

The Planning Board met for its regular meeting on September 7, 1988 at 2:00 P. M. in Room 209, City Hall. Members present were Chairman John F. Keaney; Vice Chairman Frank D. DeFalco; Clerk Joan C. Sadowsky; John T. Reynolds. Also present were Director Francis J. Donahue; Assistant City Solicitors David M. Moore and Michael Traynor; Assistant Commissioner of Public Works Gerhard P. Muenchmeyer; Commissioner Carl H. Koontz; Senior Planner Alexander A. Pridotkas and Planning Coordinator of the Office of Planning and Community Development Philip Hammond.

View

The Board viewed Sudbury Street - remove from official map, Elm Way - remove from official map, Ball Street - zone change, Sterling Estates - preliminary subdivision and site plan review, North Pond - preliminary subdivision and site plan review, Barber Avenue - re-appeal to the Zoning Board of Appeals, Greendale Area - zone change, Touraine Street - remove from official map, Woodrow Street - remove from official map.

Regular Meeting - Room 209 - City Hall

Call to Order

Chairman Keaney called the meeting to order at 4:00 P. M.

Minutes of August 3, 1988

Mrs. Sadowsky moved that the minutes of August 3, 1988 be approved. Mr. Reynolds seconded the motion. The vote was unanimous.

Annual Report

Mr. DeFalco moved that the Planning Board annual report for fiscal 1988 be approved. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Sunderland Road - request to waive more than one building

Norton S. Remmer, representing the developer, stated that two sets of four townhouses have been constructed and are essentially completed. They were to be connected by a "greenhouse" making it one building. The Board of Appeals granted a special permit for said development. Since then the zoning ordinance was amended allowing more than one townhouse on a lot and a request to amend the special permit was granted to eliminate the "greenhouse." It is now requested that the Board waive its Subdivision Control Regulations requirements for approval of more than one building on a lot.

Mr. Donahue stated that the buildings have been built and the Board of Appeals has granted an amendment to the special permit eliminating the "greenhouse."

Mr. DeFalco moved that the Board waive its requirement as requested. Mr. Reynolds seconded the motion. The vote was unanimous.

Rural and Atlas Streets - waive more than one building

Mr. Reynolds moved that the Board table this item because nobody appeared to discuss said matter. Mr. DeFalco seconded the motion. The vote was unanimous.

Lyman Street - add to official map - table

Mr. Reynolds moved that the Board table this item because nobody appeared to discuss said matter. Mr. DeFalco seconded the motion. The vote was unanimous.

North Pond Estates - preliminary subdivision and site plan review

Arthur L. Bouley, engineer, stated it is proposed to subdivide 3.1<sup>+</sup> acres of

land off Holden Street into four single family house lots. Two other lots have frontage on Holden Street and approval is not required. The proposed street will be 350 feet long including the cul-de-sac. Permission was received from the City Council to cross Holden Street with the utility lines and run them through a 25-foot easement in Lot #1 to the proposed street. This action was necessary in order to preserve the newly paved Holden Street. A 10-foot drainage easement from the cul-de-sac to Indian Lake is proposed to carry some of the surface water into the lake. Also, this easement will be owned in common ownership by future homeowners that leads to Lot "A" by the lake that has a boat ramp. That lot will also be held in common ownership.

David Donahue, developer, stated that a permit was issued to renovate the existing building on the site and some grading work has been done.

Mr. DeFalco questioned if permits were taken out to move that large of an amount of soil around the site.

Mr. Donahue stated that he was informed by Code Inspection officials that the site could be re-graded without any permits.

Mr. Hammond stated that a special permit from the Board of Appeals is required prior to any site excavation.

Mr. Donahue replied that he is not excavating but re-grading.

Mr. Donahue stated that the zoning ordinance deals with placing, filling or

dumping of earth on a lot but does not refer to any re-grading of a lot.

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

1. Hydraulic calculations should be submitted.
2. A twenty-foot wide drainage easement is required for the surface sewer.
3. Size, material, slopes, inverts and rim elevations should be shown for all pipe proposed.
4. Notice of Intent should be filed with Conservation Commission.
5. The proposed water connection to Holden Street should be made with a 16" x 8" out-in-tee and one 8" gate valve.
6. Wheelchair ramps should be provided.
7. Legend should be shown to identify existing and proposed features.
8. Sill elevations for the proposed houses should be shown.
9. Sidewalks shown only on one side of street.
10. Holden Street should be completely located on the plan.
11. Status of parcel A should be defined.

