

**MINUTES OF THE PROCEEDINGS OF THE  
PLANNING BOARD OF THE CITY OF WORCESTER**

**JULY 18, 2007**

**WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

**Planning Board Members Present:** Scott Cashman, Vice-Chair  
Anne O'Connor, Clerk  
Margaret Guzman  
Nicole Xifaras Parella

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Lara Bold, Division of Planning & Regulatory Services  
Ruth Gentile, Division of Planning & Regulatory Services  
Kwabena Owusu-Ansah, Division of Planning & Regulatory Services  
K. Russell Adams, Department of Public Works  
Jody Kennedy-Valade, Department of Code Enforcement

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Chair Cashman called the meeting to order at 5:40 PM.

**APPROVAL OF THE MINUTES**

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the June 6, 2007 minutes.

Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the June 20, 2007 minutes.

**REQUESTS FOR WITHDRAWALS OR CONTINUANCES**

1. **101 Barry Road (PB-07-78A) – Amendment to Special Permit:** The Amendment to Special Permit was held to the August 1, 2007 meeting due to the lack of quorum.
2. **101 Barry Road (PB-07-78) – Amendment to Definitive Site Plan:** Sam DeSimone, representative for the applicant, requested a continuance to August 1, 2007. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to grant the applicant's request for a continuance to August 1, 2007.

## UNFINISHED BUSINESS

### PUBLIC MEETINGS

3. **Lots 17, 32-40 Pearlbus Path (PB-07-59) – Definitive Site Plan:** Seth Toch, representative for the applicant, presented the plan. He stated that the house had been relocated on lot 17R to resolve the issue of parking in the side yard setback. Mr. Adams stated that the plan was showing a 1.1:1 slope stabilization and that the Subdivision Approval was for a 1:1 slope stabilization. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Definitive Site Plan with the following conditions:

- **Provide a 1:1 slope stabilization.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

4. **28 Catharine Street/36 Oak Avenue (PB-07-61) – Parking Plan:** Chris Keenan, representative for the applicant, presented the plan. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the Parking Plan with the following conditions:

- **Provide zoning classification requirements for RG-5 zoning district**
- **Relocate two trees forward into the front landscape-screening buffer along Catharine Street.**
- **Label address as 28 Catharine Street and 36 Oak Street.**
- **Change the first deed reference on the plan to: 1994 16609/ 262-263.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

5. **126 Southwest Cutoff (PB-07-64) – Definitive Site Plan:** Patricia Gates and Chris Ferguson, representatives for the applicant, presented the plan. Mr. Ferguson stated that snow storage had been moved to eight display parking spaces and that the types of parking spaces were labeled on the plan. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the Definitive Site Plan with the following conditions:

- **Provide a rendering for any proposed exterior changes to the building including proposed building materials.**
- **The motor vehicle display lot areas, customer parking spaces and employee parking spaces must be clearly noted on the plan.**
- **Snow storage is shown blocking the circulation of the one-way traffic; it is recommended that the snow storage be relocated outside the access aisle.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

## **NEW BUSINESS**

### **PUBLIC HEARINGS**

6. **Zoning Map Amendment – 9 & 28 Piedmont Street:** John Keenan, representative for the petitioner, presented the petition. He stated that petitioner sought an amendment to the zoning map in the area of 9 & 28 Piedmont Street from RG-5 (Residential, General) to BG-3 (Business, General). He stated that the property is for sale and that a perspective buyer is requesting the area be zoned for business uses. Mr. Fontane stated that this area has been zoned RG-5 since at least 1973. He also stated that the BG-3 zone would permit a variety of residential, business and manufacturing uses “by-right” and several others by Special Permit. In addition, he stated that the current use is a privileged, non-conforming use and therefore could be expanded by Special Permit from the Zoning Board of Appeals. He also stated that the zone change is consistent with the land use on the property affected. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to recommend approval of the zoning map amendment.

