

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

December 1, 2014

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
George Valeri
Timothy Loew
Robert Haddon

Zoning Board Members Absent: Joseph Wanat

Staff Present: Stephen Rolle, Division of Planning and Regulatory Services
Domenica Tatasciore, Division of Planning and Regulatory Services
Michelle Smith, Division of Planning and Regulatory Services
John Kelly, Inspectional Services
David Horne, Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Lawrence Abramoff called the meeting to order at 5:30 PM.

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

1. 26 Lenox Street (MBL 11-021-00005) (ZB-2014-049)

Variance: For relief of 4 ft. from the 5 ft. side-yard setback requirement for an accessory structure in an RS-10 (Residence, Single-family) zoning district (Article IV, Section 8)

Petitioners: Kristen Billiar

Present Use: A single-family detached dwelling

Zone Designation: RS-10 (Residential, Single-family)

Petition Purpose: To construct a 22 ft. by 22 ft. two-car detached garage

Public Hearing Deadline: 12/26/14; Constructive Grant Deadline: 1/29/15

Mr. Abramoff stated that the applicant requested postponement to December 15, 2014 with an extension of the Constructive Grant Deadline to January 30, 2015.

Upon a motion by Mr. Loew and seconded by Mr. Michajlow, the Board voted 5-0 to grant the request for postponement to December 15, 2014 with an extension of the Constructive Grant Deadline to January 30, 2015.

NEW BUSINESS

2. 33 Clearview Avenue (MBL 22-018-00003) (ZB-2014-050)

Variance: For relief of 14 ft. from the 20 ft. front-yard setback requirement for an accessory structure in an RS-7 (Residence, Single-family) zoning district.
Petitioners: James & Theresa O'Brien
Present Use: A single-family detached dwelling
Zone Designation: RS-7 (Residence, Single-family)
Petition Purpose: To construct a 6 ft. x 13 ft. shed in the eastern portion of the existing driveway within the required front-yard setback
Public Hearing Deadline: 1/03/15; Constructive Grant Deadline: 2/07/15

James O'Brien, petitioner, stated that the proposal is to construct a small shed in the driveway which is located in the required front setback. He explained that there is a steep (more than 45 degree angle) slope that exists in the back- and front-yards and the challenges he and his wife have pushing the snow-blower up the hill in winter weather conditions. He stated that there is no access to the rear-yard thus they would have to put the shed within the front-yard setback.

Mr. Abramoff stated that the yard appears quite steep.

Mr. O'Brien submitted a rendering which he prepared (Exhibit C) and stated that the structure's height would remain under 12 ft. but that the shed would have a roof that is angled away from the drive-way to prevent snow build up therein.

Mr. Abramoff asked for clarification regarding the door location and if there will be sufficient spacing in the drive-way for parking. Mr. O'Brien stated that the door faces the street to prevent conflicts with the existing walls and that the shed was designed to allow for one parking space in the driveway with enough room to open both doors of the vehicle without hitting the structure or retaining walls.

Mr. O'Brien stated that the weep holes in the existing retaining wall will now drain through the timber floor of the shed with the addition of elbow piping that he plans to install.

Ms. Tatasciore summarized the project and stated that staff concerns have been addressed and noted that the applicant should request a waiver of the requirement to label abutters within 300 ft. and noted that she suggested the following conditions of approval:

1. Provided that the structure be constructed in substantial accordance with the final approved plot plan, dated 9/11/2014 by HS&T Group, Inc. and the rendering prepared by James O'Brien, received 12/1/2014, on file with the City of Worcester and in compliance with all governmental codes;

2. That the existing retaining wall weep holes and drainage system remain unobstructed; and
3. That the proposed shed is not to be inhabited.

Mr. Loew asked if the materials of the shed would be the same as those on the primary structure. Mr. O'Brien stated that he plans to match the siding to that which is presently on the primary structure.

Mr. Abramoff stated that the petition certainly meets the hardship criteria given the slope.

Upon a motion by Mr. Valeri and seconded by Mr. Loew the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to approve the requested Variance for relief of 14 ft. from the 20 ft. front-yard setback requirement for an accessory structure in an RS-7 zone with the following conditions of approval:

1. Provided that the structure be constructed in substantial accordance with the final approved plot plan, dated 9/11/2014 by HS&T Group, Inc. and the rendering prepared by James O'Brien, received 12/1/2014, on file with the City of Worcester and in compliance with all governmental codes;
2. That the existing retaining wall weep holes and drainage system remain unobstructed; and
3. That the proposed shed is not to be inhabited.

Waivers:

The Board approved a waiver for labeling all abutters and abutters thereto within 300 ft. on the plan.

List of Exhibits:

- Exhibit A: Variance Application; received October 30, 2014; prepared by James & Theresa O'Brien.
- Exhibit B: Plot Plan; dated September 11, 2014; prepared by HS&T Group, Inc.
- Exhibit C: Rendering; prepared by James O'Brien; dated and received December 1, 2014.

3. 6 Pullman Street (MBL 23-002-00009) (ZB-2014-051)

Special Permit: To allow a Salvage Recycling Operation in a MG-0.5 (Manufacturing, General) zone (Article IV, Section 2, Table 4.1, Manufacturing Use #8)

Petitioners: Materials Management Group, Inc.

