

The Planning Board met for its regular meeting on Wednesday, December 14, 1988 at 2:00 P. M. in Room 209, City Hall. Members present were Chairman John F. Keaney; Vice Chairman Frank D. DeFalco; Clerk Joan C. Sadowsky, John T. Reynolds. Also present were Director Francis J. Donahue; Code Commissioner Carl H. Koontz; Assistant Commissioner of Public Works Gerhard P. Muenchmeyer; Assistant City Solicitors David Moore and Michael Traynor; Senior Planner Alexander A. Pridotkas and Planning Coordinator of the Office of Planning and Community Development Philip Hammond.

View

The Board viewed Chestnut Street - abandon portion, 807 Main Street - site plan, Stone Haven Way - remove portion from official map, Holden and Brattle Streets - site plan.

Regular Meeting - Room 209 - City Hall

Call to Order

Chairman Keaney called the meeting to order at 3:30 P. M.

Minutes of November 16, 1988

Mr. DeFalco moved that the minutes of November 16, 1988 be approved. Mrs. Sadowsky seconded the motion. The vote was unanimous.

807 Main Street - site plan review

Attorney Jonathan Finkelstein, representing the petitioner, stated it is proposed to construct a four-story building containing 27 single occupancy apartments and two retail areas on the first floor on 10,930 square feet of land. There will be 16 parking spaces including two spaces for the handicapped. The area is zoned

RG-5 and BG-3.0. The zoning requires 66 spaces so a special permit and a variance is required from the Board of Appeals.

Al Palazini, developer, stated that each unit will have its own kitchen and bath. There will be an in-house manager and security will be provided. There will be one entrance and an emergency exit.

Attorney Finkelstein stated that numerous proposals were explored and instead of having a lodging house it was determined the best use would be the single occupancy apartments and some retail. The lot has been vacant since 1974 when the building on the site was demolished. The proposed development will provide much needed housing. The requirement of two parking spaces per unit is excessive for this kind of development. The stores will mainly be serviced by walk-in residents of the area.

Mr. DeFalco questioned what the rent will be.

Mr. Palazini replied \$125 per week.

Ann Gillespie of the Main South Neighborhood stated that this type of affordable housing is needed in the area because the rent includes heat and furniture.

Mr. Keaney questioned if the right-of-way from the site leading to Oread Street will be used.

Attorney Finkelstein replied negatively and that a wall or a fence will be erected to prevent vehicular traffic.

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

1. The proposed project is served by an existing 24" x 36" combined sewer, adequate in capacity to serve this project.
2. A sewer extension permit may be required.
3. The sanitary and surface sewer connections should be properly cored into the existing sewer.
4. The size and material of the proposed water service should be indicated.
5. Any granite curbing removed and not reused should be delivered to the Department of Public Works yard at Ballard Street.
6. The plan should have a legend and clearly show existing and proposed contours.
7. A siltation and erosion control plan, during construction, should be submitted.
8. All siltation and erosion control devices shall be in place prior to start of construction.

Mr. Hammond stated that in-fill housing is needed and the Office of Planning and Community Development recommends approval of the residential development.

Mr. Reynolds stated that the area has enough of this type of housing. Enough parking spaces should be provided because the area is already congested.

Mr. Hammond replied that the proposed development is on a bus route, close to downtown and that all the tenants probably would not own a car.

Mr. Reynolds reiterated that there is no shortage of housing in the area but there is shortage of imagination.

Attorney Finkelstein stated that the Office of Planning and Community Development approves the proposed development and that the developer has discussed the proposal with the neighbors.

Mr. Reynolds questioned the outcome of the neighbors' views.

Attorney Finkelstein replied that they had some concerns as mentioned by Mr. Reynolds.

Mr. Donahue stated that the Board is only making a recommendation to the Board of Appeals.

Mr. Reynolds moved that the Board recommend denial of the proposed development. There was no second on the motion.

Mrs. Sadowsky stated that the proposed development will be an improvement to the area and moved that the Board recommend to the Board of Appeals approval of the site plan. Mr. DeFalco seconded the motion. The vote was three in favor with Mr. Reynolds in opposition.

