel Rosario voted no) to approve the site plan with the following conditions:
  - **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.**
4. **25 Winthrop Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to approve the site plan with the following conditions:
  - **Applicant must use 8" DR-18PVC for catch basin connections.**
  - **Applicant must use 12"HDPE for inlet and outlet pipes to proposed Vortechnic Chamber.**
  - **Lot A-1 requires access and utility easements over lot A-2.**

- **Approval is subject to an amendment to an existing Special Permit being approved by the Zoning Board of Appeals and recorded at the Worcester District Registry of Deeds allowing for the Zoning Board of Appeals to require the realignment of the driveway entrance on Winthrop Street in substantially the form presented by the applicant to the Planning Board.**
- **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 the Regulatory Services Office prior to release of the approval.**

5. **299 Shrewsbury Street – Special Permit (Flexible Parking Overlay District):** John Shea does not have to recuse himself. Attorney Samuel Desimone spoke in favor. No one spoke in opposition. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 4-1 (Joe Boynton voted no) to grant the Special Permit with the following findings:

- **The proposed use is in harmony with the general purpose and intent of the Zoning Ordinance as it relates to the Flexible Parking Overlay District (FPOD).**
- **The site is an appropriate location for the proposed use because it is located in an area that has a multitude of restaurant uses and historically has been used for restaurant use.**
- **The proposed use will not adversely affect the neighborhood because the proposed use will draw mostly evening customers while other uses in the immediate area will be daytime uses.**
- **There will be no nuisance or serious hazard to vehicles or pedestrians because the parking lot is designed to provide one ingress and one egress creating the least amount of traffic congestion at the site.**

6. **Gould Hill Road – Definitive Subdivision Approval:** Site Plan Approval was taken collectively. Attorney Jonathan Finkelstein and Robert O'Neil presented the plan. Tom White, an abutter, asked questions. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to close the hearing which was then reopened upon a motion by John Shea and seconded by Samuel Rosario to discuss the frontage. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to waive the requirement for a 100' leveling area at the intersection. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-1 (Joe Boynton voted no) to waive the frontage requirement to allow 25' of frontage. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-1 (Joe Boynton voted no) to waive the 30' paved width of the road requirement to allow 18' width. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to waive the construction standards for the road to allow 6" of gravel, a 2.5" binder and a 1.5" topcoat

with a 3” crown. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-1 (Joe Boynton voted no) to waive the sidewalk requirement. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to waive the turn around requirement. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to waive the 8” berm requirement to allow a 6” berm. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 4-1 (Joe Boynton voted no) to approve the subdivision plan dated January 7, 2004 with the following conditions:

- **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.**

7. **Gould Hill Road – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to approve the site plan with the following conditions:
  - **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.**
8. **81 Lafayette Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-1 (Stephen Petro voted no) to deny site plan approval because the landscape requirements of the Zoning Ordinance were not met, rear loading docks are inadequate and the traffic flow design was inadequate.
9. **503 Plantation Street - Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to continue the site plan approval to February 11, 2004 at the request of the applicant.
10. **Capitol Street – Remove Portion From Official Map:** Notice of the hearing was read by the Clerk. William Magnussin and Robert Magnussin spoke in favor. Kenneth Foley, a party of interest, spoke in opposition. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to close the hearing. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to deny the street opening because an abutter with frontage on the way who would be affected by its removal was opposed.

11. **Freemont & Exeter Streets – Adaptive Reuse Overlay District:** Notice of the hearing was read by the Clerk. Attorney Samuel Desimone and Barbara Haller spoke in favor. No one spoke in opposition. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to recommend approval to the City Council because the proposed change would allow for much needed housing to be constructed in the neighborhood and allow for the preservation and redevelopment of a building that has limited utility.
12. **1 & 3 Clegg Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to approve the site plan with the following conditions:
  - **Note two car garages on the plan.**
  - **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 the revised plan be submitted to the Regulatory Services Office prior to release of the decision.**
13. **9 Iroquois Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to continue the site plan approval to February 11, 2004 because the applicant was not present.
14. **275 Greenwood Street – Site Plan Approval:** Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 5-0 to continue the site plan approval to February 11, 2004 so the applicant can revise the plan to comply with the landscaping ordinance, reconfigure the parking lot so stacking lanes do not interfere with parking and meet with Traffic Engineer to get comments on one way flow.
15. **248-256 East Mountain Street – Site Plan Approval:** John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 4-0 to continue the site plan approval to March 10, 2004 at the request of the applicant.
16. **Approval Not Required (ANR) Plans:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 3-2 (John Shea and Anne O’Connor voted no) to deny endorsement of ANR Plan #5717 Alameda Road because the way shown on the plan does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 3-2 (Joe Boynton and Anne O’Connor voted no) to deny endorsement of ANR Plan #5724 Crane Street. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to reconsider. Upon a motion by John Shea and seconded by Anne O’Connor, the Board voted 4-1 to endorse ANR Plan #5724 Crane Street. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-1 (Samuel Rosario voted no) to

endorse ANR Plan #5732 Valmor Street. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5733 Arrowsic Street.

**Other Business:** None

The meeting was adjourned at 8:30 PM.