

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

**August 2, 2010  
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

**Zoning Board Members Present:**

David George, Chair  
Lawrence Abramoff  
Vadim Michajlow  
Timothy Loew

**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.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,  
WITHDRAWALS**

**NEW BUSINESS**

- 1. 633 Millbury Street (ZB-2010-019A) - Special Permit for Expansion or change of a pre-existing non-conforming use/structure and Special Permit to allow a residential conversion in a BL-1 zone.** Jonathan Finkelstein, representative, requested a postponement to August 30, 2010 as there was only a four member board. Upon a motion by Lawrence Abramoff and seconded by Vadim Michajlow, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the postponement to August 30, 2010.

Exhibit A – Special permit Application with plan received 7/7/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 8/2/2010.

- 2. 89 – 91 Malden Street (ZB-2010-017) - Special Permit for Expansion or change of a pre-existing non-conforming use/structure, Variance for relief of 8 feet from the side yard setback requirement, Variance for relief of 21.5 feet from the frontage requirement and a Variance for relief of 1625 square feet from the gross dimensional requirement for 89 Malden Street; Variance for relief of 8 feet from the side yard setback requirement, Variance for relief of 28.77 feet from the frontage requirement, Variance for relief of 2999 square feet from the gross dimensional requirement, Variance for relief of 1.5 feet from the exterior side yard setback requirement and Variance for relief of 1 parking space from the off-street parking requirement for 91 Malden Street.** David Sadowski, representative, requested a continuance to August 30,

2010 as there was only a four member board. Upon a motion by Lawrence Abramoff and seconded by Timothy Loew,, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the continuance to August 30, 2010.

Exhibit A – Special Permit and Variance Application received 6/7/10

Exhibit B – Supplemental Special Permit – Findings of Fact submitted

Exhibit C – DPRS Staff Memo to Zoning Board of Appeals Memo dated 7/1/2010 (updated 7/30/2010)

3. **1051 Main Street (ZB-2010-033) – Special Permit: To allow a non-accessory sign in a BG-2.0 zone.** Robert Anderson, representative, submitted a letter requesting a postponement to August 30, 2010. Upon a motion by Lawrence Abramoff and seconded by Vadim Michajlow, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the postponement to August 30, 2010.

Exhibit A – Special Permit Application with plan received 6/7/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/27/2010.

Exhibit C – Letter requesting postponement received August 2, 2010

4. **1059 Millbury Street (ZB-2010-037) – Amendment to Special Permit: To allow a personal wireless service facility.** Jonathan McNeal, representative, submitted a letter requesting postponement to August 30, 2010. Upon a motion by Lawrence Abramoff and seconded by Vadim Michajlow, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the postponement to August 30, 2010.

Exhibit A – Special Permit Application with plan received 7/2/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/27/2010.

Exhibit C – Letter requesting postponement received August 2, 2010

5. **15 Putnam Lane (ZB-2010-036) Extension of Time – Special Permit: To allow multi-family dwellings in an RL-7 zone.** Robert Longden, representative, presented the plan for an extension of time for one year for a Special Permit to allow 160 unit multi-family low-rise dwellings in an RL-7 zone. He stated that the project was originally permitted in 2003 and has had several continuances and that the applicant is now requesting another extension of time for two reasons. First, he said that Princeton Properties has been approached by CSX to purchase the property for its expansion of the intermodal center and it is critical to the negotiations that the Special Permit remain in effect as it affects the value of the property. He further stated that he represents both CSX and Princeton Properties and that both parties are in agreement with this representation. He said that they are in preliminary discussions regarding the purchase and that if the Special Permit is not in effect, the value of the property would be lessened and that a permitted project would reflect a truer value of the property. Secondly, Attorney Longden informed the Board that the state legislature has passed a bill called the permit extension act that provides an emergency preamble which will allow it to go into effect immediately. The bill will extend Special Permits that were issued between August 15, 2008 and August 15, 2010 for a period of two years. He stated that the bill had not been signed by the governor at this time, but the Special Permit must be in effect at the time that the bill is signed and that the applicant would like to take advantage of the state

permit extension act by receiving the approval prior to the bill being signed. Nancy Leary stated that she is in favor of Princeton Place getting the Special Permit extended as they are a good neighbor and have maintained their property. Victor Montiverdi stated that he lives in the Brown Square area and that Princeton Place is a good neighbor. Upon a motion by Lawrence Abramoff and seconded by Timothy Loew, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Timothy Loew, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to approve the Extension of Time of one year for the Special Permit to allow multi-family dwellings in an RL-7 zone with the following conditions:

- The Extension of Time is granted for twelve months;
- That future landscaping be Asian Long horned Beetle resistant;
- That the applicant agrees not to apply for tax abatements for the duration of the Extension of Time.
- That bi-monthly maintenance of the area be performed,
- That the fence be repaired and secured.

