

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

July 29, 2013

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM

Zoning Board Members Present: Lawrence Abramoff
Vadim Michajlow
William Bilotta
Joseph Wanat
Timothy Loew
Robert Haddon

Zoning Board Members Absent: None

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

Board Site Views

CALL TO ORDER

Chair Abramoff called the meeting to order at 5:30 p.m.

REQUESTS FOR CONTINUANCES, POSTPONEMENTS, WITHDRAWALS

1. Tory Fort Lane (aka 30 Tory Fort Lane) (ZB-2013-021)

Special Permit: To allow a Personal Wireless Service Facility in the RS-7 (Residence, Single-Family) zoning district

Petitioner: Massachusetts Electric Company d/b/a National Grid

Present Use: Existing Cooks Pond Electric Substation

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: Install, operate, and maintain 3 WiMAX mounted antenna and 2 microwave antennas located on a 10' mast extension attached to a new 80' lattice tower that would replace the existing 55' wooden pole; Install signal cables from antennas to the a ground mounted equipment frame, and a radio/transceiver battery unit enclosure

Public Hearing Deadline: ~~6/20/13, 7/8/13~~, 7/29/13

Mr. Abramoff stated that the applicant submitted a written request to postpone the meeting and extend the public hearing deadline to the September 9, 2013. Alternate Loew was identified to

vote on this matter. Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted 5-0 to postpone the item and extend the public hearing deadline to September 9, 2013.

List of Exhibits.

Exhibit A: Special Permit Application; received April 16, 2013; prepared by Massachusetts Electric Company d/b/a national Grid that includes:

1. Location Map
2. Site Plan
3. Elevations
4. Existing conditions photographs
5. Equipment Brochure

Exhibit B: Postponement request to June 17, 2013; dated May 17, 2013; and to July 8, 2013; dated June 12, 2013; and request to postpone to July 29, 2013; dated July 8, 2013.

2. 5 Hill Top Circle (ZB-2013-033)

Administrative Appeal: Appeal of a decision of the inspector of buildings / inspectional services commissioner (Article II, Section 6).

Petitioners: Kirsten Hubbard and Brian Lewis (9 Hill Top Circle)

Present Use: Single-family residential dwelling

Zone Designation: RS-10 (Residence, Single-Family)

Petition Purpose: Appeal of a decision of the inspector of buildings / building commissioner in a letter dated May 7, 2013 stating that no zoning violations have taken place at 5 Hill Top Circle. The petitioners claim that the property (the garage) is being used for commercial office of use (Business Use # 18, Table 4.1) in the RS-10 zone in violation of Table 4.1 "Table of Permitted Uses" that the land use is not accessory to the predominate use in violation of Article IV, Section 8 "Accessory Uses" A(1)(a), that there is more than one commercial vehicle be kept on the lot in violation of Article IV, Section 8 B(5), and that the use is not in compliance with the home occupation in a residential district as an accessory use (Article IV, Section C)

Public Hearing Deadline: 8/10/13

Constructive Grant Deadline (Variance): 9/14/13

Mr. Abramoff stated that the applicant's attorney submitted a written request to postpone the meeting to the August 19, 2013 meeting. Brian Lewis, applicant, stated that his attorney submitted the postponement request. Alternate Haddon was identified to vote on this matter. Upon a motion by Mr. Wanat and seconded by Mr. Bilotta, the Board voted 5-0 to postpone the item to August 19, 2013.

List of Exhibits.

- Exhibit A: Administrative Appeal Application; received June 6, 2013; prepared by Kirsten Hubbard and Brian Lewis.
- Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 5 Hill Top Circle – Administrative Appeals (ZB-2013-033); dated August 16, 2013.
- Exhibit C: Request for Postponement from applicant’s attorney Jonathan Finkelstein; dated July 16, 2013 and July 22, 2013.

