

**Minutes  
Worcester Planning Board  
April 13, 1994**

**I. Regular Meeting - 5:30 p.m., City Hall - Room 310**

Planning Board Members Present: John Reynolds  
George Russell  
Joan Bagley  
Joe Sova  
Joe McGinn

Staff Present: Karen L. Sherman, OPCD Principal Staff  
Michael Traynor, Assistant City Solicitor  
Mike Caforio, DPW Engineering

1. **Call to Order.** Chairman Reynolds called the meeting to order at 5:30 p.m.
2. **Approval of Minutes - March 23, 1994.** Joe Sova made a MOTION to approve the minutes of March 23, 1994. Joe McGinn seconded and the Board voted unanimously in favor.

**Public Hearings**

**3. Oak Grove Estates - Request to Amend Definitive Subdivision Approval**

The Clerk read the notice of the hearing and the Chairman opened the hearing by asking the petitioner to present information on the requested amendment. Atty. Michael Moschos presented the Board with a copy of a petition from neighborhood residents in support of the proposed amendment removing the extension of Ann Road from the approved subdivision plans. He noted that he had spoken with neighbors of the lower subdivision and had agreed to put a top coat on the drive connecting the two subdivisions (Lambert Circle).

The Chairman asked members of the audience if anyone would like to speak on the matter. Residents of 11 Vega Lane, 12 Lambert Circle and 8 Lambert Circle spoke in favor of the amendment and expressed continued concerns over the inactive status of their own subdivision and "cut through" traffic from the other subdivisions. Moschos again clarified that the petitioners had already repaired Lambert Circle recently and intended to put a top coat on by September.

Russell asked for clarification on the logic behind the petition and cited potential public safety concerns. Mike Traynor noted that a potential legal issue regarding homeowner's express rights over the street should be resolved prior to the Board's taking any action. Bagley noted that she would like to solicit comments from the Fire Department regarding the proposed amendment. Russell inquired about the potential for additional access to Grove Street. Moschos noted that additional access was unlikely and that he was amenable to meet with the

Fire Department regarding the proposed amendment. McGinn added that additional access would most likely bring objections from neighbors.

Russell made a MOTION to close the public hearing. The motion was seconded by Sova and the Board voted unanimously in favor. It was agreed that the item would be continued until April 27, 1994 for final disposition.

**4. Request to Amend the Worcester Zoning Ordinance - Article IV, Section 2, Table 4.2**

The Clerk read the notice of the Public Hearing and the Chairman opened the hearing. He read the attached letter from the Acting City Solicitor and asked for input from the Board and the audience. Russell asked for clarification about the origin of the petition. It was clarified that the Acting City Solicitor was not the petitioner, rather the City Council had referred the issue to the Planning Board after receiving information from the Acting City Solicitor. Traynor briefly explained that the text in front of the Board was not the entire Table 4.2, rather only items for which the dwelling unit notation needed to be changed in order to clarify the intent of the recent omnibus changes.

Russell made a MOTION to close the Public Hearing. The motion was seconded by Sova and the Board voted unanimously in favor. Russell then made a MOTION to recommend approval of the amendments to the City Council. Sova seconded and the Board voted unanimously in favor.

**5. Request to Remove Matthew Place from the Official Map**

The clerk read the notice of the Public Hearing and the Chairman opened the hearing. He asked if there was any party present to speak in favor of the petition. No petitioner was in attendance. Caforio noted that there was an unresolved issue because of a 1" water line connecting to an existing abandoned house. Russell made a MOTION to close the Public Hearing. Sova seconded the motion and the Board voted unanimously in favor. Russell then made a MOTION to recommend denial of the request because of insufficient information regarding the utilities within the way and potential future usage. Bagley seconded the motion and the Board voted unanimously in favor.

**6. 440 Lincoln Street - Parking Plan Approval (Preapplication Conference)**

No one was in attendance to represent the petitioner. The item was tabled.

**7. Upland Street - Preliminary Site Plan Application**

Atty. Wayne LeBlanc and Alfred Eggen, P.E. presented preliminary plans for the Synod House of the New England Synod of the Evangelical Lutheran Church in America. The offices will be for church administration and missionaries. Bagley asked if there were wetlands on-site. LeBlanc noted that there were none. He also noted that the proposal had received a dimensional setback variance based upon the site conditions. DPW comments were noted in a letter dated April 12, 1994. Bagley asked if the rear wall of the planned building would also act as a retaining wall and Eggen answered in the affirmative. Additionally, a retaining wall is being proposed for the rear of the adjacent parking lot.

LeBlanc noted that the area zoning is RS-7 and that the use would be permitted under Article XIII (1) as a religious institution. Russell made a MOTION to grant preliminary site plan approval for the application with consideration of DPW comments and provision of additional details in the definitive site plan approval submittal (e.g. landscaping and parking lot details). Bagley seconded the motion and the Board voted unanimously in favor.

**8. 19 Glennie Street - Site Plan Approval Amendment Request**

Russell made a MOTION to deny the application for amendment because of lack of information (No one was present to represent the petitioner.). Sova seconded the motion and the Board voted unanimously in favor.

