

Planning Board

Worcester, Massachusetts

Monday, September 21, 1970
12:00 Noon - Room 209 - City Hall

Agenda

12:00 Noon - Regular Meeting - Room 209 - City Hall

1. call to order
2. minutes of September 9
3. Salisbury Street - zone change petition - on the table
4. date of next meeting
5. plans to be ratified
6. any other business
7. adjournment

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The meeting of the Planning Board came to order at 12:45 P. M., Monday, September 21, 1970, in Room 209, City Hall.

Members present included Lloyd Anderson, Frederic R. Butler, Carl H. Koontz, Carlton B. Payson, and Philip A. Segel.

Others present included Charles Abdella, John J. Reney, Gerard F. McNeil, Francis J. Donahue, Alexander A. Pridotkas and Edward Maher.

Salisbury Street - zone change petition. Mr. Payson asked Attorney Abdella to review the Law Departments opinion on the rezoning question.

Attorney Abdella said that rezoning of the locus would not be considered spot zoning, particularly in light of the proposed circumferential highway and the characteristics of the site itself.

Mr. Butler suggested that if the zone were to be changed, it ought to be changed for a larger area, since the site was surrounded by quite a bit of restricted residential land. He said that he doubted if anyone would develop single family subdivisions in the vicinity of the site if a Planned Unit Development were built.

Attorney Abdella explained that the opinion of the Law Department on the zone change would be sustained for land north of the circumferential highway.

Mr. Payson asked Mr. Reney to give a report on the sewer facilities.

Mr. Reney said that the sanitary sewer in Barry Road had proved adequate for the needs of the residents, but that he would like to see the study done by the developers.

Mr. McNeil presented to the Board maps showing the existing zoning, the proposed circumferential highway, and the possible sites for the Planned Unit Development. He suggested that the circumferential highway would be an excellent access and service route for future Planned Unit Development's since it approached several large tracts of vacant land. He said that the highway would also serve as a buffer zone between the Planned Unit Development's and existing single family areas.

Mr. Butler asked Mr. McNeil how many of the vacant tracts were in an RS-10 zone, and how many were in an RL-7 zone.

Mr. McNeil pointed out the appropriate sites.

Mr. Butler asked if the proposed project really constituted a Planned Unit Development since it lacked any commercial services.

Mr. McNeil replied that the business uses were permitted but not required in a Planned Unit Development.

Mr. Anderson suggested that, in his opinion, a Planned Unit Development was more than just a large subdivision. He said that the service facilities were part of the planned unit.

Mr. McNeil replied that because the site was almost the minimum size, such services were not as necessary as they would be in a larger development.

Mr. Anderson said that in fact, a Planned Unit Development was then a large subdivision which qualified for a higher unit density. He asked if this were an accurate statement.

Mr. McNeil replied that it was. He asked if it might not be better to consider the development of the city in terms of large complexes than in terms of scattered small developments.

Mr. Payson brought up the question of land value changes. He said that in his investigation of a similar development in Brookline, he had found no instance of land devaluation due to a project of this kind. He pointed out that this is the one real argument most people use against a Planned Unit Development, and he said that the suspicion of land devaluation has never been proved.

He then raised the question of traffic. He pointed out that if the site were developed for single homes, each home would have about 3 cars and the traffic volumes generated by each kind of development would not be significantly different.

Mr. McNeil explained the process for calculating the probable number of school children in the proposed Planned Unit Development. He said that the school problem was insignificant because of the size of the units.

Mr. Anderson asked how the unit size could be controlled between the time the zone is changed and the time the project is built.

Mr. McNeil replied that this could be controlled by the use of a special permit.

Mr. Koontz asked about the proposed deed restriction concerned with the reversion of the land to an RS-10 zone if the project cannot be built. He pointed out that a zone change could not be done through a deed restriction.

Mr. Payson explained that the zone change would not be done through the deed, but that Mr. Riley had agreed to petition for the change if the project is not built.

Mr. Anderson said that the project looked proper, but that he was worried about the safeguards involved.