Mr. Muenchmeyer questioned if the proposed surface drainage into the lake can be eliminated and be fed into the sewer system.

Mr. Bouley said it could be done if the city will allow it.

Mr. Muenchmeyer replied that the Department of Public Works will not be in opposition.

Mr. DeFalco commented if that is acceptable, there will be minimum drainage into the lake. He also questioned if there is a problem with parcel "A" because it does not have frontage on a street.

Attorney Moore replied that a problem does not exist because the proposed use (boat ramp) would be similar to a use of the lot as a pumping station or recreational area.

Mr. Bouley stated that the developer intends to construct a circular island with planting within the cul-de-sac and install decorative lighting system within the subdivision.

Mr. Muenchmeyer replied that the city will not accept the street with the island because of previous problems and if the developer wishes to install decorative lighting, not to city standards, it would have to be placed on private property and maintained by the developer.

Mr. Donahue replied that the lighting system would be located on private property and the owners would be paying the electricity bill.

Mrs. Sadowsky questioned if Conservation Commission approval is required.

Mr. Bouley replied positively.

Mr. Reynolds stated that he has real concerns about the re-grading of the property and the plans as presented do not reflect the contour of the land as

presently exists. It is not a rational idea to move so much earth without receiving any permits from the city.

Mr. Donahue reiterated that Code Inspection stated to the developer no permit is required. The Chairman of the Conservation Commission has walked the site and had no objections to re-grading the area and the Indian Lake Watershed Preservation Association has been contacted and they had no objection to the proposed development. Also, hay bales have been placed by the boat ramp to prevent any siltation of the lake.

Mr. Reynolds argued that it is only word say by the developer with no communication from the various agencies.

Mr. Keaney questioned if there are any problems with sight distance on Holden Street in comparison to the proposed roadway.

Mr. Donahue replied that the city's Traffic Department responded they foresee no traffic problems being caused by the proposal.

Mr. DeFalco moved that the Board give preliminary approval to the proposed development 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. Approval of the Conservation Commission.
4. All surface drainage to go to Holden Street.
5. Submission of complete engineering plans, profiles and drainage calculations

in conformance with the Subdivision Control Regulations prior to advertising the required public hearing.

Mrs. Sadowsky seconded the motion. The vote was three in favor with Mr. Reynolds in opposition.

Mr. DeFalco moved that the site plan review application be held. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Sterling Estates - preliminary subdivision and site plan review

Arthur L. Bouley, engineer, stated it is proposed to subdivide 3<sup>+</sup> acres of land off Fourth Street into six house lots containing 12 units. The proposed 250-foot road will be located directly across from the existing Center Street. A portion of the city's water easement through the property will have to be eliminated because it will not be required. Some surface water will drain into the brook located in the rear of the site. Conservation Commission approval will be required.

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

1. Sewer extension permit may be required.
2. Easements for proposed sanitary and surface sewers should be shown.
3. Surface sewer should be connected to the existing sewer on Fourth Street.
4. The double catch basin should have separate connections to the manhole.
5. Detailed hydraulic calculations should be submitted to indicate pre and post construction runoff to the wetland area.
6. A notice of intent should be filed with the Conservation Commission.
7. Proposed sill elevations should be shown.

8. A sanitary and surface connection should be shown for each lot.
9. Manhole to be provided at the end of the sanitary manhole.
10. Proposed water main should be minimum of 8 inches DIOL with a gated fire hydrant at the end of the road.
11. The proposed water main shall be connected into the 12-inch high service main running in the city easement.
12. The proposed water main connection shall be a 12" x 8" cut-in-tee with one (1) 6" gate valve.
13. The plan should show a legend indicating existing and proposed facilities.
14. Details of street radius for Center Court and Fourth Street should be shown including sidewalk and handicap ramp locations.

Mr. Muenohmeyer stated that he is concerned about all the cut up trees being dumped on the site. The city will not accept said street until the site is excavated and clean fill is brought in to replace the tree stump. Because of the steep grades on the site, some lots may not be buildable.

Mr. Donahue stated that comments were received from the Conservation Commission and one of them reads that the present configuration may be inappropriate for building on lots 1-6 due to wetland resource area.

Mr. Keaney commented that the Conservation Commission feels the site is unbuildable.

Mr. Bouley replied that he does not know anything about the tree dumping. The site is difficult to work with because of the grades but he has to follow his client's orders.



