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The Planning Board met for its regular meeting on Wednesday, March 29, 1989 at 12:30 P. M. in Room 209, City Hall. Members present were Chairman John F. Keaney; Vice Chairman Frank D. DeFalco; John T. Reynolds, George Russell. Also present were Director Francis J. Donahue; Assistant Commissioner of Public Works Gerhard P. Muenchmeyer; Deputy City Solicitor Bridget M. Murphy; Assistant City Solicitor Michael E. Traynor; Senior Planner Alexander A. Pridotkas; Planning Coordinator Philip Hammond.

Regular Meeting - Room 209 - City Hall

Call to Order

Chairman Keaney called the meeting to order at 12:30 P. M.

Zoning Ordinance discussion

The Board reviewed Article 4 of the zoning ordinance as prepared by Code Inspection. Consideration was taken into account of all comments submitted by the various agencies.

View

The Board viewed Vivian Street - private street opening, Pleasant Estates - preliminary subdivision and site plan review, 463 Lincoln Street - re-appeal to the Zoning Board of Appeals, Franklin Street at Foch Avenue - re-appeal to the Zoning Board of Appeals.

Meeting - Room 209 - City Hall

Chairman Keaney called the meeting to order at 3:30 P. M.

Minutes of March 1, 6, 10, 13, 20, 1989

Mr. DeFalco moved that the minutes of March 1, 6, 10, 13, and 20, 1989 be approved. Mr. Russell seconded the motion. The vote was unanimous.

Vivian Street - private street opening

Gerry Cellucci, representing the petitioner, stated that it is proposed to construct six single family homes on Vivian Street, a private street on the official map. Planning Board approval is required to open the street and construct all the utilities.

Mr. Muenchmeyer stated that the Department of Public Works has reviewed the plan and the following comments are noted.

1. Detailed hydraulic calculations should be submitted.
2. The slope of the catch basin connections should be shown.
3. Four (4) feet of cover should be provided over all pipe or a greater strength pipe should be shown.
4. The rim and invert elevation of all manholes should be shown.
5. The plan should, more clearly, show contour lines.
6. Grade of proposed roadway at Pine Hill Road not acceptable.
7. Clarification of necessary slope easements, from others, should be provided.
8. Turn-around proposed for lots 4 and 5 will require easements.
9. Plan should show proposed method of slope support and protection. Actual work will require construction easements.
10. Proposed erosion protection plan, during construction should be shown.
11. Slope on proposed turn-around should not exceed 3%.

George E. Smith, engineer, stated that the plan has been revised to meet all the Department of Public Works concerns.

Mr. Muenchmeyer stated that the City Council recently passed a rule requiring developers to submit sill and street elevations when a private street opening is requested. This information is required by the Department of Public Works prior to issuance of any permits.

Mr. DeFalco moved that the Board approve the request on the condition that all Department of Public Works requirements are met. Mr. Russell seconded the motion. The vote was unanimous.

Pleasant Estates - preliminary subdivision and site plan review

Arthur L. Bouley, engineer, stated that it is proposed to divide 3.5⁺ acres of land located off Pleasant Street into eight single family lots. The roadway will be 350 feet in length and will have a 12% grade except at the intersection of Pleasant Street. A light pole and catch basin in Pleasant Street will have to be moved. The existing parking lot adjacent to the existing building will be relocated to the rear of the building. Some retaining walls will be required. One of the walls will have to be built within the right-of-way of the proposed street.

Mr. Muenchmeyer stated that the city will eventually accept the proposed street as a public way but is opposed to the idea of also maintaining the wall. The Department of Public Works has reviewed the plans and the following comments are noted.

