

Planning Board  
MINUTES

Wednesday, April 11, 1990

Planning Board Members: Frank DeFalco, Chairman  
Joan Sadowsky  
George Russell  
John Reynolds

Others in Attendance: Frank Polanik, DPW  
Francis Donahue, BLUC  
Michael Traynor, Law Department  
Philip Hammond, OPCD  
Cheryl Spokis, OPCD  
Judith Stolberg, OPCD

1. Call to Order - Chairman DeFalco called the meeting to order at 3:37 P.M.
2. Approval of Minutes - The minutes for the February 21, March 1 and March 23 meetings were approved. One change to the minutes of March 1, the Oaks at Sunderland project, should note approval of the definitive and site plans.
3. Saybrook Road, private street opening - Francis Zarette and Dave Ronconi from IBZ Realty Corp. were present. Discussion followed on the plans for this 30 acre parcel. Mr. Zarette was unable to give a projected future use for this land. It was decided that they would work with DPW to come up with a best/worst case scenario along with an end point of the project. It was voted and taken under advisement.
4. ANR Plan - Grove Street - After a discussion about the split frontage of the parcel, it was decided that the plan be redesigned. George Smith was granted a leave to withdraw without prejudice.
5. Orton Street Extension Subdivision - Attorney Todd Rodman, representing First Essex Savings Bank, and Stephen Myrick, Project Manager, explained that a foreclosure sale is to take place on April 26. They were before the Board to ask that three (3) lots (numbers 7 and 30, and a larger undeveloped parcel) be released from the covenant so they can be auctioned. Discussions followed relative to a conditional release, guarantees for the completion of the street and First Essex Savings Bank putting up a bond. It was decided to take this item under advisement.

6. Fox Hollow Status Review - Assistant City Solicitor Michael Traynor updated the Board on the bids received for this project and explained the agreement Boulay Brothers has with the bank and the City. The agreement was placed on file.
7. Worcester Zoning Ordinance - Relative to the frontage calculation by least setback which creates irregular lots, it was voted to omit the wording in Article X, Section 3(e) in the Zoning Ordinance. The revision was sent to the City Council for their consideration.
8. Bio-Tech Research Park - The wrong approval date was entered on the plan. It was corrected to January 24, 1990.
9. Date Of Next Meeting - The next meeting is scheduled for May 9, 1990.
10. Other Business - The Board considered a request to release the covenant for the Indian Hill development. It was voted unanimously to release the covenant.

11. Plans To Be Ratified

- 4213 - Plan of land on Marconi Road, owned by Iscorp, signed on 3/1/90.
- 4214 - Plan of land on Valley View Lane, owned by Anthony Carrollo, signed on 3/1/90
- 4215 - Plan of land on Plantation Street, owned by WBDC, signed on 3/1/90
- 4216 - Plan of land on Massasoit Road, owned by Bruce Mathieu, signed on 3/13/90
- 4217 - Plan of land on Shrewsbury Street, owned by the MBTA, signed on 3/13/90
- 4220 - Plan of land on Solferino Street, owned by Adeline Iaconi, signed on 3/13/90
- 4221 - Plan of land on Andrews Avenue, owned by John LaJovie, signed on 3/16/90
- 4222 - Plan of land on Alvarado Avenue, owned by Peter Casillo, signed on 3/16/90
- 4223 - Plan of land on Shrewsbury Street, owned by Francis Manzi Trust, signed on 3/23/90
- 4224 - Plan of land on Santoro Road, owned by Burncoat Meadows, signed on 3/23/90

- 4225 - Plan of land on Attleboro Street, owned by M&R Hatari, signed 4/6/90
- 4226 - Plan of land on Wildwood Avenue, owned by Joseph Butler, signed on 4/6/90
- 4228 - Plan of land on Abbott Street, owned by Johnson and Fahlstrom, signed on 4/6/90
- 4229 - Plan of land on Chester Street, owned by Carrie Englehart, signed on 4/6/90
- 4230 - Plan of land on Nanita Street, owned by Joseph Borelli, signed on 4/11/90

### Public Hearings

Chairman DeFalco called the meeting to order at 7:40 P.M.

1. Hermitage Lane, Add to Official Map - Attorney John Driscoll, representing the owners of 32 Hermitage Lane, spoke in favor of adding a portion of Hermitage Lane to the Official Map. He presented three (3) affidavits stating that the portion had been used for vehicular traffic. George Russell asked if the affidavits must be from abutters to the property and was told by Atty. Traynor that they had to be abutters to the street only. Mr. Russell asked why the proponents wanted to have the portion added to the Official Map. Atty. Driscoll responded that the proponent wanted to divide the parcel into two (2) lots, raze the present building and erect two (2) buildings. John Reynolds asked if it had been determined that the street was not part of Green Hill Park. If it is, how can the Board grant an addition? Mr. Driscoll responded that it may be a part of the park. Atty. Driscoll and Ms. Sadowsky both stated that it should be researched to see if the street is a part of the park. Upon a motion by John Reynolds and seconded by Joan Sadowsky, the Board voted unanimously to table the item until the park boundary question was answered.
2. Burncoat Park, Definitive Subdivision - Dennis Walsh, the proponent, stated this was a modified definitive plan and contained no request for site line waivers. Thomas McHogan, Project Manager, said the modifications created no new problems which would require any waivers as the previous plan required. Richard Yurko, attorney for the proponent, reviewed the plan's history.