Mr. DeFalco questioned if the contour lines on the plan as presented are the same as they presently exist.

Mr. Bouley replied that the plan was drawn last fall and he has not seen the site since.

Mr. Reynolds stated clarification is needed on the contours because they have been drastically changed. During a preliminary hearing a developer gets feedback from the Board and should consider their comments. Because of the problems brought out, the developer should request the Board give this application leave to withdraw or the Board may deny the request.

Mr. DeFalco stated the engineer should prepare a new contour plan and overlay it with the plan as presented to note the changes in the contour of the site.

Mr. Bouley requested the Board give leave to withdraw on the application for preliminary subdivision approval and site plan review and the filing fee be waived when the new plan is submitted.

Mr. Reynolds moved that the Board approve the request of the engineer for the developer. Mr. DeFalco seconded the motion. The vote was unanimous.

Laurelwood Drive - accept as public

Mr. Donahue stated that a petition was filed to accept Laurelwood Drive, from Chester Street southerly to Sta. 10+58.55, as a public way because it was built under the Subdivision Control Regulations.

Mr. Muenchmeyer stated that the small amount of bond being held by the city for this section of the street will be retained until the final punchlist is completed, as built plans submitted and a final corrected decree plan is submitted.

Mr. Reynolds moved that the Board recommend to the City Council acceptance of a portion of Laurelwood Drive as a public street. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Hillside Estates - reduce bond

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond being held by the city.

Mr. Muenchmeyer recommended that the bond be reduced by \$117,225.

Mr. DeFalco moved that the amount of the bond be reduced from \$233,000 to \$115,775 of which 10% must be in cash. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Gates Lane - reduce bond

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond being held by the city.

Mr. Muenchmeyer recommended that the bond be reduced by \$96,000.

Mr. DeFalco moved that the amount of the bond be reduced from \$200,000 to \$104,000 of which 10% must be in cash. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Indian Hill subdivision, Phase II - set 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 Mohave Street (Sta. 10+00 to Sta. 14+70) in accordance with the Subdivision Control Regulations and City of Worcester standards.

Mr. Muenchmeyer recommended a bond in the amount of \$125,000 be held by the city.

Mr. Reynolds moved that the Board require a bond in the amount of \$125,000 of which 10% be in cash for this subdivision. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Wedgewood subdivision, Sec. V - reduce bond

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond being held by the city.

Mr. Muenchmeyer recommended that the present bond in the amount of \$44,000 not be reduced at this time until the as built plan and decree plan is submitted, and completion of inspector punchlist items and a petition is filed to accept the street as public.

Mr. Reynolds moved that the request for a bond reduction be tabled until all the required plans have been submitted. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Hurtle Avenue subdivision - reduce bond and set new bond

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond being held by the city for Phase I and set the amount of bond for Phase II (Sta. 6+75 to Sta. 10+25).

Mr. Muenchmeyer recommended that the bond be reduced by \$29,500 and a new bond be set in the amount of \$42,000.

Mr. Reynolds moved that the amount of bond be reduced from \$60,000 to \$30,500 of which 10% be in cash and a bond in the amount of \$42,000 of which 10% be in cash be required for Phase II of this subdivision. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Attorney Moore stated that the Law Department has reviewed the Amendment of Trust for the Orton-Hurtle Subdivision Trust ("Trust") which adds a specific reference to the Orton-Hurtle Subdivision Homeowner's Association to the purpose clause of the Trust enabling the Homeowner's Association to monitor, administer and enforce the restrictive covenants imposed upon the subdivision lots. The Law Department recommends it be approved by the Board.

Mrs. Sadowsky moved that the Board approve the Amendment of Trust as recommended by the Law Department. Mr. Reynolds seconded the motion. The vote was unanimous.

Dara Lane - accept as public

Mr. Donahue stated that a petition was filed to accept Dara Lane as a public way because it was built under the Subdivision Control Regulations.

Mr. Reynolds moved that the Board recommend to the City Council acceptance of Dara Lane as a public street. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Communication re Chapter 155 - Blackstone River

Mr. Donahue stated that a communication has been received from the Blackstone River and Canal Commission informing all city agencies that they must be notified of any proposed developments along the Blackstone River in accordance with Chapter 568 of the Acts of 1981 amended by Chapter 51 of the Acts of 1982 and the passage of Chapter 155 of the Acts of 1988. This is for informational purposes and no action is required.

