

**MINUTES  
WORCESTER PLANNING BOARD  
NOVEMBER 17, 1999**

**Planning Board Members Present:** Joseph Sova  
Joe Boynton  
Samuel Rosario  
Stephen Petro  
John Shea

**Staff Present:** Paul Moosey, DPW Engineering  
Michael Caforio, DPW Engineering  
Michael Pace, Code Enforcement  
Stephen Madaus, Law Department  
Alan Gordon, OPCD  
Judith Stolberg, OPCD  
Diana Collins, OPCD

**Regular Meeting (5:30 P.M.) – City Council Chamber, City Hall**

1. **Call to Order:** Chairman Joseph Sova called the meeting to order at 5:30 P.M.
2. **Approval of Minutes – October 27, 1999 Meeting:** Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted 4-0-1 (John Shea abstained) to approve the minutes as amended.
3. **Zoning Ordinance Amendment – Indoor and Outdoor Shooting Ranges:** Alan Gordon presented a map prepared by OPCD's GIS section. Stephen Madaus advised that additional use restrictions would require a new petition. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted 4-0-1 (John Shea abstained) to close the hearing. Joe Boynton made a motion to recommend denial since the proposed change would in effect prohibit the use in all districts because of the way in which it is written and focus on consideration of limiting the use to certain manufacturing zones. Joseph Sova stepped down from the Chair and Joe Boynton took the Chair. Joseph Sova seconded the motion. Joseph Sova took the Chair. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted 4-0-1 (John Shea abstained) to withdraw the previous motion and to continue the item to December 15, 1999 so OPCD could draw radii for the potential restricted areas on the GIS map.
4. **Zoning Map Amendment – Grafton Street/1 Brandt Lane:** Notice of the hearing was read by the Clerk. Mitch Gill, representing Elias Atamian, presented the petition. Robert Hollup, Donna Dickie and Ronald Dickie spoke in opposition. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to close the hearing. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted 4-1 (Stephen Petro voted no) to

recommend denial of the petition since the zone change would be intrusive on the residential neighborhood.

5. **Zoning Map Amendment – West Mountain Street:** Notice of the hearing was read by the Clerk. Attorney Samuel DeSimone presented the petition on behalf of Joseph Nozzolillo. Ray Sutela, Peter Mancuso and Janet Tivnan were recorded in favor of the petition. No one spoke in opposition. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted unanimously to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted 4-1 (Joe Boynton voted no) to recommend approval of the petition excluding property at 25 Hunnewell Street.
6. **Shadybrook Lane – Definitive Subdivision Amendment:** Notice of the hearing was read by the Clerk. Robert O’Neil presented the plan amendment. No one spoke in opposition. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to close the hearing. Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted unanimously to approve the amendment.
7. **Highland Estates - Definitive Subdivision:** Notice of the hearing was read by the Clerk. Attorney Jonathan Finkelstein presented the plan. Joseph Larivierre was recorded in favor. Peter Viles, Demetre Steffan, Paul Rosenblum, Edward Simsarian, Lowerre Simsarian, Gerald Tuori, Catherine Fellenz, Jean Collamore, John Collamore, Clair Steffan, Geraldine McGovern, Edward McGovern, James Marshall, Rosemary Marshall and Joseph Curtis were recorded in opposition. Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted unanimously to close the hearing. Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted unanimously to approve the plan with the following conditions:
  - **All comments in Department of Public Works letter dated November 10, 1999 be addressed to the satisfaction of said department.**
  - **Approval to expire in thirty-six (36) months from November 17, 1999 if road construction is not completed.**
8. **Goldthwaite Road – More Than One Building On A Lot:** Notice of the hearing was read by the Clerk. Attorney Jonathan Finkelstein presented the plan. No one spoke in opposition. Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted unanimously to close the hearing. Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to approve the plan with the following condition:
  - **All comments in Department of Public Works letter dated November 12, 1999 be addressed to the satisfaction of said department.**

9. **34-36 & 44-46 Goldthwaite Road – Site Plan Approval:** - Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted unanimously to approve the site plan with the following conditions:
- **All comments in Department of Public Works letter dated November 12, 1999 be addressed to the satisfaction of said department.**
  - **A 6' stockade fence be placed around the dumpster and shown on the plan.**
  - **Four (4) shade trees to be added to the parking area with appropriate notation on plan and landscaping table showing size, caliper and species added to plan.**
  - **Three copies of revised plan to be submitted to OPCD prior to release of decision.**
10. **19 Vivian Street – Extension of Time:** Upon a motion by Joe Boynton and seconded by John Shea, the Board voted unanimously to extend the time for construction to September 30, 2000.
11. **Jeremiah's Lane – 8 Lots (15% Slope):** Samuel Rosario recused himself from this item. Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted unanimously to continue the item to December 15, 1999 so that OPCD can provide the Conservation Commission Order of Conditions and a copy of the approval of the Definitive Subdivision Plan.
12. **Sarah Drive – Lot 72A (15% Slope) – Site Plan Approval:** Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to approve the site plan with the following conditions:
- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
  - **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained throughout construction to the satisfaction of the Director of Code Enforcement.**
13. **Valmore Street – Parcel A (15% Slope) – Site Plan Approval:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted unanimously to approve the site plan with the following conditions:
- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
  - **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained**

