

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

July 21, 2008

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present: Leonard Ciuffredo, Chair
David George, Vice-Chair
Lawrence Abramoff
Brian Murphy

Staff Present: 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 MINTUES

Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 3-0 by David George, Lawrence Abramoff and Brian Murphy to approve the minutes from the June 23, 2008 meeting (Chair Ciuffredo was not present at the June 23, 2008 meeting).

Chair Ciuffredo advised the petitioners that there were only four members present. Therefore, all Board members would have to vote affirmatively in order to approve petitions. He further advised them that they could seek a postponement if they wished to be heard by all five members.

REQUESTS FOR WITHDRAWALS, CONTINUANCES, TIME EXTENSIONS

1. **10 Ronald Drive (ZB-2008-064) – Variance:** The petitioner requested a postponement to August 11, 2008. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the postponement to August 11, 2008.
2. **65 & 70 James Street (ZB-2008-065) – Variance:** The petitioner requested a postponement to August 11, 2008. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the postponement to August 11, 2008.
3. **1279-1283 Pleasant Street (ZB-2008-049) – Special Permit:** The petitioner requested a postponement to August 11, 2008. Upon a motion by David George and seconded by

Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the postponement to August 11, 2008.

4. **90 East Central Street (ZB-2008-051) – Amendment to Special Permit and Amendment to Variances:** The petitioner requested a postponement to August 11, 2008 and extension of the constructive grant date to September 30, 2008. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the postponement to August 11, 2008 and to extend the deadline for constructive grant to September 30, 2008.

Chair Ciuffredo stepped down from the Chair and David George assumed the Chair.

5. **65 & 70 James Street (ZB-2008-058) – Special Permit and Variance:** The petitioner requested Leave to Withdraw without prejudice the petition for a Special Permit for expansion or change of a pre-existing nonconforming use/structure and Variance for relief of 365 parking spaces from the off-street parking requirement. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 3-0 by David George, Lawrence Abramoff and Brian Murphy to approve the request of the petitioner for Leave to Withdraw without prejudice.
6. **1 Oxford Place (ZB-2008-057) – Special Permit and Variance:** Attorney Todd Brodeur, representative for the petitioner, Darlene Domian, requested a continuance to August 11, 2008 because there were not four members to conduct the hearing. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 3-0 by David George, Lawrence Abramoff and Brian Murphy to continue the hearing to August 11, 2008.

Chair Ciuffredo reassumed the Chair.

7. **37 Pleasant Valley Drive (a.k.a 49 Pleasant Valley Drive) (ZB-2008-038A) – Special Permit:** The petitioner was not present when the hearing was called and upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to table the item until later in the meeting. When the petitioner arrived later in the meeting and upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to remove the item from the table. Kenneth Adams and Mubarak Singh represented the petitioner, Omnipoint Holdings, Inc., who is seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure to modify an existing rooftop personal wireless service by replacing six existing antennas with six similar panel antennas in the same location on the façade of the building and to add a second equipment cabinet on the roof adjacent to the existing equipment cabinet. Mr. Adams said there will be no visual effect as this will be a replacement of old technology with new technology. He also said this would be a co-location as there are other Personal Wireless Service Facilities on the site. Mr. Singh said the ambient radiation is well within the limits set by the Federal Communication Commission. When asked if he would live in a building with similar equipment on the rooftop, Mr. Singh responded that he actually is living in a hotel presently that has similar equipment on its roof. Both he and Mr. Adams

said any ambient radiation drops off dramatically vertically and does not cause a danger. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the following application requirement waivers requested by the petitioner:

1. Vicinity Plan.
 - Vegetative Cover.
 - Proposed security barrier.
 - Distances at grade from the proposed PSWF to each building on the vicinity plan.
 - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
2. Design Filing Requirements
 - Landscape plan
 - Balloon Test
3. Environmental Assessment Report

Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy 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:

- **That the personal wireless service facility colors match as closely as possible the exterior color of the building and the antennas be painted gray.**
- **That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal.**

8. **38 June Street (ZB-2008-053) – Special Permit and Variance:** The petitioners, Gerry and Katherine Blodgett, are seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure and a Variance for eight feet of relief from the height requirement for accessory structures in order to add a second floor to the garage. Mr. George asked Mr. Blodgett if he had considered demolishing the existing garage and constructing a new garage. He responded that he had discussed it with his contractor but it was cost prohibitive. Mr. George then asked if the first floor could handle the load. Mr. Blodgett said his contractor had assured him that the load factor would not be a problem. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard

Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the following:

- **Special Permit: Expansion or change of a pre-existing nonconforming use/structure**
- **Variance: 8 feet of relief from the height requirement for accessory structure**

The Special Permit and Variance were approved with the following conditions:

- **That there be no habitation in the garage.**
- **That there be no plumbing in the garage.**
- **That construction be according to the rendering submitted.**
- **That there be no commercial use in the garage.**

9. **192 Harding Street (ZB-2008-060) – Variance:** The petitioner, Lainie Petrou, is seeking a Variance for relief of 30 parking spaces from the off-street parking requirement in order to operate a food service establishment. Mr. Fontane said that once the proposed parking overlay for this area is ordained, a Variance would not be necessary. He said staff encouraged people to seek the relief in case there is a delay in the ordination. Mr. George asked if the 12 parking spaces for the residential uses will be affected. Leonard Lorusso, owner of the property said those spaces are still allocated for the residential uses. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: Relief of 30 parking spaces from the off-street parking requirement**

10. **363 Plantation Street (ZB-2008-061) – Special Permit and Variance:** Attorney Todd Rodman introduced Ron Baker, Janet Birbara, Ben Sherman and Mark Waxler to the Board. He said Sedler Corporation is seeking a Special Permit to modify parking/loading requirements by a 10% reduction in the parking requirement (49 spaces) and a Variance for relief of 101 spaces from the off-street parking requirement. He said they are planning a two-phased renovation and expansion of the Beechwood Hotel, however, they are seeking relief from off-street parking spaces for both phases at this time. He said the first phase would expand the dining room and function capacity and the second phase would involve construction of 27 hotel rooms and a spa facility in a new three-story building. He said Abbot Laboratories had agreed to license 77 of its parking spaces to Sedler Corporation, however, since it won't be a five year lease as required in the Zoning Ordinance, those 77 spaces cannot be included in the parking space calculations, but, as a practical matter, supply parking. Ken Hartung from Abbot Laboratories confirmed that they would license the spaces to Sedler Corporation and said they do not require those spaces as part of their parking requirement. Chair Ciuffredo asked for a timeline for work completion. Mr. Rodman indicated that phase one should begin after Labor Day and concluded in the summer of 2009.

Ms. Birbara indicated phase two should begin in the next two years. Mr. George asked if there were a construction management plan that would indicate a staging area for construction equipment. Mr. Rodman said a staging area has not been identified yet but there was sufficient area on the site for staging. Mr. George then asked what the peak operating time is for the hotel. Mr. Waxler indicated that their peak operating time is at night. He did note that a lot of the people who attend functions at the hotel are hotel guests who already have a parking space. Mr. Fontane informed the Board that the project would be before the Planning Board for an Amendment to Definitive Site Plan Approval and the final renderings would be submitted at that time. Chair Ciuffredo asked if Mr. Fontane would be comfortable with an approval subject to the final revised rendering approved by the Planning Board. Mr. Fontane answered yes. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the following:

- **Special Permit: To modify parking/loading requirements by a 10% reduction in off-street parking requirements (49 parking spaces)**
- **Variance: Relief of 101 spaces from the off-street parking requirement**

The Special Permit and Variance were approved with the following condition:

- **That approval is subject to substantial conformance with the final revised rendering approved by the Planning Board.**

11. **119 Eastern Avenue (ZB-2008-063) – Variances:** Stephen Hart, representative for East Side Community Development Corporation, explained to the Board that they are seeking a Variance for 5 feet of relief from the frontage requirement, a Variance for .28 feet of relief from the side yard setback requirement and a Variance to allow parking within the front yard setback in order to demolish the existing three-family dwelling and to construct a two-family dwelling. He said the existing structure was badly damaged by a fire and the East Side Community Development Corporation would like to provide an affordable home ownership opportunity that would be owner-occupied with one rental unit. Mr. George asked about the funding mechanism. Mr. Hart said he had been told the funding has closed and he expects to go out to bid for the project very soon. Chair Ciuffredo advised Mr. Hart that the CDC needs to address landscaping issues when it proposes this type of in-fill housing. He said the East Side Community Development Corporation does not measure up to the other CDC's in the City in this regard. Mr. George said that fencing should be included as well and should not be left to the owner's discretion after the sale because the quality of the fencing installed in other projects was shoddy at best. Mr. Hart said he would keep that in mind going forward. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: To allow parking within the front yard setback**
- **Variance: 5 feet of relief from the frontage requirement**
- **Variance: .28 feet of relief from the side yard setback requirement**

The Variances were approved with the following conditions:

- **That two 3” caliper trees (from suggested list in the Zoning Ordinance) be planted on each side of the driveway with those spaces to remain green space and not be paved.**
- **That the open space on either side of the driveway be labeled on the revised site plan.**
- **That decorative fencing be installed by the East Side Community Development Corporation. Said fencing must be an open design and be 4 feet in height.**

OTHER BUSINESS

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 6:55 P.M.