Date of Next Meeting - October 12, 1988.

Plans to be Ratified

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

3843 - plan of land on Southwest Cutoff, owned by James Esper, signed 8/9/88

3844 - plan of land on Greencourt Street, owned by Anthony & Barbara Martone,  
signed 8/9/88

3845 - plan of land on Wildrose Avenue, owned by E. Bruce Plummer, signed 8/9/88

3846 - plan of land on Francis Street, owned by Gould Enterprises, Inc.,  
signed 8/9/88

3847 - plan of land on Francis Street, owned by Gould Enterprises, Inc.,  
signed 8/9/88

3848 - plan of land on Lorraine & Massasoit Roads, owned by Javelin West Realty  
Corp., signed 8/12/88

- 3849 - plan of land on Whisper Drive, owned by James Dunn, signed 8/12/88
- 3850 - plan of land on Eustis Street, owned by Paul & Gloria Beauchemin and Richard & Debra Martunas, signed 8/25/88
- 3851 - plan of land on Commonwealth Avenue, owned by Peter & Doris Iannotti, signed 8/25/88
- 3852 - plan of land on Orton Street Extension, owned by Orton Street Realty Trust, signed 8/25/88
- 3853 - plan of land on Orton Street Extension, owned by Orton Street Realty Trust, signed 8/25/88
- 3854 - plan of land on Orton Street Extension, owned by Orton Street Realty Trust, signed 8/25/88
- 3855 - plan of land on Orton Street Extension, owned by Orton Street Realty Trust, signed 8/25/88
- 3856 - plan of land on Bolton Street, owned by Stephen J. Chabot & James E. Cormier, signed 8/25/88
- 3857 - plan of land on Dunkirk & Everton Avenues & Greenfield Street, owned by Rose M. Iacovone, signed 8/25/88
- 3858 - plan of land on Gibbs Street & Weldon Avenue, owned by Quality Development Corp., signed 8/25/88
- 3859 - plan of land on Hockanum Way, owned by Jane E. Lind, signed 9/7/88
- 3860 - plan of land on Northboro Street, owned by Richard D'Ambra, signed 9/7/88
- 3861 - plan of land on Loxwood Street, owned by George Gourousis, signed 9/7/88
- 3862 - plan of land on Arrowsic, Cumberland, Dixfield & Penobscot Streets, signed 9/7/88
- 3863 - plan of land on Nathaniel Street, owned by Andrew R. Verdolino et ux, signed 9/7/88

- 3864 - plan of land on Atlas & Rural Streets, owned by Michael J. Curran,  
signed 9/7/88
- 3865 - plan of land on Francis Street, owned by Gould Enterprises, Inc., signed  
9/7/88
- 3866 - plan of land on Sunderland Road, owned by Malid Realty Trust, signed 9/7/88
- 3867 - plan of land on Sutton Lane & Sutton Place, owned by Sutton Place Realty  
Trust, signed 9/7/88.

Any Other Business

Brook Crossing subdivision - access roads

Mr. Donahue stated that the Conservation Commission questioned if two access roads are necessary for this subdivision.

Attorney Jonathan Finkelstein, representing the developer, stated that the two access roads will cross the brook in two locations and the Commission would like to avoid that.

Mr. Donahue stated that the Board approved the preliminary plan showing two access roads.

Mr. Keaney stated two access roads are needed to provide adequate ways to all the lots in the subdivision and to lessen congestion in such ways and in adjacent public ways.

Mr. DeFalco moved that the Board re-affirm its approval requiring two access roads as shown on the approved preliminary subdivision plan. Mr. Reynolds 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.

Wrentham Road - waive sidewalk - continued hearing

Tracy Adamson, representing Salisbury Development Corp., stated it is requested that the Board waive its Subdivision Control Regulations by eliminating the sidewalks on both sides of Wrentham Road from the end of the accepted city layout of Wrentham Road to the beginning of the accepted city layout of Paradox Road. The reasons are 1. steepness of grade to meet city standards, 2. areas in front of houses have already been landscaped, 3. the abutters have petitioned to omit the sidewalk.

Mr. Keaney questioned if this was discussed with the Department of Public Works.

Mr. Muenchmeyer replied that it was. Instead of lessening the width of Wrentham Road, it was agreed upon to keep the same width and realign the street.

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

Mr. Keaney then declared the hearing closed.

