

MINUTES
WORCESTER PLANNING BOARD
November 17, 2004

Planning Board Members Present: Joe Boynton
Anne O'Connor
Stephen Petro
John Shea
Samuel Rosario

Staff Present: Kathleen Donovan, Land Use
Russ Adams, Department of Public Works
Carrie Holtan, Law Department
Michael Traynor, Law Department
Joel Fontane, EONS
Edgar Luna, EONS
Judith Stolberg, Economic Development Office

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

1. **Call to Order:** Chairman Joe Boynton called the meeting to order at 6:20 PM.
2. **Approval of the Minutes – October 27, 2004 Meeting:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to approve the minutes of the October 27, 2004 meeting.
3. **Myrick Avenue – 81G Street Opening:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 (John Shea recused himself) to continue the street opening to December 8, 2004 at the request of the applicant.
4. **550 Franklin Street – Parking Plan Approval:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to extend the deadline for constructive grant to December 12, 2004 and continued the parking plan approval to December 8, 2004 at the request of the applicant.
5. **Lots 22 & 23 Plantation Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to approve the site plan with the following conditions:
 - **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**

- **Subject to 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 fence, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
6. **17 Teddy Road – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to approve the site plan with the following conditions:
- **Applicant must label the two parking locations on the plan – one in the garage and one easterly of the building behind the front yard setback.**
 - **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
 - **Subject to 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 fence, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
7. **Emile Street – 81G Street Opening:** Stephen Petro and Joe Boynton recused themselves. Samuel Rosario assumed the Chair. Upon a motion by John Shea and seconded by Anne O’Connor, the Board voted 2-1 (Samuel Rosario voted no) to approve the 81G street opening.
8. **Zoning Map Amendment – 75 Piedmont Street:** Joe Boynton recused himself. Samuel Rosario assumed the Chair. Notice of the hearing was read by the Clerk. Joel Fontane, City Planner, explained the change was requested in order to provide parking for a project at 128 Chandler Street. No one spoke in opposition. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-0 to close the hearing. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 3-1 (Samuel Rosario voted no) to recommend approval of the amendment.
9. **9 Wyman Street – Definitive Subdivision Approval:** Notice of the hearing was read by the Clerk. Attorney Todd Rodman, representing Attorney Jonathan Finkelstein, presented the plan. No one spoke in opposition. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 5-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to re-open the hearing for further discussion. Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 5-0 to close the hearing. Upon a motion by John Shea and seconded by

Stephen Petro, the Board voted 4-1 (Joe Boynton voted no) to approve a waiver of the minimum frontage requirement and to approve a waiver of the Board's subdivision rules and regulations requiring the construction of ways and installation of municipal utilities herein. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-1 (Joe Boynton voted no citing the reduction in parking for the existing three-family dwelling and the lack of off street parking generally in the immediate neighborhood) to approve the definitive subdivision plan with the following conditions:

- **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.**

10. Malden Woods (Whippoorwill Drive) – Definitive Subdivision Approval: Notice of the hearing was read by the Clerk. Josh Reinke and Tony Haganizadeh presented the plan. James Jennette, Donald Head, Bob Streeter and Michael Peschetta asked questions concerning the proposed subdivision. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to close the hearing. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to approve the definitive subdivision plan with the following conditions:

- **Applicant must install a 2” water main.**
- **Applicant must extend the drain main into Castine Street cul-de-sac to approximately Station 2+40.**
- **Four copies of revised plan be submitted to the Land Use Office prior to release of decision.**
- **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.**

11. Swan Avenue & Farm Street – 81G Street Opening: Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-1 (Samuel Rosario voted no) to approve the street opening plan.

