

MINUTES
WORCESTER PLANNING BOARD
June 23, 2004

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

Staff Present: Michael Pace, Department of Code Enforcement
Kathleen Donovan, Land Use
Russ Adams, Department of Public Works
Carrie Holtan, Law Department
Joel Fontane, EONS
Edgar Luna, EONS
Judith Stolberg, Economic Development Office
Christopher Cummings, Planning Intern

Regular Meeting (5:30 PM) – Room 409, City Hall.

1. **Call to Order:** Chairman Joe Boynton called the meeting to order at 5:35 PM.
2. **Approval of the Minutes – June 9, 2004 Meeting:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted to approve the minutes of the June 9, 2004 meeting.
3. **Rodney Street – Site Plan Approval:** Upon a motion by Stephen Petro and seconded by John Shea, 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.**
4. **135 Olean Street – Site Plan Approval:** Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 5-0 to extend the deadline for constructive grant to July

29, 2004 and continued the site plan approval to July 14, 2004. The applicant was advised to renotify abutters.

5. **Waterview Estates – Preliminary Subdivision Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to deny approval of the preliminary subdivision plan and advised the applicant to show surrounding existing homes on the plan, provide a traffic study with maximum calculations for up to 120 dwelling units, show sidewalks on the plan and meet the requirement of the subdivision regulations for a dead end road upon submission of the definitive plan.
6. **1200 West Boylston Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-1 (Samuel Rosario voted no) 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.**
7. **50 Adams 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:
 - **Approval is for 32 units.**
 - **Snow is to be removed from the site with signage in the parking areas stating such per order of the Planning Board and shown on the plan (2 upper lot, 1 at the garage entrance and 1 in the lower lot).**
 - **A six-foot stockade fence be installed along the property line of the easterly abutting property on Belmont Street.**
 - **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. Zoning Map Amendment – 937-945 West Boylston Street:** Notice of the hearing was read by the Clerk. Attorney Philip Lombardo and Robert Protano spoke in favor. Susan and Robert Sacco requested a buffer. James Cheng asked if his property would be affected. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted to close the hearing. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-1 (Samuel Rosario voted no) to recommend approval with the modification that the area within fifteen feet of the property lines abutting parcels in the RL-7 zone remain RL-7 because the land is otherwise adjacent to a BL-1 zone and conforms with other uses along West Boylston Street and the modification provides a buffer for the abutting residential neighborhood.
- 9. Proulx Street – 81G Street Opening:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted to 5-0 to continue the street opening to July 28, 2004 and advised the applicant to renotify abutters.
- 10. Proulx 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 July 28, 2004 and continued the site plan approval to July 28, 2004.
- 11. Attleboro Street – 81G Street Opening:** Upon a motion by Stephen Petro and seconded by John Shea, the Board voted to 5-0 to approve the request of the applicant for leave to withdraw.
- 12. 215 Mill 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:
 - **Snow storage areas must be shown on the plan.**
 - **The number of compact parking spaces in the upper parking area is limited to ten in accordance with the requirement of the Zoning Ordinance that not more than 25% of the total parking spaces can be for compact cars.**
 - **Applicant must provide drainage calculations to the Department of Public Works.**
 - **Plan must be stamped by a Registered Engineer.**
 - **Applicant must provide stormwater management to the satisfaction of the Department of Public Works.**
 - **Applicant must show how change in use will affect existing water service.**
 - **Department of Public Works Water Operations not responsible for providing additional meter service.**

- **Applicant must note on the plan that all trash is to be stored inside.**
- **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. 125 Olean Street – Site Plan Approval: Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to extend the deadline for constructive grant to July 28, 2004 and continued the site plan approval to July 28, 2004. The Board advised the applicant to renotify abutters.

14. 319-321 Cambridge Street/2 Hacker 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 July 28, 2004. The Board advised the applicant to renotify abutters.

15. 299 Shrewsbury Street – Special Permit: Notice of the hearing was read by the Clerk. Stephen Petro recused himself. Joel Fontane explained the relief that was needed. Amat Sharmis spoke in favor. Lucille Carrier and Ingatius Chang 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 3-1 (Joe Boynton voted no) to approve the Special Permit with the following proposed findings:

- **The Proposed use is in harmony with the general purpose and intent of the Zoning Ordinance and meets the review criteria of the Zoning Ordinance for the Flexible Parking Overlay District (FPOD).**
- **The specific site is an appropriate location for the proposed use because it is in an area that consists of many restaurant uses and other uses that don't require parking during the evening hours.**
- **The proposed use as developed will not adversely affect the neighborhood because many of the customers will be evening customers as opposed to the daytime customers of other establishments.**
- **There will be no nuisance or serious hazard to vehicles or pedestrians because the proposed use would have one means of**

ingress and one means of egress therefore causing minimal traffic problems.

