

MINUTES
WORCESTER PLANNING BOARD
July 28, 2004

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

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

Regular Meeting (5:30 PM) – City Council Chambers, City Hall.

1. **Call to Order:** Chairman Joe Boynton called the meeting to order at 5:30 PM.
2. **Approval of the Minutes – July 14, 2004 Meeting:** Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 3-0 (John Shea and Stephen Petro recused themselves because they were not present at the July 14, 2004 meeting) to approve the minutes of the July 14, 2004 meeting.
3. **319-321 Cambridge Street/2 Hacker Street – Site Plan Approval:** Joe Boynton recused himself. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 2-2 (Samuel Rosario and Anne O'Connor voted no) to deny site plan approval because walking across Cambridge Street to the parking lot was a public safety issue. At this point the applicant requested a time extension and continuance. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to extend the deadline for constructive grant to August 11, 2004 and continued the site plan approval to August 11, 2004 at the request of the applicant.
4. **269 Lake Avenue – Site Plan Approval:** John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 3-1 (Joe Boynton voted no) to approve the site plan with the following conditions:
 - **Stabilization of sloped area is to be done immediately.**
 - **Plan must show three-car garage for the main house.**
 - **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 the Land Use Office prior to release of decision.**

5. **269 Lake Avenue – More Than One Building On A Lot:** John Shea recused himself. Notice of the hearing was read by the Clerk. Attorney Patricia Gates, T. Patrick Harrington and Rick Biloudeau spoke in favor. There was no opposition. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 3-1 (Joe Boynton voted no) to approve the application for more than one building on a lot.

6. **Zoning Ordinance Amendment – Airport Environs Overlay District Moratorium:** John Shea recused himself. Notice of the hearing was read by the Clerk. Joel Fontane presented two revisions to the proposed moratorium. The first revision recognizes that the land use regime in the Airport Environs is primarily lower-density single-family uses and exempts these uses from the moratorium. The second revision allows for expansion of existing dwelling units. These revisions provide for an appropriate moratorium proposal given the context of existing development in the airport environs. With these modifications, the moratorium temporarily suspends the higher-density residential uses that are currently permitted (by special permit) in the Airport Environs. Accordingly, this ordinance will not further restrict (beyond current zoning) the development of single-family detached, single-family semi-detached, and two-family dwelling units. Lance McKee, representing the Tatnuck Brook Watershed Association, and Peter Cataldo asked for clarification. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to close the hearing. A motion by Samuel Rosario and seconded by Stephen Petro to recommend denial was withdrawn. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 3-1 (Stephen Petro voted no) to recommend adoption of the petition with the revisions presented for a period of two months (instead of 24 months) from the date of ordination. During this time, the Planning Board will consider zoning alternatives that would restrict development in the Airport area, including the environs, to lower density residential uses such as those allowed in RS-7 and RS-10 zones. The moratorium with these amendments is as follows:

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting after section 2 in Article XI, the following new section:

“Section 3 – Interim Building Moratorium”

A. The purposes of this section are declared to be:

1. To protect the public health and safety from potentially incompatible development within the Airport Environs Overlay District;
2. To protect those areas within the Airport Environs Overlay District pending completion of a comprehensive planning process and possible adoption of a rezoning proposal;
3. To protect those areas within the Airport Environs Overlay District from development that would frustrate the goals of a comprehensive planning process and any contemplated rezoning.

B. Duration of the Moratorium

1. The interim building moratorium established hereunder shall expire two (2) months from the date of its adoption or until the completion of the comprehensive planning process and the adoption of any zoning amendments derived from the comprehensive planning process, whichever occurs first.
2. Anything in Section 3(B)(1) to the contrary notwithstanding, the effective time period of the moratorium may be extended by a 2/3's vote of the City Council but, under no circumstances may the moratorium remain in effect more than thirty-six months from the date of its adoption.

C. Prohibited Uses

1. During the effective time period of the moratorium no building permit, special permit or variance shall be issued within the Airport Environs Overlay District for the following uses:
 - a) Uses listed in Article IV, Section 2, Table 4.1 – Residential Use;
 - b) Nursing or convalescent home/institution/facility (Article IV, Section 2, Table 4.1 – General Uses, Line 12); and
 - c) Schools (vocational, professional, others) --- profit (Article IV, Section 2, Table 4.1 – General Uses, Line 18).

D. Exemptions

1. The following uses and activities shall be exempted from the application of the moratorium:

a) Renovation to existing structures not resulting in a new or additional dwelling unit, institutional room or classroom; and

b) Accessory buildings or structures, such as garages, sheds, fences, signs and swimming pools; and

c) Repairs to existing structures; and

d) Reconstruction, without expansion, of any structure damaged or destroyed by casualty; and

e) The following Residential uses: Single-family detached, Single-family semi-detached and Two-family detached dwelling units.

