

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

May 18, 2015

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, Alternate

Zoning Board Members Absent: Joseph Wanat

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

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

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

1. 770 Franklin Street (ZB-2015-001)

Special Permit: To allow a multi-family low-rise dwelling in a RL-7 Zoning District (Article IV, Section 2, Table 4.1, Residential Use #11)

Variance: For relief of 35 ft. from the 140 ft. frontage dimensional requirement for a multi-family low-rise in an RL-7 Zoning District (Article IV, Section 4, Table 4.2)

Petitioner: Crescent Builders, Inc.

Present Use: Vacant Lot

Zone Designation: RL-7 (Residence, Limited)

Petition Purpose: The petitioners seek to construct a three-story, 36-unit (each with 1-3 bedrooms) multi-family low-rise building on the western portion of the property along with a ~72 space surface parking area

Public Hearing Deadline: 4/16/2015

Constructive Grant Deadline (Variance): 4/16/2015, 6/16/15

The applicant requested a continuance to June 15, 2015.

Leonard Ciuffredo asked if this item can be taken up next time it comes before the Board because the neighbors have had to deal with several continuations.

Mike Frongillo, 8 Frongillo Farm Road, stated that the applicant did not give a reason for the continuance and he believes the Board should not approve the request to continue.

Mary Jo Frisoli, 9 Frongillo Farm Road, asked how many continuances can be granted.

Mr. Abramoff stated that the Board usually votes favorably to requests for continuances or postponements to allow the applicant to make the necessary revisions. They can grant as many continuances as necessary to ensure the best petition is put forth before the Board.

Upon a motion by Mr. Valeri and seconded by Mr. Loew, the Board voted 5-0 to continue the item to the June 15, 2015 and to extend the constructive grant deadline to July 28, 3015.

List of Exhibits:

- Exhibit A: 770 Franklin Street Application; received 2/10/2015; prepared by Crescent Builders.
- Exhibit B: 770 Franklin Street Plan; dated 2/10/2015; prepared by HS&T Group, Inc.
- Exhibit C: Rendering; dated 12/3/2014; prepared by Architects' Studio.
- Exhibit D: Letter of opposition from abutter Pui Cheng, 12 Frongillo Farm Road; dated and received 3/9/2015.
- Exhibit E: City of Worcester Fire Comments; undated.

2. 6 Gothic Avenue (ZB-2015-012)

- Special Permit: Extension, Alteration, or Change of a Privileged Pre-existing Nonconforming Structure (Article XVI, Section 4)
- Petitioner: Tallage Adams, LLC
- Present Use: Abandoned mobile home (~483 SF)
- Zone Designation: RS-7 (Residence, Single-Family) and Water Resource WR-(GP3) Overlay District
- Petition Purpose: The petitioner seeks to construct a ~1,980 SF (footprint) single-family detached dwelling with two off-street parking spaces (garage)

Public Hearing Deadline: 6/13/15

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted 5-0 to grant a Leave to Withdraw Without Prejudice because staff determined they applied for the incorrect relief; a variance is required not a special permit.

3. 170 Prescott Street (ZB-2015-013)

- Special Permit: To allow Retail Sales in an MG-2.0 Zoning District (Article IV, Section 2, Table 4.1, Business Use #26)
- Special Permit: To allow a Shooting Range in an MG-2.0 Zoning District (Article IV, Section 2, Table 4.1, General Use #22)
- Petitioner: Justin Gabriel, The Gun Parlor, Inc.
- Present Use: Presently located on the premises is an existing ~10,000 SF warehouse and associated off-street parking.
- Zone Designation: MG-2.0 (Manufacturing, General)
- Petition Purpose: The petitioner seeks to convert the existing structure into a Shooting range, with four lanes, along with associated retail sales, and into an area for motor vehicle sales along with associated off-street parking.

Public Hearing Deadline: 6/18/15

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted 5-0 to postpone this item to June 15, 2015 and to extend the constructive grant deadline to July 30, 2015 to allow the applicant time to revise their plans.