Van and Moosh Streets - private street openings

Attorney Jonathan Finkelstein, representing the developer, stated that Chapter 7,

Section 43 of the Revised Ordinances of 1986 requires the Planning Board to review the grading, surfacing and drainage of private streets which are proposed to be open to public use. The Public Works Committee has already approved the installation of municipal services in these two streets subject to Planning Board approval.

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

1. The developer proposes to install sanitary and surface sewers in both Van Street and Moosh Street under a prior agreement with the city. The plans submitted for both sanitary and surface sewers, including catch basins, meet with the requirements of this Department.
2. The surface of both Van Street and Moosh Street are to be graded to a uniform cross-section, bermed and topped with asphalt, in accordance with city standards. Each street will be provided with a turn around for emergency vehicles, fire equipment, and Department of Public Works services. The plans submitted meet the requirements of the Department.

3. The developer proposed to install water mains in Van Street and Moosh Street. The following comments are offered.

Van Street - The proposed 800 feet of 8 inch CLDI pipe should be 3 way gated at Chester Street, with another 8 inch gate at midway point near hydrant #1. An additional hydrant (hydrant No. 2) should be installed at the end of the line.

Moosh Street - The proposed 540 feet of 8 inch CLDI pipe should have one 8 inch gate rodded to the 12" x 8" out-in-tee at Chester Street, with one hydrant at the end of the line.

In general all materials and construction shall comply with Department of Public Works specifications.

4. The developer should provide details of erosion control prior to beginning work. All approved erosion control shall be in place at the construction site prior to beginning construction or clearing in the field.

Although the streets will be paved they will not become public streets because the cul-de-sac at the end of Moosh Street will not be built to city standards.

Mr. Keaney questioned if the streets will eventually become public streets.

Mr. Muenchmeyer replied that that is possible.

Attorney Moore stated that according to the law, the Planning Board has to approve the request if the proposed construction meets City of Worcester standards.

Mrs. Sadowsky 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.

Mr. Donahue stated that these kind of requests will be filed frequently and the Board has not set the amount of the filing fee or the kind of application to be filed.

Mr. Muenchmeyer stated that the Department of Public Works charges an inspection fee of \$1.46 per foot.

Mr. DeFalco suggested that the Bureau of Land Use Control look into this matter and make a recommendation to the Board for its next meeting. The Board agreed.

Holden and Brattle Streets - site plan review

Steve Theohavides, representing the petitioner, stated that it is proposed to

construct seven townhouse apartments on 14,818 square feet of land located between Brattle Street and Holden Street.

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

1. The existing sanitary and surface sewer in Brattle Street are adequate for this project.
2. Sewer connections should be a minimum of 6 inches in diameter.
3. Detailed hydraulic calculations should be submitted for review.
4. Plan should be stamped by a registered civil engineer.
5. All utilities should be a minimum of 10 feet from the proposed building.
6. Drainage should be designed to eliminate runoff to Brattle Street.
7. The proposed 2 inch water service shall be copper type K.
8. The existing 14 inch high service water main in Brattle Street is adequate for this project.
9. On all water lines crossing a sewer main, a minimum of 18 inches of separation must be maintained, with water on the top.
10. Individual water services shall utilize a 2" x 1" tee at the main, with appropriate shut-off provided at the main.
11. Individual services shall be 1" PE, not 3/4" PVC.
12. Catch basin connections shall be 8" V.C., at a minimum slope of .0.016.
13. Typical details for manholes and catch basins should be shown on the plans.
14. The size, slope and material for all connections and mains should be shown on the plans.
15. The plan should have a site identification number issued by the Department of Public Works.

16. The plans should show the location of Holden Street, including the existing stone wall.
17. All roof and foundation drains shall be connected to the main, not the manhole.
18. Driveway easement to Holden Street should be properly shown.
19. Runoff from driveway to Holden Street should be addressed.
20. Proposed erosion control should be detailed and specified on the plans.

Everett H. Perry, engineer, stated that the existing garage will be demolished. The proposed driveway will be one-way from Ararat Street to Holden Street. The seven two-bedroom units will have a garage plus seven surface parking spaces.

Mr. Hammond stated that the area is predominantly single family and the proposed development is not compatible to surrounding uses. A special permit and a variance will be required from the Board of Appeals. The Office of Planning and Community Development recommends denial of the site plan because of a conflicting use into a single family area, the screening of the site does not provide adequate shielding from surrounding uses and the proposed use would be overcrowding of the land.

