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The Planning Board met for its regular meeting on Wednesday, October 12, 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; Assistant Commissioner of Public Works Gerhard P. Muenchmeyer; Assistant City Solicitor Michael Traynor; Senior Planner Alexander A. Pridotkas and Planning Coordinator of the Office of Planning and Community Development Philip Hammond.

#### View

The Board viewed John Street Place - re-appeal to the Zoning Board of Appeals, Moran Court - remove from official map, Empire Street - remove from official map, Franklin Street at Foch Avenue - re-appeal to the Zoning Board of Appeals.

#### Regular Meeting - Room 209 - City Hall

##### Call to Order

Chairman Keaney called the meeting to order at 3:00 P. M.

##### Minutes of September 7, 1988

Mr. DeFalco moved that the minutes of September 7, 1988 be approved. Mrs. Sadowsky seconded the motion. The vote was unanimous.

##### Worcester Corporation Center - preliminary subdivision - leave to withdraw

Mr. Donahue stated that the developer of this subdivision has requested the Board that the petition and plans for preliminary approval on said subdivision be given leave to withdraw and the filing fee for the subsequent submission be waived.

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

Barry Hollow subdivision - request to waive requirements

Stephen D. Burwick, developer, stated that the approved width of the road within the subdivision is 50 feet wide which includes 30 feet of pavement and 10 feet on each side for sidewalk and grass plot. He requested that the Board consider the 10-foot strip abutting his residence at 3 Dick Drive be owned by him and in turn he will give an easement to the city for said strip. Although the three-car garage and the dining room will be removed and relocated, the house foundation will still be approximately  $13\frac{1}{2}$  feet from the street (property) line. The Zoning Ordinance requires a 15-foot setback. If title to the strip remains in his name he then will have more than the required setback requirement. The only other solution is to move the entire house by two feet to meet the zoning requirements.

Mr. Reynolds questioned what assurance the city will have that Mr. Burwick will give the city the easement.

Attorney Traynor replied that it will be done through a written agreement.

Mr. Keaney stated that a plan should be prepared and submitted to the Board showing the existing and proposed conditions to clarify the request.

Mrs. Sadowsky moved that the Board table this item until such time as the plan as suggested by Mr. Keaney is submitted. Mr. DeFalco seconded the motion. The vote was unanimous.

Longview Estates subdivision - reduce bond, set new bond, release covenant

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond for Phase I, Nome Street (Sta. 10+00 to Sta. 14+97), to set the amount of bond for Phase II, Miami Street (Sta. 14+97 to Sta. 18+54), and release the covenant for Phase II covering lots #19, 20, 21, 23, 24, 25 and 26.

Mr. Muenchmeyer recommended that the bond for Phase I be reduced by \$101,642. A bond in the amount of \$75,000 for Phase II be held by the city.

Mr. Reynolds moved that the amount of the bond for Phase I be reduced from \$185,000 to \$83,385 of which 10% must be in cash. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Mr. Reynolds moved that the Board require a bond in the amount of \$75,000 of which 10% be in cash for Phase II of this subdivision. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Mr. Reynolds moved that the Board release the covenant for lots included in Phase II. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Moreland Green - release covenant on one lot

Attorney Todd Rodman, representing the developer, stated that it is requested to have the covenant released for Lot #2 in said subdivision. There is a model home constructed on the lot and no occupancy permit will be issued until such time that the ways and services have been completed.

Mr. Donahue stated that no action is required by the Board because the covenant has already been released. Lots #1 and 2 have frontage on Moreland Street which is on the official map.

Rolling Oaks - request to amend approved plan

Mr. Muenchmeyer stated that the Gas Company has relocated the gas line at those locations in conflict with the water main, revised plans have been submitted indicating the actual grade change of the roadway as constructed, and the drainage problem for unit 11 has been resolved through regrading of the lot.

Mr. Reynolds questioned if some of the driveway problems were resolved.

Mr. Muenchmeyer replied that plans were submitted to the Department of Public Works and thinks the matter was resolved. The developer has submitted a typical deed indicating the necessary covenants providing for the ownership and responsibility of the sewer easement, detention pond and maintenance of the median strip and stairs.

Mr. Reynolds questioned how such a deed can be enforced.

Attorney Todd Rodman stated this was worked out with the Department of Public Works and every lot that is sold will contain that information in the deed.