NEW BUSINESS

4. 36 Washburn Street (ZB-2015-009)

- Special Permit: To allow for an Expansion, Alteration, or Change to a Privileged Pre-existing Non-Conforming Structure/Use (Article XVI, Section 4)
- Variance: For ~14.9 ft. of relief of from the 15 ft. rear-yard setback dimensional requirement for a non-residential structure in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance: For ~8.3 ft. of relief of from the 10 ft. side-yard setback dimensional requirement for a non-residential structure in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance: For relief of 8 parking spaces from the 8 space minimum off-street parking requirement for a two bay automobile repair/service station & single residential dwelling unit in a RG-5 Zone (Article IV, Section 7, Table 4.4)
- Petitioner: Robert J. Martin
- Present Use: Presently located on the premises is an existing non-conforming auto-repair shop.
- Zone Designation: RG-5 (Residence, General)
- Petition Purpose: The petitioners seek to construct a ~510 SF (footprint) addition to the rear of the existing structure, used as an automobile service/repair shop, with a residential dwelling unit proposed on the second floor, along with associated paving & site-work, at property located at 36 Washburn Street. The property

is existing non-conforming with regards to lot area, parking, front-yard and side-yard setbacks.

Public Hearing Deadline: 5/28/15 & Constructive Grant Deadline (Variance): 7/2/15

Mr. Abramoff stated that there was an advertising issue with this item. Ms. Tatasciore stated that the Telegram and Gazette notified staff that there was a production error whereby the May 4, 2015 legal ad was not published on hardcopy but it was available electronically and the abutters were notified as well. The Law Department stated that the abutters were notified correctly and the item can move forward if the applicant wishes to.

Robert Martin, petitioner, stated that he wanted to postpone.

Ms. Tatasciore stated that there were several items still outstanding, such as fees, findings of fact for all the requested relief, renderings, etc.

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted 5-0 to postpone the item to June 15, 2015 and to extend the constructive grant deadline to July 30, 2015 per the petitioner's request. The Board also asked staff to re-advertise the item.

List of Exhibits:

- Exhibit A: 36 Washburn Street Application; received 3/24/2015; prepared by Robert Martin.
- Exhibit B: 36 Washburn Street Plan; dated 2/27/2015; prepared by Jarvis Land Survey.
- Exhibit C: 36 Washburn Street Rendering; undated.
- Exhibit D: Application, Decision & Plan of Land from 2003 Relief.
- Exhibit E: Decision & Plan of Land from 2000 Relief.
- Exhibit F: E-mail from Michelle Smith to Applicant Robert Martin; dated April 23, 2015.

5. 1 Berkshire Street (ZB-2015-010)

- Special Permit: For relief of the dimensional requirements for a Residential Conversion of a two-family detached dwelling to a three-family detached dwelling in a RG-5 Zoning District (Article IV, Section 9.A.)
- Petitioner: John M. & Matthew J. Cogswell
- Present Use: Presently located on the premises is a two-family detached dwelling and four parking spaces.
- Zone Designation: RG-5 (Residence, General)
- Petition Purpose: The petitioner seeks to convert the existing two-family detached dwelling into a three-family detached dwelling with six associated off-street parking spaces.

Public Hearing Deadline: 6/7/15

Attorney Michael Sowyrda, representing the owners, stated that he was requesting a waiver to label abutters and abutters thereto within 300' on the plans. Mr. Sowyrda stated that the current

home is a two family home, the second and third floor are occupied by one unit. The owners are proposing to separate that apartment and convert it into two units. The structure is an existing non-conforming with regard to front-, side-, and rear-yard setbacks but they are not proposing any exterior changes. Two means of egress already exist internal to the building. The will provide the parking spaces required for the additional unit. The proposal should not augment traffic in any substantial way. The property already has adequate utilities to serve this conversion. This is consistent with the neighborhood since there is college housing in the area and provides for a walking environment due to the proximity of the college. Mr. Sowyrda stated that they are freeing up the streets by providing off street parking and the added unit will provide additional taxes to the City.

Ms. Tatasciore stated that staff received comments from the Fire Chief stating that the proposed parking spaces seem a bit too close to the house and he would recommend spacing that back a bit more. She stated that 75% of the properties in the immediate area are currently 3-family. She stated that if the Board approves the petition then she would recommend that all parking spaces be striped in addition to the recommended conditions in the memo and that the parking is setback from the house per the Fire Chief's comments.

