

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER**

**FEBRUARY 27, 2006
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

Zoning Board Members Present: Leonard Ciuffredo, Chair
Jerry Horton, Vice-Chair
Matthew Armendo
Thomas Hannigan
Morris Bergman
David George

Staff Present: David Holden, Division of Code Enforcement
Lara Bold, Division of Planning & Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Leonard Ciuffredo called the meeting to order at 5:30 PM.

REQUESTS FOR WITHDRAWAL/CONTINUANCE

None

CONTINUATIONS

1. **1078 West Boylston Street (Z-05-233) Special Permit:** Peter Prodramitis, the current owner, and Mary Decoteau, optionee for the property, presented a revised plan indicating the location and dimension of the parking spaces for the proposed towing dispatch business as well as the ingress and egress of the site. Upon a motion by Matthew Armendo, and seconded by Jerry Horton, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and Morris Bergman to approve the requested Special Permit to allow motor vehicle service and repair in a BL 1.0 zone with the following condition:
 - That there be no storage of towed vehicles on the premises.
2. **76 Sagamore Road (Z-05-236) Special Permit:** Attorney Samuel DeSimone, on behalf of Linda Reid, petitioner, presented the petition. Attorney DeSimone indicated that the applicant had spoken with the neighbors and attempted to mitigate concerns by offering to build a single-family dwelling instead of the originally proposed two-family dwelling, so that parking could be located in the rear of the proposed building. Martha Upton Buron expressed concerns about the new parking area behind the three-family house, namely that the area will be inadequately buffered due to the steep slope between her house and the newly proposed parking area. Melinda Justo expressed concerns about the scale of the proposed building.

Dwight Johnson wrote a letter to the Board expressing concern about the vegetated buffer and the design of the house. Upon a motion by Matthew Armendo, and seconded by Morris Bergman, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and Morris Bergman to continue the hearing until the March 27, 2006 meeting to allow the applicant time to submit a proposed rendering of the house.

- 3. 21 Washburn Street (Z-06-07) Variances:** The Director of Code Enforcement indicated that the submitted tape survey was sufficient. The Board members indicated that the submitted rendering of the duplex was also sufficient. Upon a motion by Matthew Armendo, and seconded by David George it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and David George to approve the requested Variances for 13 feet of relief from the front yard setback and the requested Variance for 1,071 square feet of relief from the gross dimensional requirement for the applicant's proposed duplex.

NEW HEARINGS

- 1. 155 Ararat Street (Z-06-20) Administrative Appeal:** Upon a motion by Morris Bergman and seconded by Jerry Horton, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and Morris Bergman to dismiss the administrative appeal in light of Massachusetts General Law Chapter 40A, § 15 which states that an administrative appeal to the Zoning Board of Appeals must be taken within thirty days of the date of the order or decision which is being appealed. The date of the Planning Board decision the applicant was seeking to appeal was made on November 9, 2005, and because the Administrative Appeal was filed on or about January 23, 2006, the Board deemed the appeal untimely.
- 2. 29 East Mountain Street (Z-06-10) Special Permits:** Leslie Fanger, presented on behalf of Bruce Taylor, petitioner. David Holden deemed the Special Permit for expansion or change of a pre-existing, non-conforming use unnecessary. Peter Eames expressed concerns about traffic on East Mountain Street. Mike Caribo spoke about accidents and the difficulty of making a turn on East Mountain Street during rush hour times. City Councilor, Joff Smith, spoke about quality of life issues for the area. The applicant informed the Board that the community association would maintain the sewer system. David Holden brought up a potential issue with Article IV, Section 8, Part VI of the City of Worcester Zoning Ordinance which states that private or common driveways may not exceed three hundred feet (300 feet) in length. Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and David George to continue the hearing until the March 27, 2006 meeting to allow applicant and staff time to resolve the following:
 - Per Article IV, Section 8, Part VI of the City of Worcester Zoning Ordinance, staff must determine if the common driveway is not allowed, and if so, applicant must redesign site.
 - The Board asked the applicant to consider removing the townhouse development in the RL-7 zone.
 - The Board asked the applicant to consider additional recreational space and note it on the plan.