UNFINISHED BUSINESS

3. 453, 453A, 455 Lincoln Street (ZB-2013-026)

- Special Permit: To allow a motor vehicle sales and display (Business Use # 15 & 16, Table 4.1)
- Petitioner: Therich Besong and Wilmarc Charles
- Present Use: 3,967 SF building used for a food service establishment and office space
- Zone Designation: BL-1.0 (Business, Limited)
- Petition Purpose: Add motor vehicle sales office (Business Use # 26 – Retail Sales, Table 4.1) and outdoor display area for eight (8) motor vehicles
- Public Hearing Deadline: 6/22/13

Mr. Therich Besong stated that his partner was running late and asked if the Board could take up the item later in the meeting. Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted 5-0 (Mr. Bilotta was not present for all the meetings, therefore he could not vote) to table the item to later in the meeting.

4. 184 Highland Street and 2 Einhorn Road (ZB-2013-014)

- Special Permit: Expansion, alteration or change of privileged pre-existing nonconforming uses and structures (Article XVI, Section 4) with respect to the structure
- Special Permit: To allow a dormitory use (Residential Use #3, Table 4.1) in the RG-5 zoning district
- Special Permit: To modify the parking layout with respect to the 5-ft landscape buffer (Article IV, Section 7)
- Petitioner: D&E Realty LLC
- Present Use: Two single-family dwellings
- Zone Designation: RG-5 (Residence, General)
- Petition Purpose: Convert the dwellings to a dormitory for a total of 39 occupants (21 occupants at 184 Highland St and 18 at 2 Einhorn Rd) with thirteen (13) off-street parking spaces (7 at 184 Highland St and 6 at 2 Einhorn Rd)

Public Hearing Deadline: ~~5/30/13, 6/17/13~~, 8/8/13

Alternate Timothy Loew recused himself from this matter.

Attorney Todd Brodeur, representing the applicant, stated that since the last meeting the applicant and representatives of Becker College met with the neighborhood. The issues of density, parking, and landscaping were discussed. He stated that in the last meeting they had agreed to diminish the occupants to 30 and hence the parking requirements would be for 10 spaces, which they are providing in the present plans. Those changes requested make the additional special permit and variance to modify parking unnecessary and pending the outcome of the first petition they would withdraw that request. Also, they submitted an application for another special permit to modify the loading space required because they hadn't received a conclusive answer from Inspectional Services regarding whether or not the lodging house would be required to have one.

Mr. Brodeur stated that they are amenable to the conditions in the memo and do not have any new information to present to the Board that was not presented at the previous meeting.

Mr. Fontane stated that he concurs with Mr. Brodeur in that the special permit and variance to modify parking are unnecessary now due to the reduced number of occupants. He also stated that this use can't move forward unless the two properties are held in common ownership and while the Board can vote on the matter a condition of approval would have to be imposed that the properties be owned by one entity before a certificate of occupancy is issued.

Mr. Kelly, Inspectional Services, asked what the total square footage of both buildings was. Mr. Brodeur stated that it was ~3,300 SF for one and ~3,500 SF for the other. Mr. Kelly stated that the use would not trigger a loading space.

Mr. Fontane stated that on page 6 of the staff memo, staff prepared a density analysis for dorms, fraternities, sororities, and lodging houses in the area.

Chair Abramoff asked if there have been issues at the other dorms in the area.

Mr. Fontane stated that the properties analyzed have not had issues arise or been problematic for the neighborhood but even if they had an issue with tenant behavior it is not part of land use consideration.

Mr. Bilotta asked if the existing mature trees on the lot of 184 Highland Street will be protected. Mr. Brodeur stated that the applicant can ensure that the trees are protected.

Chair Abramoff asked if Becker College has a plan to handle parking issues that may arise. Mr. Brodeur stated that Becker will limit the amount of residents that have vehicles and they also have additional parking lots that are closer to campus that the students can use.

Attorney George Kiritsy, representing Leonard Chirchigno, property owner for 178-187 Highland Street, stated that his client are concerned about density, parking, access, and believed that the board should deny the petition due to these hardships.