Mr. Koontz pointed out that no one had proven that the zone would be changed to RL-7.

Mr. McNeil pointed out that there were few pieces of vacant land suitable for the development of Planned Unit Developments, and that considering the proposed circumferential highway Planned Unit Development's could be built on existing RS land. He said that this could benefit the overall development of the city.

Mr. Koontz suggested that this approach to planning was questionable.

Mr. McNeil pointed out that when the zoning ordinance was enacted, land was zoned for residential use to save it for future commercial uses. He suggested that the area in question, north of the proposed circumferential highway, should be kept in an RS-10 zone to hold it for future Planned Unit Development. He said that the circumferential highway would act as a buffer zone for this kind of development, as well as a service route.

Mr. Anderson asked if the Planned Unit Development could be built with a variance. Mr. McNeil replied that it could, if hardship were demonstrated.

Mr. Anderson asked what could be done with a special permit.

Mr. McNeil replied that a special permit was not applicable to RS-10 land.

Mr. Koontz said that the process of zoning land RS-10 with the intention of holding it until a proper RL-7 use came along constituted a subterfuge and unfair to the people. He said the land should be zoned for its intended use. He questioned the precedent being set for changing a zone to fit a developers plans. He said that this was violating the integrity of an RS-10 zone.

Mr. Butler said that the zone should be changed for the whole area, not just a small section of it.

Mr. Segel asked the Board to remember that the Planned Unit Development concept originated with the Board itself, that a 20 acre minimum was agreed upon, that the Planned Unit Development was adopted as a desirable mix of housing types. He pointed out that this type of housing made economic sense to the city in terms of revenue and service costs. He said that the Planned Unit Development concept had been carefully examined by both the Planning Board and the City Council before it had been approved. He said that the circumferential highway and the natural buffer zone would make a Planned Unit

Development a natural for this particular site. He brought up the question of possible devaluation, and he said that when the Highland House apartments were constructed, single family home values in the area increased. He pointed out that it was generally agreed that the deed restrictions would hold, so that the danger of uncontrolled development was minimized. He suggested that a Planned Unit Development without commercial use was the highest grade of Planned Unit Development. He said that the project would enhance the city and strengthen the community.

Mr. Butler asked if Mr. Segel would be in favor of changing the zoning over more of the area.

Mr. Segel replied that he would, when the time presented itself.

Mr. Payson pointed out that the land would be too expensive to develop for single family homes due to the wet lands.

Mr. Anderson suggested that this information would be a good basis for a variance.

Attorney Abdella said that the information would strengthen the case for a zone change as well.

Mr. Payson said that there was not that much difference between building the units by special permit or by a variance.

Mr. Anderson pointed out that there was a big difference, since a zone change was necessary for a special permit, and he was unsure of the wisdom of a zone change.

Mr. Payson said that the land was adequately protected against unregulated development arising from a zone change, and that if the project were not built, the land would be rezoned RS-10.

Mr. Anderson pointed out that a change back to RS-10 would have to be made by the City Council, that Councils change and were unpredictable.

Mr. Payson said that the discussion involved two basic philosophies, the precedent being set for RS-10 land, and the need for this kind of development. He said that the two feelings were that either the zone change should not be recommended, or that it should be recommended because the Planned Unit Development would adapt itself to the area. He said that if there were evidence of harm to the area, or a similar area, because of this kind of development, he would vote against the petition. He said that his first concern had been the easement for the circumferential highway, but that the placement of the highway along the Barry Road properties forced him to make a decision about the project itself.

Mr. Anderson asked if the highway's path were that definite.

Mr. McNeil replied that it was, and he pointed out the location of the highway.

Mr. Koontz asked Mr. McNeil what the recommendation would be if the petitioners were Stirling Homex Corporation.

Mr. McNeil replied that any proposed housing units would have to be compatible with the area.

Mr. Anderson asked Mr. McNeil whether the recommendations of the department were his or the majority of the departments planners.

Mr. McNeil replied that the report represented the consensus of planners in the department.

