

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

**APRIL 4, 2007**

**WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

**Planning Board Members Present:** John Shea, 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  
Ruth Gentile, Division of Planning & Regulatory Services  
Michael Traynor, Law Department  
K. Russell Adams, Department of Public Works  
Chris Gagne, 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**

Approval of the minutes of the March 21, 2007 meeting was held to April 18, 2007.

**REQUESTS FOR WITHDRAWALS OR CONTINUANCES**

1. **1 Carver Street (PB-07-35) – Parking Plan:** Ms. Bartness stated that the applicant had submitted a letter requesting a continuance in order to address comments made by the Planning and Regulatory Services Division. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to continue the Parking Plan to May 2, 2007.

**UNFINISHED BUSINESS**

2. **Lots 1A, New York Street (PB-07-06) – Definitive Site Plan:** Michael Revelli, applicant, presented the plan. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 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.
3. **997 Millbury Street (PB-07-09) – Parking Plan:** Michael Frisbee, representative for the applicant, presented the plan. He stated that all comments had been addressed and that they had added additional trees to the plan at the entrance to the site. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to approve the Parking Plan with the following conditions:
- All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, 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.
4. **Lot 2 New Street/16 Gilman Street (PB-07-19) – Definitive Site Plan:** Robert Murphy, representative for the applicant, and Tony Nguyen, applicant, presented the plan. Mr. Murphy stated that all comments had been addressed. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 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 & Parks, 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

5. **Zoning Map Amendment – 33 Bellevue Street (RG-5 to BG-3)** Mary Holley, petitioner, presented the petition. Ms. Holley informed the Board that she was seeking a zone change in order to operate a retail store on her property and that she would be able to provide the necessary parking. Mr. Fontane stated that the proposed zone change would allow a number of business and some manufacturing uses “by-right” in a residential neighborhood. Ms. Guzman stated that she did not think the change matched with the area. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 3-0 (John Shea abstained) to close the public hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 3-0 (John Shea abstained) to recommend denial of the Zoning Map Amendment.
  
6. **125 Olean Street (Olean Circle) (PB-07-32) – Amendment to Definitive Subdivision:** Joseph Allen, representative for the applicant, presented the plan. He stated that the subdivision had been previously approved on April 28, 2004 and that the applicant had just received the sewer extension permits late last summer. He also stated that an additional three years were needed to complete the subdivision. Ms. Bartness stated that the corresponding Definitive Site Plan had expired for this subdivision and that the applicant would need to re-apply. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to close the public hearing. Upon motion by Anne O’Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the Amendment to the Definitive Subdivision and to extend the work completion date from April 28, 2007 to April 28, 2010 for 125 Olean Street (Olean Circle) with the following conditions:
  - **Applicant must submit a new mylar plan with revisions and revised dates.**
  - **One tree is required per lot; trees must meet specifications of the Subdivision Regulations and Zoning Ordinance requirements. Proposed trees were not shown on the most recently revised Definitive Subdivision plan, dated October 5, 2004.**
  - **Add a statement to the plan and mylar that the applicant will provide, at no cost to the City, all facilities shown on the plan including, but not limited to roadways, curbs, bounds, drainage systems, sanitary sewer systems, utilities, street lights and earthworks, except as otherwise noted on the plan that will be filed.**
  - **Per conditions of Definitive Site Plan Approval from April 28, 2004, plan must show a 10-foot separation between water and sewer services. Verify with the Department of Public Works that proposed water and sewer lines meet this requirement.**
  - **Per Department of Public Works memo dated April 6, 2004, the proposed Definitive Subdivision Plan should “show proposed recharge areas.” Verify with Department of Public Works and Parks that proposed recharge areas are shown on plan and are adequate.**
  - **Per the April 28, 2004 Definitive Subdivision approval: “at the time of conveyance, applicant must provide the City of Worcester with an easement for street and utility purposes.”**

- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan and a mylar must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

## **PUBLIC MEETINGS**

7. **Lot 10C, May Street (PB-07-28) - Definitive Site Plan:** Donald O'Neil, representative for the applicant, and Robert O'Neil, applicant, presented the plan. Mr. O'Neil stated that the modification of the site plan is in conformance with the Zoning Ordinance. Ms. Bartness stated that even though the site plan meets the site plan requirements of the Zoning Ordinance, that the Division of Planning & Regulatory Services had some issues with the aesthetics, height, and the affect of the retaining walls. The applicant stated that he will reduce the retaining walls to be no more than 10 feet instead of the 12 feet proposed and will provide a 30-foot no disturb buffer from the rear retaining wall to the rear property line, once construction of the wall is complete. Ms. Kennedy-Valade stated that the Code Department has issue with the reconfiguration of the 44 Reed Street lot to give lot area to this property, which has in effect changed the approved configuration of the site plan for the Special Permit that was approved for 44 Reed Street. She stated that the Special Permit must be amended. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the Definitive Site Plan with the following conditions:

