

Planning Board

Worcester, Massachusetts

**Wednesday, December 9, 1970
3:00 P. M. - City Hall**

Agenda

3:00 P. M. - View

1. Arthur Street - abandon a portion
2. Henry Street - remove a portion from Official Map

4:00 P. M. - Regular Meeting - Room 209 - City Hall

1. call to order
2. Hillaboro Village, Section V - expired bond
3. Brierway Drive - priority
4. Rosemary Street - priority
5. Marshall Pond - release of bond
6. Unity Village - sidewalk relocation
7. Willowbrook Lane - priority
8. Mount Avenue - priority
9. 6 Echo Street - re-appeal to Board of Appeals
10. minutes of September 30, 1970
11. date of next meeting
12. plans to be ratified
13. any other business
14. recess

5:30 P. M. - Dinner - Putnam & Thurston's Restaurant

7:30 P. M. - Public Hearings - Room 209 - City Hall

1. Arthur Street - abandon a portion
2. Henry Terrace - remove portion from Official Map
3. Zoning Ordinance Amendment - re: clubs

8:00 P. M. - Regular Meeting - Room 209 - City Hall

1. call to order
2. items of public hearing
3. Route 52 discussion
5. adjournment

The meeting of the Worcester Planning Board came to order at 4:00 P. M., Wednesday, December 9, 1970, in Room 209, City Hall.

Members present were Lloyd Anderson, Frederick R. Butler, Carlton B. Payson, and Philip A. Segel.

Others present were Charles A. Abdella, John J. Reney, Gerard F. McNeil, Francis J. Donahue, Alexander A. Pridotkas, and a representative of the press.

6 Echo Street - re-appeal to the Board of Appeals. Mr. Donahue explained that Mr. Kender appeared before the Board of Appeals on June 24th on a petition to place a mobile home on a lot on Echo Street. He said his petition was turned down at that time, and he was requesting permission to re-appeal to the Board of Appeals.

Mr. Kender pointed out the location of Echo Street. He said the lot was 90 feet by 70 feet, and that he had already purchased the mobile home.

Attorney Abdella explained that it was necessary that Mr. Kender present new evidence before he could be allowed to re-appeal.

Mr. Kender said that June 24th was his second appeal, that his first appeal was withdrawn. He said that the lawyer hired for the second appeal did not adequately represent him, that he did not submit any evidence to the Board. He explained that he was presently living with his son on the next lot, but that his son was selling the house. He said that there was a mobile home on the lot to the rear of his.

Attorney Abdella asked if he presented these facts to the Board of Appeals.

Mr. Kender said that in June, the lawyer did all the talking and that he did not present any evidence. He said that he was over 65 years old, and that the city could either pay his rent or allow him to put his mobile home down in the swamp.

Mr. Roney asked how Mr. Kender proposed to install a septic system if the land was as wet as he said it was.

Mr. Kender replied that the swamp was behind the land, not on it.

Mr. Segel asked if there were any mobile homes on Echo Street.

Mr. Kender replied that there was one on Julien Avenue. He said that there were no sewers on Julien Avenue.

Mr. Anderson asked how near the other houses were.

Mr. Kender replied that the area was all woods except for his son's house.

Mr. Butler asked who plowed the streets.

Mr. Kender replied that the city plows now that he used to do all the plowing.

Mr. Segel asked to see the bill of sale for the mobile home. Mr. Kender showed him the bill of sale.

Mr. McNeil reported that the permit for the mobile home on Julien Avenue was given for 5 years or the life of the occupant.

The Board decided to hold its vote until Mr. Payson arrived.

Mr. Segel said that he would like to see Mr. Kender return to the Board of Appeals.

Mr. Butler suggested that Mr. Kender's story was too confusing, that he would like more facts about exactly what happened at the Board of Appeals.

Mr. Pridotkas explained that Mr. Kender's permit was denied because his lot was closer to the single family homes than the lot on Julien Avenue.

Mr. Payson asked if any new evidence had been presented.

Mr. Pridotkas reported that Mrs. Jane Kender was given leave to withdraw on her petition in 1969, that the second petition in June was denied and that Mr. Kender's lawyer in June did not present very much evidence to the Board of Appeals.