Mr. Anderson asked if the recommendations were based on good planning principles or the need for housing. He pointed out that the road would not be put in for 10 years.

Mr. McNeil replied that the report pointed up trends for the future, and that the road was needed now and should be pushed.

The Board then discussed the traffic problems associated with the construction of the Circumferential Highway and Route 52.

Mr. Segel made a motion to recommend to the Council that the zone be changed to RL-7, provided that the deed restriction and other safeguards be incorporated into the zone change.

Mr. McNeil suggested that the motion should be for the recommendation of the zone change, and that the Board could then outline the reasons for their decision.

Mr. Koontz pointed out that the only matter at hand was the zone change, and that restrictions on the change could not be incorporated in the yes or no recommendation.

Mr. Payson said that the recommendation would be made because of the restrictions offered by the land owners, and that this information should be put before the Council by the Board.

Mr. McNeil suggested that the reasons for the recommendation be listed, the proposed road, the unsuitability of the site for single family development, the safeguards offered, etc.

Mr. Anderson asked if the unsuitability of the land for single family development were established.

Mr. Payson replied that it was, due to the wet lands. He asked for a second to Mr. Segel's motion.

Mr. Koontz said that he would like to hear the motion more specifically phrased.

Mr. Payson re-worded the motion to include the questions discussed by the Board.

Mr. McNeil asked if the Board would be willing to petition the Council for rezoning to RS-10 if the special permit were not granted.

Mr. Payson said that it would.

Mr. McNeil suggested that this could be part of the recommendation to the Council.

Mr. Koontz asked what the authority and responsibility of the Board was in this matter.

Attorney Abdella replied that in its capacity as advisor to the Council, the Board should present and consider all relevant material.

Mr. Anderson pointed out that even if this were done, the Council would be in the same position as the Board was, since they would be called upon only to approve or deny the petition.

Attorney Abdella said that restrictions could be incorporated into the Council's decision.

Mr. Donahue said that this kind of thing had been done by the Council when the Highland House was proposed.

Attorney Abdella said that if the Board and the Council made the policy of reversion to RS-10 very clear, that this would constitute an adequate safeguard.

Mr. Koontz asked if the Board were thus admitting that the change from RS-10 to RL-7 could never stand on its own merit.

Mr. Segel replied that a specific plan was before the Board, and that the Planned Unit Development was the creation of the Board itself.

Mr. Koontz pointed out that at the time Planned Unit Development's were proposed, the Board intended them to be regulated by a separate zone. He said that the

Council in its wisdom had indicated that the sanctity of the RS-10 and RL-7 zones should be maintained.

Mr. McNeil pointed out that the zoning map was not a static thing, that it should be flexible, that it served as a working tool of the community.

Mr. Koontz replied that the request for the zoning change did not originate from the planning process, and that by permitting these changes to take place out of order, the Board was admitting to a weak planning process.

Mr. Payson asked for a second to Mr. Segel's motion.

Mr. Koontz said that he could not vote without seeing the motion in writing. The Board discussed the question of the wording of the motion. Mr. Payson indicated that the Board could recommend approval because of relevant information that it was up to the Council to make a final decision.

Mr. McNeil suggested that the motion indicate that the Board would not be in favor of any of the permitted RL-7 uses in the area except a Planned Unit Development with the agreed restrictions.

Mr. Koontz read a possible phrasing for the motion.

"On the strict issue of the desirability of the change in zone from RS-10 to RL-7, the Board recommends denial of the petition. However, if it can be insured that certain conditions enumerated below can be achieved, the Board would be in favor of the project as proposed, and would support the action of the Council in taking the necessary legislative steps."

Mr. Payson recommended that the first condition should be that a 110 foot easement be given to the city, at no cost to the city, for circumferential highway purposes.

Mr. Segel disagreed with the wording, particularly the initial recommendation that the petition be denied.

Mr. McNeil asked the Board if it would prefer that the department draft a motion to be offered to the Board at another meeting.

It was decided to recess the meeting until Monday, September 28, at 8:00 A. M., to consider the department's draft of the motion.