Mr. Reynolds moved that the Board approve the amended subdivision plan regarding gas main relocation, roadway grade changes and drainage problem for unit 11.

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

Mr. DeFalco moved that the Board request the Law Department to review the proposed document regarding ownership and responsibility of the sewer easement, detention pond and maintenance of the median strip and stairs. Mr. Reynolds seconded the motion. The vote was unanimous.

Fourth Street - communication from OPCD

Mr. Donahue stated that the Office of Planning and Community Development has responded to questions from Councilor McGrath regarding the development on Fourth Street. No action is required by the Board.

Date of Next Meeting - November 16, 1988.

Plans to be Ratified

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

3868 - plan of land on Commonwealth Avenue, owned by Richard Toomey, signed 9/13/88

3869 - plan of land on Granite & Garnet Streets, owned by Thomas R. Carlin Jr., signed 9/13/88

3870 - plan of land on Ashley Street, owned by Milton Landry & Eileen Surette, signed 9/13/88

3871 - plan of land on Holden Street & Stetson Road, owned by Frederick A. & Dale C. Anderson, signed 9/15/88

3872 - plan of land on Leeds & Fales Streets, owned by Edward Kooyomjian and Arthur Mooradian, signed 9/22/88

3873 - plan of land on Andrews & Marsh Avenues, owned by Carey J. & Roberta M. Macaruso, signed 9/22/88

- 3874 - plan of land on Plantation Street, owned by George Hayeck, signed 9/22/88
- 3875 - plan of land on Plantation Street & Wigwam Hill Drive, owned by George N. Hayeck, signed 9/22/88
- 3876 - plan of land on Burncoat Street, owned by Paul M. Desroches, signed 9/22/88
- 3877 - plan of land on Crane Street, owned by Albert Yodzonis, signed 9/22/88
- 3878 - plan of land on Joseph Street, owned by Domenic & Sallyanne Paldino, signed 9/22/88
- 3879 - plan of land on Lanark & Lebanon Streets, owned by David Parent, signed 9/22/88
- 3880 - plan of land on Stafford, Ludlow & Falcon Streets, owned by John B. Setaro, signed 9/22/88
- 3881 - plan of land on Stafford Street, owned by Thomas E. Mann, signed 9/22/88
- 3882 - plan of land on Seattle Street, owned by Robert Fahlin, signed 9/22/88
- 3883 - plan of land on Norfolk & Villanova Streets, owned by Villa Nova Realty Trust, signed 9/22/88
- 3884 - plan of land on Clearview, Kenwood & Barber Avenues, owned by B. E. Associates, Inc., signed 9/29/88
- 3885 - plan of land on Brooks Street, owned by William Nelson, signed 9/29/88
- 3886 - plan of land on Vincent Circle, lots 7, 8 & 9, owned by Javelin West Realty Corp., signed 9/29/88
- 3887 - plan of land on Vincent Circle, lots 2A-B, 3A-B & 4A-B, owned by Javelin West Realty Corp., signed 9/29/88
- 3888 - plan of land on Lorraine Road, lots 33/34A & 33/34B, owned by Javelin West Realty Corp., signed 9/29/88
- 3889 - plan of land on Orono Street, owned by Douglas A. Rawan, signed 9/29/88



- 3890 - plan of land on Granite Street, owned by Catholic Charities of the Diocese of Worcester, Inc., signed 9/29/88
- 3891 - plan of land on Indian Hill Road, owned by Paul F. & Vivian P. Lindholm, signed 9/29/88
- 3892 - plan of land on Hammond Street, owned by Philip O. Scwachman, Trustee of Hammond Realty Trust to Providence & Worcester Railroad, signed 9/29/88
- 3893 - plan of land on Francis Street, owned by Gould Enterprises, Inc., signed 10/4/88
- 3894 - plan of land on Whipple Street, owned by Phyllis A. Dumas, Joan A. Briok and Mary E. Collins, signed 10/4/88
- 3895 - plan of land on Lambert Circle & Grove Street, owned by Frandsan/Kanieff Trust, signed 10/4/88
- 3896 - plan of land on Forestdale Road, owned by Brian D. & William D. Pane, signed 10/12/88
- 3897 - plan of land on Waban Avenue, owned by Donald R. & Lorraine S. Carter, signed 10/12/88
- 3898 - plan of land on Trahan Avenue, owned by Michael Campaniello, signed 10/12/88
- 3899 - plan of land on Central & Exchange Streets, owned by Providence & Worcester Railroad Company, signed 10/12/88
- 3900 - plan of land on Jonathan Circle, owned by R. H. Gallo, Inc., signed 10/12/88.

