

MINUTES
WORCESTER PLANNING BOARD
June 12, 2002

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

Staff Present: Michael Pace, Health/Code Enforcement
Judith Stolberg, Executive Office of Economic Development
Diana Collins, Executive Office of Economic Development
Jeffrey Head, Law Department
Paul Moosey, DPW

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 22, 2002 Meeting:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to approve the minutes of the May 22, 2002 meeting.
3. **1200 West Boylston Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-1 (Joe Boynton voted no) 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, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
 - **Swing set, to consist of 4 swings, and sandbox be shown on the plan.**
 - **Handicapped access to sidewalks be shown on the plan.**
 - **Application put notation on the plan that no lighting is to be installed at the basketball court.**
 - **Six copies of revised plan be submitted to Executive Office of Economic Development (EOED) prior to release of the decision.**
4. **Paradise Point – Special Permit for Continuing Care Retirement Community:** More Than One Building on a Lot and Site Plan Approval were taken collectively. John Shea recused himself. Attorney Samuel DeSimone, Andrew Liston and Attorney Michael Moschos spoke in favor of the project. Joseph Kittridge, an abutter, requested a continuance but the Board decided to proceed. City Councilor Stephen Patton, Paul Hanson, James

Servidio, Joseph Kittridge, Helen Nugent and Mrs. Eisman spoke in opposition. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to close the hearing for the Special Permit. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to close the hearing for More Than One Building On a Lot. Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted 4-0 to approve the application for More Than One Building on a Lot. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted 4-0 to approve the Special Permit with the following findings:

- **The specific site is an appropriate location for a Continuing Care Retirement Community because it is in a residential zone.**
- **There will be no nuisance or serious hazard to vehicles or pedestrians because access to Garrison Avenue will be limited and Mountain Street East has been designed to handle the projected traffic.**
- **Adequate and appropriate facilities and services that are listed in the conditions to this Special Permit will be provided for the proper operation of the proposed use.**
- **The use as developed will not adversely affect the neighborhood because the proposed development is consistent with the residential character of the neighborhood and is not unduly intensive and will provide for various services to the residents on site.**

Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted 4-0 to include the following conditions to the Special Permit:

- **Applicant will maintain and make repairs to Cobblestone Lane keeping it in substantially the same condition it was in at the time of the application for the Special Permit.**
- **During construction, the applicant will prohibit any construction equipment used in the construction of the development from operating on Cobblestone Lane between the hours of 7:00 P.M. and 7:00 A.M.**
- **Upon completion of the Paradise Point development, the applicant will provide a finish coat of asphalt on Cobblestone Lane to its full length and width.**
- **Residents of Paradise Point development will have motor vehicle access to Garrison Avenue at all times.**
- **Hairdressing and haircutting services will be provided in the Community Center at least one full day a week in a properly equipped facility.**
- **Regular housekeeping services will be made available to residents by the condominium association, or the owner, as applicable.**
- **A registered nurse or nurse practitioner will be available at regular hours, at least four (4) hours per week, at the Community Center to provide diagnostic and screening services, first aid, vaccinations and the like.**
- **The owner of the development or the condominium will maintain a permanent arrangement with a rest home or nursing home licensed by the Commonwealth, which arrangement shall provide for a coordinated program of health services designed to enable the residents of the condominium to live independently and**

which arrangement will provide for priority admission to said rest home or nursing home for the residents of the condominium.

