

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

July 20, 2009

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present: David George, Chair
Leonard Ciuffredo
Lawrence Abramoff
Brian Murphy
Andrew Freilich
William Bilotta

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Ruth Gentile, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

- 1. 36 Harlow Street (ZB-2009-027) – Variance:** Paul Conger, applicant, requested a continuance for the Variance for the relief of 600 square feet from the sign area requirement for roof signs. Upon a motion by Leonard Ciuffredo, and seconded by Andrew Freilich, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to grant the applicant's request for continuance to August 10, 2009 and extend the constructive grant deadline to September 1, 2009.
- 2. 15 Putnam Lane (ZB-2009-041) – Special Permit – Extension of Time:** Robert Longden, representative for the applicant, Princeton Development LLC, requested a continuance for the Extension of Time for a Special Permit. Upon a motion by Leonard Ciuffredo, and seconded by Brian Murphy, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to grant the applicant's request for continuance to August 10, 2009.
- 3. 663 Burncoat Street (ZB-2009-038) – Variance:** Justin Frank, son of the applicant, presented the plan to replace an existing garage that is not structurally sound and is currently used as lawnmower storage with a two-car garage and extra storage. Mr. Frank stated that he required the height variance to get the size garage that he needed or he would have to build a structure with a much larger footprint. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to approve the requested variance for 9 feet of relief from the height requirement with the

following conditions: 1) no commercial business to be conducted in the structure, 2) structure not be habitable, no plumbing facilities to be installed, 3) install a rainbarrel for rainwater runoff and 4) amend the findings of fact for item #2 regarding hardship to say that a larger footprint structure would create more impervious area and this is the least amount of relief required.

- 4. 501 Shrewsbury Street (ZB-2009-039) – Special Permits and Variance:** Barry Luring and Richard Cravedi, representative and petitioner, sought Special Permits and Variances to construct a 633 SF addition to the existing 2,535 SF building on a 16,102 SF lot. The building is used as a food establishment – currently the Wexford House. The proposed addition would increase available seating from 75 to 109. The applicant is also proposing to re-stripe and reconfigure the existing parking lot, but is unable to provide the required landscaped buffers. Mr. Luring further stated that all excess snow will be removed from the site, there will be no outdoor café seating and that there is a parking lot for seven (7) parking spaces within 1,000 feet that will be used for employee parking. He stated that this site is not within the Shrewsbury Street Parking Overlay but has the most amount of legal parking on Shrewsbury Street. As a requirement of the Special Permit application, the Board found the following findings of fact:

1. Social, economic or community needs that are served by the proposal:

This restaurant is at the gateway to the restaurant district and is consistent with the restaurant community.

2. Traffic flow and safety, including access, parking and loading areas:

The proposed plan is safer and more efficient than the current configuration

3. Adequacy of utilities and other public services:

It is an existing structure and services are being upgraded.

4. Neighborhood character and social structure:

The use is not changing and the façade and landscaping are being improved

5. Impacts on the natural environment:

There is an improvement as the impervious area is being lessened.

6. Potential fiscal impact, including city services needed, tax base, and employment:

The tax base will be increased and there will be more employees

Upon a motion by Leonard Ciuffredo and seconded by Brian Murphy, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to approve the requested Special Permits for 1) expansion or change of a pre-existing non-conforming structure and use (parking) and 2) to allow up to 50% parking spaces to be compact spaces and a variance for relief of twelve (12) parking spaces from the off-street parking requirement provided that the following conditions are met: 1) that excess snow is to be removed from the site, 2) that at least two hundred (200) square feet of landscaping, be installed, at grade, at the northeasterly corner of the site (near the intersection of Warden and Shrewsbury Street) consisting of ornamental shrubs, 3) that the lot to be constructed in accordance with final revised Parking Plan

approved by the Planning Board and 4) six sets of the final revised plans to be submitted to the Division of Planning and Regulatory Services.

- 5. 349 Hamilton Street (ZB-2009-040) – Variances:** Kurt Hultgren and David Mitchell, representative and petitioner, sought Variances to build a single-family detached dwelling on a preexisting, non-conforming lot. The non-conformity of the lot is due to the fact that the subdivision of the parcel predates the Zoning Ordinance. Mr. Hultgren stated that per Article IV, Table 4.2, Note 6 (Alignment) of the Zoning Ordinance, the required front yard setback was determined to be 10.2 feet (11.0 feet to the foundation), by averaging the front yard setbacks of three (3) residential dwellings in the same block and within a distance of one hundred fifty (150) feet of the applicant's lot. Mr. Ciuffredo asked if the rendering represented the proposed structure. Mr. George asked if the adjacent lot was held in common ownership at any time. The applicant responded that the renderings showed the structure he was building and that the lots were held in common ownership until 1971. Upon a motion by Brian Murphy and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 4-1 by Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich, Brian Murphy and David George (voting no) to approve the requested variances for 15 feet of relief from the frontage requirement and 2,000 square feet of relief from the gross dimensional requirement with the following conditions: 1) that the structure be constructed in substantial accordance with the final approved Site Plan, prepared by Quinn Engineering, dated June 12, 2009, and the submitted elevation rendering, received June 16, 2009, 2) that additional landscaping (shrubs) be install in the front yard setback area on the westerly side to enhance the site and improve screening between the proposed structure and the adjacent parcel, 3) that both sides of the driveway remain unpaved and maintained as green space, 4) that a rain barrel be installed to collect rainwater runoff from roof down spouts and 5) that all mature trees remain on site. If mature trees are removed from site one (1) deciduous tree preferably Oak or Beech shall be planted on the parcel.

OTHER BUSINESS

Quorum Calls: Mr. George requested that responses to quorum calls be made on the Friday prior to the Monday evening meeting. He also requested that if a member knows that they are not attending a meeting to contact the DPRS as soon as possible.

Approval of Minutes: Upon a motion by Leonard Ciuffredo and seconded by Lawrence Abramoff it was voted 5-0 by David George, Leonard Ciuffredo, Lawrence Abramoff, William Bilotta and Brian Murphy to approve the amended minutes from the Board's June 8, 2009 meeting regarding a scrivener's error on Item 7, 39 First Street Special Permit, under the conditions to remove Item 2, remove the word fencing from Item 3 and to remove Item 4 and replace it with new item 4 as follows: "That the structures are built in accordance with the site plan dated 4/22/09, prepared by David A. Chappel and the photo simulation package dated 10/22/08 prepared by Benjamin E. Carol and submitted by Daniel Klasnick, representative for Verizon Wireless on file with the City of Worcester and in compliance with all governmental codes and the City of Worcester Zoning Ordinance"

Upon a motion by Leonard Ciuffredo and seconded by Lawrence Abramoff it was voted 5-0 by David George, Leonard Ciuffredo, Lawrence Abramoff, William Bilotta and Brian Murphy to approve the minutes from the Board's June 29, 2009 meeting.

Board reviewed and signed decisions.

ADJOURNMENT

Chair George adjourned the meeting at 7:10 P.M.