7. **Lot 4, Ascension Street – (PB-07-68) – Definitive Plan – More Than One Building on a Lot:** Ben Clark, representative for the petitioner, presented the plan. He stated that Definitive Site Plan that was previously approved at the June 20, 2007 Planning Board meeting for eight single-family attached dwelling units on one lot is the same as this plan. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to approve the Definitive Plan – More than One Building on a Lot with the following conditions:
- **Change label to Definitive Plan – More than One Building on a Lot instead of Definitive Site Plan – More than One Building on a Lot.**
  - **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
  - **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
  - **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**
8. **109, 110, 114 Pocasset Avenue/159 Sachem Avenue/1 Lavin Street (Pocasset Estates) (PB-07-83) – Definitive Subdivision:** Sam DeSimone and Seth Toch, representatives for the applicant, presented the plan. Mr. DeSimone stated that they had received an approval on June 21, 2006 for a Preliminary Subdivision Plan for nine lots and this plan is for a ten lot Definitive Subdivision. He stated that the issue of ownership was a concern at the time of the Preliminary Subdivision approval. Mr. Toch stated that they are requesting 5 waivers from the subdivision requirements: 1) Section IX.C.3, reserve strips prohibiting access are not permitted, 2) Section IX.C.6, property lines at street intersections shall be rounded to provide a radius of not less than 30 feet, 3) Section IX.E.4, at street intersections, the street grade shall not exceed 3% for a distance of 100 feet from the nearest exterior line of the intersecting street, 4) Section IX.E.1, roadway grades for horizontal curves shall not exceed 7%, 5) Section IX.B.1, Radius of curves and lengths of vertical curves should be selected to provide safe distances for the design of the speed of the road. A waiver is being requested to allow for a 20 mph speed design instead of the required 30 mph design. Mr. Adams stated that the Department of Public Works wants more time to review this plan to see if it is the same as the Preliminary Plan and to review the July 17, 2007 request for waivers letter from the applicant. Mr. Fontane stated that more time is needed to confer with the Law Department regarding the issue of ownership. Frank Sheehan was concerned with 1) ownership issues, 2) the retaining wall, maintenance, height and pitch, 3) maintenance of the grass strip and sidewalk, 4) traffic 5) water pressure, and 6) saving trees. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to continue the Definitive Subdivision until August 1, 2007.

9. **Planning Board Rules and Regulations – Amendment to Fees:** The Board took up item #10 City of Worcester Subdivision Regulations – Amendment to Fees contemporaneously. Mr. Fontane presented the new fee schedule for both the Planning Board Rules and Regulations and the City of Worcester Subdivision Regulations. He stated that some fees have not been updated since 1991 and others since 1989. He presented a table entitled “Application Fees Worcester Planning Board”, recommending the proposed fee changes based on municipal costs. In addition, he stated that some applications do not have fees. He also stated that it is recommended to have a periodic review of the fee schedule and that modifications to the schedule should be tied to the Consumer Price Index. Mr. Cashman stated that he thinks the fees should be raised more and inquired about how our fees compare to towns in the area. Mr. Fontane responded that many communities in the region have increased their fees. He stated that some municipalities that do not have staff to review projects and must hire private consultants have higher fees. Ms. Guzman stated that the applications are more complicated now and a lot of time is spent reviewing them, but she thinks the extension of time fee is too high. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 3-1 (Scott Cashman voting no) to amend the Planning Board’s Rules and Regulations for Special Permits, Parking Plan and Site Plan by deleting Article II – Section 6B, Section 7B and Section 8B related to fees and inserting in their place portions of the table titled Application Fees Worcester Planning Board as appropriate with the Extension of Time fee being \$100.00.
10. **City of Worcester Subdivision Regulations – Amendment to Fees:** The Board took up item #9 Planning Board Rules and Regulations – Amendment to Fees contemporaneously. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to amend the City of Worcester Subdivision Regulations by deleting the fees listed in Section IV(C2) – Plan Not Requiring Approval, Section 5E(3) – Preliminary Plan, Section 6A – Definitive Plan, Section 8(1)A – Preliminary More-than-One-Building on a Lot and inserting in their place the portions of the table titled Application Fees Worcester Planning Board as appropriate. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 4-0 to amend the City of Worcester Subdivision Regulations Section 6A – Definitive Plan to include the fee related to Frontage Subdivision found in the table and titled Application Fees Worcester Planning Board and include the definition of Frontage Subdivision as a subdivision that has received a frontage variance from the Zoning Board of Appeals.

