

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

**JANUARY 22, 2007**

**WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

**Zoning Board Members Present:** Leonard Ciuffredo, Chair  
Morris Bergman, Vice-Chair  
Matthew Armendo  
David George  
Andrew Freilich  
Lawrence Abramoff

**Staff Present:** John Kelly, 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**

The minutes of the January 8, 2007 meeting were held because the Board did not receive them in time for all members to review them.

**REQUESTS FOR WITHDRAWAL**

1. **25 May Street (Z-06-210) – Special Permit:** Allan Kupelnick, petitioner, submitted a letter requesting Leave to Withdraw without prejudice for the Special Permit for non-accessory residential parking and will file a new petition. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to grant the petitioner Leave to Withdraw Without Prejudice.
  
2. **75 Southgate Street, 92 & 98 Armory Street (Z-06-213) – Variances:** Todd Rodman, representative of the petitioner, South Worcester Neighborhood Improvement Corporation, informed the Board that the project has been redesigned to conform to the requirements of the Zoning Ordinance and no longer requires relief. He further stated they were requesting Leave to Withdraw without prejudice for 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 Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to grant the petitioner Leave to Withdraw Without Prejudice.

### **UNFINISHED BUSINESS**

3. **91 Stafford Street (Z-06-185) – Variance:** John Riel, representative, and Mansour Gaval, petitioner, presented the petition. Mr. Riel stated that the petitioner was seeking a Variance for relief of 76 parking spaces from the off-street parking requirement for the purpose of leasing additional retail space. Chair Ciuffredo asked Mr. Gaval if he had explored opportunities on the site or off-site for parking. Mr. Gaval said he had contacted some property owners and businesses in the area without success. Upon questioning by Chair Ciuffredo, Mr. Fontane referenced a letter from the Department of Public Works introduced at the November 27, 2006 meeting expressing concern that the Variance requested would exacerbate on-street parking on Stafford Street, which they identified as being one of the main traffic thoroughfares in the City. Additionally, the letter stated that since on-street parking is significantly limited in this area, patrons of the proposed project may be tempted to use the Webster Square Plaza parking lot, which would mean crossing 3-4 lanes of heavy traffic to access the site, thereby increasing the potential for pedestrian accidents in this area. Mr. Bergman said that, realistically, the basement and second floor would be hard to rent and asked the petitioner if he would be willing to accept relief for the first floor space only. Mr. Gaval responded that he was amenable to that. Mr. Freilich asked if Mr. Gaval had any intention of selling the building and Mr. Gaval said he had no such intention at this time. He stated he has \$770,000.00 invested in the building to date in response to a question from Mr. Bergman. No one was recorded in opposition. Upon a motion by Morris Bergman and seconded by David George, the Board voted 5-0 to close the hearing. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to approve the following:

- **Variance: Relief of fourteen (14) spaces from the off-street parking requirement.**

The Variance was approved with the following condition:

- **The requested relief is for the first floor of the larger building depicted on the site plan only.**

4. **17 Grandview Avenue (Z-06-186) – Variance:** Rosemary Danso, petitioner, had requested a Variance for 30 feet of relief from the frontage requirement for the purpose dividing the lot into two lots. The hearing was originally scheduled for November 27, 2006 and Ms. Danso had requested a continuation to January 22, 2007 to allow her time to provide additional information to the Board. Neither Ms. Danso, nor a representative in her behalf, was present for the meeting. Since no request for a continuation or an extension of the deadline for constructive grant had been received, it was necessary for the Board to take action. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 to close the hearing. Upon a motion

by Morris Bergman and seconded by David George, it was voted 0-5 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to approve the requested Variance. Therefore, the motion failed and the Variance for 30 feet of relief from the frontage requirement was denied.

5. **26 Hancock Street (Z-06-188) – Variance:** Douglas Scott, representative for William Randall, petitioner, presented the petition. Mr. Scott stated that the petitioner was seeking a Variance for relief of 1,192 square feet from the gross dimensional requirement for the purpose of constructing a single-family detached dwelling on site. City Councilor Barbara Haller stated that she was there to see that the interests of the neighborhood were protected. Mr. Fontane informed the Board that the revised plan submitted was to scale and that the house proposed in this plan is smaller than the previous two plans and now meets all other dimensional requirements. Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to close the hearing. Upon a motion by David George and seconded by Morris Bergman, the it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to extend the deadline for constructive grant to February 25, 2007. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to approve the following:

- **Variance: 1,192 square feet of relief from the gross dimensional requirement.**

The Variance was approved with the following conditions:

- **Front door must face Hancock Street.**
- **Dwelling must be built according to submitted plan and rendering.**

6. **21-23 Osceola Avenue (Z-06-200) – Variance:** Donald O’Neil and Nicholas Grande, petitioner, presented the petition. Mr. O’Neil stated that Mr. Grande was seeking a Variance for relief of 500 square feet from the gross dimensional requirement for the purpose of dividing the two-family detached structure into two single-family semi-detached dwelling units (duplex). Mr. Bergman said that two owner-occupied units are preferable. Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to close the hearing. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to extend the deadline for constructive grant to March 8, 2007. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted 4-1 by Morris Bergman, Matthew Armendo, David George and Andrew Freilich (Leonard Ciuffredo voted no) to approve the following:

- **Variance: 500 square feet of relief from the gross dimensional requirement**

The Variance was approved with the following conditions:

- **Shed must be removed from the site.**

- **Structure must meet the definition of a duplex according to the Zoning Ordinance.**

7. **12 Rockwood Avenue (Z-06-201) – Variances:** Neither Michelle Nietsche, petitioner, nor a representative on her behalf was present for the hearing. Ms. Nietsche was seeking a Variance for relief of five (5) feet from the frontage requirement for the purpose of dividing the lot to create two lots. She also requested a Variance for relief of 500 square feet from the gross dimensional requirement which is not needed because the proposed lots would have sufficient area. Since no request for a continuation or an extension of the deadline for constructive grant had been received, it was necessary for the Board to take action. Upon a motion by David George and seconded by Matthew Armendo, it was voted 5-0 to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 0-5 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to approve the requested Variance. Therefore, the motion failed and the Variances for 5 feet of relief from the frontage requirement and 500 square feet of relief from the gross dimensional requirement were denied.

**NEW BUSINESS**

8. **21 Eastern Avenue (Z-06-207) – Variances:** Lawrence Brodeur, representative for the petitioner, presented the petition. Mr. Brodeur stated that the petitioner was seeking Variance for relief from Article IV, Section 6, Part VII to allow a total of four wall signs and relief of 109 square feet to allow a total of 133 square feet on four wall signs instead of the 24 square feet permitted by right in Article IV, Section 6, Table 4.3. There was no opposition. 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 4-1 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo and David George (Andrew Freilich voted no) to approve the following:

- **Variance: Relief from Article IV, Section 6, Part VII to allow a total of four wall signs**
- **Variance: Relief of 109 square feet to allow a total of 133 square feet on four wall signs instead of the 24 square feet permitted by right in Article IV, Section 6, Table 4.3.**

The Variances were approved with the following conditions:

- **Signs must be installed according to plan submitted.**
- **Signs not to be illuminated.**

9. **16 Whitman Road (Z-06-212) – Special Permit:** Russell and Beth Couturier, petitioners, presented the petition. They were seeking a Special Permit to operate a bed and breakfast in an RS-10 district. Mr. Couturier provided information relative to the successful operation of a bed and breakfast. He offered that since there are so many colleges in the City, a bed and breakfast would provide a needed service. He said 27% occupancy is necessary to be profitable and he expected 50% occupancy because there are no other bed and breakfasts in the City. Chair

Ciuffredo asked the petitioners if they were going to live in the house and they responded that they were. James Crowley presented the Board with a letter outlining his objections to the proposed use. He said a bed and breakfast does not belong in a residential neighborhood because it is a business. Mr. Crowley also presented a petition signed by residents who opposed the proposed use in the neighborhood. Joseph Toomey said the character of the neighborhood would be different if the business use were allowed. Andrew Freilich asked the petitioners if they planned on retaining their current home and they responded that they were not certain what they will do with it. Matthew Armendo, Morris Bergman, David George and Andrew Freilich expressed doubts that the proposed use would be in keeping with the character of the neighborhood. Mr. Freilich commended the petitioners for wanting to operate a bed and breakfast in Worcester but felt the choice of location in a single-family neighborhood was not the right one. 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 0-5 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to approve the requested Special Permit. Therefore, the motion failed and the Special Permit to operate a bed and breakfast in an RS-10 district was denied.

