

MINUTES
WORCESTER PLANNING BOARD
December 8, 2004

Planning Board Members Present: Joe Boynton
Anne O'Connor
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

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 – November 17, 2004 Meeting:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the minutes of the November 17, 2004 meeting.
3. **169 Plantation Street – More Than One Building On A Lot:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the request of the applicant for Leave to Withdraw.
4. **40-180 Ballard Street – Zoning Map Amendment:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to continue the hearing to December 22, 2004 at the request of the applicant and so that the Administration can complete preparation of its recommendation.
5. **Myrick Avenue – 81G Street Opening:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the request of the applicant for Leave to Withdraw and the Board advised the applicant to file a Definitive Subdivision Plan to create the portion of the way outside the current right of way.
6. **550 Franklin Street – Parking Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to extend the deadline for constructive grant to December 22, 2004 and continued the parking plan approval to December 22, 2004 at the request of the applicant.

7. **Tainter & Gardner Streets – Site Plan Approval:** Joe Boynton recused himself. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-0 to approve the site plan with the following conditions:

- **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.**
- **Snow must be stored on the field and so noted on the plan.**
- **Dumpster must be shown on the plan and enclosed with a solid board fence for screening purposes.**
- **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 the decision.**

The following conditions are intended to be a summary of the current, known street and infrastructure issues for this project as of the date site plan approval is granted. This list is not intended to be a final list of project issues or approvals, nor is it intended to limit the application of any law, ordinance or other requirement with respect to this project. Final responsibility for the funding and construction of the various street and infrastructure matters that are a part of this project will be coordinated between Kilby Gardner Hammond, LLC and the City of Worcester. The City has not currently agreed to be responsible for or to fund any aspect of the project work except for the evaluation of its existing sewer and water lines as indicated in the following conditions.

- **A portion of Tainter Street between 38 Tainter and Kilby Street; and a portion of Ripley Street between Beacon and Tainter Streets to be abandoned.**
- **The abandonment of Tainter Street between 38 Tainter Street and Kilby Street with easements to the City of Worcester for continued maintenance, operation, repair and replacement of water line(s) in the Tainter Street right of way.**
- **Tainter Street cul-de-sac. Construction of a cul-de-sac to City specifications and with City approval.**

- **Tainter/Kilby Street Intersection.** The reconfiguration of this intersection to City of Worcester standards and subject to City approval.
- **The abandonment of Ripley Street between Beacon and Tainter Streets with easements to the City of Worcester for continued maintenance, operation, repair and replacement of existing utilities in the Ripley Street right of way. The creation of a private, common driveway serving the parking area of a duplex structure to be constructed at 200 Beacon Street and the existing three family dwelling at 41 Ripley Street.**
- **The replacement of an existing 16” high-pressure water line in Ripley Street, by the City of Worcester. The City will be granted an easement for the ongoing maintenance, operation, repair and replacement of this line that will extend under Clark University’s new athletic field.**
- **The 12” low-pressure water line in Ripley Street to be evaluated, by the City of Worcester, for abandonment or replacement as required.**
- **Inspection and repair (if necessary) of an existing 16” x 24” combined sewer line by the City of Worcester. Also, determination by the City of Worcester and Kilby Gardner Hammond, LLC as to whether additional drainage will be required at the redesigned Kilby/Tainter Street intersection.**
- **The abandonment and termination of the existing gas service in Tainter Street by the utility company.**
- **The abandonment of the existing electric line in Tainter Street with a relocation of the line along the perimeter of Clark’s new athletic field at the expense of MassElectric and Clark University.**
- **Conveyance of an easement to the City of Worcester for the operation, maintenance, repair and replacement of the existing 12” water line in the upper portion of Ripley Street providing service from Beacon Street to the existing three family dwelling at 41 Ripley Street.**
- **Conveyance of an easement for the operation, maintenance, repair and replacement of the existing 15” combined sewer line in the abandoned portion of Ripley Street. In addition, because of significant grade changes at the bottom of Ripley Street, a portion of this line must be replaced at a lower elevation. Installation of a catch basin at the bottom of Ripley Street.**

8. 342-346 Shrewsbury Street – Parking Plan Approval: Special Permit was taken collectively. John Shea recused himself resulting in not enough members to hear the Special Permit application. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 3-0 to invoke the Rule of Necessity. The Chair asked Mr.

Shea if he would participate and Mr. Shea responded in the affirmative. Notice of the hearing was read by the Clerk. Anthony Mallozzi presented his case for granting the Special Permit. No one spoke in opposition. Upon a motion by John Shea and seconded by Samuel Rosario, 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 parking plan with the following conditions:

- **Applicant must correct the parking calculations on the plan by rounding up the number of required spaces.**
- **A six-foot solid board fence be installed by the parking spaces next to the front door to the right of the building and perpendicular to Adams Street and noted 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 the revised plan be submitted to the Land Use Office prior to release of decision.**

9. **64 Catherine Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the site plan with the following conditions:

- **Applicant must use 12" reinforced concrete pipe for drain connection.**
- **Plan must show two-car garages for each unit.**
- **Fencing be installed along the westerly side of the driveway in back of the end unit extending approximately 20' from the sidewalk into 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.**

10. 5L, 5R1 & 6A Main Street – Site Plan Approval: Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the site plan with the following conditions:

- **Applicant must install a 6’ privacy fence along the northerly and southerly lengths of the abutting properties.**
- **A retaining wall be installed at the south portion along the west end of the driveway and shown on the plan and be approved by the Department of Public Works Engineering Division.**
- **Riprap must be installed at the northerly corner at the Herndon property line and shown on the plan.**
- **A 6” berm running the length of the southerly side of the driveway along the Herndon property line must be installed and 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.**

11. Corrine Street – Site Plan Approval: Upon a motion by John Shea and seconded by Anne O’Connor, 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.