Mr. Abramoff asked if there was enough room for the applicant to move the parking. Mr. Kelly stated that the parking spaces could not be located in the side yard setback. Mr. Sowyrda stated that he could have the engineer reconfigure the parking and requested a continuance for June 15, 2015.

Upon a motion by Mr. Valeri and seconded by Mr. Haddon, the Board voted 5-0 to continue the item to June 15, 2015.

List of Exhibits:

- Exhibit A: Special Permit Application; received April 3, 2015; prepared by John Cogswell.
- Exhibit B: Plot Plan; dated July 4, 2011 and revised January 19, 2015; prepared by Hub Survey Associates, Inc.
- Exhibit C: Waiver Request Letter by Atty. Sowyrda, received May 18, 2015.

6. 14 Blanche Street (ZB-2015-011)

- Special Permit: For relief of the dimensional requirements for a Residential Conversion of a two-family detached dwelling to a three-family detached dwelling in a RG-5 Zoning District (Article IV, Section 9.A.)
- Petitioner: Sedona Realty Group, LLC
- Present Use: Presently located on the premises is a two-family detached dwelling and off-street parking
- Zone Designation: RG-5 (Residence, General)
- Petition Purpose: The petitioner seeks to convert the existing two-family detached dwelling into a three-family detached dwelling with six associated off-street parking spaces.

Public Hearing Deadline: 6/12/15

Mr. Abramoff stated that there was an advertising issue with this item; the Telegram and Gazette notified staff that there was a production error where the May 4, 2015 legal ad was not published on hardcopy but it was available electronically and the abutters were notified as well. The Law Department stated that the abutters were notified correctly and the item can move forward if the applicant wishes to.

Joe Rizzari, representing Sedona Realty Group, stated that they would prefer to postpone the item and allow staff to re-advertise.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon, the Board voted 5-0 to postpone the item to June 15, 2015 and extend the public hearing deadline to July 30, 2015.

List of Exhibits:

- Exhibit A: 14 Blanche Street Special Permit Application; received April 8, 2015; prepared by Michael O'Connor of Sedona Realty Group, LLC.
- Exhibit B: 14 Blanche Street Mortgage Inspection Plan; dated October 23, 2008; prepared by Reney, Moran & Tivnan.
- Exhibit C: 14 Blanche Street Cease and Desist Order issued March 2, 2015 by Inspectional Services Department.
- Exhibit D: Comments by Fire Chief; undated

7. 730 Plantation Street (ZB-2015-015)

- Variance: For relief of 14 ft. from the 25 ft. minimum front-yard setback dimensional requirement in an ML-0.5 Zoning District (Article IV, Section 4, Table 4.2)
- Petitioner: Mark Sweeney
- Present Use: Presently located on the premises is a vacant lot.
- Zone Designation: ML-0.5 (Manufacturing, Limited) zone and Water Resource [WR (GP-2)] Overlay District.
- Petition Purpose: The petitioner seeks to construct a ~2,800 SF commercial structure to be used as a laundromat with 21 associated parking spaces, along with associated site-work, grading, and paving on property

Public Hearing Deadline: 6/18/15 & Constructive Grant Deadline (Variance): 7/23/15

Peter Dunn, Office of Economic Development for the City of Worcester, stated that the City is the owner of this parcel and he was present in case the Board had any questions. Mark Sweeney, 225 Linden Street, Berlin, MA, stated that he was the applicant that was deemed the preferred developer for this parcel through a RFP process, and he is looking for relief of 14 feet from the front yard setback requirement. They want to construct a 2,800 SF structure to be used as a laundromat. The parcel is unique because there is a 100 ft. right-of-way on Plantation Street and the road was constructed on the west side of the right-of way. The remaining 55 ft. of the right-of-way goes from the curb up against the parcel. Therefore, when developing the surveyed plans they took into consideration all the easements needed to service all the sewer and utility lines and are

looking to build the structure on the flat area of the parcel. The parcel is a large piece of land but the topography limits the location of the building.

