

**MINUTES
WORCESTER PLANNING BOARD
May 12, 2004**

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

Staff Present: Michael Pace, Department of Code Enforcement
Kathleen Donovan, Land Use
Russ Adams, Department of Public Works
Michael Traynor, Law Department
Carrie Holtan, Law Department
Joel Fontane, EONS
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 5:35 PM.
2. **Approval of the Minutes – April 14, 2004 and April 28, 2004 Meetings:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to approve the minutes of the April 14, 2004 meeting. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to approve the minutes of the April 28, 2004 meeting.
3. **Ledgecrest Drive – Site Plan Approval:** Samuel Rosario recused himself. Upon a motion by John Shea and seconded by Stephen Petro, 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.**

4. **Parsons Hill – Amendment to Definitive Subdivision Approval:** Samuel Rosario recused himself. Notice of the hearing was read by the Clerk. Hussein Haghanizadeh presented the plan. No one spoke in opposition. Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 4-0 to close the hearing. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted to approve the amendment. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to reconsider the vote. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to approve the amendment with the provision that a Title Report be received and reviewed by the Law Department with respect to ownership of 17 of the lots and with the following conditions:

- **All provisions of the Board’s prior approval remain in effect except to the extent they are modified by the vote taken May 12, 2004.**
- **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.**

5. **24-28 Wachusett Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to approve the site plan with the following conditions:

- **A fence is to be installed along the northerly boundary to stop 15 feet back from the easterly sidewalk and noted on the plan.**
- **Lighting is not to spill over onto abutting property with lighting to be no more than 1-foot candlepower at property line and noted on the plan.**
- **Applicant must use 12” reinforced concrete pipe between drain manholes.**
- **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.**

6. 160 Fremont Street – Special Permit: Notice of the hearing was read by the Clerk. Attorney Samuel DeSimone and Jeff Howland presented the plan. 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 Stephen Petro, the Board voted to waive 7 feet of the frontage requirement and 11 feet of the rear yard setback requirement and include such waivers as conditions of the Special Permit. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to approve the special permit with the following findings:

- **The Proposed use is in harmony with the general purpose and intent of the Zoning Ordinance and the Adaptive Reuse Overlay District and meets the review criteria in Article II.**
- **The specific site is an appropriate location for the proposed use because it is in the midst of an area that consists of mixed uses, some residential, some industrial and the rehabilitation of a vacant industrial building will have a positive impact on the neighborhood.**
- **The proposed use as developed will not adversely affect the neighborhood because the proposed use will be a reuse of an underutilized structure and create additional housing opportunities.**
- **There will be no nuisance or serious hazard to vehicles or pedestrians because the proposed use would have lower traffic impact on roadways in the area when compared with other land uses allowed at this location.**
- **Adequate and appropriate facilities will be provided for the proper operation of the proposed use because there is adequate parking, appropriate lighting and internal traffic circulation.**

The following conditions were also voted:

- **Water service is subject to Department of Public Works approval.**
- **Shade tree species are to be changed to Callery pears and ornamental trees along St. Johns Road to be noted as crabapple trees.**
- **Arbor vitae trees to be planted along the property lines.**
- **Four copies of the revised plan be submitted to the Land Use Office prior to release of the decision.**

7. 160 Fremont Street – Site Plan Approval: Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to approve the site plan with the following conditions:

- **Dumpster be enclosed with a solid board fence and noted on the plan.**
- **Landscaping table be changed to include the Callery pear trees, crabapple trees and arbor vitae as conditioned in the Special Permit.**
- **Plan must show how existing water system is to be altered to accommodate the proposed number of units and approved by the Department of Public Works.**
- **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.**

8. 68 Laurel Street – Site Plan Approval: Upon a motion by Stephen Petro and seconded by Anne O'Connor, the Board voted 5-0 to extend the deadline for constructive grant to May 27, 2004 and continued the site plan to May 26, 2004 at the request of the applicant.