Wentworth Estate subdivision - status check

Mr. Muenchmeyer stated that the Department of Public Works has concerns about this subdivision. They are:

1. Cracked foundation walls should be made safe.
2. Due to construction damage, the majority of the berm in the subdivision must be replaced.

3. The subdivision needs a general cleanup.
4. Erosion control is needed behind lots 1, 2 & 3.
5. The roof drains from each of the buildings must be tied into the surface sewer system.
6. Catch basin frames and grates currently shifted off center must be removed and installed properly.
7. The rip-rap slope protections behind house #6 to #16 on Catalpa Circle should be dressed up and reseeded. The top of the rip-rap should be secured and stabilized with loam and seed.
8. Silt and sand, during construction, should be prevented from entering the existing catch basins. Hay bales should be utilized.
9. The flooding of cellars, at several locations, should be corrected to eliminate potential infiltration into the sanitary sewer systems.
10. A waiver should be obtained to construct sidewalks around an existing tree in front of Papagni house on Wentworth Street.
11. Wheelchair ramps on both sides of Wentworth Street and Catalpa Circle are missing and should be installed.
12. The berm in front of Mr. Cone's house on Catalpa Street should be reconstructed to direct flow away from his property.
13. Base asphalt sidewalks should be repaired and/or replaced, as applicable, prior to installing top coarse.
14. The developer should obtain written releases from all applicable abutters, indicating satisfactory compliance with outstanding complaints.

Patrick Virerros, developer, stated that lots #1, 2 and 3 are problems regarding the foundations and has filed litigation against the contractor. There also has



been a lot of vandalism and security does not help. As soon as hay bales are replaced, they are stolen the following day. The bank will not finance any more monies until matching funds are presented.

Attorney John Spillane, representing the developer, stated that they will work with the Department of Public Works to resolve the problems. The homes are not selling as expected. A review period in about six weeks by the Board should satisfy the Board's concerns.

Mr. Muenchmeyer stated that some of the concerns of the Department of Public Works have to be addressed immediately for the safety of the neighborhood.

Mr. Keaney questioned if the Department of Public Works has any items to be prioritized.

Mr. Muenchmeyer replied that the following work should be done immediately.

1. Cracked foundation walls are to be made safe.
2. The rip-rap slope projections behind houses #6 to #16 on Catalpa Circle are to be dressed and reseeded. The top of the rip-rap is to be secured and stabilized with loam and seed.
3. Silt and sand, during construction, must be prevented from entering the existing catch basins by using hay bales.
4. Stone piles to be made safe.

Mr. Keaney commented that the remaining work as outlined by Mr. Muenchmeyer will have to be made and the Board will view the site at its next meeting to

ensure the emergency work is completed.

Mr. Reynolds questioned what are the Board's options.

Mr. Donahue replied that the Board can pull the bond and rescind approval of the subdivision plan. The bond covers all the utilities and the street. It does not cover the problems with the foundations and problems on private property.

Mr. DeFalco moved that the Board view this subdivision at its next meeting to monitor the progress being made to correct the emergency problems as outlined by the Department of Public Works. Mr. Reynolds seconded the motion. The vote was unanimous.

Wildwood Acres subdivision - reduce bond and accept streets as public

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond being held by the city.

Mr. Muenchmeyer recommended that the bond be reduced by \$39,930 and to accept the streets as public ways.

Mr. DeFalco moved that the Board reduce the amount of bond from \$89,930 to \$50,000 of which 10% must be in cash. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Mr. DeFalco moved that the Board recommend to the City Council acceptance of Scarsdale Street (Sta. 31+15 to Sta. 33+45) and Wildwood Avenue (Sta. 14+50 to

Sta. 15+31) as public streets. Mrs. Sadowsky seconded the motion. The vote was unanimous.

The Grove subdivision - reduce bond

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond being held by the city.

Mr. Muenchmeyer recommended that the current bond in the amount of \$59,000 not be reduced because the roadway still needs to be final paved, as built plans need to be submitted, a decree plan needs to be submitted and final punch list items need to be completed.

