

**MINUTES
WORCESTER PLANNING BOARD
October 26, 2005**

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

Staff Present: Michael Traynor, Law Department
Carrie Holtan, Law Department
Joel Fontane, Planning Division
Edgar Luna, Planning Division
Judith Stolberg, Planning Division
K. Russell Adams, DPW
Joanne Kennedy-Valade, Code Enforcement
David Holden, 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 5:40 PM.
2. **Approval of the Minutes – October 12, 2005 Meeting:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the minutes of the October 12, 2005 meeting.
3. **155 Ararat Street – Parking Plan Approval:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 3-2 (Samuel Rosario and Scott Cashman voted no) to extend the deadline for constructive grant to November 9, 2005 and to continue the parking plan approval to November 9, 2005. Applicant was advised to renotify abutters and to provide copies of the parking plan to Attorney Timothy McGee to share with abutters.
4. **109 Holden Street – Definitive Subdivision Approval:** Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to extend the deadline for constructive grant to November 30, 2005 and continued the hearing to November 30, 2005 and advised the applicant to renotify abutters.
5. **101 Barry Road – Site Plan Approval:** Anne O'Connor recused herself. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 4-0 to approve the request of the applicant for leave to withdraw.
6. **641-651 West Boylston Street – Parking Plan Approval:** Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to extend the deadline

to November 30, 2005 and to continue the parking plan to November 30, 2005 and advised the applicant to submit a revised plan showing curb cuts in Area A and Area B-E.

7. **Chandler Street – Flexible Parking Overlay District (FPOD) – Zoning Map Amendment:** Joel Fontane presented the administration’s report stating a preference for a city-wide approach to encourage and facilitate incentives for re-use of properties throughout the city. Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 5-0 to recommend denial of the petition in order to consider a more global approach to provide citywide relief.
8. **92 Grand Street (MG-2.0 to RG-5) – Zoning Map Amendment:** Attorney Stephen Madaus explained the owner wants to redevelop the property for owner-occupied housing. City Councilor Barbara Haller, who was unable to attend the hearing, submitted a letter stating her opposition and offering her opinion that a clarification or amendment to the AROD provision be considered rather than a zone change. Joel Fontane presented the administration’s report recommending approval of the zone change. Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to recommend approval of the petition because the collection of uses permitted by this zone change are compatible with the redevelopment of the area and this change does not preclude the redevelopment of the most marketable historic structures.
9. **58 Suffolk Street (MG-2.0 & RG-5 to RG-5) – Amendment to Definitive Subdivision Approval:** Upon a motion Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to recommend denial of the petition because the petitioner failed to attend two meetings relative to the petition despite being contacted by Planning Division staff.
10. **651-653 Plantation Street (BL-1.0 to RG-5) – Zoning Map Amendment:** Joel Fontane presented the administration’s recommendation to approve the zone change. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to recommend approval of the petition.
11. **13 Butternut Hill Drive – Special Permit:** Site Plan Approval was taken collectively. Notice of the hearing was read by the Clerk. Jeff Howland presented the plan. Attorney Todd Brodeur, representing some of the neighbors, spoke about drainage issues, the fact that the road is private and some restrictive covenant issues that may be relevant. Joanne De Maura, Cynthia Dorville, Ryan Dorville and Alden Reid also spoke about drainage issues and road conditions. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to approve the special permit with the condition that the road be returned to its original condition after construction is completed and prior to issuance of any Occupancy Permits and the following findings:

- **The proposed use is in harmony with the general purpose and intent of the City of Worcester Zoning Ordinance because the three residences will comply with the current zoning regulations.**
- **The specific site is an appropriate location for the proposed use because the driveway location will provide the length and grade to minimize the slope.**
- **The proposed use as developed will not adversely affect the neighborhood because the construction of the common driveway will provide access to the required two off-street parking spaces per dwelling unit while limiting the number of access points.**
- **There will be no nuisance or serious hazard to vehicles or pedestrians because the number of access points to the street would be limited therefore reducing the number of locations where pedestrians and vehicles would meet.**
- **Adequate and appropriate facilities will be provided for the proper operation of the proposed use.**

12. Benjamin Road – Remove Portion From Official Map: The hearing was not opened. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the item was continued to November 9, 2005 at the request of the applicant.

13. Article IV Section 8(III)(A) – Zoning Ordinance Amendment: Notice of the hearing was read by the Clerk. Joel Fontane explained the petition was to limit external noise related to home occupation uses in residential areas. Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to recommend approval of the petition.

