

**MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE CITY OF WORCESTER**

**NOVEMBER 15, 2006
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

Planning Board Members Present: John Shea, Chair
Scott Cashman, Vice-Chair
Anne O'Connor, Clerk
Margaret Guzman
Nicole Xifaras Parella

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Robin Bartness, Division of Planning & Regulatory Services
Judith Stolberg, Division of Planning & Regulatory Service
Michael Traynor, Law Department
K. Russell Adams, Department of Public Works
Jody Kennedy-Valade, Code Department

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:40 PM.

APPROVAL OF THE MINUTES

Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the November 1, 2006 Planning Board minutes.

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

1. **834 Grafton Street (PB-06-96) – Definitive Site Plan:** Ms. Bartness informed the Board that the applicant had submitted a letter requesting a continuance and an extension of time of the constructive grant deadline. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to extend the deadline for constructive grant to December 21, 2006. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to continue the Definitive Site Plan to December 20, 2006.
2. **41 Lancaster Street (PB-06-115) – Definitive Site Plan:** Ms. Bartness informed the Board that the applicant had submitted a letter requesting a continuance and an extension of time of the constructive grant deadline. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to extend the deadline for constructive

grant to December 21, 2006. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to continue the Definitive Site Plan to December 20, 2006.

3. **1 Wigwam Hill Drive (PB-06-140) – Definitive Site Plan:** Joe Boynton, representative for the applicant, advised the Board that a revised plan had been submitted. Ms. Bartness informed the Board that the revised plan addressed all the outstanding issues. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive 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 the 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.**

NEW BUSINESS

PUBLIC HEARINGS

4. **36 Quaboag Street – Definitive Subdivision Plan:** Seth Toch, representing the applicant, presented the plan. Mr. Adams informed the Board that a letter requesting certain waivers from the Subdivision Requirements, including explanations of said waivers, would be required from the applicant as well as revisions listed in the memo from Joseph Borbone dated November 14, 2006. Ms. Bartness informed the Board that labeling issues enumerated in Lara Bold’s memo dated October 31, 2006 needed to be addressed and she recommended the applicant seek a continuance to revise the plan. James McCallum, Bill Russell and Jerry Kazarian were concerned about construction debris buried on the site. Jerry Bramer and Karen Bramer asked if Quaboag Street would be connected to Mill Street and were told through the Chair that was not the case. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to continue the hearing to December 6, 2006 at the request of the applicant.
5. **42-46 Amesbury Street (PB-06-135) – Definitive Site Plan:** Donald Bray, representative for the applicant, presented the plan. Mr. Adams informed the Board that the proposed parallel parking layout was problematic in that it appears that a standard vehicle will not be able to adequately maneuver in and out of the proposed spaces. Additionally, the last space on the southeasterly side needs to be moved back to allow a turning radius. Ms. Bartness told the Board that there were many labeling issues from her November 15, 2006 memo to be addressed and that she also found that the proposed parallel parking spaces to be problematic. Ms. Bartness also found the plan to be illegible. Robert Tutino, representing Eva Tutino and Richard Tutino, was concerned about the height of the building, erosion controls during construction and exhaust fumes

from the parking area. David Alexandrich was concerned about the number of units and the effect on the open space area. Paul Bupree didn't think emergency vehicles could get in and out. Robert Lupien said he was concerned about the drainage requirements being met. Mr. Cashman was concerned about the parking and said he didn't understand how it was going to work. Chair Shea said the plan was unclear and there were too many problems with the plan. Ms. Guzman stated sixteen units were too much and the plan was inadequate. Ms. O'Connor didn't see how the parking would work on the site. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to deny approval of the Definitive Site Plan for the following reasons:

- **Drainage calculations were not provided.**
- **Label date and all revision dates clearly on the Site Plan.**
- **The plan sheets must be legible. There are "erased" lines all over sheet 1 that make the plan difficult to read. Also, because the plan sheets have been copied, this also makes them difficult to read. Heavier line weights are needed or completely new plans must be submitted.**
- **Use a heavier line weight to delineate the proposed structure.**
- **Contour lines are too light-not legible.**
- **Minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any building or structure.**
- **Proposed parallel parking layout was problematic in that it appears that a standard vehicle will not be able to adequately maneuver in and out of the proposed spaces.**
- **Compact spaces (8' by 16') do not provide adequate space for parallel parking.**
- **Although the City of Worcester Zoning Ordinance does not specifically articulate dimensions for parallel parking spaces, it does require that all off-street parking serve its function.**
- **According to the Director of Code, the dimensions of a conventional space (9' by 18') shall serve as a minimum for parallel parking spaces.**
- **Parallel spaces should allow enough space to maneuver into and out of the space. The designated handicap space in the southeast corner of the site would only be usable if the space north of it were empty. This space cannot be a designated parking space, handicap or otherwise.**
- **The site requires 32 parking spaces. By removing the one parking space in the southeast corner, and reconfiguring the other parallel spaces as 9' by 18', the site plan does not have the required number of parking spaces. (The site can accommodate only 6-9 x 18 parallel spaces, while it needs 8 to satisfy the Zoning Ordinance's requirement of 2 off street parking spaces per unit).**
- **If an elevator is required for this building, the 2 required handicap spaces should be located closest to the elevator.**
- **Building light symbols in the drive aisle for the eastern parking areas must be clarified and relocated.**
- **The sign must be setback five feet from the property line.**
- **The open space calculations are inaccurate and should be as follows:**