9. 1300 Grafton Street – Definitive Subdivision Approval: Joe Boynton recused himself. Samuel Rosario assumed the Chair. Site Plan Approval and More Than One Building on a Lot were taken collectively. Attorney Jonathan Finkelstein and Kevin Quinn presented the plan. William Wier, Raymond Griffin and Robert Morgan spoke in opposition. 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 to approve the Definitive Subdivision with the following conditions:

- **Retention basin to be located as far away from Lot 3 as possible.**
- **City of Worcester standard cul-de-sac is required.**
- **Drainage main must be extended with sanitary main.**
- **Applicant must provide 25-foot access easement.**
- **Applicant must indicate the size and type of the proposed water main.**
- **A 12"x8" tapping sleeve and gate shall be used to connect to the 12" water main in Grafton Street.**
- **Hydrant must be located at end of water main.**
- **Water details must be changed to reflect City of Worcester standards.**

- **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.**

10. 1300 Grafton Street – More Than One Building On A Lot: Joe Boynton recused himself. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to approve the plan.

11. 1300 Grafton Street – Site Plan Approval: Joe Boynton recused himself. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to approve the site plan with the following conditions:

- **Retention basin to be located as far away from Lot 3 as possible.**
- **City of Worcester standard cul-de-sac is required.**
- **Drainage main must be extended with sanitary main.**
- **Applicant must provide 25-foot access easement.**
- **Applicant must indicate the size and type of the proposed water main.**
- **A 12”x8” tapping sleeve and gate shall be used to connect to the 12” water main in Grafton Street.**
- **Hydrant must be located at end of water main.**
- **Water details must be changed to reflect City of Worcester standards.**
- **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.**

12. **895 Millbury Street – Parking Plan Approval:** Stephen Petro recused himself. 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:

- **Drainage plan must be provided and approved by the Department of Public Works for the front parking lot.**
- **Plan must be stamped by a Registered Engineer.**
- **Parking tables must be included on the plan.**
- **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.**

13. **135 Olean Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to extend the deadline for constructive grant to May 27, 2004 and continued the site plan approval to May 26, 2004.

14. **Ledgecrest Drive – Remove From Official Map:** Samuel Rosario recused himself. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to remove the portion of Ledgecrest Drive requested by the applicant from the Official Map.

15. **9 Blake Street – Special Permit:** Stephen Petro recused himself. Notice of the hearing was read by Anne O’Connor. Jeff Howland presented the plan. 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 special permit with the following findings:

- **The Proposed use is in harmony with the general purpose and intent of the Zoning Ordinance because the three-unit single-family attached building complies with current zoning. Topography of the land causes parking to be located in the rear, thus necessitating a common driveway.**
- **The specific site is an appropriate location for the proposed use because the driveway will be located on the low side of the lot allowing for garage under units and limiting the number of access points to one.**

- **The proposed use as developed will not adversely affect the neighborhood because access to the street will be at one point thereby making access safer.**
- **There will be no nuisance or serious hazard to vehicles or pedestrians because the proposed common driveway will limit access to one point therefore creating a safer environment for vehicles and pedestrians.**
- **Adequate and appropriate facilities will be provided for the proper operation of the proposed use because the driveway width is 24 feet and each unit will have two car under garages.**

16. Worcester Center Boulevard – Site Plan Approval: Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to continue the site plan approval to May 26, 2004 when the Traffic Engineer will attend the meeting.

17. 17 Denmark 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:

- **Plan must show guardrail on top of rip rap along both driveways.**
- **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.**

18. 1200 West Boylston Street – Site Plan Approval: Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to continue the site plan approval to May 26, 2004 and advised the applicant to show on the plan where the water service will be located, retaining wall height, drainage calculations and provide proof of the issuance of a building permit from West Boylston. The Board also requested staff contact the Fire Department, Emergency Services and Police Department to see who will respond to emergency calls for this site.

19. Brooks Crossing Subdivision (Phase II) – Work Completion Date: John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 4-0 to extend the work completion date to September 1, 2004 and the bond expiration date to November 1, 2004.

- 20. Fenton Estates Subdivision – Work Completion Date:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to extend the work completion date to October 31, 2004 and the bond expiration date to December 31, 2004.
- 21. Approval Not Required (ANR) Plans:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #5793 Mountain Street East/Garrison Street. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5794 Apthorp Street. Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 4-0 (Joe Boynton recused himself) to endorse ANR Plan #5795 Castine/Dixfield Streets. Upon a motion by Stephen Petro and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #5796 Nome Street. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to hold ANR Plan #5797 Clegg Street for a view. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5798 Providence Street. Upon a motion by Stephen Petro and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan # 5799 Malvern Road. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan #5800 Wilbur Street (Joe Boynton recused himself). Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5801 Winthrop/Providence Streets.

Other Business: None

The meeting was adjourned at 8:50 PM.