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The Planning Board met for its regular meeting on Wednesday, May 3, 1989 at 12 Noon in Room 209, City Hall. Members present were Chairman John F. Keaney; Vice Chairman Frank D. DeFalco; John T. Reynolds; George Russell. Also present were Director Francis J. Donahue; Code Commissioner Carl H. Koontz; Assistant Commissioner of Public Works Gerhard P. Muenchmeyer; Assistant City Solicitor Michael E. Traynor and Senior Planner Alexander A. Pridotkas.

Zoning Ordinance discussion

The Board reviewed Article 4.8 of the zoning ordinance as prepared by Code Inspection. Consideration was taken into account of all comments submitted by the various agencies.

Mr. DeFalco moved that the Board approve the entire Article 4 of the proposed zoning ordinance as amended. Mr. Reynolds seconded the motion. The vote was unanimous.

View

The Board viewed Mountainshire (W. Mountain Street) - request close access, Burncoat Park subdivision, 683 Franklin Street - re-appeal to Zoning Board of Appeals, Fantasia Estates - preliminary subdivision and site plan review, Mitchell Street - remove from official map, 1030 Main Street - site plan review.

Regular Meeting - Room 209 - City Hall

Call to Order

Chairman Keaney called the meeting to order at 3:45 P. M.

Minutes of March 29, April 4, 11, 14, 21, 1989

Mr. DeFalco moved that the minutes of March 29, April 4, 11, 14, 21, 1989 be

approved. Mr. Reynolds seconded the motion. The vote was unanimous.

1030 Main Street - site plan review

Carl Kasierski, developer, stated that a special permit from the Board of Appeals will be required because of insufficient parking spaces.

Lloyd Bristol, engineer, stated that certain revisions were made to the plan. It is proposed to construct one, three and a half story building on 31,026 sq. ft. of land located at Main and Lucian Streets. The building will be used for parking, retail and residential uses. An existing sewer easement will have to be abandoned because the sewers will be separated. There will be 92 parking spaces provided which is 20 short of the requirements. It is proposed to have 23 one-bedroom units, 15 studio apartments and four two-bedroom units. The basement will be used for residential parking, first floor for retail and the second and third floors for residential.

Mr. Reynolds questioned where will the snow be placed.

Mr. Kasierski replied that it will probably have to be removed from the site.

Mr. Reynolds commented that the proposed use of the site is very dense without providing any open space. There is also no adequate provision for trash removal.

Mr. Reynolds moved that the Board recommend to the Board of Appeals denial of this request for the following reasons.

1. The plan does not make adequate provision for open space.
2. The plan does not make provision for trash storage.
3. The plan does not make provision for storage or removal of snow.
4. The proposed development severely overcrowds the land.
5. Off-street parking is not adequate.

Mr. DeFalco seconded the motion. The vote was unanimous.

Illinois Street - request to amend approved plan

Carl Kasierski, developer, stated that all approvals have been received regarding the proposed development. It was proposed to demolish one of the three-deckers on the site and build a new 10-unit building. It is now proposed to retain the three-decker, not build the 10-unit building, but build five units over the garage. The number of units will decrease from the proposed 50 to 48. There are no changes in the parking layout.

Mr. Donahue stated that the Board has to decide whether the proposed change is diminutive from the approved plan.

Mr. Reynolds stated that the plan is different from the approved plan. There is an increase in density from what exists there now.

Mr. Keaney replied that the original plan has been approved by all the Boards. The proposed plan reduces the number of units by two and the existing three-deckers will be rehabilitated instead of being demolished.

Mr. Russell stated that input is needed from the abutters regarding the new plan.

Michael Venincasa, Trustee of Candlewood Farms Trust, stated that the new plan was discussed with the abutters with no one in opposition.

Mr. DeFalco moved that the Board give site plan approval to the revised plan because the change is diminutive in nature. Mr. Reynolds seconded the motion. The vote was unanimous.

Mr. DeFalco moved that the Board give approval to the modification of the plan showing more than one residential building on a lot. Mr. Reynolds seconded the motion. The vote was unanimous.

Mountainshire - request close access

Mr. Donahue stated that the property owners within said development have requested the Board to close off the Lanesboro Road entrance. The problem is that cars and even buses use the private driveway as a short cut to West Mountain Street.