42 x 8=360 sq. ft.
30 x 12=360 sq. ft.
30 x 8=240 sq. ft.
42x5 ½ =231 sq. ft.
Total = 1191 sq. ft. instead of 1086 sq. ft.

- **The Hydraulic Analysis is not legible.**
6. **Lots 10-14 Sarah Drive – Definitive Site Plan (PB-06-142):** Seth Toch, representative for the applicant, presented the plan. Ms. Bartness informed the Board that there were many labeling issues and the site plan does not match the approved ANR plan for these lots as delineated in Ruth Gentile’s memo dated November 15, 2006. Mr. Adams advised the Board that the Department of Public Works had issues with the plan, including providing a 6” PVC drain connection to each building, adding hay bale detail and the detention pond easement must be provided prior to issuance of any building permits for the lots. Mr. Cashman stated that there were too many labeling issues to approve the plan. Stephen Gallo, representing Fox Hill Builders, Inc., responded that they had received Ms. Gentile’s memo that day and could not respond in time for the meeting. Chair Shea said it was patently unfair to the Board, staff and abutters to submit inferior plans. Beth Hill, an abutter, questioned why the Board is getting the Definitive Site Plans in a piecemeal fashion and said it would be better to look at the whole picture. Ms. Guzman stated that since this Definitive Site Plan was part of a multi-phased development, the plan should not have misspellings or labeling issues. Mr. Cashman said the plan does not meet the minimum requirements and does not match the endorsed ANR Plan for said lots. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to deny approval of the Definitive Site Plan for the following reasons:
- **Hay bales must be added to the silt fence detail.**
 - **A 6” PVC drain connection to each building must be provided.**
 - **Label lot numbers (10-14) as part of the address in the title block.**
 - **Label lots as part of the Arboretum Definitive Subdivision, Phase II.**
 - **Provide a legend.**
 - **Plans need to be re-printed with a better print quality.**
 - **Label proposed easements.**
 - **Label owners of adjacent properties.**
 - **Provide a zoning classification table of what is proposed and what is required.**
 - **Label any existing trees in excess of nine (9) inches.**
 - **Provide height in stories for the proposed buildings.**
 - **Label yard dimensions (building envelope).**
 - **Provide dimensions of driveways, curb cuts, curbs and sidewalks.**
 - **The note on the plan that should say, “No parking permitted within the front yard setback”.**
 - **As part of Arboretum Subdivision Phase II, street trees are required.**
 - **Provide a landscaping table with species and size.**

- **Label what the black line is on sheet 3.**
- **Show fencing around detention pond, if required.**
- **Label plan reference book and page.**
- **The approved ANR does not match the proposed site plan.**

7. **Lots 21-24 Sarah Drive – Definitive Site Plan (PB-06-143):** Seth Toch, representative for the applicant, presented the plan. Ms. Bartness informed the Board that there were labeling issues and the site plan did not match the approved ANR plan for these lots as outlined in Ruth Gentile’s memo dated November 15, 2006. Mr. Adams advised the Board that the Department of Public Works had issues with the plan, including providing a 6” PVC drain connection to each building, keeping proposed trees out of the right of way and providing erosion controls on the southern property line of Lots 21-23 and the southern and western property lines of Lot 24. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to deny approval of the Definitive Site Plan for the following reasons:

- **Proposed trees must be kept out of the right of way.**
- **Erosion controls must be placed on the southern property line of Lots 21-23 and the southern and western property lines of Lot 24. Hay bales must be added to the silt fence detail.**
- **A 6” PVC drain connection to each building must be provided.**
- **Label lots as part of the Arboretum Definitive Subdivision, Phase II.**
- **Label owners of adjacent properties.**
- **Provide a zoning classification table of what is proposed and what is required.**
- **Label any existing trees in excess of nine (9) inches.**
- **Provide dimensions of driveways, curb cuts, curbs and sidewalks.**
- **Put a note on the plan that parking is not permitted in the front yard setback.**
- **Site plan does not match the approved ANR.**
- **ANR changes must be submitted before approval of the plan.**

8. **104 Lamartine Street – Parking Plan Approval (PB-06-144):** Anthony Salvidio requested a continuance and extension of the constructive grant deadline. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to extend the deadline for constructive grant to December 7, 2006. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to continue the Parking Plan Approval to December 6, 2007.