12. Swan Avenue & Farm Street – Site Plan Approval: Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-1 (Samuel Rosario voted no) to approve the site plan with the following conditions:

- **Plan must show two-car garages for each unit.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to 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 fence, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Four copies of revised plan must be submitted to the Land Use Office prior to release of decision.**

13. 745 Main Street – Site Plan Approval: Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to approve the site plan with the following conditions:

- **Plan must show the 8 compact spaces in the center part of the front portion slid southerly approximately ten feet and labeled standard spaces.**
- **Plan must show the first standard space in the northwest corner be eliminated and landscaping installed in that location.**
- **Plan must show one additional parking space at the most easterly end of the standard row of spaces on the northerly lot.**
- **Snow is to be removed from the site with appropriate signage stating same and so labeled on the plan.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to 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 fence, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Four copies of revised plan must be submitted to the Land Use Office prior to release of decision.**

14. **64 Catherine Street – Site Plan Approval:** Because the Board did not view the site, the site plan approval was continued to December 8, 2004.
15. **5L, 5R1 & 6A Main Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to continue the item to December 8, 2004 at the request of the applicant.
16. **Corrine Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to continue the site plan approval to December 8, 2004 at the request of the applicant.
17. **1050/1060 Main Street – Parking Plan Approval:** Anne O’Connor recused herself. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to extend the deadline for constructive grant to December 8, 2004 and to continue the parking plan approval to December 8, 2004 at the request of the applicant.
18. **Tristan Court – Private Street Conversion:** Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted to recommend a Priority 1.
19. **Zoning Ordinance Petition – Dimensional Table Correction:** Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 5-0 to forward the petition to the City Council. Upon a motion by John Shea and Stephen Petro, the Board voted 5-0 to forward a petition to the City Council amending the Zoning Ordinance pertaining to lot regularity.
20. **Approval Not Required (ANR) Plans:** Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 4-1 (Samuel Rosario voted no) to endorse ANR Plan #5925 Plantation Street. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5928 Beaumont Road. ANR Plan #5929 Bremer Street was held for a view. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5930 Everton Avenue. Upon a motion by Stephen Petro and seconded by Anne O’Connor, the Board voted 5-0 to endorse ANR Plan #5931 Havana Road (Lots 1 & 2). Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5932 46-52 Dixfield Street/2-8 Penobscott Street. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5933 Orient Street. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 3-2 (Samuel Rosario and Joe Boynton voted no) to endorse ANR Plan #5935 Pocono Road. Upon a motion by John Shea and seconded by Stephen Petro, the Board voted 5-0 to endorse ANR Plan #5936 Castine Street (Lot 4). Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 4-0 (Stephen Petro recused himself) to endorse ANR Plan #5937 Blake Street. ANR Plan #5938 Farm Street/Swan Avenue was held for a view.

Other Business:

Presentation to Stephen Petro: The Chairman, on behalf of the Board, presented a gift to Stephen Petro and thanked him for his years of service.

Election of New Clerk: Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted to elect Anne O'Connor the new Clerk to replace Stephen Petro.

CMRPC Delegates: Samuel Rosario and Anne O'Connor will serve as the Planning Board delegates to CMRPC.

West View Heights – Set Bond: Upon a motion by Stephen Petro and seconded by John Shea, the Board voted 5-0 to set a bond in the amount of \$45,000.00 with a work completion date of July 1, 2005 and bond expiration date of September 1, 2005.

Chase Estates – Bond Reduction: Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to release \$40,000.00 of the existing bond leaving a new bond amount of \$5,000.00.

Upland Estates – Bond Reduction: John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to release \$15,000.00 of the existing bond leaving a new bond amount of \$70,000.00.

Fenton Estates – Bond Reduction: John Shea recused himself. Upon a motion by Stephen Petro and seconded by Samuel Rosario, the Board voted 4-0 to deny the request for bond reduction based on advice from the Department of Public Works.

Brooks Crossing Subdivision – Phase II: John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 4-0 to find the developer in default and give the developer thirty days to cure said default.

Papagni Estates Subdivision: John Shea recused himself. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0 to find the developer in default and give the developer thirty days to cure said default.

The meeting was adjourned at 9:40 PM.