Cristopher Haddad, abutter at 192 Highland Street, stated that he was opposed because of the possible noise and parking issues.

Gina Rainier, owner of Bonardi's at 179 Highland Street, stated she was against the petition because she believes having that many students move into the area will cause problems, especially with parking.

Richard Luzzo, owner of 42-44 Somerset Street, stated that presently on the lots in questions there are two single family homes that were meant for a max of 7-10 people, not for 30 occupants. He is concerned about the loss of open space and he also believes these many students will cause noise issues.

Gary Henrich, 4 Einhorn Road, stated he was concerned with the number of occupants. He stated that he attended the neighborhood meeting and it was very informative. He made a suggestion to close the curb cuts on Einhorn Road and to keep only the existing curb cut on Highland Street. This would create green space and eliminate the need to remove an off-street parking space. He also stated that he believed that they should eliminate student parking altogether and leave the parking for guests, etc.

June Hendrickson, 196 Highland Street, stated that when students first moved into the neighborhood five years ago the noise became intolerable. She stated that after some neighborhood meeting the noise in the neighborhood dropped dramatically and Becker has proven to be a good neighbor and have kept their word. She stated she has noticed the improvements and therefore encourages the petition.

Greg Droschel, 5 Einhorn Road, asked what happens to the property if this petition is not approved and also suggested that one of the curb cuts on Einhorn be eliminated.

Larry Quinn, 3 Einhorn Road, stated that he was concerned about the parking, the snow removal, and the potential noise. He stated that the density analysis shows that it is going to be crowded and that this is not the proper use for the properties. He stated he was against it and his attorney Johnathan Finkelstein submitted a letter stating his concerns.

John Crowley, 175 Highland Street, stated he concurred with the issues already discussed and asked what happens if the lease Becker has is not renewed or the owner sells the property. Mr. Abramoff stated that the applicant would not be able to proceed with its proposal if an educational institution is not committed to operating the dorm.

Harry Kairos, 177 Highland Street, stated that he was also concerned with parking.

Herman Servatius, 15 Trowbridge Road, stated that he believed the project is too dense and he believed the definition of a dormitory should be changed to "operated by an accredited college or university."

Mr. Fontane asked Mr. Brodeur to explain the discrepancy in square footage stated in the plans and stated in the assessor's records. Mr. Brodeur stated that the square footage was carried over from the MLS website when the owner bought the property. He also stated that the space in the attic will be converted into living area and that square footage is not accounted for because it is

unfinished presently. Mr. Brodeur also stated that they couldn't eliminate a curb cut from Einhorn because you would have to reconfigure the parking spaces and there is not enough clearance to still fit the landscape buffer required.

Mr. Michajlow stated that he could not approve the petition at 30 occupants because it doesn't seem to fit with the neighborhood. Mr. Brodeur stated that compared to the sororities and fraternities, this location would have similar density. He believed that they have considered all the issues and planned accordingly and that all of the issues brought up are controllable operational issues and are much more controllable in a dorm setting than if the houses were just rented to students.

Mr. Wanat stated that he believed the applicant could close the curb cut closest to Highland Street and fit two compact spaces side by side where the tandem parking is located. Mr. Norman Hill stated that it can be done and the rest of the space can be returned to green space.

Mr. Abramoff stated that he thought 30 was still a high number but that he was in favor of the improvements that would occur at these two locations and the increased tax revenue for the City. He also stated that he believed having a dormitory with the controls Becker plans to implement would be better than the alternative of having someone rent this out to students with no controls over noise, parking, visitors, etc. He would want to see snow being taken offsite.

Mr. Kelly stated that code requires at least 200 SF per person and the habitable space provided in each building is essentially what will dictate how many students can actually reside there.

Mr. Brodeur asked the Board for a continuance to September 9, 2013 to further discuss the details with his clients.

Mr. Abramoff asked him to provide an artistic rendering of what the properties will look like and a revised set of plans showing the rearranged parking.

Upon a motion by Mr. Bilotta and seconded by Mr. Michajlow, the Board voted 5-0 to continue the matter until September 9, 2013.