9. **Laureldale Road – Add To Official Map:** Robert McKeon, petitioner, presented his petition. Mr. Adams informed the Board that Laureldale Road never existed as Mr. McKeon suggested and that it was a driveway. Mr. Traynor advised the Board that Mr. McKeon had to prove said road existed and was used by three or more owners in 1953. Chair Shea informed Mr. McKeon that the law prohibits the Board from doing what he was asking. Upon a motion by Margaret Guzman and seconded by Scott Cashman, 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 denial of the petition because the

petitioner failed to furnish proof that it was in use by three or more owners at the time the Official Map was adopted.

APPROVAL NOT REQUIRED (ANR) PLANS:

1. **ANR-6431:** Upon a motion by Anne O'Connor and seconded by Nicole Xifaras, the Board voted 5-0 to deny endorsement of ANR Plan #6431, Toronita Avenue because the site does not have adequate frontage for the use.
5. **ANR-6432:** Upon a motion by Anne O'Connor and seconded by Nicole Xifaras, the Board voted 5-0 to endorse ANR Plan #6432, 11 Stoddard Drive.
6. **ANR-6438:** Upon a motion by Anne O'Connor and seconded by Nicole Xifaras, the Board voted 5-0 to endorse ANR #6438, Knox Street/Webster Street.
7. **ANR-6440:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to deny endorsement of ANR Plan #6440 Reed Street because the site does not have adequate frontage for the use.
8. **ANR-6441:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR #6441 Johnson Street.

OTHER BUSINESS

Burncoat Estates Subdivision – Accept Covenant: Upon a motion by Margaret Guzman and seconded by Anne O'Connor, 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.

West View Estates Subdivision – Adopt Certificate of Default: Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to adopt the following Certificate of Default as prepared by the Law Department:

CERTIFICATE OF DEFAULT

WORCESTER PLANNING BOARD

WHEREAS: the Worcester Planning Board ("Board") endorsed its approval of a plan of land entitled "Definitive Subdivision West View Heights, prepared for Todd Ostrokolowicz, Quissett Road, Worcester, Massachusetts" dated September 4, 2003, as revised on July 30, 2003 ("Plan"), prepared by Jarvis Land Survey, Inc. recorded at the Worcester District Registry of Deeds ("WDRD") in Plan Book 800, Plan No. 112; and

WHEREAS: pursuant to M.G.L. c. 41, §81U, the Board endorsed its approval of the Plan premised upon the execution of a performance guarantee (“Agreement”) by Ostrokolowicz securing the construction of the subdivision ways, the installation of municipal services therein and satisfaction of all other conditions to the approval of said Plan (the “Work”); and

WHEREAS: Ostrokolowicz secured his obligation by furnishing a Standby Irrevocable Letter of Credit; and

WHEREAS: the Work has not been completed; and

WHEREAS: the Letter of Credit expired and Ostrokolowicz has refused to furnish a renewed letter of credit or another substitute form of security;

NOW THEREFORE, the Board finds and declares the following:

1. The Work is not secured as required under M.G.L. c. 41, §81U and Ostrokolowicz is in default of his obligations under the terms of the Agreement, recorded at WDRD Book 36521, Page 296, and Ostrokolowicz shall cure such default within ten (10) business days.
2. This certificate shall be recorded with the WDRD if the default is not cured and pursuant to section 4 of the Agreement, no further building permits shall issue for any of the lots in the Westview Heights subdivision until such time as the deficiency is cured and the completion of the Work is secured in compliance with said §81U of c. 41. A subsequent certificate shall be recorded when the Work is validly secured.
3. The Worcester director of code enforcement is requested to take all available actions to suspend or revoke all building permits currently issued for any lot in the Westview Heights subdivision as the director deems appropriate.
4. The Worcester Law Department is requested to take all necessary and available actions, at law and equity, to enforce compliance with the terms and conditions of the Agreement and the subdivision control law.

Adopted by the Worcester Planning Board on this 15th day of November, 2006.

WORCESTER PLANNING BOARD
By its chairman,

John Shea
COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS

_____, 2006

On this ____ day of _____, 2006, before me the undersigned notary public, personally appeared John Shea and proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding document and acknowledged to me that he signed the document voluntarily for its stated purpose as chairman of the Worcester Planning Board.

Notary Public

My Commission Expires: _____

ADJOURNMENT

Chair Shea adjourned the meeting at 8:00 PM.