Mr. Segel made a motion that Mr. Kender be allowed to return to the Board of Appeals. He said that it did not make sense to grant a permit for one mobile home and not another, that Echo Street would be a good area for mobile home development, and that Mr. Kender had already purchased a mobile home. Mr. McNeil explained that the location was irrelevant, and that his purchasing a mobile home was creating a hardship and not a valid argument. Mr. Segel said that putting a roof over a man's head was not irrelevant. Mr. Payson said that unless new evidence had been presented, there was no way to allow the man to return to the Board of Appeals. Mr. Butler seconded Mr. Segel's motion. The motion was denied by a 2-1 vote. Mr. Butler and Mr. Anderson opposed.

Hillsboro Village Section V - expired bond. Mr. Donahue summarized the letter from Commissioner Hynes and the Department letter to Mr. Papale expressing the Board's desire to discuss the matter of the uncompleted work. He said that the deadline for the bond was October 1, 1969.

Mr. Reney explained to Mr. Papale that Mr. Hynes would like the work completed by June 30, 1971.

Mr. Papale explained that he would prefer not to complete the work by June 30, 1971, because of the money market. He said that the base coat had been put in to #16, that building had been put in to that point.

Mr. Anderson asked if the bond had been extended.

Mr. McNeil replied that it had not.

Mr. Papale requested an extension until 1972.

Mr. Reney suggested completion of the stubs and finish surface of the road.

Mr. Papale asked if the cul-de-sac had to be constructed with berm and sidewalks even though the street was scheduled to be extended.

Mr. McNeil replied that it did.

Mr. Reney suggested that a bond be posted for construction of the cul-de-sac.

Mr. Segel moved that the bond be extended to June 30, 1971, with no further extensions. Mr. Butler seconded the motion. The motion was carried by a 3-0 vote.

Brierway Drive - priority. Mr. Donahue reported that the old petition had been checked, that it was given a #1 priority, and that it was still pending before the Public Works Committee of the City Council.

Mr. Anderson suggested that the new petition be referred since the old petition was still pending and that a report to the Council be requested.

Mr. Butler so moved. Mr. Segel seconded the motion. The motion was carried by a 3-0 vote.

Rosemary Street - priority. Mr. Donahue reported that the old petition was denied at the Public Works Committee hearing and denied by the City Council. He said that the new petition rated a #1 priority for the entire length. He said that the old petition was denied on February 25, 1970. Attorney Abdella said that there was no probation period.

Mr. Segel moved that the street be given a #1 priority. Mr. Anderson seconded the motion. The motion was carried by a 4-0 vote.

Marshall Pond - Sidewalk relocation. Mr. McNeil explained that the petitioner wanted permission to construct a 6-foot sidewalk next to the berm and put a planting strip in the original sidewalk location.

Mr. Reney said that Commissioner Hynes had no objection.

Mr. Segel made a motion that permission be granted for sidewalk relocation.

Mr. Butler seconded the motion. The motion was carried by a 3-0 vote.

Willowbrook Lane - priority. Mr. Donahue reported that 200 feet of the road rated a #3 priority, the other 600 feet would rate a #5. He said that there was only 200 feet of sewers, and that the street was 40 feet wide.

Mr. McNeil explained that two priorities could be given.

Mr. Segel made a motion that a #3 be given for 206 feet, and that the rest of the street be given a #5 priority. Mr. Butler seconded the motion. The motion was carried by a 3-0 vote.

Mount Avenue - priority. Mr. Donahue reported that the street was 30 feet wide and that part of the street had sewers. He said that the entire street rated a #5 priority.

Mr. Segel moved the street be given a #5 priority. Mr. Butler seconded the motion. The motion was carried by a 3-0 vote.

Minutes of September 30, 1970. Mr. Butler made a motion to approve the minutes of September 30, 1970. Mr. Segel seconded the motion. The motion was carried by a 3-0 vote.

Date of next meeting. The date of the next meeting was set for January 6, 1971.

Plans to be ratified. Mr. Segel moved that the plans be approved.

Mr. Butler seconded the motion. The motion was carried by a 3-0 vote.