Mr. Reynolds moved that the Board allow the owners to close off the Lanesboro Road entrance with a condition that posts and chain are to be installed and the entrance to be used for emergency purposes. Mr. DeFalco seconded the motion. The vote was unanimous.

Fantasia Estates - preliminary subdivision and site plan review

Attorney Samuel R. DeSimone, representing the developer, stated that it is proposed

to construct a 13-lot single family subdivision on 5.9[±] acres of land located off Brightwood Avenue. The homes will be three-bedroom units. The Conservation Commission approved the development with the exception of lots 5, 6 and 9. This order is being reviewed by DEQE. The 625-foot "T" shaped roadway will have cul-de-sacs at both ends of the streets. Traffic generated from this development should be approximately 10 trips per 24-hour period per dwelling.

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

1. Sewer connection permit may be required.
2. Hydraulic calculations for a 25-year storm should be submitted for proposed drainage structures.
3. Sill elevations for proposed buildings should be provided.
4. Four (4) feet of ground cover should be maintained over pipelines or a greater strength pipe utilized.
5. Hydraulic calculation substantiating flood plain elevations should be submitted.
6. Sanitary and surface sewer connections should be provided to each house.
7. The proposed cut-in-tee should be installed west of the existing 8" gate valve at Camden Avenue and Hampton Street.
8. An additional 8" main gate valve should be installed at station 3+00.
9. All hydrants should be individually gated.
10. The proposed 8" water main should tie into the 2" main at Evergreen Lane via the existing and proposed sewer and drains easements to avoid a dead end situation. The easement should be widened to accommodate the water main.
11. Driveways should be city standard.
12. Handicap ramps required at Brightwood Avenue and new street.

13. Proposed street should be named.
14. Erosion and slope protection should be shown.
15. Project should be properly located with metes and bounds to Brightwood Avenue.

Mr. Donahue stated that the city's Traffic Department does not anticipate any traffic problems resulting from the proposal. He suggested that the Board hold off giving site plan review approval until a definitive plan is submitted with all the corrections.

Mr. Reynolds moved that the Board give preliminary approval to the proposed subdivision to be located at the terminus of Brightwood Avenue subject to the following conditions.

1. Submission of complete engineering plans, profiles and hydraulic calculations in conformance with the Subdivision Control Regulations prior to advertising the required public hearing.
2. Compliance with the requirements of the Department of Public Works.
3. Compliance with the requirements of the Department of Public Health.

Mr. Russell seconded the motion. The vote was unanimous.

Mr. Reynolds moved that the Board table the request for site plan review approval.

Mr. Russell seconded the motion. The vote was unanimous.

Bedford Avenue - add to official map - tabled

Mr. Donahue stated that a petition was filed to restore a section of Bedford Avenue, from Inverness Avenue easterly a distance of approximately 165 feet, to

the official map. At its meeting on March 1, 1989, the Board tabled the request because the petitioner could not prove the street was open and in use for vehicular traffic by more than two owners prior to June 9, 1953. Affidavits have been submitted by abutters stating they used this portion of the street. The map is 34 years old and the original property owners cannot be located or are deceased.

Mr. DeFalco moved that the Board recommend to the City Council that the petition be approved as the street was open and in use when the official map was adopted in 1953. Mr. Russell seconded the motion. The vote was unanimous.

Lyman Street - add to official map - tabled

Mr. Donahue stated that a petition was filed to extend Lyman Street, from Spencer Street westerly approximately 180 feet, to the official map. At its meeting on June 29, 1988, the Board tabled the request because the petitioner could not prove the street was open and in use for vehicular traffic by more than two owners prior to June 9, 1953. Affidavits have been submitted by abutters stating they used this portion of the street. The map is 34 years old and the original property owners cannot be located or are deceased.

Mr. DeFalco moved that the Board recommend to the City Council that the petition be approved as the street was open and in use when the official map was adopted in 1953. Mr. Reynolds seconded the motion. The vote was unanimous.

Gates Lane subdivision - bond review

Virginia Swinson, Vice President of FRM Properties, stated that the city is holding a bond of \$34,000 to complete the punch list for this subdivision.

