

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

December 5, 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 5:45 PM.

APPROVAL OF MINUTES

Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 3-0 (Margaret Guzman and Scott Cashman were not at the November 14th meeting) to approve the minutes of the November 14, 2007 meeting.

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

1. **128 Alvarado Avenue (PB-07-136) – Preliminary Subdivision Plan:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to continue the item to December 19, 2007 at the request of the applicant.

UNFINISHED BUSINESS:

2. **148B Tory Fort Lane – Special Permit: (also known as 148, 150 & 156 Tory Fort Lane) (PB-07-93A) – Special Permit – Common Driveway:** Steven Venincasa, petitioner, informed the Board that an agreement with Douglas Allen, an abutter who had objected to the proposal, had resolved outstanding issues relative to the requested Special Permit for a common driveway to access 148B Tory Fort Lane, a lot recently created by dividing 148 Tory Fort Lane into two lots. He said the plan had been revised per said agreement. Patricia Gates, attorney for Mr. Allen, confirmed an agreement had been signed by both parties. Mr. Cashman said his opposition to the Special Permit had been based on the length of Tory Fort

Lane but Mr. Traynor advised him that the Board cannot consider the length of the road only the length of the common drive. Additionally, it was noted there was an outstanding water bill owed for 150 Tory Fort Lane, however, the owner of 150 Tory Fort Lane is not the owner of the property for which the Special Permit was requested. 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, it was voted 5-0 by John Shea, Scott Cashman, Anne O'Connor, Margaret Guzman and Nicole Xifaras Parella to approve the Special Permit for a common drive with the following conditions:

- **Driveway must be constructed 6" in thickness; (2) Address under the proposed driveway information must be 148 instead of 148B Tory Fort Lane;**
- **Deed references must be provided on the plan for all lots on the plan and not just for 156 Tory Fort Lane as is presently the case;**
- **Existing driveway and proposed driveway must be delineated separately;**
- **Deed references for existing access easements must be provided;**
- **Clarification as to whether access easements shown on the plan are proposed or existing.**

3. **5 Elmwood Street (PB-07-130) – Parking Plan:** Raymond Lapolito, representative for the applicant, presented the revised plan to construct a 14 space church parking lot. Attorney Joe Boynton, representing Elaine Baskin, asked for clarification of snow removal. Mr. Lapolito said snow will be removed from the site. Mr. Boynton said his client was also concerned about the two lights in the parking lot and said his client would like to see only one light at a location between the locations of the two lights shown on the plan. That was agreeable to the applicant. Elaine Baskin was mentioned that there were frequent accidents in the area and she is concerned about traffic safety. George Rigney asked what kind of soil materials would be used and Mr. Adams responded that the soil materials were classified as Hydrosol – Group C which is acceptable to the Department of Public Works. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the parking plan with the following conditions:

- **Two light fixtures be removed from the plan and one high pressure sodium light fixture be located between the locations of the two fixtures removed;**
- **No outside storage of trash allowed.**
- **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. **76, 78, 82, May Street, 0 Park Avenue, 394 Park Avenue, 402 Park Avenue, 123 Winfield Street (PB-07-135) – Definitive Site Plan:** Attorney Mark Donahue and Derrick Redgate, representatives for the petitioner, presented the plan. Mr. Donahue stated the applicant had been granted a Special Permit to allow a drive-through with 111' lane length with the conditions that left turns onto Park Avenue be prohibited through the use of signage stating the same and screening along the rear property line be provided by meeting the requirements of the Zoning Ordinance. Ms. Gentile referred to some labeling issues on the plan. Mr. Adams discussed the concerns raised in a letter from Ali Khorasani from the Traffic Division relative to the crash rate at the intersection of May Street and Park Avenue and said it had twice the crash rate of any other intersection in District 3. Mr. Adams suggested the developer work with the Traffic Division to bring the crash rate down. Mr. Donahue said his client has already employed mitigation measures as related to the proposed use as a CVS Pharmacy and the crash rate would not increase as a result of this project. Chair Shea urged Mr. Donahue to have the traffic consultant meet with Mr. Khorasani concerning mitigation measures. Mr. Khorasani also recommended an island be included to prohibit left turns onto Park Avenue. There were also some issues involving pipe sizes that need to be resolved. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the item to December 19, 2007.