1. A sewer extension permit filed with the State D.E.Q.E. may be required.
2. Hydraulic calculations for the proposed drainage system should be submitted.
3. The sanitary and surface sewers should be designed with a minimum of 1-1/2" feet of vertical separations.
4. Outside drop manholes should be provided.
5. A minimum of 4 feet of ground cover should be maintained over all pipes or a greater strength pipe utilized.
6. All water pipes should be constructed a minimum of 10 feet apart from sewer lines.
7. Proposed water details should be shown.
8. All proposed pipe material to be used should be shown.
9. Proposed road connection to Pleasant Street shows no radius.
10. Proposed grade of cul-de-sac should not exceed 3%.
11. Plan shows no sidewalks.
12. Pleasant Street should be properly located with bearings.
13. Slopes in sidewalk areas should conform to standards.
14. Proposed wall location and elevations should be detailed.
15. Handicap ramps should be shown.

Mr. Bouley requested that the sidewalk on the westerly side of the road be omitted from Pleasant Street northerly to the cul-de-sac so that this area can be sloped and the retaining wall be omitted.

Mr. Donahue stated that the proposed parking lot should be shown on the definitive plan.

Mr. DeFalco moved that the Board give preliminary approval to the proposed subdivision subject to the following conditions.

1. Compliance with the requirements of the Department of Public Works.
2. Compliance with the requirements of the Department of Public Health.
3. Submission of complete engineering plans, profiles and drainage calculations in conformance with the Subdivision Control Regulations prior to advertising the required public hearing.
4. Plans showing the layout and cross sections of the relocated parking lot servicing the existing business are to be submitted when the definitive plan is filed.
5. The proposed retaining wall abutting the Cary property is to be omitted and the sidewalk area will be constructed in conformance with the requirements of the Department of Public Works.

Mr. Russell seconded the motion. The vote was unanimous.

Mr. DeFalco moved that the Board waive its Subdivision Control Regulations requirement by omitting a sidewalk on the westerly side of the proposed street between the cul-de-sac and Pleasant Street. Mr. Russell seconded the motion.

The vote was unanimous.

Massasoit Village - Phase III bond

Mr. Donahue stated that the developer of this subdivision has requested the Board to set the amount of bond for this subdivision to guarantee construction of the street including all the utilities in accordance with the Subdivision Control Regulations and City of Worcester standards.

Mr. Muenchmeyer recommended a bond in the amount of \$240,000 be held by the city.

Mr. DeFalco moved that the Board require a bond in the amount of \$240,000 of which 10% be in cash for this subdivision. Mr. Russell seconded the motion. The vote was unanimous.

Moreland Green - agreement review

Mr. Donahue stated that the Board approved this subdivision on July 1, 1987. One of the conditions was that the streets within the subdivision are to remain private in perpetuity and are not to become the responsibility of the city. An owners association or other like legal entity is to be formed and deed covenants to be written and recorded which will require the owners to provide at their own expense all public services such as street and infrastructure maintenance, trash collection and snow removal.

Attorney Fraynor stated that no bond has ever been signed but a "Declaration of Restrictions" has been recorded at the Registry of Deeds. In order to clarify the matter on whose responsibility it will be to maintain said streets within this subdivision, the Law Department has prepared a revised "Declaration of Restrictions" to be signed by all parties of interest and to be recorded at the courthouse. The previous declaration will become void.

Mr. Russell moved that the Board approve the revised declaration as prepared by the Law Department. Mr. DeFalco seconded the motion. The vote was unanimous.

Communication re subdivision regulations

Mr. Donahue stated that the City Council requested the Board to consider amending the subdivision regulations so as to limit the exemption from the requirements of the subdivision law to property with frontage on a public way. Presently, the regulations exempt plans showing frontage on private ways with frontage on the official map from the subdivision process, even where the public way does not provide suitable access.

Attorney Traynor stated that the wording in the existing regulations should conform with the state statute.

Mr. DeFalco moved that this item be referred to the Law Department for clarification. Mr. Russell seconded the motion. The vote was unanimous.