List of Exhibits.

- Exhibit A: Special Permit Application; received March 26, 2013; amended June 17, 2013 (received June 19, 2013); prepared by D & E Realty LLC.
- Exhibit B: Special Permit Plan; dated February 28, 2013, last revised June 13, 2013; prepared by Land Planning, Inc.
- Exhibit C: Floor Plans for 184 Highland Street; dated 1/4/2013; prepared by R. C. Searles, Associates.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 184 Highland Street (ZB-2013-014); dated May 17, 2013, last revised July 5, 2013.
- Exhibit E: Postponement request to June 17, 2013; dated May 20, 2013.

- Exhibit F: Postponement and Public Hearing Extension request to July 8, 2013; received June 13, 2013.
- Exhibit G: Letter of Opposition from Robert M. Hagearty; received July 3, 2013.
- Exhibit H: Letter of Intent & Definitive Presentation Plan from Becker College; Re: 184 Highland St and 2 Einhorn Road; letter dated July 22, 2013; plan dated June 27, 2013.
- Exhibit I: Conceptual Floor Plan; Prepared by Land Planning, Inc.; dated July 8, 2013.
- Exhibit J: Electronic Mail from Charlie Smith to Luba Zhaurova; Subject: Re: Revised answers; dated July 19, 2013.
- Exhibit K: Letter of Opposition from Attorney Jonathan Finkelstein; Re: 2 Einhorn Road and 184 Highland Street; dated July 29, 2013.

NEW BUSINESS

5. 184 Highland Street and 2 Einhorn Road (ZB-2013-036)

- Special Permit: To modify the parking layout and loading requirements with respect the loading requirement (Article IV, Section 7 (2)). 1 loading space required for buildings over 10,000 Gross SF (no loading space provided).
- Special Permit: To modify the number of required parking spaces up to a maximum of 10% (Article IV, Section 7, (A) (2)). Relief of 1 parking space.
- Variance: Relief of two (2) off-street parking spaces from the required 13 (10 provided).
- Petitioner: D&E Realty LLC & Gido Realty and Property management
- Present Use: Two single-family dwellings
- Zone Designation: RG-5 (Residence, General)
- Petition Purpose: Convert the dwellings to a dormitory for a total of 39 occupants (21 occupants at 184 Highland St and 18 at 2 Einhorn Rd) with ten (10) off-street parking spaces (4 at 184 Highland St and 6 at 2 Einhorn Rd)
- Public Hearing Deadline: 9/6/13
- Constructive Grant Deadline (Variance): 10/11/13

This item was taken up contemporaneously with the previous item. Upon a motion by Mr. Bilotta and seconded by Mr. Michajlow, the Board voted 5-0 to continue the matter until September 9, 2013.

RECESS

A recess was called by the Chair at 7:07 p.m.

The meeting reconvened at 7:15 p.m.

6. 290 Franklin Street, 5 & 7 Arctic Street (aka 284 Franklin Street), 25, 26, 38, 45 Arctic Street, 14 & 23 Hygeia Street (ZB-2013-030)

Amendment to Special Permit: Extension, Alteration or Change of a Privileged Pre-Existing Nonconforming Structure (Article XVI, Section 4)

Variance: Relief of 15.33-Ft of the 200-ft frontage requirement at 14 Hygeia St (184.67-ft is proposed)

Variance: Relief of 17.3-ft of the 200-ft frontage requirement at 5-7 Arctic St, 23 Hygeia St and 290 Franklin St (182.70-ft proposed)

Variance: Relief of 1:1 Floor to Area Ratio (FAR) from the 3:1 FAR dimensional maximum in the BG-3.0 (Business, General) and BCPOD (Blackstone Canal Parking Overlay District) zone at 38 Arctic St (4.9:1 proposed)

Variance: Relief of 2.3:1 FAR from the 3:1 FAR dim. max in the BG-1.0 (Business, General) and the BCPOD zones at 25 Arctic St (2.6:1 proposed)