Mr. Donahue questioned if the application has been filed with the Board of Appeals.

Mr. Perry replied affirmatively.

Mr. DeFalco questioned how much frontage the site has.

Mr. Perry replied there is 70 feet on Ararat Street and 70 feet on Holden Street.



Mrs. Sadowsky stated the plan does not show any open space or green area for the residents and the proposed use is not in conformity with the area.

Mr. Reynolds moved that the Board recommend to the Board of Appeals denial of the site plan for the following reasons.

1. The proposed site plan is injurious and detrimental to the use and enjoyment of surrounding property.
2. The screening of the site does not provide adequate shielding from or for nearby uses which may be incompatible with the proposed use.
3. The proposed site plan makes inadequate provision for the creation or preservation of open space.

Mrs. Sadowsky seconded the motion. The vote was three in favor with Mr. DeFalco abstaining.

North Pond Estates - definitive subdivision and site plan review

Mr. Donahue stated that the Board at its last meeting tabled the request for definitive approval of this subdivision requesting additional information from various boards and commissions. A copy of the Order of Conditions as set by the Conservation Commission has been received, a letter from the Massachusetts Historical Commission was received stating there are no known historical or archaeological properties within the proposed project, the ejector pumps question has been answered and in reference to Lot "A," it is now part of Lot 4.

Mr. Muenchmeyer stated that the revised plans meet the Department of Public Works requirements.

Mr. Koontz stated that the developer received a building permit to renovate the existing building. His inspector informed him that the Department of Public Works gave permission to construct some of the sewer lines. Mr. Koontz personally viewed the site and issued a cease and desist order because much of the earth has been moved around. He informed him either to receive permission from the Board of Appeals or submit an Approval Not Required plan to the Planning Board. The latter was submitted and signed by the Board and eventually permits were issued for pouring of two foundations.

Mr. Keaney questioned if the Board has received all the comments it requested.

Mr. Donahue replied affirmatively.

Mr. Reynolds questioned if the Office of Planning and Community Development statements regarding zoning and zoning violations have been addressed.

Mr. Donahue replied that the Approval Not Required plan shows three lots and each one has frontage on Holden Street.

Mr. Reynolds stated that the subdivision plan is moot and has to submit a new plan.

Mr. Keaney stated there can be two plans submitted to the Board.

Mr. Donahue stated that interior lot lines can be changed without the Board's approval.

Mr. Reynolds stated that the developer has not followed the regulations, there are a series of violations and questioned about the \$200 per day fine as outlined by the Office of Planning and Community Development.

Mr. Koontz replied that the Office of Planning and Community Development made that comment and they are not the enforcers or interpreters of the Zoning Ordinance.

Mr. Keaney questioned what does the Board do in this case.

Attorney Moore replied that the developer is operating without approval regarding the subdivision plan by grading out the proposed road.

Mr. Reynolds reiterated that the Approval Not Required plan and the subdivision plan do not agree and are two different plans.

Mr. DeFalco agreed that there was a lot of grading and excavating but questioned if the developer is in compliance per the Approval Not Required plan.

Mr. Koontz replied affirmatively.

Mr. Reynolds stated that this does not justify what the developer did and is in violation of the ordinance.

Mr. Donahue stated that the developer has requested to waive its Subdivision Control Regulations by allowing to omit the sidewalk on the northerly side of the proposed street and to allow the installation of a radius island in the center of the proposed cul-de-sac.

Mr. Reynolds moved that the Board deny the application for definitive approval of this subdivision. There was no second on the motion.

Mr. Donahue stated if the application is denied stating the reasons for it and if the developer corrects them, the Board has to approve the plan.

Mrs. Sadowsky moved that the Board give definitive approval to the proposed subdivision subject to the following conditions.

1. Satisfying the requirements of the Department of Public Works.
2. Satisfying the requirements of the Department of Public Health.
3. Compliance with the Subdivision Control Regulations and City of Worcester standards.
4. Provision of executed deed of easement for the street within the subdivision.

Mr. DeFalco seconded the motion.

Mr. Reynolds questioned if there are any Subdivision Control Regulation deficiencies regarding the development.