And provided they are in accordance with the Site Plan submitted on file with the City of Worcester and in compliance with all governmental codes.

Exhibit A – Special Permit – Extension of Time Application with plan received 8/2/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/31/2010.

Exhibit C – Copy of Section 173 of Economic Stimulus Bill received 8/2/10 submitted by Attorney Robert Longden

- 6. 8 Dorchester Street (ZB-2010-035) –Special Permit: To allow a residential conversion in an RG-5 zone.** David Roman, petitioner, presented the plan for a residential conversion in an RG-5 zone. He stated the he purchased the property which was in foreclosure a year ago. He said that the structure was already configured as a two-family and that he was requesting the Special Permit to make it a legal two-family dwelling. He further stated that he was remodeling of the interior, but that the structure would remain the same. He said that the structure met the building code and that he had a home and an electrical inspection but had not obtained a building permit. Mr. Kelly stated that Mr. Roman would be required to apply for a building permit for the conversion to a two-family. He further clarified that the application for a building permit included the request for a building permit, an inspection of the property and the issuance of a certificate of use and occupancy. Upon a motion by Lawrence Abramoff and seconded by Vadim Michajlow, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Vadim Michajlow, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to approve the Special Permit to allow a residential conversion in an RG-5 zone with the following conditions:

- That the bricks on the right side of the driveway be removed and the area to remain green space.
- That the applicant submit to Inspectional Services the documentation necessary to obtain a Building permit, inspection and certificate of occupancy and use.

- That the applicant submit a revised plan demonstrating compliant off-street parking outside of the front yard setback.

Upon a motion by Lawrence Abramoff and seconded by Vadim Michajlow, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to approve the waiver from the application requirement of an engineer-stamped plan.

Exhibit A – Special Permit Application with plan received 8/2/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals Memo dated 7/27/2010.

Exhibit G – photo showing the area to the right of the driveway

- 7. 101 – 104 Pleasant Street (ZB-2010-026) – Special Permit: To allow a non-accessory sign in a BG-6.0 zone.** Edward McCormick, representative for Worcester Sign Co., LLC, requested a continuance to August 30, 2010 as there was a four member board. Upon a motion by Vadim Michajlow and seconded by Timothy Loew, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the continuance to August 30, 2010.

Exhibit A– Special Permit Application received 5/14/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/8/2010. (Updated 7/29/10)

Exhibit X – Worcester Sign Company received 7/12/10

- 8. 1 Kelly Square (ZB-2010-027) – Special Permit: To allow a non-accessory sign in a BG-3.0 zone.** Edward McCormick, representative for Worcester Sign Co., LLC, requested a continuance to August 30, 2010 as there was only a four member board. Upon a motion by Lawrence Abramoff and seconded by Timothy Loew, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the continuance to August 30 2010.

Exhibit A– Special Permit Application received 5/14/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/8/2010 (Updated 7/29/10)

Exhibit X – Worcester Sign Company received 7/12/10

- 9. 255 Main Street (ZB-2010-028) – Special Permit: To allow a non-accessory sign in a BG-6.0 zone.** Edward McCormick, representative for Worcester Sign Co., LLC, requested a continuance to August 30, 2010 as there was a four member board. Upon a motion by Vadim Michajlow and seconded by Timothy Loew, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the continuance to August 30, 2010.

Exhibit A– Special Permit Application received 5/14/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/8/2010 (Updated 7/29/10)

Exhibit X – Worcester Sign Company received 7/12/10

**10. 111 – 117 Pleasant Street (ZB-2010-029) – Special Permit: To allow a non-accessory sign in a BG-3.0 zone.** Edward McCormick, representative for Worcester Sign Co., LLC, requested a continuance to August 30, 2010 as there was a four member board. Upon a motion by Lawrence Abramoff and seconded by Timothy Loew, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the continuance to August 30, 2010.

Exhibit A – Special Permit Application received 5/14/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/8/2010 (Updated 7/29/10)

Exhibit X – Worcester Sign Company received 7/12/10

**11. 379 Main Street (ZB-2010-031) – Special Permit: To allow a non-accessory sign in a BG-6.0 zone.** Edward McCormick, representative for Worcester Sign Co., LLC, requested a continuance to August 30, 2010 as there was a four member board. Upon a motion by Lawrence Abramoff and seconded by Timothy Loew, it was voted 4-0 by David George, Lawrence Abramoff, Vadim Michajlow and Timothy Loew to grant the continuance to August 2, 2010.

Exhibit A– Special Permit Application received 5/26/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/8/2010 (Updated 7/29/10)

Exhibit X – Worcester Sign Company received 7/12/10

### **Other Business:**

**Decisions:** The Board signed decisions.

### **Adjournment**

Chair George adjourned the meeting at 6:20 pm.