Mr. DeFalco moved that the Board <sup>deny the request</sup> ~~not reduce the amount of the bond~~ as recommended by the Department of Public Works. Mrs. Sadowsky seconded the motion. The vote was unanimous.

Grove Heights subdivision - reduce bond and accept the street as public

Mr. Donahue stated that the developer of this subdivision has requested the Board for a reduction of the bond being held by the city.

Mr. Muenchmeyer recommended that the bond be reduced by \$120,000 and to accept the street as a public way.

Mr. Reynolds moved that the Board reduce the amount of bond from \$150,000 to \$30,000 of which 10% must be in cash. Mrs. Sadowsky seconded the motion. The vote was unanimous.



Mr. Reynolds moved that the Board recommend to the City Council acceptance of Grove Heights Drive as a public street. Mrs. Sadowsky seconded the motion.

The vote was unanimous.

Koping Street - make public

Mr. Donahue stated that Koping Street, from Loxwood Street to Wabash Avenue, has water, no sewer width of 50 feet, built up 100% and rates a #1 priority.

Mrs. Sadowsky moved that this street be given a #1 priority. Mr. DeFalco seconded the motion. The vote was unanimous.

North Pond Extension subdivision - status check

David Donahue, developer, stated that he is requesting the Board for permission to bring in the utility lines to the property line and to back fill around the deck of the existing building. The definitive subdivision plan has been submitted to the Board.

Mr. Donahue stated that the proposed work is outside the subdivision and the Board has no jurisdiction on this matter.

Mr. Muenchmeyer stated that the proposed work is for the Board's information.

Mr. Keaney stated that it is noted by the Board that the developer appeared before the Board and explained the intent of work to be done.

Recess

Chairman Keaney recessed the meeting at 5:15 P. M.

Public Hearings - Council Chamber - City Hall

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

Moran Court - remove from official map

Mrs. Sadowsky read the notice of the public hearing on the petition of Raymond Simoncini to remove Moran Court, a private street, from the Official Map of the City of Worcester.

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

Mr. Keaney then asked for the opponents.

Attorney Donald O'Neil, representing an abutter, stated that he is opposed to the petition.

Attorney Robert Arakelian, representing an abutter, stated that if the street is removed his client will not have access to his property and is opposed to the petition.

David White, an abutter, stated that he is opposed to the petition.

Mr. Keaney then declared the hearing closed.

Empire Street - remove from official map.

Mrs. Sadowsky read the notice of the public hearing on the petition of William



P. Bilotta Jr. to remove Empire Street, a private street, from the Official Map of the City of Worcester.

Mr. Keaney then asked for the proponents.

William P. Bilotta Jr., petitioner, stated that Empire Street, from Touraine Street to Woodrow Street, is in a wetland which was determined by the Conservation Commission. The street does not exist.

A. Langevin, 14 Dallas Street, stated that he is in favor of the petition.

Alfred Fayard, 30 Dallas Street, stated that he is in favor of the petition.

Michael Moriarty, 10 Dallas Street, stated that he is in favor of the petition.

Herbert Brewer, 18 Dallas Street, stated that he is in favor of the petition.

Mr. Keaney then asked for the opponents.

William Brophy, 20 Dallas Street, stated that he is opposed to the petition.

Michael Duval, 50 Eastham Street, stated that he is opposed to the petition.

Mr. Keaney then declared the hearing closed.

Franklin Street at Foch Avenue - re-appeal to the Zoning Board of Appeals

Mrs. Sadowsky read the notice of the public hearing on the application of BTA Associates for permission to re-appeal to the Zoning Board of Appeals for a Special Permit or Variance within the two-year waiting period after an unfavorable decision denying the use of the property located at 671 Franklin Street for construction of a 24-unit low-rise apartment building.

Mr. Keaney then asked for the proponents.

Attorney Samuel R. DeSimone, representing the developer, stated that the Zoning Board of Appeals denied the request because of the density. The size of the building will be the same but the number of units have been reduced to 16 units from the 24 units. The units will be two-bedroom units. The number of parking spaces has been reduced by one-third. The developer has had meetings with the abutters and there were no objections to the proposed development.

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

Mr. Keaney then declared the hearing closed.