Mr. Muenchmeyer replied <sup>NEGATIVELY.</sup>

The vote was three in favor with Mr. Reynolds in opposition.

Mr. Reynolds moved that the Board deny the request for site plan review. There was no second on the motion.

Mrs. Sadowsky moved that the Board approve the site plan. Mr. DeFalco seconded

the motion. The vote was three in favor with Mr. Reynolds in opposition.

Mr. DeFalco moved that the Board waive its Subdivision Control Regulations by eliminating the sidewalk on the northerly side of North Pond Road from Holden Street to the cul-de-sac. Mrs. Sadowsky seconded the motion. The vote was three in favor with Mr. Reynolds in opposition.

Mr. DeFalco moved that the Board deny the request for permission to construct a radius island in the center of the proposed cul-de-sac. Mrs. Sadowsky seconded the motion. The vote was three in favor with Mr. Reynolds in opposition.

Barber Avenue - request to waive frontage

Attorney Austin W. Keane, representing Worcester Telegram & Gazette, stated that a plan has been submitted to the Board for Approval Not Required showing two parcels of land located at the end of Barber Avenue. The company has the right to pass and re-pass by an easement located at the terminus of Barber Avenue. In 1953 the easement area was removed from the official map but both parcels have the benefit of an insured easement for all public street purposes over land abutting the property at the terminus of Barber Avenue. It is requested that the Board waive its regulations regarding the frontage requirements of M.G.L. Chapter 41 with respect to the property.

Mr. Donahue stated that lot #2 does not have any frontage except by way of the easement.

Attorney Moore stated that the Board can waive its regulations if so requested.

Mr. Donahue stated if the Board approves the request, the Approval Not Required plan should be withdrawn.

Mr. Reynolds questioned the reasoning for the request instead of extending the street as specified in the Subdivision Control Regulations.

Attorney Keane replied that time is of the essence. The easement will be constructed as a street and to City of Worcester standards.

Attorney Moore suggested that the Board set a condition that the proposed road will be built to city specifications and approved by the Department of Public Works and the agreement is approved by the Law Department.

Mr. DeFalco moved that the Board waive the frontage requirement with respect to this property on the condition that proper agreements insuring construction of the road into the property from the terminus of Barber Avenue are written and approved by the Department of Public Works and the Law Department.

Mrs. Sadowsky seconded the motion. The vote was unanimous.

Attorney Keane then requested that the Approval Not Required plan be given leave to withdraw.

Mr. DeFalco moved that the Board approve the request. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Wentworth Estates - status

Mr. Donahue stated that the Board at its last meeting voted to send a letter to ComFed Savings Bank to consider refinancing this project in order to bring it to a successful conclusion and to insure and protect the public health and safety of the citizens of Worcester.

Attorney John W. Spillane, representing the developer, stated that there is no relief in sight and the bank will foreclose on this development and Burncoat Meadows subdivision. Although the bank is foreclosing, the city did get new sewer lines in Catalpa and Burncoat Streets.

Mr. Keaney stated that the Board viewed the Wentworth subdivision and noted that the dumpster has been removed as requested by the Board.

Mr. Muenchmeyer replied that the Health Department had the dumpster removed. The city will provide the basic services although the street has not been accepted as a public way. Since the developer went bankrupt, the city will advertise for bids to complete the project. He suggested that the Board request the Law Department to start proceedings to recover the bond for this subdivision.

Mr. Keaney questioned the necessity of taking the bond.

Mr. Muenchmeyer replied that the money will be needed to do all the necessary work to complete the job. He anticipates that work will not commence until the spring of 1989.

Attorney Moore stated that a list is needed of item breakdown where the project failed. The items to be corrected are only within the right-of-way of the street layout.

Mr. DeFalco moved that the Board authorize the Law Department to start proceedings to recover the bond to complete the project. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Mr. Donahue stated that the City Council has recommended to the Board that the bond for this subdivision be pulled.

Mr. DeFalco moved that the Board file this request as the Planning Board has the authority to decide to pull the bond. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Athens Street - remove portion from official map

Mr. Donahue stated that the Board at its last public hearing considered the petition to remove a portion of Athens Street, from Plantation Street to Rosemary Street, from the map. A property owner who may abut this section of the street voiced opposition to the petition. The Board referred it to the Law Department for an opinion.