- 3. 335 Main Street (Z-06-21) Special Permit:** Kate Rugman presented on behalf of Omnipoint Communications, Inc. Upon a motion by Jerry Horton, and seconded by Matthew Armendo, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and David George to approve the requested Special Permit to allow a roof-mounted wireless telecommunication facility.
- 4. 9A Sears Island (Z-06-22) Special Permit:** Tom Gervais for North Pond Realty LLC presented the petition. The item was taken up and subsequently tabled to allow the applicant time to provide a rendering. Upon a motion by Jerry Horton and seconded by Morris Bergman, it was voted by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan and Morris Bergman (Matthew Armendo voted no) to approve the requested Special Permit for expansion or change of a pre-existing, non-conforming structure and the requested Variance for 45 feet of relief from the frontage requirement to allow the construction of a second story onto the current single family dwelling.
- 5. 3 Malden Street (Z-06-23) Special Permit:** Attorney Samuel DeSimone presented on behalf of Carmine and Amerigo Zamarro, Jr. Larry Lindquist expressed concern about the proposed driveway on Malden Terrace. Nicholas and Claire Marchese expressed concerns about traffic and ambulance access on Malden Terrace and stated that residential sticker parking did not work on the street. Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and David George to approve the requested Special Permit for expansion or change of a pre-existing non-conforming use/structure to maintain the existing two-family and to allow for the construction of two single-family dwellings on separate lots with the following condition:

 - The garage and driveway be relocated closer to the intersection of Malden Terrace and Malden Street to preserve some of the on-street parking on the right side of Malden Terrace.
- 6. 2 Dodge Avenue (Z-06-24) Variance/Special Permit:** Upon a motion by Matthew Armendo and seconded by Morris Bergman it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and Morris Bergman to approve the requested Special Permit for expansion or change of a pre-existing, non-conforming structure and the requested Variance for 14 feet, 6 inches of relief from the front yard setback requirement to allow reconstruction of a structurally deficient two-car garage with a more conforming one-car garage.
- 7. 5 Elmwood Street (Z-06-25) Variances:** Charles Budzinger from Cabco Consultants presented the petition on behalf of Cecilia Wleh. Stewart Drake expressed concerns about the visual impact the parking lot for the church would have on the residential neighborhood considering the reduced setbacks. Elaine Basque expressed concerns about compromised public safety and the aesthetics of the parking lot. Cecilia Wleh, petitioner, stated that there are 75 members of the congregation and that they hold services Sunday morning at 11:00 a.m. and Tuesday and Friday evenings from 7:00-8:00 p.m. Cecilia Wleh also stated that she

was not aware of the lawsuit (an appeal to Superior Court) that had been brought against a previous Zoning Board decision at 5 Elmwood Street when she bought the property in July 2005. Attorney George L. de Verges, representing Cecilia Wleh, presented his letter dated February 27, 2006, citing M.G.L Chapter 40A, Section 3 (Dover Amendment). Upon a motion by Matthew Armendo and seconded by Morris Bergman it was voted by Leonard Ciuffredo (Matthew Armendo, Jerry Horton, Thomas Hannigan and Morris Bergman opposed) to approve the requested Variance for 18 feet of relief from the side yard setback requirement and the requested Variance for 20 feet of relief from the front yard setback requirement. Therefore, the motion to approve failed. Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted by Matthew Armendo, Jerry Horton, Thomas Hannigan and Morris Bergman (Leonard Ciuffredo opposed) to deny the requested Variances.

- 8. Apricot Street, Lot 2 (Z-06-26) – Special Permit:** Attorney Stephen Madaus presented the petition on behalf of Copperfield Realty and Development Corporation. Susan St. Dennis expressed concerns about the height of the building in comparison to the abutting properties and how that would affect the abutters’ access to sunlight. Arthur Corp expressed concerns about sideways positioning of the building on the lot. The Director of Code Enforcement noted that there may be an issue with the placement of rear fire exits through a back stairwell since the stairwell would intrude into the side yard setback. Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted by Leonard Ciuffredo, Matthew Armendo, Jerry Horton, Thomas Hannigan and David George to grant the petitioner’s request for Leave to Withdraw Without Prejudice relative to the requested Special Permit to allow single family attached dwelling units in an RL-7 zone.

APPROVAL OF THE MINUTES

February 13, 2006 meeting: Upon a motion by Jerry Horton and seconded by David George, the Board voted 5-0 to approve the February 13, 2006 minutes.

ADJOURNMENT

Chair Leonard Ciuffredo adjourned the meeting at 9:00 PM.