- **A 30-foot "no disturb" (once construction of the wall is completed) buffer from the rear retaining wall to the rear property line is to be provided to protect existing trees and to provide screening for the retaining wall.**
- **Reduce TOW measurement to no more than 10 feet for the retaining walls.**
- **The Special Permit for 44 Reed Street must be amended to reflect the new lot configuration for Lot 10C, May Street and 44-46 Reed Street.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, 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.**

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

8. **151 West Boylston Drive (PB-07-31) – Definitive Site Plan:** Todd Brodeur, representative for the applicant, presented the plan. He stated that the Zoning Board of Appeals has approved a Special Permit to allow retail sales at this location and a Special Permit for the expansion or change of a nonconforming use/structure. He also stated that the furniture store will occupy two-thirds of the building and a Massachusetts Lottery Office will occupy the remaining part of the building. He also stated that the Planning Board had approved a Definitive Site Plan for Phase I on October 12, 2005 and Phase II on December 14, 2005. Ms. Bartness stated that the plans that are shown for Phase I are the as-built plans and not the plans as approved by the Planning Board in 2005. She also stated that there are landscaping and labeling issues with the plan. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to grant the petitioner’s request for a continuance until April 18, 2007 to allow time to address the Board’s concerns.

9. **68 Prescott Street (PB-07-33) – Amendment to Definitive Site Plan:** Todd Brodeur, representative for the applicant, presented the plan. Upon a motion by Anne O’Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the plan with the following conditions:

- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, 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.**

**APPROVAL NOT REQUIRED (ANR) PLANS:**

1. **ANR-6498:** Upon a motion by Scott Cashman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to take no action until a statement is put on the plan that endorsement is based on the adequacy of Ockway Street only.
2. **ANR-6499:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR Plan #6499, N. Lake Avenue.
3. **ANR-6500:** Upon a motion by Anne O’Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR #6500, Bristol Street.
4. **ANR-6501:** Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse ANR #6501, Brightwood Avenue.

5. **ANR-6502:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR Plan #6502, Mount Avenue.
6. **ANR-6503:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR #6503, Christine Street.
7. **ANR-6504:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to deny the ANR #6504, Bowker Street due to insufficient frontage.
8. **ANR-6505:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR #6505, 134 Commonwealth Avenue.

### **OTHER BUSINESS**

**Vig's Way – Make Public:** Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 3-0 (John Shea abstained) to recommend a Priority 1.

**Anchor Street Subdivision (Vig's Way) – Bond Release:** Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 3-0 (John Shea abstained) to release the bond in its entirety for the Anchor Street Subdivision (Vig's Way).

**Wildwood Estates Subdivision:** The Department of Public Works and Parks recommended that the Board find the applicant in default and to allow ten days for the applicant to address the default. If there is no response after the 10-day period, allow the Department of Public Work & Parks to take the bond and complete the work. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the recommendation of the Department of Public Works and Parks.

**Wigwam Hill Drive – Make Public:** The Board took up the petitions of Theresa Cosenza Trotto, Jitesh Pratap and Priya Bhatnagar that were continued from the March 21, 2007 meeting and the petitions of Regina Dejesus, Jennifer Malkasian and Justice Bortey contemporaneously. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to make the following recommendation to the City Council:

The Planning Board, to whom was referred the petition of Theresa Cosenza Trotto, Jitesh Pratap, Priya Bhatnagar, Regina Dejesus, Jennifer Malkasian and Justice Bortey, requesting the City of Worcester to acquire, improve, layout and decree a public way along and within the bounds of the existing 30-foot wide common driveway that serves certain residential properties along Plantation Street and Wigwam Hill Drive, respectfully reports as follows.

Pursuant to section 81G of M.G.L. c. 41, no public way may be laid out if such way is not already included on the Official Map unless the proposed laying out is referred to the Planning Board and the Board has reported on the proposed alteration of the Official Map.

At its meeting on April 4, 2007, the Planning Board reviewed the proposed lay out and determined that the Official Map would not be adversely affected by such alteration. The Board noted, however, that the proposed layout does not meet the minimum standards for the creation of a new street that are contained in the Board's Subdivision Rules and Regulations. It appears that there are significant engineering issues that need to be addressed such as width, grading, surfacing and drainage, none of which are acceptable for street purposes as currently exists.

**Spring View Definitive Subdivision:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to extend the constructive grant date to April 19, 2007 as requested by the applicant in a letter dated March 28, 2007 from Stephen J. O'Connell of Andrews Survey and Engineering.

### **ADJOURNMENT**

Chair Shea adjourned the meeting at 7:05 PM.