

**MINUTES**  
**WORCESTER PLANNING BOARD**  
**April 27, 2005**

**Planning Board Members Present:** Joe Boynton  
Samuel Rosario  
John Shea  
Anne O'Connor  
Scott Cashman

**Staff Present:** Michael Traynor, Law Department  
Carrie Holtan, Law Department  
Judith Stolberg, Planning  
Joel Fontane, Planning  
Edgar Luna, Planning  
Russell Adams, DPW

**Regular Meeting (5:30 PM) – Saxe Room, Worcester Public Library**

1. **Call to Order:** Chairman Joe Boynton called the meeting to order at 6:10 PM.
2. **Approval of the Minutes – April 13, 2005 Meeting:** Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to approve the minutes of the April 13, 2005 meeting.
3. **Zoning Map Amendment – Milton/Byron Streets:** John Shea recused himself. Joel Fontane advised the Board that the area was mixed use and the RG-5 zoning designation meant that significant development could occur, however, the infrastructure was deficient and the private streets in the area were not in good condition. Although Mr. Fontane provided copious information on current land use patterns, public infrastructure inadequacies and potential development of vacant parcels, he stated that the administration was not prepared at this time to give the Board a recommendation. Joe Evangelista, Attorney Paul Novak, John Nordquist, and Craig Longfellow representing John Murdock spoke in opposition. Michael LaGoy, Susan Santone, Margaret Mullaney and Gail LaGoy spoke in favor. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 4-0 to close the hearing. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 4-0 to recommend denial of the petition because an RG-5 zone is appropriate for the area and the change would make many existing uses nonconforming uses.
4. **30-40 Heath Street/41 Malvern 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 install and show on the plan a timber guardrail at the top of the driveways with said guardrail to run the full width of the driveways to prevent cars from going over the edge.
- Plan must show retaining walls along the southwesterly boundary of Lot 1A constructed from Versa-Lock equivalent materials.
- Plan must note 6' chain link fencing must be installed atop retaining walls over 4 feet in height.
- Arbor vitae must be installed atop retaining wall along the southwesterly boundary of Lot 1A to be planted at least 4' on center and 4' in height and shown on the plan.
- Applicant must grade back of lots 15-20' from dwellings to provide back yard grades of not more than 3% and show on the plan.
- Applicant must extend the pre-blast survey area to 400' from blast sites.
- Seismographs are to be set up at 84 and 88 Malvern Road at the time of blasting.
- An "as-built" plan showing compliance with all the terms of this site plan approval must be provided to the Code Enforcement Office prior to issuance of an occupancy permit.
- South sidewalk must be connected to the street by a handicapped ramp.
- 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 Land Use Office prior to release of the decision.

5. **1 Fay Street – Site Plan Approval:** John Shea and Scott Cashman recused themselves. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 3-0 to extend the deadline for constructive grant to May 11, 2005 and continued the site plan approval to May 11, 2005.
6. **281 Clark Street (Jasmine Place) – Definitive Subdivision Approval:** Notice of the hearing was read by the Clerk. Attorney Samuel DeSimone presented the plan. No one spoke in opposition. Upon a motion by John Shea and seconded by Samuel Rosario, 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 approve the Definitive Subdivision with the following conditions:

- **Plan must show the site distances on Clark Street in both directions for Fatima and Naumaan Lanes.**
- **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.**

7. **1393 Grafton Street – Definitive Subdivision Approval:** Notice of the hearing was read by the Clerk. Douglas Scott and Carl Hultgren presented the plan. Philip Zaka, an abutter, opposed two driveways on Grafton Street. Upon a motion by John Shea and seconded by Samuel Rosario, 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 waive the right of way diameter requirement of 100’ to allow 80’. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to waive the requirement for an 80’ pavement diameter in the cul de sac to allow a 60’ diameter. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to waive the requirement of a rounded street line on the northwestern side of the proposed road. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to waive the requirement to line up the roadway centerline with the right of way centerline to allow the roadway centerline to be offset from the right of way. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to waive the requirement that sidewalks be installed. Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to approve the Definitive Subdivision with the following conditions:

- **Plan must show that the name of the road is McAvey Way.**
- **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.**