Mr. Rolle stated this is a difficult development parcel due to its shape (narrow) and topography (slope and wetlands). The proposed building will be setback 10 ft. from the property but because of the unusual right-of-way there is 55 ft. of distance from the improved road to the property line. The development does provide all the required parking onsite. Additional parking does extend into the right-of-way but the City intends to execute a license with the applicant to allow the expansion of the parking onto the ROW. Mr. Rolle stated that if approved the recommended conditions of approval are:

1. That the structure be constructed in substantial accordance with the final approved plot plan on file with the Division of Planning and Regulatory Services;
2. That the applicant provide six (6) copies of revised plans to the Division of Planning and Regulatory Services showing the following:

Landscaping/Screening

- a. Provide a landscaping table that includes the number, caliper, and species of proposed tree species;
- b. Label trees, if any, to remain on the premises and protect said trees by avoiding disturbance to the drip-line, to the maximum extent practicable, during construction.
- c. That two additional 3" caliper shade trees be planted along the eastern side of the existing right-of-way near both driveway entrances (the north side of the northern curb cut, and south side of the southern curb cut);
- d. Provide a label on the plan indicating that all proposed trees shall be Asian Longhorned-Beetle resistant;
- e. That the proposed dumpster be screened by a minimum 6 ft. tall stockade style fence;

General

- f. Provide information regarding the use of each of the proposed easements;
- g. Clarify the locations of each of the easements shown using differentiated line widths and styles and include labeling for Easement B.
- h. Provide a breakdown, in square feet, of: lot size (total land area, including land underwater); total lot area (excluding any land under water that is more than 10 ft. from the bank); and area rendered impervious;

Mr. Abramoff asked if a rendering was provided. Mr. Sweeney stated that he did not have a rendering but he did submit revised plans addressing all the comments from staff. He stated that his engineer included the abutters on the revised plans and he did not require a waiver from that provision.

Mr. Michajlow asked if the Conservation Commission needed to approve the plan as well and Mr. Sweeney stated that his item was on the agenda for the Conservation Commission being held that same evening.

Mr. Loew asked about the hours of operations and whether there will be someone onsite at all times. Mr. Sweeney stated that 5:00 am – 12 midnight every day. He stated that the other locations he has are self-serve but the stores are visited a minimum of four times a day to deal with cleanliness or maintenance issues. They have security systems in place as well and will also be present if an issue arises.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon, the Board voted 5-0 to approve the findings of fact as modified by staff and the petition with the conditions of approval mentioned above.

List of Exhibits:

- Exhibit A: 730 Plantation Street – Variance Application & Rendering; received April 14, 2015; prepared by Applicant Mark Sweeney.
- Exhibit B: Plan of Land; dated April 13, 2015; prepared by Whitman & Bingham Associates.
- Exhibit C: City of Worcester Council Order; dated February 25, 2014.
- Exhibit D: City of Worcester DPW&P Easement layout plan; dated 12/19/2014.
- Exhibit E: Revised Plan of Land; received May 18, 2015; prepared by Whitman & Bingham Associates.

8. 338 Park Avenue (ZB-2015-016)

- Special Permit: To allow a food-service drive-through use in an BG-4.0 Zoning District (Article IV, Section 2, Table 4.1, Business Use #6)
- Special Permit: To modify the 240 ft. minimum drive-through length dimensional requirement for a food-service drive-through (Article IV, Section 7, A. 7.)
- Special Permit: To modify the width of the required 5 ft. landscape setback and strict compliance with required plantings in said setback, where parking abuts the street (Article IV, Section 7, Table 4.4 Note 5.a.)
- Petitioner: Eyad Nashef, of Boston Donuts
- Present Use: Presently located on the premises is ~1,449 SF commercial structure, used as a coffee & donut shop (Boston Donuts).
- Zone Designation: BG-4.0 (Business, Limited)
- Petition Purpose: The petitioner seeks to demolish the existing structure and construct a new ~2,048 SF commercial building to be used as a food-service drive-through and associated restaurant. Additionally proposed are 13 associated off-street parking spaces, along with associated site-work, grading, and paving.

Public Hearing Deadline: 6/18/15

Norman Hill, Land Planning, Inc., introduced the applicant, Eyad Nashef, and stated that his client has been operating a restaurant at this location since 2005. The site is flat and serviced by City sewer and water. The site is adjacent to the Commercial Corridor Overlay District but it is not within it. The applicant is seeking to move the building 30' to the right in order to provide the space for a drive-through. The applicant is proposing a 149 foot long drive-through lane and a 185 foot long escape lane. The dumpster will be screened. They provided snow storage, picnic tables, and bike racks.