- **Adequate and appropriate facilities will be provided for the proper operation of the proposed use because there is adequate internal traffic circulation for the parking area.**

Since four affirmative votes are required for approval of a Special Permit and the vote to approve was 3-1, the Special Permit is therefore denied. Mr. Boynton explained that he voted against the application because the applicant sought relief from required off street parking spaces greater in number than the Zoning Ordinance allows and because the applicant had not demonstrated to the Board that the proposed expansion would have adequate parking through a combination of on-site and off-site locations.

- 16. Zoning Map Amendment – Stafford Street:** Notice of the hearing was read by the Clerk. Attorney Samuel DeSimone represented the petitioner. Dr. John George and Frank Coldecino asked questions. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted to close the hearing. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to recommend approval of changing the current MG-2.0 zoning to BL-1.0 by extending the BL-1.0 zone to the southerly side of Stafford Street because the property to be changed is adjacent to a BL-1.0 zone and the uses permitted by the change conform with other uses in the general area.
- 17. Zoning Map Amendment – Gardner Street:** Notice of the hearing was read by the Clerk. Joe Boynton recused himself and Samuel Rosario assumed the Chair. Attorney Todd Rodman represented the petitioner. No one spoke in opposition. Upon a motion by Anne O'Connor and seconded by Stephen Petro, the Board voted to close the hearing. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 to recommend approval of changing the current MG-2.0 zoning to RG-5 by extending the RG-5 zone southeasterly because the property to be changed is adjacent to an RG-5 zone and the uses permitted by the change conform with the city's revitalization plans for the area.
- 18. Toronita Avenue – 81G Street Opening:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted to 5-0 to continue the street opening to August 11, 2004 so the Conservation Commission can complete its hearing process before the Board makes a decision on the street opening.
- 19. Locust Avenue – Preliminary Subdivision Approval:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 3-2 (Samuel Rosario and Joe Boynton voted no) to approve the preliminary subdivision plan.
- 20. 269 Lake Avenue – Site Plan Approval:** John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to continue the site plan approval to July 14, 2004.

21. **40 Nyland Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to continue the site plan approval to July 14, 2004.
22. **5L & 5R Main 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 July 14, 2004 and asked that copies of the prior approval and ANR plan be brought at that time.
23. **344 Franklin Street – Parking Plan Approval:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to extend the deadline for constructive grant to July 14, 2004 and continued the parking plan approval to July 14, 2004
24. **Bond Request – Ledgecrest Subdivision (Phase IV):** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to set a bond in the amount of \$75,000.00 with a work completion date of July 1, 2005 and bond expiration date of September 1, 2004 and to release Lots 31A & 31B through 37A & 37B inclusive.
25. **Work Completion Date – Ledgecrest Subdivision (Phases 2 & 3):** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to extend the work completion date to July 1, 2005 and bond expiration date to September 1, 2005.
26. **Approval Not Required (ANR) Plans:** The Board held ANR Plan #5812 Corning Avenue for a view. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to deny endorsement ANR Plan #5816 Simone/Rogers Streets 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 5-0 to endorse ANR Plan #5821 Orient Street. Upon a motion by Anne O'Connor and seconded by Stephen Petro, the Board voted 4-0 (Joe Boynton recused himself) to endorse ANR Plan #5822 Kilby, Gardner & Hammond Streets. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 3-1 (Joe Boynton voted no and Samuel Rosario recused himself) to endorse ANR Plan #5823 Corrine Street. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #5824 Meola Drive (Lots 5A & 5B). Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 (John Shea recused himself) to deny endorsement of ANR Plan #5825 Meola Drive (Lots 9A & 9B) because the lots are not identified on the plan. Upon a motion by Anne O'Connor and seconded by Samuel Rosario, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #5826 Meola Drive (Lots 13A & 13B). Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 to endorse ANR Plan #5827 Meola Drive (Lots 15A & 15B). Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #5828 Meola Drive (Lots 7A & 7B). Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #5829 Meola Drive (Lots 10A & 10B). Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #5831 Meola Drive (Lots 11A &

11B). Upon a motion by Anne O'Connor and seconded by John Shea, the Board voted 5-0 to endorse ANR Plan # 5832 Salisbury Street. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #5833 Rodney Street. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #5834 Winneconnett Road. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #5835 Housatonic Street. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #5836 Gold Star Boulevard.

Other Business:

Ellis Estates Subdivision – Extend Work Completion Date: Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to extend the work completion date to December 1, 2004 and bond expiration date to February 1, 2005.

Howe Avenue – Correspondence From Attorney Gershon M. Gulko: Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 5-0 to ask the Law Department to draft a response to the letter for the Board.

The meeting was adjourned at 10:40 PM.