Variance: Relief of 1.9:1 FAR from the 3:1 FAR dim. max. in BG-1.0 & the BCPOD at 14 Hygeia St (4.9:1 proposed)

Variance: Relief of 1.2:1 FAR from the 3:1 FAR dim. max in BG-1.0 & BCPOD at 5 & 7 Arctic, 290 Franklin & 23 Hygeia streets (4.2:1 proposed)

Variance: Relief of 2:1 FAR from 3:1 FAR dim. max in BG-1.0 & BCPOD at 26 Arctic St (5.0:1 proposed)

Petitioner: 45 Arctic Street LLC

Present Use: Vacant warehouse buildings

Zone Designation: BG-3.0 (Business, General), BCPOD (Blackstone Canal Parking Overlay District)

Petition Purpose: Amend the original 2007 Special Permit to redevelop the existing buildings into a total of 358 dwelling units and 527 associated off-street parking. The petitioner seeks to:

- Raze existing 2-story warehouse at 5-7 Arctic St (aka 284 Franklin St) to construct a 5-story building with 40 residential units
- Add one floor onto existing 4-story warehouse at 25 Arctic St to create a total of 40 residential units
- Construct new 6-story building for 75 residential units (upper five floors for residential and first floor for 40 associated off-street parking spaces) at 26 Arctic St
- Demolish existing one story block garage to construct a new 6-story building for 75 residential units (upper five floors for residential and first floor for 47 associated off-street parking spaces) at 38 Arctic St
- Provide 48 residential units in the existing 4-story building at 45 Arctic St

- Add two floors to an existing 3-story building to provide 80 residential units at 14 Hygeia St
- Raze existing 2-story building and construct a 5-story parking garage with 440 associated off-street parking spaces at 290 Franklin St, 23 Hygeia St and a portion of 5-7 Arctic St

Public Hearing Deadline: 8/1/13

Constructive Grant Deadline (Variance): 9/5/13

Mr. Abramoff stated that the petitioner requested to withdraw the petition without prejudice. Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 5-0 (Tim Loew voted) to grant the Leave to Withdraw Without Prejudice.

List of Exhibits.

Exhibit A: Special Permit and Variance Application; received May 28, 2013.

Exhibit B: Leave to Withdraw Without Prejudice Request; dated and received July 29, 2013; prepared by Jeffrey Howland from JH Engineering Group.

7. 453, 453A, 455 Lincoln Street (ZB-2013-026)

Special Permit: To allow motor vehicle sales and display (Business Use # 15 & 16, Table 4.1)

Petitioner: Therich Besong and Wilmarc Charles

Present Use: 3,967 SF building used for a food service establishment and office space

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: Add motor vehicle sales office (Business Use # 26 – Retail Sales, Table 4.1) and outdoor display area for eight (8) motor vehicles

Public Hearing Deadline: 6/22/13

Mr. Wilmarc Charles and Mr. Therich Besong were present for this item. Mr. Charles submitted a revised set of plans for the Board that showed 20 parking spaces provided, 13 spaces are required, and 7 spaces for display (3 are interior to the garage). Mr. Fontane stated that the applicant is allowed to use the garage spaces, which helps provide more parking and reduce the parking required because the square footage of the garage is not used in the parking requirement calculation.

Helen Granache, owner of Rudy’s Auto Center, stated that she objects to adding more uses to the building because they are already operating a pizza restaurant, a certified public accountant office, a real estate office, an insurance company, and a UHAUL rental location. She submitted pictures as proof of the UHAUL truck on location. She also stated that she was concerned about people blocking the right of way and that people would bump into their buildings when backing out of the 4 parking spots in the rear.

Mr. Abramoff stated that he was worried about the density on the lot and asked the applicant if he was amenable to a reduced number of display motor vehicles.

Mr. Wanat asked the applicant if the rear spaces could be rearranged to be angled, they would lose a space but it would increase maneuverability and ensure that they don't encroach on the easement.