- There shall be a Community Center that will provide a properly equipped hairdressing facility, a properly equipped medical examination room, recreation and exercise rooms, library and reading room, caterer's kitchen and a dining room with a minimum of 1200 square feet.
- The development shall qualify for, and maintain its status as, "housing for older persons" as defined in Title 42 USC, section 3607.
- This Special Permit shall lapse two years from the date hereof unless construction has begun by such date.
- Rights and obligations of the petitioner under this Special Permit shall be binding upon its successors, assigns, devisees, and transferred, with particular reference to any organization of unit owners, as that term is defined under M.G.L. c. 183A, section 1, or similar entity in the event the project is hereby submitted to the provision of M.G.L. c. 183A pursuant to the execution and recording of a master deed for the creation of a condominium.
- In the event the project is submitted to the provisions of M.G.L. c 183A, the master deed shall define the common areas and facilities to mean and include the entire project, exclusive of the individual unit and the master deed shall include the following language or language of similar import – Paradise Point is a housing community limited to occupancy by seniors 55 years of age (a "qualified person"), their spouses, including the surviving spouse of the deceased qualifying persons and a relative by blood or marriage of the qualified person or such spouse provided that such relative must be 55 years of age or older ("qualified relative"). A unit owner shall not occupy or use the unit or permit the same or any part thereof to be occupied or used for any purpose other than as a private dwelling for qualified persons or the spouse of a qualified person or a qualified relative it being understood and agreed that the property is to be used solely for senior housing.
- Access to the property from Garrison Avenue shall be restricted by a locked gate and shall be limited to owners of the units in the project or emergency vehicles only.
- All conditions of the approved site plan are hereby referenced and incorporated as conditions of this Special Permit.
- An open space covenant restriction, running in favor of the City of Worcester pursuant to Article X, Section 4.2 of the Worcester Zoning Ordinance shall be recorded as a prerequisite to the issuance of a building permit for the project and a copy thereof shall be filed with the Zoning Enforcement Officer.
- Construction of the project shall be phased as indicated in Sheet C18 of the plans submitted and all construction shall be completed no longer than three (3) years from the grant of this Special Permit.
- Project lighting shall be designed so that no excessive lighting shall emanate from the site to the surrounding environs. The project, to the greatest extent possible, but particularly in parking areas and other outdoor open space areas, shall utilize so-called "shoe box lighting" to project such lighting directly down to the ground.

5. **Paradise Point – More Than One Building On a Lot:** See Number 4 above.

6. **Paradise Point – Site Plan Approval:** Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted 4-0 to approve the site plan with the following conditions:

- **Evergreen trees or shrubs at least 4’ in height and planted 4’ on center, be placed along the roadway on the northerly side where it intersects with Garrison Avenue, for a distance of 100 feet, species and design to fill in over a short period of time.**
- **Work on East Mountain Street intersection (Plans SK 1A & 1B) be completed according to the plan.**
- **Applicant will maintain and make repairs to Cobblestone Lane keeping it in substantially the same condition it was in at the time of the application for the Special Permit.**
- **Applicant must use concrete pipes for drain lines and so note on the plan.**
- **During construction, the applicant will prohibit any construction equipment used in the construction of the development from operating on Cobblestone Lane between the hours of 7:00 P.M. and 7:00 A.M.**
- **Upon completion of the Paradise Point development, the applicant will provide a finish coat of asphalt on Cobblestone Lane to its full length and width. Surety for this work, in a form approved by the Law Department, be posted to benefit the Trustees of Quabbin Estates, with the Planning Board retaining continuing jurisdiction to adjust the amount of said surety as work is completed.**
- **Residents of Paradise Point development will have motor vehicle access to Garrison Avenue at all times.**
- **Access to the property from Garrison Avenue shall be restricted by a locked gate and shall be limited to owners of the units in the project or emergency vehicles only.**
- **Project lighting shall be designed so that no excessive lighting shall emanate from the site to the surrounding environs. The project, to the greatest extent possible, but particularly in parking areas and other outdoor open space areas, shall utilize so-called “shoe box lighting” to project such lighting directly down to the ground.**
- **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, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of revised plan be submitted to the Executive Office of Economic Development (EOED) prior to release of decision.**

Joseph Sova left the meeting at this point.

7. **1217 Grafton Street – Parking Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the site plan with the following conditions:

- **Overhead door is to be removed and noted on plan.**
- **A solid board fence, 30 feet in length, be installed at the northwest corner of the site where parking spaces 1, 2 and 3 are located and shown on the plan.**
- **All water is to be directed into the site away from abutting property.**