**throughout construction to the satisfaction of the Director of Code Enforcement.**

**14. 5 Suburban Road (Highland Estates) – Site Plan Approval:** This item was taken collectively with item #7. Upon a motion by Joe Boynton and seconded by Stephen Petro, the Board voted unanimously to continue the item to the December 15, 1999 meeting in order for the Law Department to provide an opinion as to whether building footprints are required on the site plan to obtain approval.

**15. Third Street – Lots 20-35 & Lot 38 (15% Slope) – Site Plan Approval:** A motion by Joe Boynton was not seconded. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-1 (Joe Boynton voted no) to approve the site plan with the following conditions:

- **All comments in Department of Public Works letter dated November 9, 1999 be addressed to the satisfaction of said department.**
- **Subject to Zoning Enforcement Officer's determination that the parcel complies with all other relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fence, should be installed and maintained throughout construction to the satisfaction of the Director of Code Enforcement.**
- **Erosion controls be maintained until May 15, 2000.**
- **A row of 4'-6' high arbor vitae, planted 4' on center and mulched and watered upon installation, be placed along the northerly boundary with abutting lots 20, 21, 22 & 23.**
- **Landscaping to be completed by May 1, 2000.**
- **Landscaping table be added to plan showing species, size and number of shrubs to be installed.**
- **Surety, acceptable to the City Law Department and in an amount equal to the cost of installation of shrubs, be provided prior to release of decision.**
- **Pipes to be removed from lot on Fourth Street by December 1, 1999.**
- **Three copies of revised plan to be submitted to OPCD prior to release of decision.**

**16. Hidden Farm Estates – Release From Covenant:** Upon a motion by Joe Boynton and seconded by Samuel Rosario, the Board voted unanimously to release the following lots from the covenant dated July 11, 1998 to allow for the conveyance of the aforementioned lots to a third party developer: Blackthorn Drive – Lots 30-38; Laurel Wood Drive – Lots 40, 42 and 44; and Tattan Farm Road – Lots 1,2 and 3, said release to be conditioned as follows:

- **Concurrent with the recording of the deed of the subdivision property, the third party developer/grantee shall record at the**

**Worcester District Registry of Deeds a replacement covenant, of the same terms and conditions listed in the original covenant, affecting the subdivision property conveyed.**

- **All necessary documents are to be reviewed and approved as to legal form by the City's Law Department.**

- 17. Flint Pond Village – Phase III (Section 2) – Extension of Work Completion Date and Bond Expiration Date:** Upon a motion by Samuel Rosario and seconded by Joe Boynton, the Board voted to release \$61,000.00 of the existing bond leaving a new bond amount of \$15,000.00 with a work completion date of November 1, 2000 and a surety expiration date of February 1, 2001.
- 18. Flint Pond Village – Phase III (Section 2) - Bond Reduction:** See Item #17.
- 19. Burncoat Meadows – Phase III – Extension of Work Completion Date and Bond Expiration Date:** Joe Boynton recused himself from this item. Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted unanimously to release \$50,000.00 of the existing bond leaving a new bond amount of \$100,000.00 with a work completion date of July 1, 2000 and a bond expiration date of November 1, 2000.
- 20. Burncoat Meadows – Phase III – Bond Reduction:** See Item #19 above.
- 21. Dixfield Street – Request To Make Public:** Upon a motion by Samuel Rosario and seconded by John Shea, the Board voted unanimously to recommend a Priority 1.
- 22. Trevor Lane – Request To Make Public:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted unanimously to continue the item to the December 15, 1999 meeting.
- 23. Plans To Be Ratified:** Upon a motion by Samuel Rosario and seconded by Stephen Petro, the Board voted 4-0-1 (Joe Boynton abstained) to ratify the following plans:

#5090 Orient Street  
#5091 Route 20  
#5092 Dighton Street  
#5093 Maranda Street  
#5094 Fifth Avenue  
#5095 Cedar Street/Linden Street

**Other Business: None**

The Chairman adjourned the meeting at 10:20 P.M.