Communication re Barber Avenue

Mr. Donahue stated that a petition has been filed with the City Council and referred to the Planning Board regarding the proposed usage of the land located at the terminus of Barber Avenue Extension. The petitioners claim that the Board has approved plans for the proposed use without holding a public hearing. No hearing is required because the proposed development is not a subdivision nor more than one residential building on one lot. The Board signed a plan "approval not required" which showed the property lines of the land and that is done without a hearing.

Attorney Austin W. Keane, representing the petitioner, stated that the Conservation Commission has approved the plan with orders of conditions. When the application

is filed with the License Board for a parking permit, a public hearing will be required.

Mr. DeFalco moved that the Board respond back to the City Council that no action is required by the Board at this time. Mr. Russell seconded the motion. The vote was unanimous.

Plans to be Ratified

Mr. DeFalco moved that the following plans be ratified. Mr. Russell seconded the motion. The vote was unanimous.

3999 - plan of land on Rogers & Simone Streets, owned by Barry E. Martin,
signed 3/6/89

4000 - plan of land on Vincent Circle, owned by Javelin West Realty Corp.,
signed 3/6/89

4001 - plan of land on Gates & Illinois Streets, owned by Cambridge Investors
Group, Inc., signed 3/6/89

4002 - plan of land on Carter Road, owned by P. T. Badjo, signed 3/10/89

4003 - plan of land on Swan Avenue & Passway One, owned by Gertrude A. Wilson,
signed 3/10/89

4004 - plan of land on Chilmark Street, owned by Michael & Kathleen Shannon,
signed 3/16/89

4005 - plan of land on Forkey & Scandinavia Avenues, owned by Shirley & Paul
Berryman, signed 3/20/89

4006 - plan of land on Fourth Street, owned by R. H. Gallo Builders, signed
3/17/89

4007 - plan of land on Roland & Roycroft Roads, owned by Paul M. Novak, signed,
3/20/89

- 4008 - plan of land on Lakeview Street & Locust Avenue, owned by Arthur H. Chaput Jr. et ux, signed 3/20/89
- 4009 - plan of land on Balis, Egan & McClintock Avenues, owned by Norman & Donna Anger, signed 3/20/89
- 4010 - plan of land on Armory & Southgate Streets, owned by Stancast Realty Trust, signed 3/20/89
- 4011 - plan of land on Dixfield Street, owned by Gary DeWolfe, signed 3/29/89
- 4012 - plan of land on Gates & Illinois Streets, owned by Cambridge Investors Group, Inc., signed 3/22/89
- 4013 - plan of land on Cambridge, Pitt, Sheridan & Sherman Streets, owned by Sacred Heart of Jesus Parish, signed 3/29/89
- 4014 - plan of land on Benoit & Progressive Streets, owned by Alice J. Bagdonovich, signed 3/29/89
- 4015 - plan of land on Plantation Street, owned by Mildred S. Stapor & Joseph Scampini, signed 3/29/89
- 4016 - plan of land on Southwest Cutoff, owned by City of Worcester/John Perry and Gary Ford, signed 3/29/89
- 4017 - plan of land on Keach Street, owned by Mary Palazzo, signed 3/29/89.

Date of Next Meeting - April 4, 11, 14, and May 3, 1989..

Any Other Business

Miscoe Estates, Sections III and IV - extend completion dates

Mr. Donahue stated that the developer of this subdivision has requested the Board to extend the completion dates from April 1, 1989 to April 1, 1991.

Mr. DeFalco moved that the Board approve the request. Mr. Russell seconded the motion. The vote was unanimous.

Oak Grove subdivision - letter of credit extension

Attorney Traynor stated that the letter of credit from a bank guaranteeing construction of this subdivision has expired. He recommended that the Board allow the developer to work with the bank to extend the letter of credit to match the completion date of September 30, 1989. If it is not received by April 7, 1989, the Board may consider rescinding approval of the subdivision.

Mr. Russell moved that the Board accept the Law Department's recommendation.