14. 126 Southwest Cutoff – Amendment to Site Plan Approval: Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to approve the amendment to site plan approval 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. 13 Butternut Hill Drive – Site Plan Approval: Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to approve the site plan with the following conditions:

- **A fence must be installed atop any retaining wall over four feet in height.**
- **Plan must show a catch basin at the end of the common drive on the southerly side.**
- **Lot 4 must be removed from the plan.**
- **Any sidewalks or stairways must be shown on the plan.**
- **Plan must note that road must be restored to its original condition after construction is completed and prior to issuance of any Occupancy Permits.**
- **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. 525 Lincoln Street – Site Plan Approval: Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to approve the site plan with the following conditions:

- **Landscaping plan dated October 26, 2005 is to be part of the approved plan.**
- **Snow is to be removed from the site 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.**

- **Five copies of the revised plan must be submitted to the Planning and Regulatory Services Office prior to release of the decision.**
17. **Drexel Street (Lots B2&B3) – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to approve the site plan with the following conditions:
- **Road is to be maintained by the applicant during the fill operation 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.**
 - **Five copies of the revised plan must be submitted to the Planning and Regulatory Services Office prior to release of the decision.**
18. **Narragansett/Keach/Evelyn Streets – 81G Street Opening:** Upon a motion by Margaret Guzman and seconded by John Shea (Mr. Shea stepped down from the Chair and Samuel Rosario assumed the Chair), the Board voted 3-2 (Samuel Rosario and Scott Cashman voted no) to deny the street opening plan because the grade is unsafe.
19. **Drexel Street – 81G Street Opening:** Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to approve the street opening plan with the condition that the road be maintained during the fill operation.
20. **Monica Road – To Make Public:** No action was taken because DPW had no recommendation.
21. **Avery Estates – Accept Covenant:** Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 5-0 to accept a covenant pursuant to M.G.L.c.41,s.81U to obtain the Planning Board’s endorsement of its approval of the Definitive Subdivision Plan.
22. **Ledgecrest Subdivision – Extend Work Completion Date:** Samuel Rosario recused himself. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to extend the work completion date to September 1, 2006. Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 4-0 to

confirm that it released Lots numbered 4A&B through 13A&B inclusive and 31A&B through 51A&B inclusive from the provisions of the covenant.

23. **Indian Hill Subdivision (Phases 2,3,4&5) – Extend Work Completion Date:** Upon a motion by Scott Cashman and seconded by Samuel Rosario, the Board voted 5-0 to extend the work completion date to July 31, 2006 with a work completion date of September 30, 2006.
24. **67 Chino Avenue – ANR Plan:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-1 (Samuel Rosario voted no) to endorse ANR Plan #6174 Chino Avenue.
21. **Approval Not Required (ANR) Plans:** Upon a motion by Scott Cashman and seconded by Samuel Rosario, the Board voted 5-0 to deny endorsement of ANR Plan #6170 3 Beamon 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 Scott Cashman, the Board voted 5-0 to endorse ANR Plan #6176 Crest Avenue. Upon a motion by Margaret Guzman and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #6178 Heywood Street. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6179 46 Bellevista Road. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR Plan #6181 Shattuck Street. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 2-2 (Margaret Guzman recused herself) to deny endorsement of ANR Plan #6182 Julien Avenue (3 votes required for endorsement) 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 Scott Cashman, the Board voted 5-0 to endorse ANR Plan #6183 Sears Island Drive. (Upon a motion by Anne O'Connor and seconded by Samuel Rosario, the Board voted 5-0 to reconsider ANR Plan #6183 Sears Island Drive. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted to rescind its endorsement of ANR Plan #6183 Sears Island Drive and hold it for clarification.) Upon a motion by Samuel Rosario and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR Plan #6184 Highland Street. Upon a motion by Anne O'Connor and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan #6185 Beacon Street. (Upon a motion by Anne O'Connor and seconded by Samuel Rosario, the Board voted 5-0 to reconsider ANR Plan #6185 Beacon Street. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted to rescind its endorsement of ANR Plan #6185 Beacon Street and hold it for clarification.) Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6186 Gould Hill Road.

OTHER BUSINESS:

1393 Grafton Street – Release From Covenant: Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to release Parcel A from the restrictive covenants.

Waiver of 14 Day Advertising Requirement: Upon a motion by Anne O'Connor and seconded by Samuel Rosario, the Board voted 5-0 to waive the 14-day advertising requirement for the following site plan approval applications: 38 Apthorp Street, 1112 West Boylston Street, 301 Barber Avenue and 10 Crillon Road. Waiver was necessary because the Worcester Telegram did not run the legal advertisements on October 26, 2005 but will run them on October 27, 2005.

1300 Grafton Street Subdivision (Beverly Cove) – Bond Reduction: Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to release \$145,000.00 of the existing bond leaving a new bond amount of \$30,000.00.

Zoning Ordinance Amendment – Article V, Section 5(2) Standards For Review: Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to withdraw the petition because the amendment had been adopted in 1998.

The meeting was adjourned at 8:45 PM.