Present Use: An existing ~23,624 SF warehouse structure and associated off street parking and loading Zone Designation RL-7 (Residential, Limited)

Petition Purpose: To use the existing warehouse as a recycling center operation

Public Hearing Deadline: 1/08/15

Patrick Manning, President of Materials Management Group, Inc., petitioner, stated that he and his partner, David Quell, are seeking to open a small scale recycling facility and noted that the operation has already been permitted by the Massachusetts Department of Environmental Protection. He stated that a copy of the lease for the existing vacant warehouse structure was provided. He noted that some improvements to the structure are planned specifically to update the exterior, the front entrance, and to re-activate a loading bay to provide access for loading.

Mr. Manning stated that he provided a response letter with answers to the questions stated in the staff memo. He reviewed the answers briefly and stated that the owner of the property, C & E, provided a letter stating that the applicant is allowed to access the property via other commonly owned property at #2 and #10 Pullman Street. He stated that the Higgins Street driveway is unpaved and could be used to access the site. He stated that the materials they process are non-hazardous construction materials and that they are only allowed, via their DEP permit to accept source-separated materials. He noted that some of the primary materials they accept are gypsum wallboard (sheetrock) cuttings from new construction projects which is banned from disposal at landfills in MA and which they return to manufactures and plants for re-use of the materials.

Mr. Abramoff asked what the hours of operation would be. Mr. Manning stated that they would operate 7 a.m. to 3 p.m.

Mr. Manning stated that snow is plowed and removed off-site, as needed, by a private contractor. He stated that the façade improvements would be kept in character with the other buildings on the adjacent parcels. He stated that no dumpster is proposed at this time but may be later down the line although they generate less than 2% waste. He explained that someone from his staff is on-site when accepting deliveries and inspects all loads that arrive at the site to ensure materials have been source separated and then it's tipped on the floor. He stated that they plan to put up a small sign – similar in size to the other businesses in the area have on premise.

Mr. Abramoff inquired about directional signage given the challenges to finding the location. Mr. Manning stated they may install something small near the tire distribution facility next door.

Ms. Tatasciore stated that the applicant provided the two new Exhibits E & F earlier in the day. She stated that the applicant has now addressed all staff concerns but noted that the applicant should request a waiver of labeling all abutters within 300 ft. on the plan and recommended the following conditions of approval:

- 1) The facility only accepts source separated non-hazardous materials for recycling; and
- 2) Provided it is in accordance with the plot plan submitted on file with the City of Worcester and in compliance with all governmental codes.

Mr. Abramoff asked if the state required that the facility only accepts source separated non-hazardous materials for recycling. Mr. Manning said it was not, but that the provision of receiving source-separated materials a condition for the permit issued by the DEP for this facility, along with accepting less than 250 tons of materials per day. Mr. Abramoff asked if the petitioner would be amenable to the proposed conditions of approval.

Mr. Quell, Hopkinton MA, clarified the DEP permitting conditions.

Councilor Tony Economou asked if the facility was restricted to receipt of non-hazardous materials was part of the DEP permit-requirement as well. Mr. Manning stated that receipt of non-hazardous materials is a condition under the permit by Mass DEP as well as a proposed condition for the Special Permit.

Mr. Abramoff asked when Mr. Manning planned to begin operations. Mr. Manning stated that they need to upgrade the fire-suppression system to code, and replace the roof before they could open.

Upon a motion by Mr. Michajlow, and seconded by Mr. Valeri the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to approve the requested Special Permit for to allow a Salvage Recycling Operation in a MG-0.5 (Manufacturing, General) zone with the conditions that:

- 1) The facility only accepts source separated non-hazardous materials for recycling; and
- 2) Provided it is in accordance with the plot plan submitted on file with the City of Worcester and in compliance with all governmental codes.

Waivers:

The Board approved a waiver for labeling all abutters and abutters thereto within 300 ft. on the plan.

List of Exhibits:

- Exhibit A: Special Permit Application; received November 4, 2014; prepared by Applicant, Patrick Manning of Materials Management Group.
- Exhibit B: Plan of Property; dated October 30, 1996; prepared by Whitman & Bingham Associates.
- Exhibit C: Plan of Existing Right-Of-Way; dated February 29, 1972; prepared by Reney Brothers, Inc.
- Exhibit D: Deed – Easement for Street Purposes; dated March 4, 1993
- Exhibit E: Letter regarding access to subject site from C & E; dated & received December 1, 2014.
- Exhibit F: Response Letter to Staff Memo from Patrick Manning, Materials Management Group, Inc.; dated and received December 1, 2014.

OTHER BUSINESS

4. Communications – None

5. Elections of Officers –

Mr. Michajlow nominated Mr. Abramoff as Chairman, as seconded by Mr. Valeri.

Mr. Loew nominated Mr. Michajlow for Vice-Chair, as seconded by Mr. Abramoff.

With no other nominations, the Board voted 5-0 to reappoint Mr. Abramoff as Chairman and Mr. Michajlow as Vice-Chairman.

6. Signing of Decisions from prior meetings

The Board signed the following decisions:

- 10 Pullman Street (LTW)
- 474 Grove Street (SP)
- 10 Kelly Street (V – LTW & SP for Extension, Alteration, or Change of an Per-Existing Non-Conforming Structure - Decision)
- 32 Burncoat Street (LTW)

ADJOURNMENT

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to adjourn the meeting at 5:55 p.m.