**10. 33 Caro Street, 37 Caro Street and 37 Clay Street (Z-06-215) – Special Permit:** Jeffrey Howland, representative for the petitioner, presented the petition and showed a rendering. Mr. Howland stated the petitioner was requesting a Special Permit to allow single-family attached dwellings in an RL-7 district for the purpose of constructing a three-unit single-family attached dwelling (townhouse). George Sotir, David Glazer, City Councilor Barbara Haller and Angelina Zonia were all opposed because townhouses do not fit in with the character of the neighborhood. Chair Ciuffredo, Morris Bergman and Matthew Armendo expressed a preference for up and down units rather than townhouse units in these kinds of neighborhoods. Mr. Howland, realizing that the Special Permit was not going to be approved, requested Leave to Withdraw without prejudice. Upon a motion by David George and seconded by Andrew Freilich, it was voted 4-1 by Leonard Ciuffredo, Morris Bergman, David George and Andrew Freilich (Matthew Armendo voted no) to grant the petitioner Leave to Withdraw Without Prejudice.

**11. 189 Dominion Road (Z-06-220) – Special Permit:** Patricia Gates, representative for the petitioner, and Larry DiGregorio, petitioner, presented the petition to the Board. Ms. Gates stated the petitioner was seeking an extension of time for a Special Permit to allow single-family attached dwellings in an RL-7 district for the purpose of constructing five single-family attached dwellings (townhouses). Ms. Gates told the Board construction had not begun because of the expenses involved with the infrastructure that must be in place prior to construction. Mr. Bergman asked the cost involved in site development and infrastructure and was told by Mr. DiGregorio that approximately \$100,000 to \$130,000 was the expected cost. 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, Matthew Armendo, Morris Bergman, David George and Andrew Freilich to approve the following:

- **Extension of Time for Special Permit: 1 year**

The Extension of Time for Special Permit was voted with the following condition:

- **Must be constructed according to the final revised site plan approved by the Planning Board.**

**12. 335 Chandler Street (Z-06-221) – Special Permit:** Board member Larry Abramoff recused himself and left the room. Todd Rodman, representative for Larry Abramoff, petitioner, presented the petition. He said the petitioner was seeking a Special Permit for expansion or change of a pre-existing nonconforming structure/use for the purpose of renovating approximately 15,000 square feet of the interior of the existing building for office use to accommodate offices for the Massachusetts Society for the Prevention of Cruelty to Children (MSPCC). He said all renovations will be interior. Morris Bergman asked if MSPCC had any interest in purchasing the building and expressed concern that the building could be removed from the tax roles if sold to a nonprofit entity. Michael Hughes, representative for MSPCC, stated they had no interest in purchasing the building. Todd Brooks and Laura Serandola spoke in favor of the proposed use. Mr. Bergman asked if the owner would consider conditioning the Special Permit on the tenant and the owner. Mr. Rodman said he needed to speak to the owners. Support letters from Rep. Robert Spillane, City Councilor Dennis Irish, City Councilor Frederick Rushton and Sen. Harriet Chandler were presented and reviewed by the Board. Upon a motion by Morris Bergman and seconded by David George, it was voted to table the item to allow Mr. Rodman to confer with the owners. Mr. Rodman then left the room for a short time. Upon his return, Mr. Armendo motioned to remove the item from the table. The motion was seconded by Morris Bergman and the Board voted 5-0 to take the item off the table. Mr. Rodman informed the Board that conditioning for the tenant was agreeable to the owner. However, conditioning it for the owner might be problematic for financing purposes. Mr. Freilich said he had no problem conditioning the Special Permit for the tenant, but not for restricting sale of the property. 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, Matthew Armendo, Morris Bergman, David George 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:

- **Special Permit is for this particular tenant, Massachusetts Society for the Prevention of Cruelty to Children, only.**
- **If property is transferred or sold to a 501C3 or other nonprofit entity, Special Permit is no longer valid and a new application must be submitted.**

**13. 32 Bancroft Street (Z-06-222) – Variances:** Edward Caroll, petitioner, presented the petition to the Board. He stated he was seeking a Variance for 1,071 square feet of relief from the gross dimensional requirement for the purpose of constructing a single-family dwelling. The Board requested a rendering of the structure. Mr. Fontane told the Board that, while the petitioner had provided a rendering and a revised plan, neither accomplished what DPRS requested. The rendering shows a garage but the site plan does not show a driveway into the garage. The

driveway shown is on the side of the house. Also, the petitioner must choose which frontage to use and match up the garage and driveway. City Councilor Barbara Haller said this was an important lot to redevelop but that it must be done right. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 to continue the hearing to February 12, 2007 to allow the petitioner to revise the site plan.

**OTHER BUSINESS:**

- 13. 23 Lorenzo Street - Scrivener's Error:** Ms. Stolberg explained that an error had been made on the decision that was filed in the City Clerk's Office. Book and Page numbers needed to be changed. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to correct the decision.

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