

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

**OCTOBER 3, 2007
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
Ruth Gentile, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
Michael Traynor, Law Department
K. Russell Adams, Department of Public Works
Jody Kennedy-Valade, Department of Code Enforcement

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

APPROVAL OF MINUTES

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras, the Board voted 5-0 to approve the minutes of the September 19, 2007 meeting.

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

1. **48 Mason Street (PB-07-123) – Extension of Time - Definitive Site Plan:** This item was not properly before the Board because the Definitive Site Plan approval expired prior to the filing for an Extension of Time. Therefore, it was withdrawn by the applicant, Mason Winfield, LLC.
2. **799 West Boylston Street (PB-07-121) – Amendment to Definitive Site Plan:** Andrew Liston, representative for the applicant, requested the item be continued to November 14, 2007 and the deadline for constructive grant be extended to November 21, 2007. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to extend the deadline for constructive grant to November 21, 2007. Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to continue the item to November 14, 2007.

UNFINISHED BUSINESS

3. **46 Harlem Street - Definitive Site Plan:** James Vevone, Stephen Cook and Joanna Paquin presented the plan. Mr. Vevone stated the applicant was seeking Definitive Site Plan Approval to construct a single-family semi-detached dwelling on property with 15% or more slope. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:
 - **Label the plan “Definitive Site Plan”.**
 - **Remove note from the plan that states relief was granted by the Zoning Board of Appeals at the August 27, 2007 meeting.**
 - **Change the zoning summary referral on the plan to “Zoning Ordinance as amended through February 6, 2007” from the “Zoning Omnibus of June 14, 2005”.**
 - **Complete Book and Page Number deed references on the plan.**
 - **Label the ANR reference number on the plan.**
 - **Label dimensions of driveways and curb cuts on the plan.**
 - **Any retaining wall that is over 4 feet requires a fence and should be so noted on the plan.**
 - **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 must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

4. **Lot 7R, Ellie Way (PB-07-110) – Definitive Site Plan:** Mohammed Djamshidi, representative for the applicant, stated that the applicant was seeking Definitive Site Plan approval to construct a single-family detached dwelling on property with 15% or more slope. Mr. Djamshidi requested a continuance to October 24, 2007 and an extension of the deadline for constructive grant to October 31, 2007 in order to address issues raised in Ruth Gentile’s memo dated October 2, 2007. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to extend the deadline for constructive grant to October 31, 2007. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras, the Board voted 5-0 to continue the Definitive Site Plan to October 24, 2007.

5. **148B Tory Fort Lane (also known as 148, 150 & 156 Tory Fort Lane) (PB-07-93A) – Special Permit – Common Driveway:** Steven Venincasa, petitioner, requested the hearing be continued to October 24, 2007 to address issues raised in Lara Bold’s memo dated October 2, 2007 and to resolve an issue with an abutter represented by Patricia Gates. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the hearing to October 24, 2007.

6. **947 West Boylston Street/1 Dixfield Road (PB-07-120) – Definitive Site Plan:** Patricia Gates and Josh Reinke, representatives for the applicant, presented the plan. Ms. Gates stated that the applicant was seeking approval of a Definitive Site Plan to construct a retail development consisting of a one-story commercial building to be used as a restaurant with drive-through facility and two retail uses. Fr. Edward Nichols urged the applicant to renew negotiation with the owner of abutting property because a pending sale had fallen through. Chair Shea said this was not a matter for the Board. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Crosswalk be placed subject to the approval of the Department of Public Works.**
- **The word “storage” be redacted in the notation on the plan that “Snow storage will be removed from the site.”**
- **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 must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