Mr. Bilotta stated that they should impose a one year expiration on the special permit, that way they are able to evaluate if the use fits and if the applicants comply with the conditions of approval.

Mr. Abramoff stated that he agreed because if they deny the petition all the issues remain but this give something to Inspectional Services to enforce.

Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted to close the hearing.

Mr. Abramoff stated that he was still concerned that 5 or 6 display spaces would be too many so he was only willing to allow for 2 display spaces. Mr. Charles stated that his understanding was that after removing the two spaces that the Board asked him to remove, that he would have 6 display spaces.

Upon a motion by Mr. Loew and seconded by Mr. Wanat, the Board voted to re-open the hearing.

Mr. Charles stated that throughout the different meetings the number recommended has fluctuated significantly. He stated that he would prefer to have 6 spaces but if that was not possible, he would accept 4 spaces as was originally recommended by staff.

Mr. Abramoff stated that they could compromise on 3 display spaces and if all goes well during the year and that he could petition for more after that.

Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, (Mr. Bilotta was not present at the previous meeting and could not vote) the Board voted 5-0 to approve the findings of fact as submitted by the applicant and modified by staff and approve the special permit subject to the conditions in the staff memo with additional conditions as stated below:

- That the basement/garage not be used as a service garage, show room or retail space; the garage spaces shall be for employee parking use only. Should the area be utilized for garage service or showroom/retail space, such uses will trigger changes in the required parking and reduce the amount of display spaces allowed on site;
- That six (6) revised copies of the parking plan be submitted to the Division of Planning & Regulatory Services showing the following changes:
 - Show the number/configuration of parking available inside the garage;
 - Relocate the handicap space and access aisle to the south of the building;
 - Label the display spaces - three parallel spaces along the easterly property line (adjacent to Commerce Bank)
 - Correct the scale of 1" = 20' to 1" = 10'.
 - Correct the parking summary to state:
 - 22 existing parking spaces
 - 13 required parking spaces – 8 for food services, 5 for retail sales

- 20 provided parking spaces – 8 for food services, 9 for retail sales (3 in garage) , 3 for display
- Apply for a parking lot license with the License Commission;
- That the lot be striped according to the final approved plans;
- That the entire right-of-way is striped with no parking written periodically in the right-of-way;
- That three (3) signs that state no parking in right-of-way be installed on site.
- That snow be removed offsite and annotated on the plan;
- That one of the parking spaces behind Golden Pizza is removed and the remaining three are angled parking;
- That one of the northermost display spaces near the right-of-way is removed;
- Only three (3) display spaces are allowed;
- This Special Permit expires in one year from the date of issuance of the used car license from the Police Department;

List of Exhibits.

- Exhibit A: Special Permit Application for 453, 453A and 455 Lincoln Street; prepared by Wilmarc Charles and Therich Besong; received April 18, 2013.
- Exhibit B: Plan for 453-455 Lincoln Street; dated May 25, 2013; prepared by the applicant; received May 28, 2013.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 453, 453A and 455 Lincoln Street; dated June 14, 2013; revised July 3, 2013.
- Exhibit D: Parking Plan for 453-455 Lincoln Street; prepared by Viacad LLC; dated June 25, 2013; received June 28, 2013.
- Exhibit E: Easement Deed for Andrews Avenue; dated May 30, 1990, record May 31, 1990.
- Exhibit F: Pictures submitted July 29, 2013 by Helen Granache, abutter.

