

**MINUTES
WORCESTER PLANNING BOARD
MAY 24, 2000**

Planning Board Members Present: Joseph Sova
Joe Boynton
Samuel Rosario
John Shea

Staff Present: Paul Moosey, DPW Engineering
Michael Caforio, DPW Engineering
Stephen Madaus, Law Department
Judith Stolberg, OPCD
Pamela Harding, OPCD
Stephen Parker, OPCD
Michael Pace, Health/Code Enforcement

Regular Meeting (5:30 P.M.) – Room 409, City Hall

1. **Call to Order:** Chairman Joseph Sova called the meeting to order at 5:30 P.M.
2. **Approval of Minutes – May 10, 2000 Meeting:** Upon a motion by Joe Boynton and seconded by John Shea, the Board voted unanimously to approve the minutes as amended.
3. **Roseville Estates – Definitive Subdivision Approval:** Robert O’Neil presented the plan. Patrick Crane asked questions regarding the subdivision. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted unanimously to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted unanimously to approve the Definitive Subdivision with the following conditions:
 - Construction must be completed three years from today (May 24, 2000).
 - Compliance with the Subdivision Regulations dated October 1, 1992.
 - In accordance with the applicant’s expressed intent to request the City to accept road(s) as public street(s) upon completion of their construction, the applicant shall deliver executed deed(s) of easement for street purposes to be recorded with the Definitive Plan, the cost of recording to be borne by the applicant. Prior to recording, the deed of easement must be reviewed and approved by the City’s Law Department.
 - The applicant shall deliver an executed deed or deeds of easements to all areas outside of street layout which are to contain any City water or sewer lines, or are otherwise designated on the Definitive Plan as easements to the City. All such easements shall be reviewed and approved by the City’s Law Department.
 - Endorsement of the Definitive Plan is contingent upon the following:

1. Notice from the City Clerk of “No Appeal” from the action of the Board in approving this subdivision or if an appeal is taken, notice of the court either sustaining the approval or dismissing the appeal.
2. Applicant must guarantee the construction of ways, the installation of municipal services and the successful performance of all other conditions to the approval of the subdivision in the manner provided in the Subdivision Regulations, Section VII, as authorized by MGL, Chapter 41, Section 81U.

4. **Marissa Estates – Definitive Subdivision Approval:** Attorney Mark Donahue presented the plan. Patricia Cody, Lynn Restuccia and John Restuccia spoke in opposition. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted unanimously to close the hearing. Upon a motion by Joe Boynton and seconded by John Shea, the Board voted 4-0 to ratify the waiver previously approved and adopt the following condition:

- Houses constructed on Lots 1, 2, 3, 4, 9, 10 & 11 are to be located no closer than twenty-five (25) feet from the rear lot lines.

and to adopt the following findings in support of the waiver:

- Due to the width of the site and the fact that the road will only be 500 feet long and will terminate in a cul-de-sac, it is in the public interest to allow the buildings on the lot to be moved away from the rear lot lines by reducing the width of the right of way from fifty (50) feet to forty (40) feet.
- Because the road has no curves and will only be 500 feet long and terminate in a cul-de-sac, the reduction of the paved area from thirty (30) feet to twenty-six (26) feet will not compromise public safety.
- For the reasons presented in the preceding two paragraphs, the Board concludes that the grant of the waivers is in the public interest and consistent with the intent and purpose of the subdivision control law.

Upon a motion by Joe Boynton and seconded by John Shea, the Board voted 4-0 to approve the Definitive Subdivision Plan with the following conditions:

- All comments in Department of Public Works letter dated May 5, 2000 be addressed to the satisfaction of said department.
- Planting buffer be included on revised plan.
- Construction must be completed three years from today (May 24, 2000).
- Compliance with the Subdivision Regulations dated October 1, 1992.
- In accordance with the applicant’s expressed intent to request the City to accept road(s) as public street(s) upon completion of their construction, the applicant shall deliver executed deed(s) of easement for street purposes to be recorded with the Definitive Plan, the cost of recording to be borne

by the applicant. Prior to recording, the deed of easement must be reviewed and approved by the City's Law Department.

- The applicant shall deliver an executed deed or deeds of easements to all areas outside of street layout which are to contain any City water or sewer lines, or are otherwise designated on the Definitive Plan as easements to the City. All such easements shall be reviewed and approved by the City's Law Department.
 - Endorsement of the Definitive Plan is contingent upon the following:
 1. Notice from the City Clerk of "No Appeal" from the action of the Board in approving this subdivision or if an appeal is taken, notice of the court either sustaining the approval or dismissing the appeal.
 2. Applicant must guarantee the construction of ways, the installation of municipal services and the successful performance of all other conditions to the approval of the subdivision in the manner provided in the Subdivision Regulations, Section VII, as authorized by MGL, Chapter 41, Section 81U.
5. **Zoning Map Amendment – 250 Franklin Street – MG-2 to BG-6.0 District:** Notice of the hearing was read by the Clerk. James Yantsides spoke in favor of the petition. No one spoke in opposition. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted 4-0 to close the hearing. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted 4-0 to recommend denial since the petitioner's Variance for a waiver from off street parking requirement granted by the Zoning Board of Appeals was not appealed therefore making a zone change for that purpose unnecessary.
6. **Zoning Map Amendment – 1152 Pleasant Street:** Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to close the hearing. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to recommend approval of the petitioner's request for Leave to Withdraw without prejudice.
7. **500 Grafton Street – Parking Plan Approval:** Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to extend the deadline to June 15, 2000 and continued the item to June 14, 2000 at the request of the applicant.
8. **442-450 Park Avenue – Parking Plan Approval:** Upon a motion by Joe Boynton and seconded by John Shea, the Board voted unanimously to extend the deadline to June 15, 2000 and to continue the item to June 14, 2000 at the request of the applicant and applicant was informed that a landscaping table needed to be added to the plan.
9. **Zoning Map Amendment – Haviland Street Area:** Notice of the hearing was read by the Clerk. Attorney Jonathan Finkelstein spoke in favor. Paula