Mr. DeFalco seconded the motion. The vote was unanimous.

Recess

Chairman Keaney recessed the meeting at 5:30 P. M.

Public Hearings - Training Room - City Hall

Chairman Keaney called the meeting to order at 7:30 P. M.

463 Lincoln Street - re-appeal to Zoning Board of Appeals

Mr. DeFalco read the notice of the public hearing on the application of Ronald Wagner for permission to re-appeal to the Zoning Board of Appeals for a Variance within the two-year statutory waiting period after an unfavorable decision denying the use of the property located at 463 Lincoln Street for construction of a five-story office building. The applicant now proposes a single level building with basement.

Mr. Keaney then asked for the proponents.

Attorney Joel Greene, representing the petitioner, stated that it was proposed to construct a five-story office building at 463 Lincoln Street. Three variances were required from the Board of Appeals which were denied. It is now proposed to construct one building with two levels with 47 parking spaces. A variance is required because the proposed parking lot will encroach into the residential zone. In order to re-file to the Board of Appeals within the two-year statutory waiting period, Planning Board approval is required.

Mr. Keaney questioned why the request was submitted to the Board because it is a substantial change from the previous plan.

Attorney Traynor replied that the petitioner has the option to file a new petition or request the Board to allow him to re-file within the two-year period.

Mr. Reynolds stated that he has some reservations about the proposed development.

Mr. DeFalco stated that the proposed development is no comparison to the previous plan.

Mr. Keaney then asked for the opponents of which there were none.

Mr. Keaney then declared the hearing closed.

Franklin Street at Foch Avenue - re-appeal to Zoning Board of Appeals

Mr. DeFalco read the notice of the public hearing on the application of BTA Associates for permission to re-appeal to the Zoning Board of Appeals for a special permit and variance within the two-year statutory waiting period after an unfavorable decision denying the use of the property located at the intersection of Foch Avenue and Franklin Street for construction of a 16-unit apartment building.

Mr. Keaney then asked for the proponents.

Attorney Samuel R. DeSimone, representing the petitioner, stated that it was proposed to construct a 16-unit residential building on this site but the required variance was denied by the Board of Appeals. The Board alleged that this site was to remain open space because of the development adjoining this property. It is now proposed to construct one two-story building containing 12 two-bedroom units with 24 parking spaces. The building would be smaller and with the reduction in the number of parking spaces there would be more open space provided. The area is zoned RL-7 and four duplex homes can be placed on the site. It is also requested that the Board waive site plan review because the new plan is generally similar to the previously approved plan.

Mr. Russell stated that there is no substantial difference from the previous plan.

Attorney DeSimone reiterated that the number of units and parking spaces have been reduced, the building is smaller therefore creating more open space.

Mr. Keaney then asked for the opponents of which there were none.

Mr. Keaney then declared the hearing closed.

Regular Meeting - Room 209 - City Hall

Call to Order

Chairman Keaney called the meeting to order at 7:50 P. M.

Items of Public Hearing

463 Lincoln Street - re-appeal to Zoning Board of Appeals

Mr. DeFalco moved that the Board allow the petitioner to re-petition the Board of Appeals for a variance within the two-year statutory waiting period after a denial by said Board because the new proposal is substantially different from the previous proposed use. Mr. Russell seconded the motion. The vote was unanimous.

Franklin Street at Foch Avenue - re-appeal to Zoning Board of Appeals

Mr. DeFalco moved that the Board allow the petitioner to re-petition the Board of Appeals for a special permit and/or variance within the two-year statutory waiting period after a denial by said Board because of new evidence presented at the hearing. Mr. Reynolds seconded the motion. The vote was unanimous.

Mr. DeFalco moved that the Board waive site plan review as requested by the petitioner's attorney. Mr. Reynolds seconded the motion. The vote was unanimous.

Adjournment

Chairman Keaney adjourned the meeting at 8:00 P. M.