8. 28 Northboro Street (Proposed Lot 7) (ZB-2013-034)

- Variance: Relief of 5-ft of the 65-ft minimum frontage requirement (60-ft provided)
- Petitioners: George & Christine Elhoussan
- Present Use: Single-family residential dwelling
- Zone Designation: RL-7 (Residence, Limited)
- Petition Purpose: Subdivide the lot into lot 6 & lot 7 provides 60-ft of frontage each for the newly created lot 6 and lot 7
- Public Hearing Deadline: 8/29/13

Constructive Grant Deadline (Variance): 10/3/13

Mr. Hussein Haghanizadeh, representing the applicants for both 26 & 28 Northboro Street, stated that lot #28 has an existing single family dwelling and they are proposing to construct a single family house on lot #26. The existing house does not presently provide parking and the petition proposes to provide two parking spaces for that dwelling. The new proposed home will have a two car garage, which will eliminate any need for on-street parking. Mr. Haghanizadeh stated that the lots on that street are 60' frontage lots with single family homes so this proposal would fit in with the neighborhood and meets all other requirements.

Mr. Haghanizadeh stated that there was a building permit issued and construction had started before Inspectional Services discovered that they were required to come before the Zoning Board to ask for frontage relief.

Mr. Fontane stated that there was a cease and desist order placed on this property. The building permit was issued because there was some information given to the building department that was inaccurate and upon further legal review the project was put on hold until it received the necessary relief.

Mr. Fontane stated that per the neighborhood analysis performed by staff, ~52% of lots along Northboro Street and around the vicinity do not provide sufficient frontage required for its use in the RL-7 zoning district. The subject properties, 26 & 28 Northboro (Lots 6 & 7) will meet and/or exceed all other dimensional requirements. When only evaluating Northboro Street, ~56% of the properties conform to the required frontage required based on its use. It should be noted that if the existing structure on 28 Northboro St were demolished, the petitioners may construct single-family semi-detached (duplex) homes and have an excess of 50' in frontage.

Henry Madden, 25 Northboro Street, stated that 65' of frontage is what is required and the Zoning Board created precedent in 2005 when an adjacent lot was rejected a variance because they believed it would overcrowd the area.

Angie Black, 24 Northboro Street, stated she was not against the project. She stated that there is a mature tree between the two properties that's doing damage to her foundation and she would like it torn down.

Joe Camarra, 20 Northboro Street, stated he was against the petition because he believes that the property should conform with required 65' of frontage.

Madeline Martin, 25 Northboro Street, stated that Northboro Street is only 20.5' wide and the street cannot handle any additional traffic. She was concerned about the loss of green space and about parking for the existing four-bedroom home.

George Elhoussan, owner of property, stated that everyone has parking and no one parks on the street.

Mr. Haghanizadeh stated that the existing house doesn't have parking spaces but they will be providing two spaces for that dwelling. The proposed house will have a two car garage.

Mr. Abramoff stated that if they will be removing a tree he would like to see two new trees planted on the property.

Joe Camarra, 20 Northboro Street, stated that he was unsure how new driveways and houses would fit in a lot with only 60' of frontage. Mr. Bilotta asked Mr. Camarra how many feet of frontage he had and whether or not he had a garage and Mr. Camarra responded that he had 60' of frontage and that he had a driveway that leads up to a garage.

Upon a motion by Mr. Wanat and seconded by Mr. Bilotta, the board voted to close the hearing. Alternate Haddon was identified to vote on this matter.

Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 5-0 to approve the variance requested subject to the following conditions:

- That eight (8) copies of a revised plot plan be submitted to the Division of Planning & Regulatory Services prior to issuance of a Certificate of Occupancy addressing the following:
 - Label 26 Northboro Street on plan and MBL numbers already provided for each parcel;
 - Include a plan note indicating that 5' of relief was granted by the Zoning Board of Appeals on July 29, 2013 from the 65' frontage requirement for each parcel;
 - One 3" caliper, Asian Longhorned Beetle resistant shade tree be planted on the lot fronting Northboro Street;
 - Provide a landscaping table;
 - Each side of the driveway remain as green space and not be paved;
 - The open space on either side of the driveway be labeled on the revised site plan;
 - Decorative fencing be installed by the applicant along the front of the property. Said fencing must be an open design and be 4 feet in height;

List of Exhibits.