The city also required that an escrow account be established in the amount of \$70,000 to guarantee the reconstruction of the streets at each of the 14 lots where house construction has not been completed. She suggested that the required \$70,000 bond be released and an agreement be drawn up regarding the vacant lots. No construction will take place for at least two years.

Mr. Donahue stated that the Board can hold the \$34,000 to complete the work but cannot hold the \$70,000 on the empty lots.

Mr. Keaney questioned how the city can be protected in the future if the \$70,000 bond is released.

Ms. Swinson replied that an agreement can be set up stating that the developer will be liable for any damage to the streets.

Attorney Traynor stated that a covenant can be drawn up and recorded with such wording as the developer will be responsible for any damage to the streets. He suggested that the developer prepare a draft covenant and present it to the Law Department for a review.

Ms. Swinson agreed to it.

Mr. Russell moved that the Board table this matter until such time as the covenant is prepared. Mr. DeFalco seconded the motion. The vote was unanimous.

Bancroft Estates - request to waive sidewalk

Mr. Donahue stated that the developer of this subdivision has requested the Board to waive its Subdivision Control Regulations by allowing to have one sidewalk on one side of the street on Bonnybrook Road and Darnell Road. The reasoning is that eight lots are unbuildable as determined by DEQE.

Mr. DeFalco stated that the eliminated lots are the end of the subdivision. The remaining 51 lots are buildable and that is where the people will be living.

Mr. Reynolds moved that the Board deny the request and the sidewalks be built on both sides of the streets as per the approved plan. Mr. DeFalco seconded the motion. The vote was unanimous.

Rosewood Estates - set bond

Mr. Donahue stated that the developer of this subdivision has requested the Board to set the amount of bond for this subdivision on Myrna Road (Sta. 0+00 to Sta. 6+50) to guarantee construction of the street including all the utilities in accordance with the Subdivision Control Regulations and City of Worcester standards.

Mr. Muehchmeyer recommended a bond in the amount of \$88,500 be held by the city.

Mr. DeFalco moved that the Board require a bond in the amount of \$88,500 of which 10% be in cash for this subdivision. Mr. Reynolds seconded the motion. The vote was unanimous.

North Pond Estates - reduce bond

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

Mr. Muenchmeyer recommended that the bond be reduced by \$59,500.

Mr. DeFalco moved that the Board reduce the amount of bond being held by the city from \$130,000 to \$70,500 of which 10% must be in cash. Mr. Reynolds seconded the motion. The vote was unanimous.

Pollock Street - priority

Mr. Donahue stated that Pollock Street, from Marlboro to Franklin Streets, has sewers, water, width of 40 feet, built up 75% and rates a #2 priority.

Mr. Muenchmeyer suggested it be given a #1 priority so it could be built in conjunction with surrounding streets.

Mr. DeFalco moved that this street be given a #1 priority. Mr. Reynolds seconded the motion. The vote was unanimous.

Iroquois Street - priority

Mr. Donahue stated that Iroquois Street, from Quissett Street to Weetamoe Street, has sewers, water, width of 50 feet, built up 70% and rates a #2 priority.

Mr. DeFalco moved that this street be given a #2 priority. Mr. Reynolds seconded the motion. The vote was unanimous.

Quinsigamond Place - remove portion from official map - tabled

Mr. Donahue stated that the Board at its November 16, 1988 meeting voted to table the request to remove a portion of Quinsigamond Place from the official map because there are many proposals to widen Rt. 146 and one of the proposals includes this area. A petition was filed to remove the remainder of this street and recommended that the Board discuss both petitions at the same time. The Board agreed.

