

MINUTES
WORCESTER PLANNING BOARD
September 28, 2005

Planning Board Members Present: John Shea
Anne O'Connor
Scott Cashman
Margaret Guzman

Staff Present: Carrie Holtan, Law Department
Michael Traynor, Law Department
Joel Fontane, Planning Division
Edgar Luna, Planning Division
Judith Stolberg, Planning Division
Lara Bold, Planning Division
K. Russell Adams, DPW
Joanne Valade, Code Enforcement

Regular Meeting (5:30 PM) – Saxe Room, Worcester Public Library

1. **Call to Order:** Chairman John Shea called the meeting to order at 5:30 PM.
2. **Approval of the Minutes – September 14, 2005 Meeting:** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to approve the minutes of the September 14, 2005 meeting.
3. **Omnibus Zoning Ordinance:** Attorney Samuel DeSimone urged the Board to make a recommendation to the City Council and get the Ordinance done because the City has, in effect, left developers in limbo forcing them to construct projects at their own risk at times. Attorney Jonathan Finkelstein urged the Board not to rush and to fully discuss the issues he raised in his memo to the Planning Board dated September 28, 2005 while keeping in mind it should be done quickly but thoroughly. Joel Fontane submitted to the Board a memo dated September 28, 2005 that outlined corrections consisting of scrivener's errors and omissions based on extensive review of the Omnibus Amendment, a comparison with the documentation the Board used to create its recommendations, comparison with the minutes from the special meetings of the Planning Board and the current Zoning Ordinance. The Board next turned to consider the issues raised in Mr. Finkelstein's memo. However, Mr. Finkelstein urged the Board not to review it on an item-by-item basis at this time, citing the Board's lengthy meeting agenda to follow. Following a discussion on how best to proceed, it was agreed that the Board would review two items raised by Mr. Finkelstein that staff identified as representing a typographical error and a recommended clarification (several other items were already addressed in Joel Fontane's memo.). The balance of the issues generally reflected Mr. Finkelstein's disagreement with certain policy changes proposed by the Board and, having read them, the Board was not inclined to revisit its previous recommendations.

There was a discussion, initiated by Margaret Guzman, relative to dimensional requirements for single-family attached dwellings in RG-5 zoning districts. She said increasing the square footage and frontage requirements would limit the ability of first time homebuyers to find affordable properties for purchase. There was a discussion relative to the Article V, Section 3(D) amendment that allows the Director of Code Enforcement to authorize de minimus modifications, amendments or alterations to a previously approved site plan. Joel Fontane informed the Board that the idea behind it was to streamline the process by which we address minor changes. Margaret Guzman and Scott Cashman expressed concern that what may be considered de minimus to one person may be important to another person. Jonathan Finkelstein opined that it would give too much discretionary power to one individual and that abutters should be notified of plan amendments. No action was taken on this particular issue. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 4-0 to recommend leaving the requirement at 2,200 square feet with 20-foot frontage for each dwelling unit for single-family attached in Article IV, Section 4, Table 4.2. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to recommend in Article IV, Section 1(B) deleting, "where a split lot existed at the time of the adoption of the Zoning Map" and inserting, "where a district boundary line divides a lot". Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to recommend deleting the reference to "Article XV, Section 3(E)" and inserting "Article XVI, Section 4(E)(3)" in Article I, Section 2 (Definitions) - Abandonment. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to recommend the following amendments as contained in the memo from Joel Fontane dated September 28, 2005:

*** Article I, Section 2 – Definitions:**

** Page 11, recommend to replace "i.e." with "e.g." in the definition of "Drive-Through Service".

*** Article II, Section 9(D) Meetings, Notices, Hearings and Decisions:**

** Page 32, Section 9(D)(5) – line 6: recommend to remove the words "initiate" and "as the case may be".

** Page 32, recommend to replace Section 9(D)(7) of the Omnibus Amendment with Article II Section 9(4)(F) from the current Zoning Ordinance, and re-petition.

