

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

JANUARY 8, 2007

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

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

Staff Present: Joseph Mikielian, Department of Code Enforcement
Joel Fontane, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

APPROVAL OF THE MINUTES

Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo, and David George to approve the minutes of the September 25, 2006 meeting as amended. Upon a motion by Jerry Horton and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo and David George to approve the minutes of the December 18, 2006 meeting.

UNFINISHED BUSINESS

- 1. 107 Water Street (Z-06-195) – Special Permit and Variances:** Robert Arakelian, petitioner, presented the petition. Mr. Arakelian stated that he was seeking a Variance for relief of 65 parking spaces from the off-street parking requirement, and a Special Permit for the expansion or change of a pre-existing, nonconforming use/structure for the purpose of redeveloping the property into a 130-person occupancy lounge/nightclub. He said his attempt to obtain private parking areas for lease had been to no avail and he presented a list of property owners whom he had contacted by certified mail to demonstrate his efforts. He also provided a rendering of the building to the Board. Mr. Bergman opined that the petitioner had made a sincere effort to find parking and had been unable to do so. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 to close the hearing. Upon a motion by Matthew Armendo

and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo and Andrew Freilich to approve the following:

- **Special Permit: Expansion or change of a pre-existing, nonconforming use/structure**
- **Variance: Relief of sixty-five (65) spaces from the off-street parking requirement**

The Special Permit and Variance were approved with the following condition:

- **The installed façade must conform with the rendering submitted to the Board.**

2. **31 Indian Lake Parkway (Z-06-106) – Variances and Special Permit:** Keith and Lynda Roberts, petitioners, presented the petition. They were seeking a Variance for relief of two (2) feet from the front yard setback requirement, a Variance to allow parking within the front yard setback, and a Special Permit for the expansion or change of a pre-existing, nonconforming use/structure for the purpose of cutting the curb on the property, replacing the cement sidewalk, and adding blacktop for a 47' by 16' parking area. Mr. George asked how close to the lot line they could go and Mr. Fontane responded that the proposed use is allowed up to the lot line. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo and David George to approve the following:

- **Special Permit: Expansion or change of a pre-existing, nonconforming use/structure**
- **Variance: Relief of two (2) feet from the front yard setback requirement**
- **Variance: To allow parking within the front yard setback**

The Special Permit and Variances were approved with the following conditions:

- **Extend parking stalls two (2) feet closer to the property line**
- **Provide a landscaped buffer in the areas closest to the street to provide screening.**

3. **10 Webster Place (Z-06-206) – Special Permits:** Peter Duffy, representative for the petitioner, and Anthony Brooks, petitioner, presented the petition. Mr. Duffy stated the petitioner was requesting a Special Permit for the expansion or change of a pre-existing nonconforming use/structure and a Special Permit to allow automobile and metal salvage recycling operation with associated open lot storage in an MG-2.0 district (uses #5 & #7) to buy and sell second-hand motor vehicle parts. He said no organized meeting with the neighborhood had occurred, but that Mr. Brooks had spoken with representatives from Worcester Chemical and Rex Monuments and with Mr. Chaput . Mr. Brooks and Mr. Chaput did not reach a consensus on any issues. Mr. Brooks showed renderings to the Board and discussed hours of operation (7:30 A.M. to 6:00 P.M. Monday through Friday and 9:00 A.M. to 3:00 P.M. Saturday), lighting and security. He