7. **Zoning Ordinance Amendment – Dimensional Table (Height Requirement):** The hearing was not opened. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to continue the item to August 11, 2004 at the request of the applicant.
8. **Park Hill Road (Blackstone Woods) – Definitive Subdivision Approval:** Notice of the hearing was read by the Clerk. Jed Manis and Christopher Ferguson presented the plan. Steve Hill, Rob Coakley, Earl Skogland, Debra Carey and Ed Zigolas asked questions. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-0 to continue the hearing to August 25, 2004 so the applicant can propose different ownership of the detention basin shown on the plan and amend the plan to show more sidewalks and to widen the paved area of Nyland Street to thirty feet.
9. **115 Stafford 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:
- **Plan must show right turn in/right turn out only at Heard Street entrance with appropriate signage stating “No Left Turn” facing traffic that otherwise would enter and exit the site by turning left.**
 - **Plan must show a raised delta island in the driveway at Heard Street, designed so as to prevent left hand turns into and out of the site. The design of said island is to be approved by the Traffic Engineering Division of the Department of Public Works.**
 - **Plan must show lengthening of the lanes for the drive-through to the length required by the Zoning Ordinance.**

- **Applicant must use DR 18 pipe.**
- **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 the Land Use Office prior to release of decision.**

10. El Caney Road – 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:

- **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.**

11. 125 Olean 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 August 25, 2004 and continued the site plan approval to August 25, 2004 at the request of the applicant.

12. Prioux Street – 81G Street Opening: Site Plan Approval was taken collectively. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to approve the request of the applicant for leave to withdraw. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to extend the deadline for constructive grant to August 11, 2004 and continued the site plan approval to August 11, 2004 at the request of the applicant and the applicant was advised to renotify abutters.

13. Prioux Street – Site Plan Approval: See #12.

14. 26-30 Bancroft Street – More Than One Building on a Lot: Site Plan Approval was taken collectively. Joe Boynton recused himself and Samuel Rosario assumed the Chair.

Notice of the hearing was read by the Clerk. Robert O'Neil presented the plan. No one spoke in opposition. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to close the hearing. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to approve the More Than One Building on a Lot application. 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.**
- **Four copies of revised plan must be submitted to the Land Use Office prior to release of decision.**

15. 141, 143, 147 Austin Street – More Than One Building on a Lot: Site Plan Approval was taken collectively. Joe Boynton recused himself and Samuel Rosario assumed the Chair. Notice of the hearing was read by the Clerk. Robert O'Neil presented the plan. No one spoke in opposition. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to close the hearing. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to approve the More Than One Building on a Lot application. 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.**
- **Four copies of revised plan must be submitted to the Land Use Office prior to release of decision.**

16. 169 Plantation Street – More Than One Building on a Lot: Notice of the hearing was read by the Clerk. Attorney Jacob Morris, John Pepi and Joyce Pepi 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 5-0 to continue the hearing to August 25, 2004 and advised the applicant to show parking, access for driveways, type of single-family units, locus and adjacent properties on the plan.

17. **64-79 Beacon Street – More Than One Building on a Lot:** Special Permit and Site Plan Approval were taken collectively. The hearings were not opened. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to continue the items to August 11, 2004.
18. **64-79 Beacon Street - Special Permit (Adaptive Re-use Overlay District):** See #17.
19. **Palace Gardens Road – Preliminary Subdivision Approval:** Stephen Petro recused himself. Engineer Jeff Howland presented the plan. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the preliminary subdivision plan and advised the applicant the Board would be willing to waive the horizontal curb radius requirement, the 500' road length limit and the sidewalk on both sides of the road requirement.
20. **18 Lachapelle Street – 81G Street Opening:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to approve the street opening plan.
21. **Delawanda Drive – 81G Street Opening:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to continue the item to August 11, 2004 because the Board did not view the site.
22. **Attleboro Street – 81G Street Opening:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-1 (Anne O'Connor voted no) to deny approval of the street opening plan because the grade of the road would be too steep.
23. **14 & 16 Edgeworth Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to approve the site plan with the following conditions:
 - **Plan must show a six-inch berm along the southerly side of the lot that meets City of Worcester standards and is approved by the Department of Public Works.**
 - **Plan must show a sidewalk in front of the lot.**
 - **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 the Land Use Office prior to release of decision.**

24. **26-30 Bancroft Street – Site Plan Approval:** See #14.

25. **141, 143 & 147 Austin Street – Site Plan Approval:** See #15.

26. **64 – 79 Beacon Street – Site Plan Approval:** See #17.

27. **965 Millbury – 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:

- **Plan must show three additional shade trees in the parking area, one beside the parking in front and two along the parking between the two buildings.**
- **Snow storage area must be shown 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 must be submitted to the Land Use Office prior to release of decision.**

28. **6 Monmouth Avenue – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to approve the site plan with the following conditions:

- **Drive must be moved southerly and shown on the plan.**
- **The pitch of the driveway must be designed to prevent water from flowing onto Monmouth Avenue and such design is to be 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 must be submitted to the Land Use Office prior to release of decision.**

- 29. Shore Drive – 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 August 11, 2004 at the request of the applicant.
- 30. 442 Southwest Cutoff – Parking 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 August 11, 2004 and continued the parking plan approval to August 11, 2004.
- 31. 1300 Grafton Street (Accept Covenant):** Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 5-0 to accept the covenant.
- 32. Approval Not Required (ANR) Plans:** ANR Plan #5851 Myrick Avenue was held for a view. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5852 Howe Avenue. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5853 Chester Street with the condition that the survey not on the plan that the street is public before a Board member signs it. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 (Samuel Rosario recused himself) to deny endorsement of ANR Plan #5854 Ledgecrest Drive because of insufficient frontage on one of the lots. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5856 Vinton Street. ANR Plan #5857 Sherer Trail was held for a view.

Other Business: None

The meeting was adjourned at 10:00 PM.