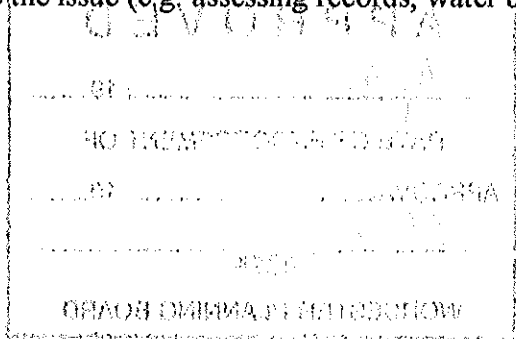
Bagley made a MOTION to reconsider the Board's action later in the meeting when it was made known that the petitioners were in attendance. Sova seconded the motion and the Board voted unanimously in favor. Fred Hamway, P.E. and Al Armandroid of Edward's Paint and Decorating presented the amended site plans and explained that the owner of the building was unable to obtain access onto Gold Star Boulevard through an adjacent parcel as anticipated (The amendment shows a curb cut onto Gold Star Boulevard from the parcel.). The number of spaces shown on the plan reflect the proposed use and it was confirmed that no other site plan changes have been made. Discussion of the neighboring uses and area traffic issues followed. Reynolds asked if Traffic Engineering had reviewed the changes and if anything had been written for the Board's review.

Russell made a MOTION to deny the requested amendment. McGinn seconded the motion and the vote was as follows: Ayes - Russell, McGinn and Reynolds and Nays - Sova and Bagley.

**Subdivision Issues**

**9. Definitive Subdivision and Site Plan Approval - 74 Pineland Avenue**

Atty. Dan O'Neil represented Al Etre, petitioner and presented the Board with a 1987 Mass. Appellate Court case (24 Mass. App. Ct. 425 - Citgo v. Planning Board of Braintree) referring to exceptions from the subdivision regulations (MGL c. 41, s. 81L) for more than one pre-existing building on a lot. The Chairman noted that he would prefer to table the item until the petitioner provided a clear demonstration of the applicability of this exception. Russell noted that he had concerns with the potential exception because of the unique site conditions. Traynor added that a previous Worcester application of this exception had resulted in an ANR endorsement in the recent past. He clarified that procedurally, the Board should receive a request to rescind the application for definitive subdivision approval and request to return the fee along with proof of the applicability of the s. 81L exception from the petitioner in order to resolve the issue (e.g. assessing records, water bills, etc.).



**10. Status Reports - Scenic Heights, Rosewood Heights**

A letter from the developer of Rosewood Heights was presented to the Board. No action was taken. Cal Goldsmith, representing Bovenzi, Inc. asked the Board to continue the item for Scenic Heights until the April 27, 1994 meeting.

**11. Request to Establish Covenant - Oaks at Sunderland Road Subdivision**

On a MOTION by Bagley, seconded by Sova, the Board voted unanimously to approve the establishment of restrictive covenants for Oaks at Sunderland Road as drafted by the Law Department.

**Miscellaneous**

**12. Plans to be Ratified**

Sherman presented the Board with a list of ANR plans which have been signed by Board members and need to be ratified, which included only:

4624 Stearns Street (signed 4/13 by John Reynolds)

Joe Sova made a MOTION to ratify the plans presented. Bagley seconded and the Board voted unanimously in favor.

**13. Paris Ave. (from Swan Ave. 2,000 feet) - Request to Make Public**

Traynor explained that the petition to make public that portion of the street would provide a Council layout which would be put on the Official Map and constructed by the City. He also explained that the Law Department had recommended that the City file special legislation to remove the Article 97 restriction from the land in order to alter the "way". The Planning Board review of the issue should reflect the Board's role as "overseers" of the Official Map and should reflect a long-term planning perspective in its opinion to the City Council.

Traynor noted that the current corridor is in effect a cleared utility easement for the adjacent Wildwood Estates and should not be considered a "way".

Sova made a MOTION to recommend denial of the request to the City Council based upon prior discussion of the issue as presented by the Law Department and DPW. Bagley seconded the motion and the Board voted unanimously in favor.

**14. Request to Address Siting of Religious Institutions - City Manager Correspondence**

The issue was continued until April 27th in order to clarify the intent of the request.

**15. Review of Draft Open Space and Recreation Plan**

Sherman suggested the Board that the issue be continued until the meeting of April 27, 1994 when additional work would be completed on the Five-Year Action Plan and the required mapping aspects of the plan. McGinn gave Sherman a copy of the draft with written comments.

**Adjournment** : The Chairman adjourned the meeting at 7:20 p.m.

Next Meeting: April 27, 1994

**CITY OF WORCESTER  
WORCESTER PLANNING BOARD**

NOTICE

DATE: May 17, 1994

At a meeting held on *April 13, 1994*, the Worcester Planning Board voted unanimously to approve the *Preliminary Site Plan Approval* application filed by *New England Synod of the Evangelical Lutheran Church in America, owner*.

The petition involves the construction of a *3,683 square foot office building* at a parcel located at *Upland Street*, Worcester, Massachusetts.

Proper notice on *March 30, 1994*, was given for the meeting by the Planning Board.

The *Preliminary Site Plan Approval* was granted with the following conditions:

- Revisions to site plan to 1. clearly meet the informational requirements of the regulations (e.g. landscaping and parking lot detail), and
- Consideration and compliance with DPW comments regarding drainage and sanitary design and connections.

Authorized Planning Board Member

*Name*

*Date*

*John T. Reynolds* KES

*May 17, 1994*