Zoning Ordinance re RQ-5 Parking Regulations

Mrs. Sadwosky read the notice of the public hearing on the petition of Councilor Paul P. Clancy, Jr. to amend the Off-Street Parking Requirements of the Zoning



Ordinance of the City of Worcester, Article VI, Sec. 2, b-1, to require two parking spaces per dwelling unit for two-family and multi-family residences where one and one-half parking spaces are now required.

Mr. Keaney then asked for the proponents.

Councilor Paul P. Clancy, Jr. stated that insufficient parking spaces are being required for two and multi-family residences. The RG-5 area is being targeted for development. Many three-deckers are located in this zone and the tenants do not have off-street parking areas. The Zoning Ordinance should be amended requiring two parking spaces per unit. The Zoning Ordinance Committee, the consultant who prepared the ordinance and other agencies have recommended two spaces per unit.

Ralph Peterson, 22 Fales Street, stated he is in favor of the petition.

Dwight Cornwell, 5 Watson Avenue, stated he is in favor of the petition.

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

Mr. Keaney then declared the hearing closed.

Sudbury Street - remove from official map

Mrs. Sadowsky read the notice of the public hearing on the petition of Paul Revere Life Insurance Company to abandon a portion of Sudbury Street, from Harvard Street to the parking lot formerly known as the Eden Street Parking Lot, as a public street.

Mr. Keaney then asked for the proponents.

Attorney John W. Spillane, representing the petitioner, stated that Paul Revere Life Insurance Company is revitalizing the old Commerce High School and parking is critical to the company. The flow of traffic will not be affected.

Mr. Keaney then asked for the opponents.

Attorney Martin Realy, representing some of the abutters, stated that he is opposed to the petition and wants it maintained for through traffic.

Attorney Spillane stated that he was surprised that there was opposition to it. A brief could have been prepared outlining the proposed use of the street. Its removal is an important issue to the company.

Mr. Keaney suggested that both attorneys discuss this matter and resolve the problem.

After discussing the matter both attorneys requested that the item be held until the Board's next meeting.

Mr. Keaney then declared the hearing closed.

Elm Way - remove from official map

Mrs. Sadowsky read the notice of the public hearing on the petition of Bernard E. Thebodo to remove Elm Way from the Official Map of the City of Worcester.

Mr. Keaney then asked for the proponents.

Robert Thebodo, son of the petitioner, stated there is no reason for it to be on the map because it is not used as a throughway. Presently it is being used for parking by the tenants.

Tom Cabot, 10 Kenilworth Road, stated that he owns the adjacent building and is in favor of the petition.

Mr. Donahue then explained ownership of the land if the street is removed from the map.

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

Mr. Keaney then declared the hearing closed.

Touraine Street - remove from official map

Mrs. Sadowsky read the notice of the public hearing on the petition of Alfred E. Fayard to remove a portion of Touraine Street, between Dallas Street and Empire Street, from the Official Map of the City of Worcester.

Mr. Keaney then asked for the proponents.

Alfred E. Fayard, petitioner, stated that he has maintained the street for 29 years and wishes to have it removed from the map.

Mr. Keaney then asked for the opponents.

Michael Duval, 50 Eastham Street, stated that he has two building permits issued for construction of two homes on Touraine Street. If the street is removed the lots will not have the required frontage and is opposed to the petition.

William Brophy, 28 Dallas Street, stated that he has a driveway leading to his property and is opposed to the removal of the street.

Mr. Donahue stated that if one party of interest is opposed to the petition, the Planning Board cannot remove the street from the map.

Mr. Keaney then declared the hearing closed.

Woodrow Street - remove from official map

Mrs. Sadowsky read the notice of the public hearing on the petition of William P. Bilotta to remove Woodrow Street, between Dallas Street and Empire Street, from the Official Map of the City of Worcester.

Mr. Keaney then asked for the proponents.

William P. Bilotta, petitioner, stated that he has owned the property at 16 Dallas Street for 37 years and has maintained the street for the same number of years. The street does not actually exist.

Mr. Keaney then asked for the opponents.

Adelard Langevin, 14 Dallas Street, stated that he is opposed to the petition because he needs access to his garage located to the rear of the house.

Mrs. Langevin stated that she is opposed to the petition.

Mr. Donahue stated that if one party of interest is opposed to the petition, the Planning Board cannot remove the street from the map.

Mr. Keaney then declared the hearing closed.