Plans to be Ratified

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

- 4018 - plan of land on Hill and Shrewsbury Streets, owned by N.S.E. Realty Trust, signed 4/4/89
- 4019 - plan of land on Illinois Street, owned by Concorde Doldo, signed 4/4/89
- 4020 - plan of land on Mulberry & Shrewsbury Streets, owned by the Roman Catholic Bishop of Worcester, signed 4/4/89
- 4021 - plan of land on Mill Street, owned by 239 Mill Street Realty, Inc., signed 4/4/89
- 4022 - plan of land on Rodney & E. Kendall Streets, owned by Bell Hill Commons Condominiums, Inc., signed 4/5/89
- 4023 - plan of land on Southwest Cutoff, owned by Emerald Corp., signed 4/11/89
- 4024 - plan of land on County & Valmor Streets, owned by Richard DiBenedetto, signed 4/11/89
- 4025 - plan of land on So. Edlin Street, owned by Wendell C. Sorenson, signed 4/11/89
- 4026 - plan of land on Tainter Street, owned by Cambridge Investors Group, Inc., signed 4/11/89

- 4027 - plan of land on Samoset Road & Heywood Street, owned by David Hollyer,
signed 4/11/89
- 4028 - plan of land on Forkey & Scandinavia Avenues, owned by Mary Ellen Miller,
signed 4/11/89
- 4029 - plan of land on Fourth Street, owned by G. Realty Trust, signed 4/11/89
- 4030 - plan of land on Spofford & Bisland Roads, owned by Richard Porcaro,
signed 4/11/89
- 4031 - plan of land on Barrows Road, owned by John & Donna Seymour, signed 4/14/89
- 4032 - plan of land on Robert Street, owned by Richard Toomey, signed 4/14/89
- 4033 - plan of land on Wildwood Avenue, owned by Ann Marie Beaudry & Fernand
Jobin, Lots A & B and Michael Suyer & Mark Kotlyar, Lots C & D, signed
4/21/89
- 4034 - plan of land on Apricot Street, owned by Helen McAllan, signed 4/21/89
- 4035 - plan of land on Randolph Road & Barber Avenue, owned by The Barber Trust,
signed 4/21/89
- 4036 - plan of land on Airlie Street, owned by Trustees of the Airlie Court,
signed 4/21/89
- 4037 - plan of land on Westover Road, owned by Nicholas DiPilato Jr., signed
4/21/89
- 4038 - plan of land on Evergreen Lane, owned by Helen Pozzessere, signed 4/21/89
- 4039 - plan of land on Mohican Road, owned by University of Mass. Medical Center,
signed 4/21/89
- 4040 - plan of land on Dixfield Street, owned by Gary DeWolfe, signed 4/21/89
- 4041 - plan of land on Lake Avenue North & Natural History Drive, owned by
Laurence & Helen Bibeau, signed 5/2/89

- 4042 - plan of land on Timrod Drive-Lot 64, owned by Parsons Hill Development Company, signed 5/2/89
- 4043 - plan of land on Prescott Street, owned by Parker Realty Corp., signed 5/2/89
- 4044 - plan of land on Kennebec Street, owned by Douglas M. Rawan, signed 5/2/89
- 4045 - plan of land on Commonwealth Avenue, owned by Osterwest Realty Trust, signed 5/2/89
- 4046 - plan of land on Gibbs Street, owned by Bergeron Development, signed 5/3/89.

Date of Next Meeting - May 8, 11, 15, 17, 24, June 3, 1989.

Any Other Business

Gaylord Street - private street opening

James Zingarelli, engineer, stated that a petition was filed to allow the petitioner to install an 8-inch water main, 8-inch sanitary sewer and a 12-inch surface sewer lines in Gaylord Street from Diana Road northerly approximately 300 feet, at owner's expense. This would be a private street opening and approval of the Board under Chapter 7, Section 43 of the Revised Ordinances of 1986 is required.

Mr. Muenchmeyer stated that the Department of Public Works has no objections.

Mr. DeFalco moved that the Board approve the request on the condition that all Department of Public Works requirements are met. Mr. Reynolds seconded the motion. The vote was unanimous.

Massasoit Village - bond extension

Mr. Donahue stated that the developer of this subdivision has requested the Board to extend the completion date for the above subdivision from March 1, 1989 to March 1, 1990 and to extend the bond for the same length of time.

Mr. DeFalco moved that the request be approved. 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.

Mitchell Street - remove from official map

Mr. DeFalco read the notice of the public hearing on the petition of Botwinik Brothers of Mass., Inc. to remove Mitchell Street, a private street, from the Official Map of the City of Worcester.

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

Mr. DeFalco moved that this request be tabled until the next Board meeting.

Mr. Reynolds seconded the motion. The vote was unanimous.