- A 10” high berm be installed along the southerly line of the driveway for the whole length and shown on the plan.
 - Roof drains be tied into surface drain.
 - 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, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.
 - Six copies of revised plan be submitted to Executive Office of Economic Development prior to release of decision.
8. **1283 Pleasant Street – Parking Plan Approval:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to approve the parking plan with the following conditions:
- Snow is to be removed from the site and so noted on the plan.
 - A six foot high solid wood safety fence be installed on the retaining wall and shown on the plan.
 - Retaining wall be designed by a structural engineer.
 - Dumpster be enclosed by a six foot solid board fence and shown on the plan.
 - 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, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.
 - Six copies of revised plan be submitted to Executive Office of Economic Development prior to release of decision.
9. **Zoning Ordinance Amendment – Outdoor Cafes:** Notice of the hearing was read by the Clerk. Paul Matthews, Paul Barber, John Gibbon, Joe Petrow and Paul Giorgio spoke in favor. No one spoke in opposition. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to close the hearing. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-1 (Joe Boynton voted no) to recommend approval of the amendment to the City Council.
10. **Zoning Map Change – Southwest Cutoff:** Notice of the hearing was read by the Clerk. Attorney Robert Longden, Fred Esper and Jim May spoke in favor. Al Lazaro, an abutter, asked if the change affected his property and was told it did not. No one spoke in opposition. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to close the hearing. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 3-1 (Joe Boynton voted no) to recommend approval of the zoning map change to the City Council.
11. **Addition To Official Map – Salisbury Street (Off):** John Shea recused himself. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 to continue the item to July 17, 2002 at the request of the applicant and the hearing was not opened.

12. **160 Lovell Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to continue the site plan approval to June 26, 2002 to allow the applicant to submit a revised plan showing new lot configurations that meet the zoning requirements, driveway alterations and the existing building and abutters.
13. **Johnson Street (Lots 32 & 33) – Site Plan Approval:** Samuel Rosario recused himself. Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 3-0 to continue the site plan approval to July 17, 2002 so the correct abutters can be notified.
14. **12, 14 & 16 Sherwood Road – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to approve the site plan with the following conditions:
 - **Riprap is to be constructed as previously approved (Note 8) and detailed on the plan.**
 - **Applicant note on the plan that retaining walls on the westerly side of the buildings are to be eliminated and foundations redesigned by a structural engineer to show underpinning.**
 - **Two-car under garages are to be removed from the plan.**
 - **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, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
 - **Six copies of revised plan be submitted to the Executive Office of Economic Development (EOED) prior to release of decision.**
15. **954 Grafton Street – Parking Plan Approval:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to approve the parking plan with the following conditions:
 - **Applicant replace trees with species in from the listing that complies with the Zoning Ordinance and so note on the plan.**
 - **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, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
 - **Six copies of revised plan be submitted to the Executive Office of Economic Development**
16. **Ellis Woods Estates – Set Bond:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to hold the item on the recommendation of the Department of Public Works.

17. **Hidden Farm Estates (Phases 4 & 5) – Reduce Bond:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 not to reduce the bond for Phase 4 on the recommendation of the Department of Public Works. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to release \$175,000.00 of the existing bond leaving a new bond amount of \$160,000.00.
18. **Julian Avenue – Request To Make Public:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to recommend a Priority 1.
19. **Plans To Be Endorsed:** Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted 3-0 (John Shea recused himself) to endorse ANR Plan #5408 Sunnyview Heights. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to endorse ANR Plan #5410 Pelham Street. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 2-1 (John Shea voted no and Joe Boynton recused himself) to endorse ANR Plan #5412 Hyannis Place. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to endorse ANR Plan #5413 Chequesset Road. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to endorse ANR Plan #5414 Scott Street/Lafayette Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to hold ANR Plan #5415 Moen Street/Henchman Street. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 to deny endorsement of ANR Plan #5416 Moreland Street because of inadequate frontage. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to endorse ANR Plan #5417 Rydberg Terrace. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to endorse ANR Plan #5418 Onset Street (Lots 1&2). Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 to endorse ANR Plan #5419 Chequesset Road (7). Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to hold ANR Plan #5420 Aroostook Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 to endorse ANR Plan #5421 Onset Street (15 & 17). Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to endorse of ANR Plan #5422 Iroquois Street/Quissett Street. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to endorse ANR Plan #5423 Chester Street. Upon a motion by Stephen Petro and seconded by Samuel Rosario (John Shea recused himself), the Board voted 3-0 to endorse ANR Plan #5424 Ridgewood Road Extension. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to endorse ANR Plan #5427.

Other Business: Scrivener's Error (757 Salisbury Street Special Permit): Joe Boynton recused himself. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 3-0 to correct the decision.

The meeting was adjourned at 10:10 P.M.