Greendale Area - request to change zone from RG-5 to RS-7

Mrs. Sadowsky read the notice of the public hearing on the petition of David M. Hakanson to change the zone from RG-5 to RS-7 of the land in the Greendale area presently zoned RG-5 lying between Randolph Road and Assumption Avenue.

Mr. Keaney then asked for the proponents.

Mary Hakanson, 41 Francis Street, requested that the petition be amended to change the zone from RG-5 to RS-7 to RL-7. The RL-7 zone will be in conformity with existing uses. Developers are buying up homes in the area and are converting them into condominiums.

Jayne Cardin, 20 Fales Street, stated in order to preserve the character of the neighborhood, the area should be rezoned to RL-7 to prevent overcrowding of land. There are two churches and a school in the vicinity.

Ralph Peterson, 22 Fales Street, stated that he is in favor of the petition.

Harry Culberson, 73 Fairhaven Road, stated that traffic problems exist in the area and is in favor of the petition.

Albert Cartier, 75 Fairhaven Road, and Thomas Kontos, 70 Fairhaven Road, reiterated about the traffic problems in the area and are in favor of the petition.

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

Mr. Keaney then declared the hearing closed.

Ball Street - request to change zone

Mrs. Sadowsky read the notice of the public hearing on the petition of Catherine R. Hodge to change the zone from RL-7 to RS-7 of the lot located on the north-easterly corner of Ball Street and Baker Street adjacent to 4 Ball Street.

Mr. Keaney then asked for the proponents.

Harold Hodge, 5 Ball Street, stated that he is representing the petitioner and in order to maintain the integrity of the area it is requested that the vacant lot be rezoned to RS-7. The east side of Ball Street is zoned RL-7 while the west side is zoned RS-7. It is a single family area and should be kept that way. He stated that a building permit has been issued for a multi-family home to be built on the vacant lot.

Mr. Donahue stated that no permit can be issued once the notice to change the zone has been advertised in the newspaper.

Mr. Keaney then asked for the opponents.

Robin Huard, 6 Baker Street, stated he is the owner of the lot in question and is opposed to the petition. The petitioner is trying to intimidate and harass him. It is a prejudicial move on her part to single out this particular parcel. Also, this may be spot zoning which is illegal.

Sheldon Katz, developer, stated that a permit was applied for on August 26, 1988 to construct a two-family dwelling on the lot.

John Diliddo, 4 Baker Street, stated that he is opposed to the petition because the petitioner is requesting a zone change for one lot which is probably spot zoning.

Mr. Donahue questioned if an abutter can petition for a zone change.

Attorney Moore replied that a petition must be filed by the owner of the property to rezone said parcel and not by an abutter.

Mr. Keaney then declared the hearing closed.

Barber Avenue - request to re-appeal to the Zoning Board of Appeals

Mrs. Sadowsky read the notice of the public hearing on the application of

Robert A. Awad for permission to re-appeal to the Zoning Board of Appeals for a Special Permit within the two-year statutory waiting period after an unfavorable decision denying the use of the property located at 37 Barber Avenue and 2 Watson Avenue for conversion of a 6-unit residential building to an 8-unit residential building.

Mr. Keaney then asked for the proponents.

Attorney Burton Chandler, representing the petitioner, stated that on February 5, 1988, Robert A. Awad, of 4 Hyder Avenue, Westborough, MA., petitioned the Board of Appeals for a special permit allowing the conversion of a 6-unit dwelling at 2 Watson Avenue to an 8-unit dwelling. Located on the same lot is another 6-unit dwelling, with an address of 37 Barber Avenue.

A public hearing was held on March 21, 1988. At the time of the hearing the petitioner had set aside eleven parking spaces for the 14 units (12 existing and 2 proposed) located at the site. No one appeared in opposition to the petition at the public hearing.

The Board of Appeals, citing insufficient on-site parking and the general traffic and parking congestion found in the neighborhood, denied the petitioner's request for a special permit on March 21, 1988. No reasons other than parking concerns were given by the Board of Appeals for their denial.

The buildings have been built and parking spaces have been increased. There will be two driveways into the development, one from Watson Avenue and the



second off Barber Avenue. Although the parking area has been increased it is short of five spaces as required by the ordinance.

Mrs. Sadowsky questioned if the units would be rented or sold as condominiums.

Mr. Awad replied that the units would be rented out at \$565-625 per month.