12. **1050-1060 Main Street – Parking Plan Approval:** Anne O’Connor recused herself. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-0 to extend the deadline for constructive grant to January 12, 2005 and continued the parking plan approval to January 12, 2005 at the request of the applicant.
13. **Zoning Map Amendment – 3 Beamon Avenue:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to allow the applicant to withdraw the petition.
14. **9 Forkey Avenue – Definitive Subdivision Approval:** Notice of the hearing was read by the Clerk. Joshua Reinke presented the plan. No one spoke in opposition. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to close the hearing. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-1 (Joe Boynton voted no) to approve a waiver of the minimum frontage requirement and to approve a waiver of the Board’s subdivision rules and regulations requiring the construction of ways and installation of municipal utilities herein. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-1 (Joe Boynton voted no) to approve the definitive subdivision plan 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.**
15. **342-346 Shrewsbury Street – Special Permit (Flexible Parking Overlay District):** See #8. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the Special Permit with the following findings:
 - a. **The proposed relief from the off-street parking requirements is in harmony with the general purpose and intent of the City of Worcester Zoning Ordinance because it meets the review criteria of the Zoning Ordinance for the Flexible Parking Overlay District (FPOD).**
 - b. **The specific site is an appropriate location for the proposed relief from the off-street parking requirements because the proposed use is in an area that consists of many restaurant uses and other uses that do not require off-street parking during the evening hours.**

- c. **The proposed relief from the off-street parking requirements will not adversely affect the neighborhood because there is significant on street parking available in the area.**
- d. **There will be no nuisance or serious hazard to vehicles or pedestrians if the requested relief is granted because the parking is adequate for the use that is located away from most of the other restaurant uses along Shrewsbury Street.**

16. **Denver Terrace – Remove Portion From Official Map:** Samuel Rosario recused himself. Notice of the hearing was read by the Clerk. Sandra Smith presented her case to remove a portion of Denver Terrace, presently not in use, from the Official Map. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 3-0 to continue the hearing to December 22, 2004 to determine if the petition is correctly stated relative to whether the street is public or private.
17. **Yale Street – Remove Portion From Official Map:** Notice of the hearing was read by the Clerk. Petitioners were not present because of illness but requested the hearing be held anyway. No one spoke in opposition. 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 remove the requested portion of Yale Street from the Official Map.
18. **Evelyn Street, Keach Avenue & Narragansett Avenue – 81G Street Opening:** Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 2-2 (Samuel Rosario and Joe Boynton voted no) to approve the street opening plan. Because a majority of affirmative votes is required for approval, the street opening plan was not approved.
19. **8 Ideal Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, 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.**
20. **178 Eastern Avenue – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to approve the site plan with the following conditions:

- **Plan must show the roof drains connected to the public drain.**
- **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.**

21. 505, 507 & 509 Plantation Street – Site Plan Approval: Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-1 to approve the site plan with the following conditions:

- **Applicant must use 6" SDR 35 PVC for sanitary connections and note 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.**

22. 53 Northboro Street – Parking Plan Approval: 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:

- **Plan must show shade trees along the boundaries of the parking area and a landscaping table showing species from the list contained in the Zoning Ordinance, caliper and number of shade trees.**
- **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.**

- 23. Approval Not Required (ANR) Plans:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to deny endorsement of ANR Plan #5929 Bremer Street because the plan does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to deny endorsement of ANR Plan #5938 Farm Street/Swan Avenue because the plan does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan #5939 Ingleside Avenue/Cohasset Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to deny endorsement of ANR Plan #5940 21 & 23 Rural Street because the plan does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to deny endorsement of ANR Plan #5941 Rural Street/Ockway Street because the plan does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 3-0 (Samuel Rosario recused himself) to endorse ANR Plan #5942 70-76 Ledgecrest Drive. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to endorse ANR Plan #5943 Milton Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to deny endorsement of ANR Plan #5944 Lachapelle Street because the plan does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan #5945 Ararat Street. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 3-0 (Joe Boynton recused himself) to endorse ANR Plan #5946 Woodcliffe Avenue (Lot 1). Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to endorse ANR Plan #5947 Worcester Center Boulevard/Commercial Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to endorse ANR Plan #5948 Pullman Street.

Other Business:

Fenton Estates – Extend Work Completion Date: John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 3-0 to extend the work completion date to June 15, 2005.

The meeting was adjourned at 9:00 PM.