- #1423 - plan of land on St. Kevin Road, owned by San-EI Corporation, signed 11/12/70
- #1424 - plan of land at Grafton and Arthur Streets, owned by Paul E. & Helen D. Poirier, signed 11/12/70
- #1425 - plan of land on Woodland Street, owned by City of Worcester, signed 11/23/70
- #1426 - plan of land on Main Street, owned by Worcester County National Bank, signed 11/27/70
- #1427 - plan of land at Main and Jackson Streets, owned by Josephine E. Spragg, signed 11/30/70
- #1428 - plan of land on New Bond Street, owned by Robert E. Caucher, signed 11/30/70

#1429 - plan of land on Lincoln Street and Oriol Drive, owned by Louis F. & Daisy Oriol, signed 12/1/70

#1430 - plan of land at Puritan & Cohasset Streets, owned by Robert Gallo, signed 12/4/70

1431- plan of land on Salisbury Street, owned by Assumption College, signed 12/4/70

#1432 - plan of land at Ballard Street, Lochwan Avenue, and Gibbs Street, owned by Nelli Babkauskas, signed 12/9/70

#1433 - plan of land at Summer and Central Streets, owned by Worcester Redevelopment Authority, signed 12/9/70

Other Business: Mobile Home Study. The Board went into executive session to review the Mobile Home Study prepared by the department for the City Manager.

Mr. McNeil reviewed the study and summarized the major points and recommendations. He said that the study had been reviewed by Attorney Abdella and Superintendent of Public Buildings Schonning.

Mr. Payson suggested that a section in the Zoning Ordinance be set up to deal with the smaller units.

Mr. McNeil replied that this would constitute spot zoning.

Mr. Payson explained that the Zoning Ordinance could be amended without zoning a specific parcel of land.

Mr. McNeil suggested that it might be wise to start with the present recommendations. He explained that mobile home subdivisions would have to conform to existing subdivision regulation, and that a rental mobile home park would have to conform to the standards for more than one building on a lot.

Mr. Segel said that he preferred Mr. Payson's suggestion of a new zone for mobile homes.

Mr. McNeil explained that he was seeking the Board's approval of the study as to its conformance to the Master Plan. He pointed out that the study would come back to the Board for review after review by the Manager and the Council.

Mr. Payson suggested that the Board vote at the evening meeting.

Other Business - Route 52. Mr. McNeil explained the alternative of Route 52 considered by the City Council, and he asked if the Board would like to recommend one of the alternative routes to the Council and the Massachusetts Department of Public Works. He said that the Department favored Alternate C.

At 5:30 P. M. the Board recessed to Putnam & Thurston's Restaurant for dinner.

At 7:30 P. M. the Board met in the Council Chamber for its scheduled public hearings.

Public Hearing - Arthur Street - abandon a portion. Meyer Cohen, attorney, represented the petitioner. Attorney Cohen asked that the land description be amended. He explained that it was necessary for the title of the land owned by Paul Pourier to be cleared, that a garage projected one foot over the line on Arthur Street, and that the title could be cleared if that one foot portion of Arthur Street were abandoned. He explained that a covenant could be drawn up to the effect that if the garage is ever demolished, the land would revert to the City.

There was no opposition to the petition.

Attorney Abdella said that a restricted covenant could be placed in the deed to insure reversion to the City.

Mr. Payson than declared the hearing to be closed.

Public Hearing - Henry Terrace - remove a portion. Martin Israel and Robert Whipple spoke for the petitioner D.L.K. Realty Trust. Mr. Israel explained that D. L. K. Realty Trust intended to build an apartment structure at the end of Henry Terrace. He said that the road was not used, that it was a paper street.

Alexander Pridotkas of 8 Dybeck Street opposed the petition. He said that the proposed structure would over-crowd the streets, that Whipple Street was steep and dangerous, that a child had been killed on Whipple Street, and that the situation would become more dangerous with the addition of new dwelling units. He informed the Board that the present development on Henry Terrace was not being built according to the recorded plan.

Mr. Israel said that the completed development would be according to the plan.

Mr. Pridotkas explained that the front yard had been black topped and lined for parking.

Mr. McNeil asked where the berm was.

Mr. Israel said that the berm was not on the property line, as shown on the plan, that it was 5 feet from the building. He explained that the lines were inadvertently put in by his partner.

Mr. McNeil pointed out that it was illegal to park in the front yard of a building, and that Mr. Israel was not preventing such parking. He said it was illegal to put a street berm anywhere but where shown on the approved plan.

Mr. Payson asked if the berm could be moved.

Mr. Roney said that when a plan is approved by the Board, the plan must be followed.

Mr. Payson asked Attorney Abdella if the plan was legally enforceable. Attorney Abdella replied that the developer must conform to the plan on record with the Registry of Deeds.

Mr. McNeil explained that the parking plan had been approved by the License Board.

Mr. Whipple asked if a wider road did not eliminate a hazard.