8. **Zoning Map Amendment – 32-36 Mower Street:** Notice of the hearing was read by the Clerk. Attorney John Vigliotti represented the owners. Dianne Kelley and Jane McGuiggan spoke in opposition. Upon a motion by Samuel Rosario and seconded by John Shea, 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 recommend denial of the petition because the incursion of business uses into the residential neighborhood is not desirable. The adjoining business district adequately serves the neighborhood and the introduction of a “strip” type business district at this location is not in the public interest.
9. **81 Bisland Road – 81G Street Opening:** Joe Boynton recused himself. Samuel Rosario assumed the Chair. Upon a motion by John Shea and seconded by Scott Cashman, the Board voted 3-1 (Samuel Rosario voted to approve) to deny the 81G street opening because the proposed grading is too steep and the proposed drainage is inadequate.
10. **2 Mallard Road – 81G Street Opening:** Joe Boynton recused himself. Samuel Rosario assumed the Chair. Upon a motion by John Shea and seconded by Anne O’Connor, the Board voted 4-0 to approve the request of the applicant for Leave to Withdraw the 81G street opening plan.
11. **44 Orono Street – 81G Street Opening:** Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to approve the 81G street opening with the following conditions:
  - **Extend the surface main with the proposed sanitary main.**
  - **Add one catch basin.**
  - **Provide a roadway cross-section with a 26’ minimum pavement width and use a 2.5” pavement binder course with a 1.5” top course.**
  - **Install a guardrail on the outside retaining wall.**
12. **377 Mill Street – Site Plan Approval:** Upon a motion by John Shea and seconded by Anne O’Connor, 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.**

**13. 4 Chequesset Road/2 Pocono 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:

- **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.**

**14. 126 Southwest Cutoff – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to approve the site plan with the following conditions:

- **Plan must show a roof water drainage recharge system.**
- **Lighting is not to spill over onto abutting property with lighting to be no more than 1-foot-candlepower at the property lines abutting residential parcels and noted 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 be submitted to Land Use Office prior to release of decision.**

**15. 1393 Grafton Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Anne O’Connor, the Board voted 5-0 to approve the site plan with the following conditions:

- **Plan must show the ATM and escape lanes from the parking lot driveway with two granite curb returns.**
- **Remove permanent structures on City of Worcester drainage easements from 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 be submitted to Land Use Office prior to release of decision.**

**16. 18-22 Edgeworth Street – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by Anne O’Connor, 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.**

**17. Gediminas Street – To Make Public:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to recommend a Priority 2.

**18. High Meadow Estates Subdivision (Phases II and III) – Bond Reductions:** Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to release

\$40,000 of the existing bond leaving a new bond amount of \$10,000.00 for Phase II. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to release \$10,000 of the existing bond leaving a new bond amount of \$5,000.00 for Phase III.

- 19. Mink Circle Subdivision – Set Bond:** Upon a motion by John Shea and seconded by Scott Cashman, the Board voted 5-0 to set a bond in the amount of \$55,000 with a work completion date of June 1, 2006 and a bond expiration date of August 1, 2006.
- 20. Approval Not Required (ANR) Plans:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-0 (Anne O'Connor recused herself) to endorse ANR Plan #6008 Ludlow Street. Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6026 Greenwood Street. Upon a motion by Scott Cashman and seconded by Anne O'Connor, the Board voted 5-0 to deny endorsement of ANR Plan # 6033 Onset Street because the way does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan #6034 Circuit Avenue West. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to deny endorsement of ANR Plan #6035 Bullard Avenue/Chino Avenue because the way does not have sufficient width, suitable grades and adequate construction for the proposed use. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 (Joe Boynton recused himself) to endorse ANR Plan #6036 Prescott Street/Garden Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #6037 25 Franconia Street. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 (Joe Boynton recused himself) to endorse ANR Plan #6038 Salisbury Street. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6039 Jennings Street/Orton Street. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 5-0 to endorse ANR Plan #6040 Burncoat Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #6041 Drexel Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to endorse ANR Plan #6042 38 Tory Fort Lane. Upon a motion by Samuel Rosario and seconded by Scott Cashman, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #6043 58 Blue Bell Road. Upon a motion by Samuel Rosario and seconded by Anne O'Connor, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #6045 Hemans Street. Upon a motion by Anne O'Connor and seconded by Samuel Rosario, the Board voted 4-0 (John Shea recused himself) to endorse ANR Plan #6046 Good Harbor Drive. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 5-0 to endorse ANR Plan #6047 22 Hawley Street. Upon a motion by John Shea and seconded by Samuel Rosario, the Board voted 5-0 to deny endorsement of ANR Plan #6048 New Bond Street because the plan appears to create a subdivision. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 5-0 to endorse ANR Plan #6049 91 East Mountain Street. Upon a motion by John Shea and seconded by Anne O'Connor, the Board voted 4-0 (Joe Boynton recused himself) to endorse ANR Plan #6050 152 Moreland Street.

**OTHER BUSINESS**

The meeting was adjourned at 10:00 PM.