

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

**March 19, 2008  
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  
Judy Stolberg, Division of Planning & Regulatory Services  
Lara Bold, Division of Planning & Regulatory Services  
Russ 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 Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the minutes of the March 5, 2008 meeting.

**UNFINISHED BUSINESS**

- 1. Katie Circle Subdivision (PB-08-12) – Definitive Subdivision Plan:** Attorney Donald O'Neil, Robert O'Neil, James Malley, and Michael Hannon, applicant, presented the plan for a 4-lot subdivision located in an RS-10 zone. Mr. O'Neil reminded the Board that the Definitive Site Plan application had not been filed yet because Conservation Commission approval is needed first. He said that is why they do not show the access to Lot 2 because it is dependent upon wetland issues being resolved. He indicated that they are seeking five waivers from the Subdivision Regulations. However, when Mr. Adams reviewed the subdivision plan, he determined that six waivers would be needed. James Tetreault, representing abutters, said his review had determined several more waivers would be needed. In addition, he said the Subdivision Regulations require the drainage calculations shall be based upon the soil cover complex method and the drainage calculations submitted were based on the rational method of calculations. He stated the soil cover complex method would take into account the widely varying vegetative cover of the site. He asserted that calculations shall be based on a 25-year frequency storm and not a 100-year frequency storm. He indicated that the proposed detention basin is inadequate. Mr. Malley said the basin is a sedimentation basin not a detention basin. Mr. Adams said that, based on the subcatchment

area, he was satisfied with the rational method and that DPW would consider addition of dry wells for roofs when the site plan is submitted. Mr. Tetreault also maintained the proposed topography of the entire site is not shown on the most recent revised plan; the plan does not provide a safe stopping sight line; proposed grades in the area of the cul-de-sac are shown incorrectly; abutting parcel at the northeasterly corner of Lot 2 is labeled as being owned by "Slovin" and is owned by Burton and Harriett Chandler; and a sidewalk is shown on two of three cross section details on Sheet 6 when no sidewalks are proposed. Mr. Chandler reiterated his view that there is no access shown for Lot 2 and that Lot 2 is landlocked with no frontage on a public way. He also said no ordinary person could discern that the parcels had been combined. The Board members indicated that they understand that the "Z" symbol on the plan was the indicator the parcels were held under common ownership. Mr. Tetreault stipulated agreed that it was clear to him as well. Mr. Adams stated that the applicant should verify the size of the sedimentation basin as per the most recent drainage calculations. He also indicated that DPW needs a metes and bounds easement and want a 10 foot access path, 12 inch gravel, to access the sedimentation basin. Ms. Bold said ownership for Lot 1A had not been resolved. Mr. O'Neil said ownership of the parcel was still uncertain and said it could be held in common ownership with Lot 2 or conveyed to an abutter. Mr. Adams stated, in regard to the waivers from the Subdivision Regulations, the applicant would either need to request a waiver from the centerline requirement or the 3-1 side slope requirement and that DPW would prefer to see 7% centerline. Chair Shea asked Mr. Tetreault who he represented and he replied that he had been hired by Mr. Chandler. Mr. Chandler said he represented himself and a group of abutters and he had sought Mr. Tetreault's services to review the plan. Chair Shea said it was clear that the design does not meet the requirements of the Subdivision Regulations, however DPW seems to be satisfied. He told the applicant that he would like to see a revised plan and all of the waivers requested for the project listed in an orderly fashion and submitted in a timely fashion to afford staff time for review. He said the Board does not want to receive letters the day before or the day of the meeting. Mr. Chandler stated that if the applicant submits a plan one week prior to the meeting, there is not enough time for those in opposition to review the plan and formulate a response. Chair Shea said the opposition would be given some latitude in that regard and urged the applicant to submit the requested information as soon as possible. Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the hearing to May 7, 2008.

- 2. Ben Drive Extension (PB-08-20) – Amendment to Definitive Subdivision Plan:** The applicants were not present. No action was taken by the Board because it had been determined that it was not properly before the Board.

## **NEW BUSINESS**

- 3. Zoning Ordinance Amendment – Expedited Permitting:** The petition seeks to implement changes to the Zoning Ordinance necessary for compliance with M.G.L. Chapter 43D relating to expedited permitting and Priority Development Site designation. Mr. Fontane's recommendation to the Board was that it recommend approval of the changes by inserting a new Article XVIII relative to expedited permitting for Priority Development Sites; amending Article V, Section 2(F) to exempt Priority Development Sites from site plan review; amending Article II, Section 6(A)(2) by establishing new criteria for the grant of Special Permits; and amending Article II, Section 7A-1 authorizing the Planning Board as the Special

Permit Granting Authority (SPGA). 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.