Mr. Payson replied that the Board was concerned with the residents, that there was no green area in the development, that the regulation concerning parking in the front yards was in effect for good reason.

Mr. McNeil asked Mr. Israel if, were the street taken off the Official Map, D.L.K. Realty would construct the proposed building, or if it would be subdivided and built under another name.

Mr. Israel said that D.L.K. Realty would construct the building.

Mr. McNeil suggested that on future plans, Mr. Israel show landscaped areas and black topped areas.

Mr. Israel said that 18 apartments would be in the proposed building, that a retaining wall would retain the 8-foot banking in back of the existing apartments.

Mr. Payson then declared the hearing closed.

Public Hearing - Zoning Ordinance Amendment re: clubs. Attorney Abdella explained the purpose of the amendment as an attempt to deal with motorcycle clubs. He pointed out that the Council had amended the Ordinance out of order.

Mr. Payson suggested that the Council be asked to rescind its amendment and that the City Solicitor be so informed that the Council was in error and that it should go through the proper channels. He pointed out that the ordinance had not been properly referred to the Board.

Mr. McNeil suggested that the Board report to the City Council that the ordinance had been received by the Board, that the Board had held a public hearing and recommended approval of the amendment, and that the Council should now hold its hearing in the proper manner.

Mr. Anderson so moved. Mr. Butler seconded the motion. The motion was carried by a 4-0 vote.

Regular Meeting - Arthur Street. Mr. Reney said that his department had no objection to the abandonment of a portion with a deed restriction.

Mr. Payson suggested that the Board postpone its vote pending a determination by the Law Department.

Mr. Segel suggested that liability might be a problem.

The Board decided to postpone its vote until a determination was made by the Law Department.

Henry Terrace - remove a portion. Mr. Payson asked if the Board could legally deny the petition.

Attorney Abdella suggested that the Board could base its decision on the public safety and a possible need for a utility easement over the property.

Mr. Reney said that no easements were needed.

Mr. McNeil said that the Board had the power to remove a portion if none of the objectors were parties of interest.

Mr. Pridotkas pointed out that it was possible that the parcel be subdivided and a building permit issued without review by the Planning Board.

Mr. Reney suggested that Mr. Israel submit a building plan, with the cul-de-sac shown, before action was taken.

Mr. Segel said that the apartment development was a good one, and that the Board should encourage such development.

Mr. Anderson pointed out that anyone in violation of any Board of the City should not be encouraged, that the Board would be abandoning a portion of a street for such a violator's profit.

Attorney Abdella suggested that the Board consider the "public interest" as its rationale for a decision.

Mr. Anderson made a motion that Mr. McNeil inform the License Board of the violation of the plan. Mr. Butler seconded the motion. The motion was carried by a 2-0 vote. Mr. Segel abstained.

Mr. Payson suggested that the Board table the item until Mr. Israel submitted an as is plan.

Mr. Anderson moved that an as is plan be requested and the item be tabled until January 6, 1971.

Mr. Segel abstained.

Mr. Butler seconded the motion. The motion was carried by a 2-0 vote.

Mobile Home Study. Mr. Anderson asked what the minimum standard of 768 square feet came from.

Mr. Donahue replied that the standard was based on the state law.

Mr. Segel suggested that RS-7 zone be more restrictive. He pointed out that the recommendation would allow mobile homes to be put in single family subdivisions left uncompleted by a developer. He said he would oppose the recommendation with regard to the RS-7 zone.

Mr. McNeil asked how Mr. Segel would feel about permitting mobile homes in RS-7 zones by Special Permit only.

Mr. Segel replied that he would prefer no mobile homes in RS-7 zones.

Mr. Payson suggested that a special permit be required for RS-7 zones as part of the recommendation. He pointed out that the proposal would be tested by a sufficient number of public hearings to protect the public. He suggested that the Board had to start somewhere with its recommendation.

Mr. Anderson made a motion that a special permit be required for the RS-7 zone and that the rest of the proposal be recommended to the City Manager. Mr. Butler seconded the motion. The motion was carried by a 3-1 vote. Mr. Segel opposed and stated his intention to publically oppose the proposal.

Route 52. The Board recommended that the Department draft a 4th alternative to be presented to the Manager and the Council. The 4th alternative would be routed between Alternate A and Alternate C. Mr. Payson said he would speak to the Manager about it.

The meeting was adjourned at 9:05 P.M.