Rosenblum, Peter Viles, Jim Phillips, Demetre Steffon, James Gair and Joseph Curtis spoke in opposition. Upon a motion by Samuel Rosario and seconded by Joe Boynton, the Board voted unanimously to close the hearing. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted 3-1 (Joseph Sova voted no) to recommend denial of the amendment.

10. **Sunderland Road – Lot 158A (15% Slope) – Site Plan Approval:** Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to waive the requirement that the plan be prepared by a Registered Engineer. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to approve the site plan with the following conditions:
 - **Subject to Zoning Enforcement Officer’s determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
 - **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained throughout construction to the satisfaction of the Director of Code Enforcement.**

11. **39 Bauer Street (15% Slope) – Site Plan Approval:** Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to approve the site plan with the following conditions:
 - **All comments in Department of Public Works letter dated May 19, 2000 be addressed to the satisfaction of said department.**
 - **Subject to Zoning Enforcement Officer’s determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
 - **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained throughout construction to the satisfaction of the Director of Code Enforcement.**

12. **12 Cheyenne Road (15% Slope) – Site Plan Approval:** Upon a motion by Joe Boynton and seconded by John Shea, the Board voted unanimously to waive the requirement that the plan be prepared by a Registered Engineer. Upon a motion by Joe Boynton and seconded by John Shea, the Board voted unanimously to approve the site plan with the following conditions:
 - **All comments in Department of Public Works letter dated May 19, 2000 be addressed to the satisfaction of said department.**
 - **Subject to Zoning Enforcement Officer’s determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**

- **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained throughout construction to the satisfaction of the Director of Code Enforcement.**
13. **Foxmeadow Drive – Lot 71A (15% Slope) – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 3-1 (Joe Boynton voted to deny) to approve the site plan with the following conditions:
- **Driveway be moved.**
 - **Subject to Zoning Enforcement Officer’s determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
 - **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained throughout construction to the satisfaction of the Director of Code Enforcement.**
 - **Three copies of revised plan be submitted to OPCD prior to release of decision.**
14. **Quaker Road – Lots 53, 54R & 55R (15% Slope) – Site Plan Approval:** Upon a motion by John Shea and seconded by Joe Boynton, the Board voted unanimously to waive the requirement that plan be prepared by a Registered Engineer. Upon a motion by Joe Boynton and seconded by John Shea, the Board voted unanimously to approve the site plan with the following conditions:
- **A solid board fence along the rear lot line of Lot 54R and 53 and along the northerly lot line of Lot 53.**
 - **Three foot yews be planted 4’ on center in all directions in the entire area of the slope westerly of the stone wall.**
 - **Subject to Zoning Enforcement Officer’s determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
 - **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained throughout construction to the satisfaction of the Director of Code Enforcement.**
15. **4 Ash Street – Site Plan Approval:** Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to approve the site plan with the following conditions:
- **Plan show a five foot buffer along the northerly boundary.**
 - **Lighting be directed down and into the site.**
 - **Dumpster be screened with a solid fence.**

- **Subject to Zoning Enforcement Officer’s determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
 - **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained throughout construction to the satisfaction of the Director of Code Enforcement.**
 - **Three copies of revised plan be submitted to the Office of Planning and Community Development prior to release of decision.**
16. **232 Stafford Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Joe Boynton, the Board voted unanimously to continue the item to June 14, 2000 for changes to the plan.
17. **1 & 3 Pelham Street – Site Plan Approval:** Upon a motion by Joe Boynton and seconded by John Shea, the Board voted unanimously to continue the item to June 14, 2000 at the request of the applicant.
18. **15 Webster Street – Parking Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-1 (Joe Boynton voted no) to approve the parking plan with the following condition:
- **Nixon Street lot be paved and include drainage.**
19. **Camelot Village – Extension of Work Completion Date:** No action was taken by the Board.
20. **Moreland Green (Westmont) – Phases VII & IX – Extension of Work Completion Date and Bond Expiration Date:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted unanimously to set a work completion date of December 1, 2000 with a bond expiration date of February 1, 2001.
21. **Wildwood Estates (Oak Leaf Circle) – Extension of Work Completion Date and Bond Expiration Date:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted unanimously to set a work completion date of December 31, 2000 with a bond expiration date of February 28, 2001.
22. **Plans To Be Ratified:** Joe Boynton abstained. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-0 to ratify the following plans:

#5144 Arcadia Street
 #5145 St. Nicholas Avenue/Oneida Avenue
 #5146 132-134 Stafford Street
 #5147 Mill Street

Other Business: None

The Chairman adjourned the meeting at 9:20 P.M.