Attorney Traynor stated that it is the Law Department's opinion that property owners who stand to lose the right to receive a building permit or the extension of municipal services, or those who abut that portion of the way to be removed, are "persons in interest" with a veto power under Sec. 81F. According, it is



our opinion that the party in opposition to the Athens Street petition is not an abutter to the portion to be removed, the Planning Board is not estopped from voting its removal.

Mr. Reynolds moved that the Board remove a portion of Athens Street, from Plantation Street to Rosemary Street, from the Official Map of the City of Worcester. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Samoset Road - remove portion from official map

Mr. Donahue stated that the Board at its last public hearing considered the petition to remove a portion of Samoset Road from the map. A property owner abutting this street, but not the section to be removed, has voiced opposition to the petition. The Board referred it to the Law Department for an opinion.

Attorney Moore stated it is the Law Department's opinion that property owners who stand to lose the right to receive a building permit or the extension of municipal services, or those who abut that portion of the way to be removed, are "persons in interest" with a veto power under Sec. 81F. According, it is our opinion that the party in opposition to the removal of a portion of Samoset Road does not have standing to prevent the Planning Board from acting favorably on the petitioner's request.

Mr. DeFalco moved that a portion of Samoset Road which abuts the Roy property be removed from the official map. Mr. Reynolds seconded the motion. The vote was unanimous.

Wildwood Estates, Sec. I & II - reduce and establish bond

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond for Phase I and to set the amount of bond for Phase II.

Mr. Muenchmeyer recommended that the bond be reduced by \$39,000 for Phase I and a bond in the amount of \$136,000 be required for Phase II of said subdivision.

Mrs. Sadowsky moved that the Board reduce the amount of bond from \$57,000 to \$18,000 in Phase I and to require a bond in the amount of \$136,000 for Phase II of said subdivision of which 10% must be in the form of cash. Mr. DeFalco seconded the motion. The vote was unanimous.

Miscoe Estates, Sec. III & IV - reduce bonds

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 for Phase III be reduced by \$25,000 and for Phase IV by \$55,000.

Mrs. Sadowsky moved that the Board reduce the amount of bond for Phase III of this subdivision from \$120,000 to \$95,000 and for Phase IV from \$130,000 to \$75,000 of which 10% must be in the form of cash. Mr. Reynolds seconded the motion. The vote was unanimous.

Moreland Green subdivision - ratify bond amount

Mr. Donahue stated that the Board at its last meeting approved the amount of bond to be set but the amount was not yet determined by the Department of Public Works.

Mr. Muenchmeyer recommended a bond in the amount of \$212,000.

Mrs. Sadowsky moved that the Board require a bond of \$212,000 to guarantee the construction of the following:

1. Moreland Green Drive (Sta. 1+00 to Sta. 22+00), 2,100 feet
2. Glenbrook Lane (Sta. 300+00 to Sta. 304+80), 480 feet
3. Greenside Lane (Sta. 108+00 to Sta. 111+00), 300 feet
4. Greenview Lane (Sta. 100+30 to Sta. 107+60), 730 feet

in the Moreland Green subdivision in accordance with the Subdivision Control Regulations and City of Worcester standards. At least 10% of the bond will be in the form of cash. Mr. Reynolds seconded the motion. The vote was unanimous.

Communication re private street openings

Mr. Donahue stated that the City Council has requested the Law Department to prepare a new ordinance relating to "Section 43 - Private Way Construction Permit." The proposed ordinance is for the Board's review and no action is required.

Ideal Road and Ideal Terrace - priority

Mr. Donahue stated that Ideal Road, from the Southwest Cutoff northerly, and Ideal Terrace, from Ideal Road westerly, has water, sewers, width varies from 15 feet to 40 feet, built up 90% and rates a #5 priority. Because of the width the priority is low.