- 4. Aurilla Street – Remove Portion From Official Map:** The petitioner, Michael Andrade, on behalf of Peter Christo, to remove from the Official Map a portion of Aurilla Street, from the northwesterly property corner of Thomas and Gloria Realty Trust (MBL 45-004-Lts 12 & 13) and extending easterly to the intersection with Southwest Cutoff, a private way. Mr. Adams informed the Board that the City wants to retain a water 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 Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to remove said portion of Aurilla Street from the Official Map with the provision that the City retain a water easement.
- 5. Goldthwaite Road – More Than One Building on a Lot:** Items #6 & #9, Special Permit – Cluster Group and Definitive Site Plan Approval were taken contemporaneously. Charles Scott presented the plan to construct 33 single-family detached dwellings on one lot in a cluster group. He reminded the Board that a Preliminary Subdivision Plan for 25 lots had been approved on August 22, 2007 for the site. He explained that it would be a gated community on a private drive with coded entry. He said there would be a homeowners' association that would be responsible for maintenance of the private drive and open space areas. Mr. Adams informed Mr. Scott that the removal of a portion of Goldthwaite Road from the Official Map should occur first. Mr. Cashman asked if Mr. Fontane had any comment relative to gated communities. Mr. Fontane said planners don't generally advocate for gated communities because they tend to be an isolating factor but he doesn't believe they hinder public safety. Deanna Foucher said she would prefer the land remain undeveloped, however, if the land has to be developed, this plan is okay. Andrew Zyreski asked if the approval can be conditioned upon the RS-7 zoning not be changed. Chair Shea said that was not a condition the Board could impose. Jennifer Perez was not opposed to the plan but was concerned about the effect of the fence surrounding the property on wildlife that cross the property. Kitty Toscano was concerned about quality of life issues and traffic. Ms. Guzman said she clearly remembers the preliminary subdivision plan and this plan is totally different from what was first proposed. Mr. Scott said the plan was designed differently because the Department of Public Works was reluctant to approve the necessary waivers. A letter from Attorney Samuel DeSimone, representing himself, his wife and Melwood Realty, expressed concerns about conservation issues, prevention of through traffic from Beverly Road to Goldthwaite Road by means of the gated community, an easement to Melwood Realty within the former layout of Pearce Avenue and future phases of development which may be multi-family uses. Ms. Bold outlined some omissions to the plan that needed to be addressed prior to approval. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to extend the deadline for constructive grant for the More Than One Building on a Lot and Definitive Site Plan to April 23, 2008. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to continue all three items to April 16, 2008 to allow the applicant sufficient time to address all comments from staff.
- 6. Goldthwaite Road (PB-08-17) – Special Permit: See #5.**

7. **Goldthwaite Road (PB-08-15) – Definitive Site Plan:** See #5.
8. **Meadowbrook Road Subdivision (PB-08-22) – Amendment to Definitive Subdivision Plan:** Jonathan Finkelstein, applicant, sought an extension of the sunset date and work completion dates be extended and a retroactive waiver of the provisions of Section IV(1)(2) of the Worcester Subdivision Regulations. He sent a letter requesting a continuance to May 7, 2008 and extension of the constructive grant deadline to June 20, 2008. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to continue the hearing to May 7, 2008 and to extend the deadline for constructive grant to June 20, 2008 at the request of the applicant.
9. **Good Harbor Heights Subdivision (PB-08-24) – Amendment to Definitive Subdivision Plan:** The developer requested the sunset date and work completion dates be extended and a retroactive waiver of the provisions of Section IV(1)(2) of the Worcester Subdivision Regulations. 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 approve a waiver of the provisions of Section IV(1)(2) of the Worcester Subdivision Regulations that the subdivision be completed within three years and to approve the Amendment to Definitive Subdivision Plan to extend the sunset date for completion of all infrastructure to March 19, 2009 and the work completion date to August 1, 2008.
10. **Kenwood Avenue (PB-08-18) – 81G Street Opening:** The developer requested approval to open a way for public use. Ms. Bold enumerated comments from Ruth Gentile's memo dated March 13, 2008. Most of the comments were labeling issues. Mr. Adams listed conditions of approval from Joseph Borbone's memo dated March 12, 2008. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the 81G Street Opening with the following conditions:
- **Provide locations of sidewalks.**
  - **Correct the spelling of "Kenwood Aveune" to "Kenwood Avenue" on all sheets of the plan.**
  - **Provide names and dimensions of all adjacent public and private ways within 500 feet of the proposed street opening.**
  - **Provide locations of permanent monuments.**
  - **Revise the profile of the proposed roadway to provide a landing area at the end of the proposed road.**
  - **Provide a guardrail at the end of the proposed street.**
  - **Provide slope stabilization measures for the slope at the proposed end of pavement.**
  - **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 be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

**11. 435 Shrewsbury Street (PB-08-19) – Amendment to Definitive Site Plan:** Kenneth Strom, representing the applicant, requested the Amendment to Definitive Site Plan approval be continued to April 2, 2008. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 5-0 to continue the item to April 2, 2008.

**12. 514, 542 & 558 Southbridge Street (PB-08-23) – Definitive Site Plan:** Attorney Robert Longden, representing the applicant, requested the Definitive Site Plan approval be continued to April 2, 2008. Upon a motion by Nicole Xifaras Parella and seconded by Margaret Guzman, the Board voted 5-0 to continue the item to April 2, 2008.

## **OTHER BUSINESS**

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

1. **ANR 6625:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR # 6625 June Street/Botany Bay Drive.
2. **ANR 6627:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to endorse ANR #6627 Weldon Avenue.
3. **ANR 6628:** Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR #6628 50 Brigham Road/Carter.
4. **ANR 6629:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR #6629 Bullard Avenue.

## **ADJOURNMENT**

Chair Shea adjourned the meeting at 8:40 PM.