informed the Board that presently he is crushing the roofs of approximately three cars per week and that during peak times expected to crush approximately 15 cars per week. He also told the Board the lot would normally have about 75 cars three deep per row and that no stacking of cars would occur until they were totally done with them and ready for them to be removed from the site. When questioned by Mr. Freilich as to whether he would be selling cars on the site, Mr. Brooks responded that was very rare and is not the purpose of his business. Alfred Chaput reiterated his concerns regarding quality of life issues such as noise, odors, gas vapors, oil spillage and decline in property values as a result of the business. Kevin Ghiz, Mike Matthews, Lisa Jackson, Steve Mobeck, Tom McGinn, Mary Woods, Shirley Woods, Suzanne Lauras and Fay Clouthier expressed concerns about traffic, fumes, safety, noise and chemical storage as well as the unsightliness of the type of business. Mr. Fontane explained, as he did at the previous hearing, that the business had to move at the request of the City to make way for the South Worcester Industrial Park. The petitioner is requesting a waiver of the filing fee and Timothy McGourthy, Director of Economic Development, sent a letter supporting the request. Mayor Timothy Murray also sent a letter supporting the project. Upon questioning by the Chair, Mr. Brooks noted that a Purchase and Sale Agreement had been signed. City Councilor Frederick Rushton suggested a device to transfer gasoline that does not require punching a hole in the gas tank should be purchased. Mr. Brooks stated that type of device would cost approximately \$3,500.00. Mr. Horton and Mr. Bergman stated that there were many businesses that could locate on the site by right and they are businesses that would be more intrusive to the neighborhood. Paul Morano, representative from the City's Economic Development Division Office, said the project has the full support of the City Administration. He told the Board that Mr. Brooks was moving at the behest of the City and was not moving because he wanted to expand his business. Mr. Chaput said listing other uses, such as a polystyrene plant, for the site was "politics as usual". Mr. Horton took exception to what he termed an affront to the honor and dignity of the Board. Mr. Chaput responded that he was caught up in the moment and offered an apology for the affront. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo and David George to approve the following:

- **Special Permit: Expansion or change of a pre-existing, nonconforming use/structure**
- **Special Permit to allow automobile and metal salvage recycling operation with associated open lot storage in an MG2.0 district (uses #5 & #7) to buy and sell second-hand motor vehicle parts.**

The Special Permits were approved with the following conditions:

- **Hours for outdoor equipment use shall be: 8:00 A.M. to 5:00 P.M., Monday through Friday, 9:00 A.M. to 3:00 P.M. on Saturday and closed on Sunday.**
- **That a gasoline recovery system be used to pump out all vehicle gas tanks.**
- **That no changes are made to the site's current lighting.**
- **That a six-foot cyclone fence to screen the site be installed prior to the utilization of the site.**
- **That the fence be properly maintained.**

- **That seven (7) 3 inch caliper October Glory Red Maple trees be planted along the fence.**

At the end of the meeting, it was voted 4-0-1 by Leonard Ciuffredo, Morris Bergman, Jerry Horton and Matthew Armendo (David George abstained) to waive the filing fee with the exception of \$35.00 to cover the cost of advertising.

NEW BUSINESS

- 4. 14 Oxford Street (Z-06-203) – Special Permit:** Janet Merrill, owner and petitioner, presented the petition to the Board. She stated she was seeking a Special Permit for residential conversion for the purpose of converting four of the rooms in the existing structure to create an additional dwelling unit. Scott and Mary Keefe sent a letter in support of the proposed use. Mr. Mikielian said it was basically turning a single-family dwelling into a two-family dwelling. Mr. Fontane said dimensional requirements are met as well as the parking requirement. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 to close the hearing. Upon a motion by Morris Bergman and seconded by Jerry Horton, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Morris Bergman and Andrew Freilich to approve the following:

- **Special Permit: For residential conversion**

The Special Permit was voted with the following condition:

- **One of the two units to remain owner-occupied**

- 5. 741 Franklin Street (Z-06-203) – Special Permit:** Chair Ciuffredo informed the petitioner, Andrew Jacobsen, it appeared that he was creating the hardship by dividing the lot into two lots. He said the Board cannot grant a Variance when the petitioner creates the hardship. Madeline Martin and Michael Protano spoke in opposition to the frontage relief. Mr. Jacobsen informed the Board that he requested Leave to Withdraw without prejudice for the Variance for ten feet of relief from the frontage requirement. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo and David George to grant the petitioner Leave to Withdraw Without Prejudice.
- 6. 37 Washburn Street (Z-06-195) – Special Permit:** Gary Allard, representative of the owner, presented the petition to the Board. Mr. Allard stated he was seeking a Special Permit for the expansion or change of a pre-existing nonconforming use/structure for the purpose of constructing an addition to the existing warehouse building. Mr. Fontane informed the Board that the project had not received Site Plan Approval from the Planning Board. City Councilor Barbara Haller said she had notified the Four Corners Neighborhood Group about the hearing but had received no comments back. Matthew Armendo asked if any further expansion is planned for the site and Mr. Allard responded that there was no more room for expansion. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 to close the hearing. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted 5-0 by

Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Morris Bergman and Andrew Freilich to approve the following:

- **Special Permit: Expansion or change of a pre-existing, nonconforming use/structure**

The Special Permit was approved with the following conditions:

- **Proper authorization must be obtained from the owner of the property for the application.**
 - **Approval is subject to the site plan approved by the Planning Board.**
 - **Oil tanks on the Washburn Street side of the property must be removed.**
7. **61 Lafayette Street (Z-06-209) – Variances:** Ben Clark, representative of the owner, presented the petition to the Board. He stated he was seeking a Variance for 770 square feet of relief from the gross dimensional requirement and a Variance for 24 feet, 8 inches from the frontage requirement for the purpose of constructing a two-family dwelling. The Board requested a rendering of the structure. Mr. George inquired as to why the original structure had been demolished. Mr. Clark responded that it had been condemned. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo and David George to continue the hearing to February 12, 2007.
8. **75 Southgate Street, 92 & 98 Armory Street (Z-06-213) – Variances:** The petitioner, South Worcester Neighborhood Improvement Corporation, requested a continuance to January 22, 2007. It is seeking Variances for relief of twenty-one (21) parking spaces from the off street parking requirement, 93 feet of relief from frontage requirement, 6 feet of relief from rear yard setback requirement, relief from Floor Area Ratio (FAR), relief from site landscaping requirement, 5 feet, 4 inches from front yard setback requirement, 4.01 feet from side yard setback requirement, 4 feet from height requirement and relief from number of stories (+1) for the purpose of constructing a 21-unit multi-family dwelling. Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo and Andrew Freilich to continue the hearing to January 22, 2007.
9. **5-9 Madison Street (Z-06-214A) – Variances and Special Permit: 653 Main Street (Z-06-216A) – Variances and Special Permit** was taken contemporaneously. Stephen Parker and Jeffrey Howland, representatives for the petitioner, presented the petition to the Board. Mr. Parker stated he was seeking Variances for relief of sixty-one (61) parking spaces from the off street parking requirement, 66 feet, 7 inches of relief from frontage requirement, 5 feet, 6 inches of relief from rear yard setback requirement, relief from Floor Area Ratio (FAR), relief of 6 inches from parking lot access aisle requirement, relief of 5 feet from parking setback and parking buffer landscaping requirements and relief from site landscaping requirement and Special Permit for the expansion or change of a pre-existing nonconforming use/structure for the purpose of demolishing the existing structure and constructing a sixty-unit condominium building and two-story parking garage/lot on the 5-9 Madison Street site which will be Beacon

Place Condominiums. Mr. Fontane informed the Board that the Commissioner of Public Works, in a letter dated November 21, 2006, re-stated the commitment of the Off-Street Parking Board to approve the residential parking program with one hundred parking passes for the Hadley Apartments project. Chair Ciuffredo asked which component would be first and Mr. Parker responded that the Hadley Apartments would be started first with the Beacon Place component starting 3-6 months later. Mr. Bergman inquired about the completion date and was told each component should take one year. Mr. Fontane informed the Board that the City Administration strongly supports the project and recommends approval. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Morris Bergman and David George to approve the following:

- **Special Permit: Expansion or change of a pre-existing, nonconforming use/structure**
- **Variance: Relief of sixty-one (61) parking spaces from the off street parking requirement**
- **Variance: 66 feet, 7 inches of relief from frontage requirement**
- **Variance: 5 feet, 6 inches of relief from rear yard setback requirement**
- **Variance: Relief from Floor Area Ratio (FAR)**
- **Variance: Relief of 6 inches from parking lot access aisle requirement**
- **Variance: Relief of 5 feet from parking setback and parking buffer landscaping requirements**
- **Variance: Relief from site landscaping requirement**

10. 653 Main Street (Z-06-216A) – Variances and Special Permit: Stephen Parker and Jeffrey Howland, representatives of the petitioner, presented the petition to the Board. Mr. Parker stated he was seeking Variances for relief of one hundred seven (107) parking spaces from the off street parking requirement, 70 feet of relief from frontage requirement, 6 feet of relief from rear yard setback requirement, relief from Floor Area Ratio (FAR), relief from site landscaping requirement and Special Permit for the expansion or change of a pre-existing nonconforming use/structure for the purpose of converting the existing Burwick Building into apartments and commercial space (Hadley Apartments). Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Morris Bergman and David George to approve the following:

- **Special Permit: Expansion or change of a pre-existing, nonconforming use/structure**
- **Variance: Relief of one hundred seven (107) parking spaces from the off street parking requirement**
- **Variance: 70 feet of relief from frontage requirement**
- **Variance: 6 feet of relief from rear yard setback requirement**
- **Variance: Relief from Floor Area Ratio (FAR)**
- **Variance: Relief from site landscaping requirement**

11. 24 Brattle Street (Z-06-217) – Variance: Jonathan Finkelstein, representative for the owner, and Jonathan Proffitt, owner and petitioner, presented the petition to the Board. Mr. Finkelstein stated he was seeking a Variance for relief of 3.9 feet from the exterior side yard setback requirement in order to subdivide the property without demolishing a portion of an historic single-family dwelling on the site. Mr. Proffitt explained the historic significance of the house and said that, while he has approval from the Historic Commission to demolish a portion of the house, he does not wish to do so. Mr. Finkelstein said the amount of relief requested was de minimus and not worth the loss of a portion of the historic home. Mr. Armendo asked if the garage would be taken down and Mr. Proffitt responded that it would. Mr. Finkelstein informed the Board that the lots would be 7000-8,000 square feet in response to another question from Mr. Armendo. Upon a motion by Jerry Horton and seconded by Morris Bergman, it was voted 5-0 to close the hearing. Upon a motion by Jerry Horton and seconded by Morris Bergman, it was voted 4-1 by Jerry Horton, Matthew Armendo, Morris Bergman and Andrew Freilich (Leonard Ciuffredo voted no) to approve the following:

- **Variance: 3.9 feet of relief from exterior side yard setback requirement**

12. 40 Coral Street (Z-06-216A) – Variances: Jonathan Finkelstein and Harriet Lebow, representatives of Buckingham Development, optionee and petitioner, presented the petition to the Board. Mr. Finkelstein stated he was seeking Variances for 4 feet of relief from frontage requirement, 554 square feet of relief from gross dimensional requirement and relief to allow parking within the exterior side yard setback for the purpose of constructing a single-family dwelling. Scott Hayman, Director of Housing, submitted a letter of support. Mr. Armendo stated this was a much better fit for the neighborhood than the previous submittal by another entity that was denied by the Board. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 to close the hearing. Upon a motion by Jerry Horton and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Morris Bergman and Andrew Freilich to approve the following:

- **Variance: 4 feet of relief from frontage requirement**
- **Variance: 554 square feet of relief from gross dimensional requirement**
- **Variance: to allow parking within the exterior side yard setback**

OTHER BUSINESS:

13. 15 Joppa Road – Variance - Scrivener’s Error: Ms. Stolberg explained that an error had been made on the decision that was filed in the City Clerk’s Office. The decision should have read side yard setback requirement but actually read rear yard setback requirement. Upon a motion by Jerry Horton and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Jerry Horton, Matthew Armendo and David George to correct the decision.

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 10:00 PM.