## **PUBLIC MEETINGS**

11. **19 Hemans Street (PB-07-74) – Extension of Time - Definitive Site Plan:** Patrick Healy, representative for the applicant, presented the plan. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the Extension of Time - Definitive Site Plan for one year.
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**

- **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

12. **51 Pullman Street (PB-07-75) – Amendment to Definitive Site Plan:** Thomas Michalak, representative for the applicant, presented the plan. He stated that the plan has been amended to remove existing vegetation and replace with landscaping. Upon a motion by Anne O’Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- **Provide a five-foot setback for any proposed signs.**
- **Provide a combination of plant materials including a combination of trees and shrubs along Brooks Street.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

13. **63 North Street (PB-07-76) – Extension of Time - Definitive Site Plan:** Thomas Michalak, representative for the applicant, presented the plan. He stated that the plan has been changed from the one previously approved but that the changes are to the interior of the buildings. Joe Forsa was concerned about the length of the extension of time. Upon a motion by Anne O’Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to approve the Extension of Time - Definitive Site Plan for one year.

- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

**14. 2, 4, 6 & 16 Southbridge Street (PB-07-77) – Amendment to Definitive Site Plan:**

Todd Brodeur, representative for the applicant, presented the plan. He stated that there is 1) a change to the façade of the building based upon recommendations from the National Park Service, 2) that the marquee is changed and large banners will be used, 3) that a generator will be relocated from the roof to the Worcester Telegram and Gazette property, and that an easement will be provided for the generator. Ms. Bold stated that the applicant should verify with the Division of Code Enforcement if any relief is necessary regarding the proposed signage. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

**15. Lot 6, Rustic Drive Extension (PB-07-80) – Definitive Site Plan:** Seth Toch,

representative for the applicant, presented the plan. He stated that the plan is for a single-family detached dwelling on a property with more than 15% slope. Mr. Adams stated that more erosion controls measures are required and that some of the proposed grading appears to be on another lot and that a slope easement may be required. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 3-0 (Nicole Xifaras Parella not voting) to continue the Definitive Site Plan to August 1, 2007 to allow the applicant time to resolve the Board's issues.

**16. 28 Beechmont Street (PB-07-82) – Definitive Site Plan:** Ben Clark, representative for the applicant, requested a continuance to August 1, 2007. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to grant the applicant's request for a continuance to August 1, 2007 to allow the applicant time to revise the plans.

**17. 71 – 75 Madison Street (PB-07-84) – Parking Plan:** Scott Cameron, representative for the applicant, presented the plan for construction of a 25-space parking lot associated with a rental car business. He stated that the proposal is to improve the rear, front and side with trees and shrubs and to leave an existing unimproved area of the site for overflow parking for the abutting property. Francisco Paulino expressed concern that water will flow onto his property. Mr. Adams stated that this project would not increase the water flow onto the abutting property. The applicant agreed to construct the 5-foot grass strip with 1-foot deep gravel. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Parking Plan with the following conditions:

- **Put a note on the plan stating that the unimproved parking area is not an approved parking lot.**
- **The 5-foot grass strip be constructed with 1-foot depth of gravel.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the 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 fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

**APPROVAL NOT REQUIRED (ANR) PLANS:**

1. **ANR 6518:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 3-1 (Scott Cashman voting no) to endorse ANR # 6518, Woodcliffe Street.
1. **ANR 6545:** Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR # 6545, Upsala/Vernon Street.
2. **ANR 6546:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR # 6546, Deepdale Road.
3. **ANR 6547:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to endorse ANR # 6547, Vineyard Street.
4. **ANR 6548:** Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to endorse #6548, Sears Island Drive.
5. **ANR 6549:** Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 4-0 to endorse ANR # 6549, Fraternal Street/Hilma Street.
6. **ANR 6550:** Upon a motion by Nicole Xifaras Parella and seconded by Anne O'Connor, the Board voted 4-0 to endorse # 6550, Grafton Street/Haskins Street.
7. **ANR 6551:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse # 6551, Scandanavia Street.
8. **ANR 6552:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to endorse # 6552, Kenberma Road.



## **OTHER BUSINESS**

**Papagni Estates II (Christine Drive)- Bond Release:** Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 4-0 to release \$35,000 of the existing bond for the Papagni Estates II leaving a new bond amount of \$30,000 with a work completion date of June 1, 2008 and a bond expiration date of August 1, 2008.

**Monticello Drive – Make Public:** Upon a motion by Anne O'Connor and seconded by Nicole Xifaras Parella, the Board voted 4-0 to recommend a Priority 1.

## **ADJOURNMENT**

Chair Shea adjourned the meeting at 8:30 PM.