NEW BUSINESS

PUBLIC HEARINGS

7. **Blackstone Woods – Park Hill Extension Road & Nyland Street (PB-07-122) – Amendment to Definitive Subdivision:** Jed Mannis and Joseph Richards, representatives for Shelter Island Fund, owner and applicant, presented the plan. Mr. Mannis stated that the definitive subdivision plan was approved on September 29, 2004, but the approval expired on September 29, 2007. He further stated that the application for the Amendment to Definitive Subdivision was to extend the sunset date for the proposed subdivision. Mr. Traynor advised the applicant that the covenant would have to be amended to reference the new sunset date. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to amend its September 29, 2004 approval of the Blackstone Estates Subdivision by waiving Section VI, Part I (2) (a) of its Subdivision Regulations, which requires that the construction of roads and the installation of utilities in a subdivision of ten or fewer lots be completed within three years of the date of approval, and established a completion date of September 29, 2010.
8. **Zoning Map Amendment – 58 Suffolk Street:** Lavette Coney and Pandian Arumgan presented the petition to amend the Zoning Map by extending the RG-5 (Residence, General) zone to include the entire parcel located at 58 Suffolk Street, presently zoned MG-2.0

(Manufacturing, General). Mr. Fontane advised the Board that the proposed zone change is consistent with recent zone change recommendations and residential development in the area. 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 zone change.

9. **Zoning Ordinance Amendment – Amend Article IV, Table 4.2 – Permitted Dimensions by District:** Mr. Fontane explained the amendment would amend Table 4.2 by deleting “Single-family semi-detached dwellings (duplexes) in RS-7 (Residential, Single-family) and RS-10 (Residential, Single-family) zones. He further explained that this was basically a housekeeping item and is consistent with the City Council’s amendment that prohibits these dwellings in these zones that was ordained January 10, 2006. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to recommend approval of the amendment to the Zoning Ordinance.
10. **Zoning Ordinance Amendment – Amend Article IV, Section 6(4):** Mr. Fontane explained the amendment would amend Article IV, Section 6(4) by deleting the last sentence regarding illuminated and motion signs. He further explained that this was basically the removal of a superfluous reference and is consistent with the City Council’s February 6, 2007 Zoning Ordinance amendment. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to recommend approval of the amendment to the Zoning Ordinance.
11. **Zoning Ordinance Amendment – Amend Article XV, Section 4 – Adaptive Re-use Overlay Districts:** Mr. Fontane explained the amendment would amend Article XV, Section 4 by correcting an omission of a previously approved amendment (ordained January 6, 2004) by inserting the following sentence and re-lettering accordingly: “B. In addition, the Planning Board, by Special Permit, shall have the authority to waive or modify dimensional controls set forth in Table 4.2 of this Ordinance.” He further explained that this was basically a housekeeping item that should have been done at the time of the February 6, 2007 Zoning Ordinance amendment but was not. 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 amendment to the Zoning Ordinance

OTHER BUSINESS

1393 Grafton Street Subdivision – Bond Reduction: Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to release \$10,000.00 of the existing bond leaving a new bond amount of \$40,000.00 with a work completion date of June 1, 2008 and a bond expiration date of August 1, 2008.

Marissa Estates Subdivision – Bond Release: Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to release the remaining bond amount in its entirety because all work has been completed to the satisfaction of the Department of Public Works.

Jasmeen Place Subdivision – Covenant Release: Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to release part of the covenant as it affects Lots 1-12 inclusive because the Board had previously voted, at its August 22, 2007 meeting, to set a bond for those lots but did not release them from the covenant at that time.

Arboretum II Subdivision (Phase I) – Bond Release: Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to release \$50,000.00 of the existing bond leaving a new bond amount of \$250,000.00 with a work completion date of June 1, 2008 and a bond expiration date of August 1, 2008.

Arboretum II Subdivision (Phase II) – Bond Release: Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to release \$340,000.00 of the existing bond leaving a new bond amount of \$110,000.00 with a work completion date of June 1, 2008 and a bond expiration date of August 1, 2008.

APPROVAL NOT REQUIRED (ANR) PLANS:

1. **ANR 6569:** Upon a motion by Scott Cashman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to endorse ANR # 6569, Pine Hill Road.
2. **ANR 6576:** Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR # 6576, Kennebec Street.
3. **ANR 6577:** Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR # 6577, Belcourt Road.
4. **ANR 6578:** Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to endorse #6578, Hooper Street.
5. **ANR 6579:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to endorse #6579, Granite Street.
6. **ANR 6580:** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 (Anne O'Connor recused herself) to endorse #6580, Woburn/Rocdale Streets.

ADJOURNMENT

Chair Shea adjourned the meeting at 6:40 PM.