John Street Place - re-appeal to the Zoning Board of Appeals

Mrs. Sadowsky read the notice of the public hearing on the application of the New 18 John Street Place Realty Trust for permission to re-appeal to the Zoning Board of Appeals for a Variance and Special Permit within the two-year statutory waiting period after an unfavorable decision denying the use of the property

located at 18 John Street Place for conversion to 6 condominium units. The applicant now proposes conversion of the building into 5 condominium units.

Mr. Keaney then asked for the proponents.

Norton S. Remmer, consulting engineer, stated that the number of proposed units has been reduced from six to five. The 14 parking spaces will be retained at 10 John Street. The parking lot is about 230 feet away from the existing building. The building was last used for storage and the proposed use will not adversely affect the neighborhood.

Michael Miller, trustee of the trust, stated that the Zoning Board of Appeals denied their request by a three to two vote.

Mr. Keaney then asked for the opponents.

Shirley Elmes, 1A Wachusett Street, questioned the purpose of the meeting.

Mr. Keaney then explained the reason.

Mrs. Elmes stated that the vacant lot at 10 John Street is being used as a dump. Also, tree limbs and brush should be removed from the site.

Leslie Holland, 5 Home Street, stated that he is opposed to the petition. The existing building is right on the property line.

Mr. Remmer replied that the building is located six inches from the property line.

Christine Somogyi, 30 John Street, questioned if there are material changes to warrant the petitioner to re-appeal to the Zoning Board of Appeals.

Mr. Keaney replied that the Board will review all the information that is given and will vote on the matter.

George Pike, 12 John Street, stated that parking problems already exist in the neighborhood. The future owners of the condominiums will not be parking in the parking lot but will park in the street. There is no access to the existing building except by a narrow John Street Place.

Damon Cook, 27 John Street, stated that the density in the neighborhood has reached its limit and is opposed to the petition.

Bruce Mannoch, 20 John Street, stated that with the narrow John Street Place there is no room to place a dumpster. Even if there was, a truck would have to back in to empty it, therefore blocking traffic in John Street.

Linda Desai, 20 John Street, stated that the area is already congested by traffic and housing and is opposed to the petition.

Frank Berry, 3 Home Street, stated that the petitioner has to provide reasonable reasoning to allow him to go back to the Zoning Board of Appeals.



Winnie Kwiatkowski, 9 Home Street, questioned how will the petitioner do any work on the outside of the building without trespassing on her property.

Dolores Holland, 5 Home Street, stated that the housing market has gone down and the proposed units will not sell.

Mr. Remmer stated that he has conferred with the Fire Department and that the proposed use will not create any problems to the existing problems. If the two parcels were combined, there would not be any problems with density. The developer will also agree to let some of the abutters use four parking spaces in the lot.

The parking lot will be landscaped, fenced in and lights installed.

Mrs. Sadowsky then read a letter from Attorney Todd Rodman, representing the Harvard Nursing Home, opposing this project.

Mr. Keaney then declared the hearing closed.

Regular Meeting - Council Chamber - City Hall

Call to Order

Chairman Keaney called the meeting to order at 8:25 P. M.

Items of Public Hearing

Moran Court - remove from official map

Mr. DeFalco moved that the Board recommend to the City Council the petition to



remove Moran Court, a private way, from the map be denied because at the public hearing persons of interest were recorded in opposition to the petition.

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

Empire Street - remove from official map

Mr. Reynolds moved that the Board recommend to the City Council the petition to remove Empire Street, a private way, from the map be denied because at the public hearing persons of interest were recorded in opposition to the petition.

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

Franklin Street at Foch Avenue - re-appeal to the Zoning Board of Appeals

Mrs. Sadowsky moved that the Board allow the petitioner to re-appeal to the Zoning Board of Appeals for a variance and a special permit within the two-year statutory waiting period after a denial by said Board because of new evidence presented at the public hearing. Mr. Reynolds seconded the motion. The vote was unanimous.

John Street Place - re-appeal to the Zoning Board of Appeals

Mr. Reynolds moved that the Board deny the petitioner to re-appeal to the Zoning Board of Appeals for a variance and special permit within the two-year statutory waiting period after a denial by said Board because the testimony offered at the public hearing did not signify sufficient changes from the original proposal.

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

Adjournment

Chairman Keaney adjourned the meeting at 8:35 P. M.