Chairman DeFalco then asked if anyone wished to speak in opposition to the plan. Brian Buckley, attorney for the Burncoat Neighborhood Residents, Inc., said the entire plan opened up not only one reason for disapproval but two (2) specific areas. He said the plan was an outgrowth of an earlier plan. Therefore, the old plan is under appeal. If this were considered a new plan, then it is subject to new zoning requirements which is RS-7, single family. He stated the profiles were different and site distances, roadways and lot configurations have changed. He said the pumping station had changed from a centrifugal to a grinding pump. He said the City cannot accept the cost of this pumping station in these bleak fiscal times. He also said the wetland replication area has changed and urged the Board to disapprove the plan. The second area of concern is the plan fails to conform to Planning Board rules and regulations. He said the Board must protect the safety, convenience and welfare of the community. He questioned who would own and maintain the pumping station. The proponent had first proposed a homeowner association. DEQE has said the City should assume ownership and costs which is not feasible because of fiscal constraints. He pointed out that the sewage line does not run along the roadway but rather across private lots. He also cited the water pressure problems which exist in the area. He said the project would have a detrimental effect on the health and safety of residents. He said the driveway elevations were too steep and were unevenly located. He also said the plan fails to designate park or open space areas. He reiterated the Board has no grounds to approve the plan. He said if it were a new plan, it is subject to new zoning. If it were the old plan, it is subject to the Superior Court appeal so should be disapproved.

Mayor Jordan Levy noted his opposition to the plan relative to the pumping station and the dam. He had a major concern if the Board approves a nongravity sewer system and suggested that the developer build a gravity sewer system. He also said a homeowner association's ownership of the pumping station was a bad idea. He questioned who would maintain the dam. He stated the City cannot afford to maintain the dam and neither could an association. He urged the Board to deny the plan.

Councillor John Harrity voiced his opposition.

Councillor Timothy Cooney asked the Board to deny the plan based on the project's impact on the schools, traffic, water pressure and the pumping station.

John Keaney, representing Senator Thomas White, voiced serious concerns about this kind of development in an area which is now zoned for single family dwellings. He stated that Senator White felt this was a new plan with major changes and should fall under the new zoning regulations. He urged the Board to reject the plan without conditions.

Debra Carey, Massachusetts Audubon Society, stated the pumping station issue has always been a concern and would set a dangerous precedent.

Bernie Wilanski, President of the Burncoat Neighborhood Residents, Inc., stated the grade of the driveways would create a safety problem. He also said there was no sewer permit. He then cited the water pressure problems which already exist in the area.

George Russell asked the proponent when he had last visited the site. Mr. Walsh responded that he had walked the site in September. Mr. Russell then stated that coming off Randolph Road the driveways would have steep slopes with retaining walls and questioned whether the plan had been adjusted for site distance to driveways. The proponent answered that the contours only show the roadway and the driveways would be cut into the hill according to proper grades. No lot gradings are shown on the plan, only roadway grades.

Mr. DeFalco asked about the parking being only on one side of the duplexes. The proponent said that was done to reduce the number of driveways and easements would be given. Mr. Walsh stated that \$50,000.00 would be given to the association to fund the maintenance of the dam.

John Reynolds questioned whether this was a new or old plan. He asked if the attorneys for the proponent and the neighborhood could answer this in writing. Both responded yes.

Dan Haselton, Vice President of the Burncoat Neighborhood Residents, Inc., stated Dick Grant, former DPW Deputy Commissioner, said the City would accept a grinding pump provided the developer pays for it. Now the plan does not call for a grinding pump. He questioned which plan was grandfathered.

It was requested by Chairman DeFalco that submissions by the attorneys be sent to Francis Donahue by April 27, 1990 in order that the Board could review them before the May 9, 1990 meeting.

Mr. Russell asked Mr. Walsh if he had given up on a gravity sewer system. Mr. Walsh responded that at this juncture, it was impossible.

Upon a motion by George Russell and seconded by Mr. Reynolds, the Board voted unanimously to continue the hearing until the next meeting on May 9, 1990.

Regular Meeting

Orton Street Extension Subdivision - A motion to deny by John Reynolds and seconded by George Russell was defeated (1 yes, 3 no). The Board decided they were unwilling to release the covenant at this time but will release to individual owners subject to responsibility of finishing the project.

Mr. Polanik then asked the Board to request a representative from Massachusetts Electric be at the next meeting to address issues.

The meeting was adjourned at 9:30 P.M.

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