NEW BUSINESS

5. **348 Salisbury Street (PB-07-137) – Special Permit:** As required by M.G.L. c. 268A, §23(b)(3), Chair Shea made the following disclosure in order to dispel any appearance of potential conflict of interest. The applicant is Vernon Street Realty Company, LLC and the manager of said company is Charles F. Monahan, Jr. Chair Shea's law firm is a tenant of the Massachusetts College of Pharmacy and Health Services and Charles F. Monahan, Jr. is the president of the college. Additionally, abutters John W. Foley, Jr. and Susan M. Foley are former clients of his law firm. Chair Shea stated that neither he nor his law firm have any financial or other interest in the proposed project. Attorney Todd Brodeur and Andrew Liston, representatives for the applicant, presented the plan for construction of an extension off the existing common driveway to access a proposed single-family detached dwelling. Attorney Brian Beaton, representing John and Susan Foley, said his clients would like to see to see the bollards that had been placed at the end of the private driveway near Reed Road removed. Mr. Brodeur said the applicant does not have rights to pass and re-pass so the bollards cannot be removed. Mr. Traynor informed the Board that was a private party issue and was not within the Board's purview. Jeremy Theerman told the Board that his house is also served by the common drive and the drive is presently in need of repair. Brian Madden was also concerned about maintenance of the common drive. Mr. Brodeur said the common drive must be maintained by all who utilize it and it is written into the deeds. Jay Foley wants the northern section of the drive to be used. Christina Silpe was concerned about what other development would take place on the easement. 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 Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Special Permit for a common drive with the following conditions:

- **Applicant must provide digital copies of present conditions of the common drive to the Planning and Regulatory Services Office and the Division of Code Enforcement..**

- **Common drive must be restored to its present conditions after construction.**

6. Moreland Green Drive (PB-07-138) – Preliminary Site Plan: Justin Richardson and Andrew Liston, representatives for the applicant, presented the plan to construct a cluster subdivision consisting of 17 lots, 1 parcel and 2 roadways. Mr. Fontane suggested some changes in the lots and reorientation of the houses on the lots. Mr. Traynor said the lots were not under review until the cluster subdivision was filed. He said the waivers the applicant is seeking should be reviewed at that time as well. Donald Perrson asked if there will be any access from Tory Fort Lane and Mr. Liston responded no. Deanna Cleary was concerned about construction vehicles. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-1 (Scott Cashman voted no) to approve the preliminary site plan with the following conditions:

- **Proposed sanitary main must be revised to allow for a maximum velocity of 10 f/s.**
- **Sanitary connection on Caton Street to tie into Tory Fort Lane; Department of Public Works wants City of Worcester to take over that main so that anyone else could tie into it.**
- **Department of Public Works would like a breakaway gate at the end of Caton Street.**
- **Label height of proposed retaining wall off Moreland Green Drive.**
- **Label height in stories and feet of proposed buildings.**
- **Label total square feet of ground area coverage of proposed buildings.**
- **Label number of bedrooms of proposed buildings.**
- **Label dimensions of driveways and curb cuts.**
- **Label dimensions of Pinewood Lane and Moreland Green Drive.**
- **Label construction materials of streets, driveways and curbs.**
- **Label depth of detention pond; fence is required for ponds deeper than four feet.**
- **Provide a landscaping and screening plan showing street trees and other required plantings.**
- **Show any existing landscaping.**
- **Label total area of open space.**
- **Provide methods and locations of erosion and sedimentation control devices both during and after construction.**

OTHER BUSINESS

185 College Street/Ellie Way Subdivision: Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 5-0 to extend the work completion date to August 1, 2008 and bond expiration date to October 1, 2008.

Arboretum II Subdivision (Phase I): Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to release \$170,000.00 of the existing bond leaving a new bond amount of \$80,000.00 based on the recommendation of the Department of Public Works.

Amesbury Street – Remove Portion From Official Map: Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to recommend approval of the petition since the portion to be removed is a paper street.

Cayuga Street - Remove From Official Map: It was determined that Cayuga Street is not on the Official Map and the City has no rights in it, therefore, this petition is not properly before the Planning Board.

APPROVAL NOT REQUIRED (ANR) PLANS:

1. **ANR 6588:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to deny ANR #6588, Rustic Drive.
2. **ANR 6594:** Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR # 6594, Grove Street/Forest Street.
3. **ANR 6595:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to endorse ANR # 6595 9 Taconic Road.
4. **ANR 6596:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR # 6596 Miscoe Road/Sandra Drive.
5. **ANR 6597:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR # 6597 Coburn Avenue.
6. **ANR 6598:** Upon a motion by Nicole Xifaras Parella and seconded by Anne O’Connor, the Board voted 5-0 to endorse #6598, Franklin Street/Harrington Way.
7. **ANR 6599:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to endorse #6599, 2 Kingsbury Street.
8. **ANR 6592:** Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 4-0 (Nicole Xifaras Parella recused herself) to deny endorsement of ANR #6592 Rustic Drive.
9. **ANR 6601:** Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to endorse #6600 Southbridge Street.

ADJOURNMENT

Chair Shea adjourned the meeting at 7:40 PM.