- Exhibit A: Variance Application for 28 Northboro Street; prepared by George & Christine Elhoussan; received June 25, 2013.
- Exhibit B: Variance Application for 26 Northboro Street; prepared by Pascale Rizk; received June 25, 2013.
- Exhibit C: Variance Plan; prepared by HS&T Group, Inc.; dated June 3, 2013; received June 25, 2013.
- Exhibit D: Architectural Building Elevations & Framing Plan; prepared by Acropolis Design Consultants.
- Exhibit E: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 28 Northboro St & 26 Northboro St; dated March 28, 2013.
- Exhibit F: Quitclaim Deed for 28 Northboro Street, Book 49909, Page 336; dated October 8, 2013; recorded November 5, 2012.
- Exhibit G: Plan of Lots along Greenwood Avenue, Marlboro Street, Palfrey Street and Bloomingdale Road; prepared by O. Willis Rugg; Book 21, Page 336; dated 1912; accessed July 23, 2013.
- Exhibit H: Quitclaim Deed for Northboro Street; Book 50461, Page 33; accessed July 23, 2013.

9. 26 Northboro St (Proposed Lot 6) (ZB-2013-035)

Variance: Relief of 5-ft of the 65-ft minimum frontage requirement (60-ft provided)
Petitioner: Pascale Rizk
Present Use: Single-family residential dwelling
Zone Designation: RL-7 (Residence, Limited)
Petition Purpose: Subdivide the lot into lot 6 & lot 7 provides 60-ft of frontage each for the newly created lot 6 and lot 7
Public Hearing Deadline: 8/29/13
Constructive Grant Deadline (Variance): 10/3/13

This item was taken up contemporaneously with the previous item.

Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 5-0 to approve the variance requested subject to the following conditions:

- That eight (8) copies of a revised plot plan be submitted to the Division of Planning & Regulatory Services prior to issuance of a Certificate of Occupancy addressing the following:
 - Label 26 Northboro Street on plan and MBL numbers already provided for each parcel;
 - Include a plan note indicating that 5 ft. of relief was granted by the Zoning Board of Appeals on July 29 2013 from the 65 ft. frontage requirement for each parcel;
 - That the tree that abuts 24 Northboro be removed provided it is not on city-owned property.
 - Two 3” caliper, Asian Longhorned Beetle resistant shade tree be planted on the lot fronting Northboro Street;
 - Provide a landscaping table;
 - Each side of the driveway remain as green space and not be paved;
 - The open space on either side of the driveway be labeled on the revised site plan;
 - Decorative fencing be installed by the applicant along the front of the property. Said fencing must be an open design and be 4 feet in height;

List of Exhibits.

Exhibit A: Variance Application for 28 Northboro Street; prepared by George & Christine Elhoussan; received June 25, 2013.
Exhibit B: Variance Application for 26 Northboro Street; prepared by Pascale Rizk; received June 25, 2013.

- Exhibit C: Variance Plan; prepared by HS&T Group, Inc.; dated June 3, 2013; received June 25, 2013.
- Exhibit D: Architectural Building Elevations & Framing Plan; prepared by Acropolis Design Consultants.
- Exhibit E: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 28 Northboro St & 26 Northboro St; dated March 28, 2013.
- Exhibit F: Quitclaim Deed for 28 Northboro Street, Book 49909, Page 336; dated October 8, 2013; recorded November 5, 2012.
- Exhibit G: Plan of Lots along Greenwood Avenue, Marlboro Street, Palfrey Street and Bloomingdale Road; prepared by O. Willis Rugg; Book 21, Page 336; dated 1912; accessed July 23, 2013.
- Exhibit H: Quitclaim Deed for Northboro Street; Book 50461, Page 33; accessed July 23, 2013.

DECISIONS FROM PRIOR MEETINGS

The decisions from the previous meeting were signed.

APPROVAL OF THE MINUTES

Upon a motion by Mr. Bilotta, the Board voted to approve the minutes for June 17, 2013 with no edits. The minutes for July 9, 2013 were held.

ADJOURNMENT

Upon a motion by Mr. Michajlow, the Board voted to adjourn the meeting at 8:22 p.m.