683 Franklin Street - re-appeal to the Zoning Board of Appeals

Mr. DeFalco read the notice of the public hearing on the application of Robert J.

Verdolino for permission to re-appeal to the Zoning Board of Appeals for a Variance within the two-year statutory waiting period after an unfavorable decision denying the use of the property located at 683 Franklin Street for a 10-unit low-rise apartment building.

Mr. Keaney then asked for the proponents.

Attorney Joseph Lian Jr., representing the petitioner, stated that a petition was filed in 1988 for a variance to demolish the existing building and to erect a 2½-story low-rise apartment building containing 10 units. The Board of Appeals denied the request. It is now proposed to add on to the present existing structure a building containing three residential units with three parking spaces underneath. In the existing structure there is a restaurant on the first floor and three residential units on the second and third floors. The vacant lot where parking is proposed is zoned RL-7 and the existing structure is in a BL-1.0 zone. Eighteen parking spaces will be provided.

Mr. Keaney then asked for the opponents.

Councilor Bonofiglio stated that an assessment cannot be made on the plan because of lack of information.

Attorney Lian replied that he needs permission from the Planning Board to re-apply to the Board of Appeals. The new plan will show everything that is required. At the Board of Appeals hearing the abutters will then have a chance to express their views.

Mr. DeFalco stated that the revised plan is substantially different from the previous plan.

Mr. Reynolds questioned if it is a different plan.

Mr. Keaney then declared the hearing closed.

Burncoat Park subdivision

Mr. DeFalco read the notice of the public hearing to consider a revised subdivision plan of Burncoat Park submitted by Burncoat Associates, Inc. pursuant to the remand order of the Worcester Superior Court dated February 4, 1988.

City Solicitor Gary S. Brackett stated that the neighbors appealed the Planning Board's favorable decision, the Superior Court annulled the decision and a remand order was issued for a full hearing on this subdivision by the Planning Board.

Attorney Richard Yurko, representing the developer, stated that he disagrees with the Law Department's interpretation of the court's decision. Because the Planning Board did not grant certain waivers, it is now requested that they be granted. The subdivision has been approved by the Board.

Attorney Brackett replied that the court realized no waivers were granted and annulled the Board's decision.

Mr. Keaney stated that the Board at this meeting cannot hear proponents or

opponents until the Department of Public Works has a chance to review the plans.

Mr. DeFalco questioned what would be the right motion to be made.

Mr. Donahue replied that the hearing be continued to satisfy the Department of Public Works requirements.

Mr. DeFalco moved that the Board table this hearing as suggested. Mr. Reynolds seconded the motion. The vote was unanimous.

Mr. DeFalco moved that the Board consider the entire subdivision as a full-blown development and not just the waivers. Mr. Reynolds seconded the motion. The vote was unanimous.

Attorney Yurko stated that all the parties involved in this development are present and prepared to go forward. He requested that the hearing be continued for two weeks.

Mr. Keaney replied that the Department of Public Works needs time to review the plans and questioned if all the Department of Public Works conditions have been met.

Attorney Yurko replied positively.

Mr. Keaney stated he believes that they have not been met.

Mr. Russell stated that an environmental impact study will be required.

Mr. Keaney replied that it may not be necessary.

Regular Meeting - Training Room - City Hall

Call to Order

Chairman Keaney called the meeting to order at 8:20 P. M.

Items of Public Hearing

683 Franklin Street - re-appeal to the Zoning Board of Appeals

Mr. Reynolds moved that the Board deny the request to re-appeal to the Board of Appeals because the Board will have no input to the use of the land. Mr. Russell seconded the motion.

Mr. Keaney stated that the request should not be denied because the Board can recommend to the Board of Appeals it be approved with conditions.

Mr. DeFalco stated the concept has been changed and it is a major revision from the previous plan.

The vote was two in favor and two against. Mr. Reynolds then withdrew his motion.

Mr. Keaney then removed himself from the chair.

Mr. DeFalco moved that the Board allow the petitioner to re-petition the Zoning Board of Appeals for a variance within the two-year statutory waiting period after denial by said Board. Mr. Keaney seconded the motion. The vote was unanimous.

Adjournment - Chairman Keaney adjourned the meeting at 8:30 P. M.