Mr. Reynolds questioned where does the petitioner intend to place the snow on the premises and also the location of the dumpsters.

Mr. Awad replied that there is room to place the snow on the premises and the dumpsters will be relocated to another location.

Mr. DeFalco questioned if all the units are rented out.

Mr. Awad replied that there are two units that are unoccupied.

Mr. Keaney then asked for the opponents.

Dwight Cornwell, 5 Watson Avenue, stated that he is neutral on the issue but commented that there is insufficient parking spaces in the area.

Mr. Keaney then declared the hearing closed.

Regular Meeting - Room 209.- City Hall

Call to Order

Chairman Keaney called the meeting to order at 9:30 P. M.

Items of Public HearingWrentham Road - waive sidewalk

Mr. DeFalco moved that the Board waive the Subdivision Control Regulations by allowing to eliminate the sidewalks on the east and west sides of Wrentham Road as requested by the abutters and the developer. Mr. Reynolds seconded the motion. The vote was unanimous.

Zoning Ordinance re RG-5 parking regulations

Mr. DeFalco moved that the Board recommend to the City Council the petition to amend the Zoning Ordinance, Article VI, Section 2, b-1, to require two parking spaces per dwelling unit for two-family and multi-family residences where one and one-half parking spaces are now required be approved. Mr. Reynolds seconded the motion. The vote was unanimous.

Sudbury Street - remove from official map

Mr. DeFalco moved that the Board table this item until its next meeting as requested by the developer. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Elm Way - remove from official map

Mr. Reynolds moved that the Board remove Elm Way, from Elm Street to Merrick Street, from the Official Map of the City of Worcester. Mr. DeFalco seconded the motion. The vote was unanimous.

Touraine Street - remove from official map

Mr. DeFalco moved that the Board recommend to the City Council the petition to

remove a portion of Touraine Street, between Dallas Street and Empire Street, from the map be denied because at the public hearing a person of interest was recorded in opposition. Mr. Reynolds seconded the motion. The vote was unanimous.

Woodrow Street - remove from official map

Mr. DeFalco moved that the Board recommend to the City Council the petition to remove Woodrow Street, between Dallas Street and Empire Street, from the map be denied because at the public hearing a person of interest was recorded in opposition. Mr. Reynolds seconded the motion. The vote was unanimous.

Greendale Area - request to change zone

Mrs. Sadowsky stated that most of the area is zoned RL-7 and is already congested.

Mr. Donahue stated that the laws are less stringent on conversions of uses.

Mrs. Sadowsky moved that the Board recommend to the City Council the petition to change the zone in this area be approved in accordance with the following.

1. That the petition be amended, as requested at the public hearing by the petitioner, so that the requested change be from RG-5 to RL-7 instead of RS-7.
2. That the boundaries of the petitioned area be further defined as to be all the RG-5 area bounded by Greendale Avenue, Leeds Street, Randall Street and the present zone line between the RG-5 and RL-7 zones. Mr. Reynolds seconded the motion. The vote was unanimous.

Ball Street - request to change zone

Mr. DeFalco moved that the Board recommend to the City Council the petition to

change the zone from RL-7 to RS-7 of the lot located on the northeasterly corner of Ball Street and Baker Street adjacent to 4 Ball Street be denied for the following reasons. 1. The request can be considered to be spot zoning because it subjects one lot to special restrictions not associated with adjoining lots. 2. The petition cannot be considered a valid petition because the petitioner does not meet the legal filing requirements as specified by Chapter 40A, Section 5. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Barber Avenue - request to re-appeal to the Zoning Board of Appeals

Mr. Reynolds stated that there appears to be no substantial changes from the previous plan that was denied.

Mr. Donahue stated that some of the parking spaces as shown on the revised plan are unusable.

Mrs. Sadowsky questioned what happens to the property if the Board denies the request.

Attorney Moore replied that some of the units will remain empty or they can be combined to increase the living area.

Mr. DeFalco stated if the retaining wall was moved further back to the rear of the property it would then provide for more parking spaces.

Mrs. Sadowsky moved that the Board allow the petitioner to re-appeal to the

Zoning Board of Appeals because additional parking has been provided. There was no second to the motion.

Mr. Reynolds moved that the Board deny the request because there are no substantial changes from the previous plan. Mr. DeFalco seconded the motion. The vote was three in favor with Mrs. Sadowsky in opposition.

Adjournment

Chairman Keaney adjourned the meeting at 10:00 P. M..