*** Article IV, Section 1(D)(1) -- Application:**

** Page 36, recommend to highlight "Article XVI".

*** Article IV, Table 4.1 – Permitted Uses by Zoning District**

** Page 38, Table 4.1 title: recommend to change the word "used" to "uses".

- ** Page 38, Residential Use #6 Group Residence – first column: recommend to remove the words “restricted to 16 residents and located no closer than 500’ of another group”.
- ** Page 39, General Use # 5 – first column: recommend to highlight the words “Adult Day Care”.
- ** Page 39, General Use #12 – first column: Nursing / Convalescent Home: recommend not to highlight SP in RL-7 zones.
- ** Page 45, Notes to Table 4.1 Note 7 – line 4: highlight the word “avoid”.
- * **Article IV, Table 4.2 – Permitted Dimensions By District:**
 - ** Page 50, all lines pertaining to Business Districts: recommend to change footnote “4” so that it modifies the frontage requirement for residential units in business zones and reads “40 per du⁴”.
- * **Article IV, Section 6 – Signs**
 - ** Page 61, (A)(6) Projecting Signs: recommend to remove the following highlighted change “The outer most projection of a sign shall be no closer than five (5) feet from the lot line.”
 - ** Page 62, (D)(2) – recommend to replace the word “for” with “from” in line 2.
- * **Article IV, Section 7 – Off Street Parking and Loading**
 - ** Page 69, par (A)(4) -- Decisions: second line, recommend to highlight “sixty-five (65 days)”.
 - ** Page 71, par (B)(6) – General Provisions: second line, recommend to replace “thirty-five” with “sixty-five” to accurately reflect the Board’s vote.
- * **Article IV, Notes to Table 4.4 – Off Street Parking Requirements**
 - ** Page 75, Note 1: recommend to reinsert from the Current Zoning Ordinance “no accessory parking is required in a BG-6 district” after Note 1(a) and re-letter as appropriate.
 - ** Page 75, Note 1(b): recommend to remove the following portion of this note “(excludes rehabilitation and adaptive reuse of existing structures)” per Board vote.
 - ** Page 75, recommend to re-letter the second “Note 2(c)” to “Note 2(d)”.
 - ** Page 76, Note 3(b) – recommend to highlight in lines one and two the words “twenty-five percent”.
- * **Article IV, Section 8 – Accessory Uses**

** Page 80, subsection (B) – Limitations in Residential Districts, recommend to reinsert from current Zoning Ordinance (Article IV, Section 8(II)(C)) regarding swimming pools.

** Page 81, Section 8(C)(h) – Home Occupations in Residential Districts: recommend removal from the Omnibus Amendment and re-petition by the Board.

* **Article V – Site Plan Review**

Section 3 – Procedure:

** Page 111, par (C): recommend to reinsert Article V Section 3(3)(B) from current Zoning Ordinance regarding fee waivers.

Section 5 – Application Approval Process – Standards for Review:

** Page 117, Section 5(B)(16): recommend to remove and re-petition.

* **Article VI – Flood Plain Overlay**

** Page 126, Section 7(B) – the deletion was correct, however, it did not remove the site plan trigger as intended by the Board. Recommend to remove the Site Plan trigger as intended by the Board by rewording paragraph “B” as follows: “Any uses other than those provided for in Section 7(A) of this Article, permitted in the portions of the zoning districts which are overlaid by the Floodplain Overlay District, are permitted provided that the following criteria are met:”

* **Article XII -- Water Resources Protection Overlay District Use Regulations**

** Page 147, Table 12.1– Use Regulations: recommend to reinsert Regulated Use numbers 15 and 16 from the current Zoning Ordinance.

** Page 148, Section 5 – Use Regulations: Recommend to highlight and change all three references to “Table 11.1” to “Table 12.1”.

* **Article XVI – General Application of Regulations**

** Page 160, Section 2(D) – Exemptions, line two: recommend to highlight and change article reference to “Article XII”.

** Page 163, Section 4 – Nonconforming Uses and Structures:

** Page 163, (C)(1)(a) Line 1: recommend to insert and highlight the word “itself” after the word “change”.

** Page 163, (D)(1)(a) Line 1: recommend to insert and highlight the word “itself” after the word “change”.

** Page 164, (E)(1): Lines 1 and 3: recommend to highlight the word “privileged”.

- ** Page 164, (E)(2): Line 1: recommend to highlight the word “privileged”.
Lines 1,2, and 3: recommend to highlight the words “or structure”.
Line 5: recommend to highlight the word “structure”.
- ** Page 164, (E)(3): Line 1: recommend to highlight the words “Use or” in part-title, and the words “or structure” near the end of Line 1.
Line 3: recommend to highlight the words “or structure”
Line 4: recommend to highlight the words “and/or use of the structure”

Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to recommend approval of the Omnibus Zoning Ordinance as amended.

4. **101 Barry Road – Site Plan Approval:** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to extend the deadline for constructive grant to October 26, 2005 and continued the site plan approval to October 26, 2005 at the request of the applicant.
5. **8 Hatfield Street – Site Plan Approval:** Upon a motion by Scott Cashman 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.**
6. **109 Holden Street – Definitive Subdivision Approval:** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to extend the deadline for constructive grant to October 26, 2005 and continued the hearing to October 26, 2005.
7. **235 Shrewsbury Street – Special Permit (FPOD):** Parking plan approval was taken collectively. Attorney Stephen Madaus presented the plan. Pat Santa Maria, Raymond Perrone, Josh Reinke and Hussein Haghazizadeh spoke in favor. Dorothy Ruggiere, an abutter, was concerned about any on-street parking that would occur, particularly since her street is so narrow. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to continue the hearing and the parking plan approval to October 12, 2005 so the applicant can revise the plan to show aisle widths, delineate the spaces on the lot and some landscaping to screen abutting property and to improve the appearance of the lot.