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

Plans to be Ratified

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

3925 - plan of land on Grane Street, owned by Albert Yodzonis, signed 11/22/88

3926 - plan of land on Orton Street Extension Lots 1A & B, owned by Orton Street Realty Trust, signed 11/22/88

3927 - plan of land on Orton Street Extension Lots 3A & B, owned by Orton Street Realty Trust, signed 11/22/88

3928 - plan of land on Orton Street Extension Lots 5A & B, owned by Orton Street Realty Trust, signed 11/22/88

3929 - plan of land on Orton Street Extension Lots 6A & B, owned by Orton Street Realty Trust, signed 11/22/88

3930 - plan of land on Orton Street Extension Lots 7A & B, owned by Orton Street Realty Trust, signed 11/22/88

3931 - plan of land on Orton Street Extension Lots 30A & B, owned by Orton Street Realty Trust, signed 11/22/88

3932 - plan of land on Orton Street Extension Lots 31A & B, owned by Orton Street Realty Trust, signed 11/22/88

3933 - plan of land on Orton Street Extension Lots 32A & B, owned by Orton Street Realty Trust, signed 11/22/88

3934 - plan of land on Eskow Road, owned by R.Z.V. Realty Corp., signed 11/22/88

3935 - plan of land on Holden Street, owned by D & S Development Corp., signed 12/6/88

- 3936 - plan of land on Edgeworth Street, owned by Donald Richards, signed 12/6/88
- 3937 - plan of land on Chatham & Crown Streets, owned by Benjamin & Steven Abrams and Abraham & Ruth Rosen, signed 12/6/88
- 3938 - plan of land on Plantation & Vineland Streets, owned by Walter T. Maloney and Thomas P. & Gayle I. Ohman, signed 12/6/88
- 3939 - plan of land on Orton Street Extension, owned by Orton Street Realty Trust, signed 12/6/88
- 3940 - plan of land on Plantation Street, owned by Worcester Business Development Corp., signed 12/6/88
- 3941 - plan of land on Coventry Road, owned by William & Lorine Patterson, signed 12/6/88
- 3942 - plan of land on Alsada Drive, owned by Lawrence & Jeanne Gallagher, signed 12/8/88
- 3943 - plan of land on Vincent Circle Lots 5 & 6 A & B, owned by Javelin West Realty Corp., signed 12/8/88
- 3944 - plan of land on Collins Street & Mountain Street East, owned by Edward Lizewski, signed 12/8/88
- 3945 - plan of land on Elm, Pearl & Chestnut Streets, owned by Worcester Pearl Street Limited Partnership, signed 12/8/88
- 3946 - plan of land on Gates Road, owned by Gates Lane Realty Trust, signed 12/14/88
- 3947 - plan of land on Elm, Pearl & Chestnut Streets, owned by Worcester Pearl Street Limited Partnership, signed 12/14/88.

Date of Next Meeting - December 28, 1988, January 18, 1989.

Any Other BusinessMassasoit Village - 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 \$150,000.

Mrs. Sadowsky moved that the Board reduce the amount of bond on this subdivision from \$250,000 to \$100,000. Mr. DeFalco seconded the motion. The vote was unanimous.

Oak Grove Estates, Phase I & II - reduce and set bond

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the amount of bond for Phase I and to set the amount of bond for Phase II.

Mr. Muenchmeyer recommended that the bond be reduced by \$262,435 for Phase I and to require a bond in the amount of \$280,000 for Phase II of this subdivision.

Mr. Reynolds moved that the Board reduce the amount of bond for Phase I from \$432,435 to \$170,000 and to require a bond of \$280,000 for Phase II. At least 10% of the bond will be in the form of cash. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Biotechnology Research Park - waive sidewalks

Mr. Muenchmeyer stated that the city is acting as the developer of this development. Because of the number of existing beech trees within the right-of-way in the

development, it is requested that the Board waive its Subdivision Control Regulations by allowing to omit the construction of a sidewalk on the north-westerly side of Research Drive.

Mr. DeFalco moved that the Board approve the request. Mrs. Sadowsky seconded the motion. The vote was unanimous.

#### Recess

Chairman Keaney recessed the meeting at 5:30 P. M.

#### Public Hearings - Council Chamber - City Hall

Chairman Keaney called the meeting to order at 7:30 P. M.

#### Stone Haven Way - remove portion from official map

Mrs. Sadowsky read the notice of the public hearing on the petition of Rosemary Campbell to remove a section of Stone Haven Way, from Rockrimmon Road to Stone Haven Road, from the Official Map of the City of Worcester.

Mr. Keaney then asked for the proponents.