8. **242A Stafford Street – Site Plan Approval:** Upon a motion by Anne O’Connor and seconded by Margaret Guzman, 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.**

9. **25 Mott Street – Site Plan Approval:** Upon a motion by Margaret Guzman 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.**

10. **1393 Grafton Street – Amendment to Site Plan Approval:** Upon a motion by Margaret Guzman 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.

- 11. 151 West Boylston Drive – Site Plan Approval:** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to continue the site plan approval to October 12, 2005.
- 12. 93-95 Gates Street – Site Plan Approval:** Upon a motion by Margaret Guzman 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.**
- 13. 225 Shrewsbury Street – Site Plan Approval:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to approve the site plan with the following conditions:
 - **Plan must show curb cut on Albany Street moved westerly away from Casco Street to line up with one of the aisles in the parking lot.**
 - **Plan show a new layout showing the shifting of the compact spaces to be located near the proposed retail entrance and four regular parking spaces moved to where the compact spaces were located to provide an area for landscaping.**
 - **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.**

- **Five copies of the revised plan must be submitted to the Planning and Regulatory Services Office prior to release of the decision.**

14. 141-143 Eastern Avenue – Site Plan Approval: Upon a motion by Margaret Guzman 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.**

15. Orono Street – Site Plan Approval: Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to approve the site plan with the following conditions:

- **Plan must show the guardrail at the end of the road.**
- **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.**
- **Five copies of the revised plan must be submitted to the Planning and Regulatory Services Office prior to release of the decision.**

16. 119 Providence Street – Parking Plan Approval: Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to approve the parking plan with the following conditions:

- **Plan must show the catch basin location as 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.**
- **Five copies of the revised plan must be submitted to the Planning and Regulatory Services Office prior to release of the decision.**

- 17. 235 Shrewsbury Street – Parking Plan Approval:** This item was taken collectively with Item #7 and continued to October 12, 2005.
- 18. 64-69 Beacon Street – Extension of Time For Special Permit:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to extend the time for commencement of construction for one year.
- 19. 48 Vernon Street – Extension of Time For Site Plan Approval:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to extend the time for commencement of construction for one year.
- 20. 64-69 Beacon Street – Extension of Time For Site Plan Approval:** Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 4-0 to extend the time for commencement of construction for one year.
- 21. 1393 Grafton Street Subdivision – Release Covenant:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to release the covenant for Lots 1 and 2 pursuant to M.G.L.c.41, s.81U upon proof of surety.
- 22. Merchant Street – To Make Public:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to recommend a Priority 4 based on a recommendation from the Department of Public Works.
- 23. Frongillo Farm Road – To Make Public:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to recommend a Priority 1 based on a recommendation from the Department of Public Works.
- 24. Angela Rose Lane – To Make Public:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to recommend a Priority 1 based on a recommendation from the Department of Public Works.

25. **Kelsey Drive – To Make Public:** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to recommend a Priority 1 based on a recommendation from the Department of Public Works.
26. **651-653 Plantation Street – Zoning Map Amendment:** Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 4-0 to submit a petition to rezone this property from GL-1.0 to RG-5.
27. **Approval Not Required (ANR) Plans:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to deny endorsement of ANR Plan #6146 67 Chino Avenue because the way does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6154 Dorchester Street. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6155 Northboro Street. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6156 Shaffner Street. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6157 Prudential/Quinapoxet Streets. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6158 Mohave Road. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6159 Hartwell Street. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 to endorse ANR Plan #6160 Lanesboro Road/West Mountain Street. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6161 Knox Street/Meena Drive. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6162 Edgeworth Street. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6163 24-26 Guilford Street. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR Plan #6164 Plantation/Franklin Streets. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan #6165 Ockway/Pocasset Streets. ANR Plan #6166 was held for the applicant to provide an explanation of the plan.

OTHER BUSINESS:

Zoning Ordinance Amendment to Article IV – External Activities Prohibition:

Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 4-0 to submit a petition to prohibit external activities, such as deliveries, noise, etc., prior to 9:00 A.M. and after 5:00 P.M.

Zoning Ordinance Amendment to Article V –: Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 4-0 to submit a petition to add the following standard of review: Adequacy of plans and protective measures to ensure minimal risk of contamination to surface or ground water.

Marissa Estates Subdivision – Extend Work Completion Date: Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to extend the work completion date to June 30, 2006.

Indian Hill Subdivision (Phase II) – Bond Release: Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to release \$70,000.00 of the existing bond leaving a new bond amount of \$20,000.00.

Indian Hill Subdivision (Phase III) – Bond Release: Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to release \$75,000.00 of the existing bond leaving a new bond amount of \$25,000.00.

Indian Hill Subdivision (Phase IV) – Bond Release: Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to release \$115,000.00 of the existing bond leaving a new bond amount of \$20,000.00.

Indian Hill Subdivision (Phase V) – Bond Release: Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to release \$171,000.00 of the existing bond leaving a new bond amount of \$50,000.00.

The meeting was adjourned at 8:30 PM.