Charles Campbell, 24 Rockrimmon Road, stated that this section of the street is not and has not been used for the last 12 years, no abutters are in opposition and all property on Stone Haven Road could still be accessed via Stone Haven Way from Brewster Road.

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

Mr. Keaney then declared the hearing closed.

Chestnut Street - abandon portion

Mrs. Sadowsky read the notice of the public hearing on the petition of Sotir Papalilo to abandon a portion of the side area of Chestnut Street at Clinton Street.

Mr. Keaney then asked for the proponents.

Attorney Michael C. Moschos, representing the petitioner, stated that the area to be abandoned is located on the northerly side of Chestnut Street at Clinton Street. In 1954, the state made a land taking to reconstruct Chestnut Street. In 1956, the extra land was transferred to the city. If the request is approved and the land sold to the petitioner, it is proposed to demolish the existing three buildings and construct a 10-story building containing a 202-unit housing development with indoor parking.

Sotir Papalilo, trustee of Chestnut Place Realty Trust, stated that a new 30-foot wide access from Clinton Street easterly will be constructed to serve the rear of the buildings fronting on Pleasant Street.

Willy Sclarsic, architect, stated that the existing access will be maintained during construction.

Mr. DeFalco questioned the status of the access.



Attorney Moschos replied that it is owned by the petitioner.

Mr. Papalilo stated that the abutters have no legal right to use his property.

Mr. Keaney questioned if Clinton Court will also be abandoned if Chestnut Street is abandoned.

Attorney Moschos replied that Clinton Court is owned by deed held by the petitioner. The financing is in place, title insurance has been received and the proposed \$25 million development is set to be started.

Jackie Sullivan of the Worcester Business Development Corporation stated that housing is needed in the downtown area and is in favor of the petition.

Mr. Keaney then asked for the opponents.

Attorney Martin Healy, representing an abutter, stated the abutters have the right to use the access way and Clinton Court. The access way and Clinton Court existed for 100 years and if removed it will deny access to the abutters to the rear of their properties. All issues should be addressed as drainage, grade and access way. There has been no agreement reached between the parties involved.

Attorney Moschos stated that he did not find any deed referring to allowing the abutters to pass and re-pass over the access way and Clinton Court.

Attorney Healy replied a 1883 deed allows Mr. Lainer, an abutter, to use Clinton Court to reach Clinton Street. The petitioner has to work with the abutters to resolve all their concerns.

Mr. Papalilo stated that time is of the essence because the state grant expires on March 1, 1989. He has discussed the project with the abutters.

Attorney Moschos stated that they will work with the abutters to straighten the matter out.

Attorney Moore stated that the Planning Board has 45 days to make a recommendation to the City Council. If the time elapses, the Council can act on its own.

Mr. Donahue stated that Richard J. Lariviere sent in a letter opposing the petition.

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

1. All existing sanitary sewers, surface sewers and water mains and connections are properly relocated or easements provided to adequately service these facilities.
2. The integrity of Chestnut Street is maintained by embankment, filling or retaining walls as may be necessary.
3. Clinton Street, at Chestnut Street be provided with a turnaround for emergency vehicles, fire equipment and D.P.W. service vehicles.

4. The developer submit detailed engineering plans and decree plans subject to review and meeting all D.P.W. requirements.

Mr. Keaney then declared the hearing closed.

Regular Meeting - Room 209 - City Hall

Call to Order

Chairman Keaney called the meeting to order at 8:35 P. M.

Items of Public Hearing

Stone Haven Way - remove portion from official map

Mr. Reynolds moved that the Board remove Stone Haven Way, from Rockrimmon Road to Stone Haven Road, from the Official Map of the City of Worcester.

Mrs. Sadowsky seconded the motion. The vote was unanimous.

Chestnut Street - abandon portion

Mr. Reynolds questioned if the city's Traffic Engineer submitted his remarks.

Mr. Donahue replied negatively. Even if the Board does not make a recommendation within the time frame, the City Council can hold up holding a hearing.

Mrs. Sadowsky moved that the Board table this item to allow time for the parties involved to resolve the problems. Mr. DeFalco seconded the motion.

The vote was unanimous.

Mr. Reynolds moved that the Board request the Traffic Engineer for his report.

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

Adjournment

Chairman Keaney adjourned the meeting at 9:00 P. M.