Mr. Abramoff asked if there was a rendering. Mr. Hill stated that there wasn't one but the building will look the same except that the roof will be pitched and not flat.

Ms. Tatasciore stated that the other special permit is for the landscaping buffer abutting Walgreens, which requires 5' but the applicant is providing 1.8 feet. She asked the applicant to provide the frequency of the proposed delivery hours for this site and to comment on the suitability of existing lighting sources and describe any additional outdoor lighting to be provided. She then reviewed the conditions of approval.

Mr. Hill stated that the building is shown to have 6 lights on either side and they will be hooded and will shine downwards. A new light pole is proposed in the back right corner. He stated that he has done many donut shops and people do not wait if there are ten cars in the drive-through lane because if that equals to 4 minutes per car then they would have to wait 40 minutes. He stated that they have a long enough lane that would easily accommodate 8 cars.

Mr. Abramoff asked what the hours of operation were. Mr. Hill stated that his client will be open from 4 am – 10 pm.

Mr. Loew asked if vehicles are allowed to make a right turn as they exit the site. Mr. Hill stated that it has not been restricted. Mr. Loew stated that it might be a good idea to make it right turn only.

Eyad Nashef, 66 Beverly Hill Drive, Shrewsbury, MA, stated he was the petitioner and most people will not obey the right turn only sign and Walgreens does not have it and they are closer to the intersection.

Mr. Valeri asked if there was a setback requirement and Mr. Rolle responded that in that zoning district there was none.

Atty. Jonathan Finkelstein, on behalf of Park-Chandler Realty Trust, owner of the parcel where Walgreens is located, stated that the design must not interfere with the circulation of the drive through lane and he said that the three parking spaces, designated as employee parking, would back into the lane.

Mr. Rolle stated that the designated employee parking is part of the required parking. Mr. Kelly stated that the applicant then needs to ask for additional relief for the length so that the drive-through lane starts at the end of the building.

Atty. Finkelstein asked if that required an amendment or another filing. Mr. Rolle stated that this can be resolved in one of two ways: the first would be that the applicant asked for relief from parking or ask for additional relief for the drive-through length.

Mr. Loew stated that the applicant could just reduce the number of seats requested inside the restaurant.

Atty. Finkelstein stated that his client's concerns are that people using the facility at this location will park in the Walgreens parking lot. They are also concerned with the drive-through length and the requested relief. The new curb cut is closer to Walgreens and it can cause problems with additional traffic and people exiting the Walgreens parking lot.

Mr. Hill stated that the existing curb cut will only be moved 4 feet. The traffic flow seen at donut shops is the same traffic already traveling on that right-of-way. It is also an existing facility so there will not be much increase. He stated that in the impact statement that he prepared there will be a 20% increase in people that pull into the shop but not an increase to the street.

Mr. Abramoff stated that the Board cannot approve more relief than what was advertised; they can approve the relief advertised or less. If they want more relief, the item would have to be continued and re-advertised or the applicant can move forward with the relief requested by reducing the seating thus reducing the required parking.

Mr. Hill stated that his client is willing to reduce the number of seats inside from 24 to 18 so that they only have to provide nine spaces. He can convert the additional space for those 3 parking spaces into green space.

Mr. Rolle stated that the applicant would have to submit revised plans showing the changes. He also stated that the applicant had the option of asking for parking relief or for greater drive-through length relief, without affecting their seating.

Mr. Kelly stated that he believes that they have granted a waiver for backing up into the drive-through lane before.

Mr. Rolle stated that he believes the issue is that those are required parking spaces but asked if the applicant is amenable to continuing the item so that staff can discuss the options available to him.

Mr. Hill stated that he is willing to continue to June 15, 2015.

Atty. Finkelstein asked when the applicant had to submit revisions to staff and Mr. Abramoff stated that they were due two weeks before the meeting.

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to continue the item to June 15, 2015.

List of Exhibits

- Exhibit A: ZBA – Special Permit Application & Project Impact Statement; received April 14, 2015; prepared by Applicant Eyad Nashef of Nashef LLC and Land Planning, Inc.
- Exhibit B: Site Plan for Drive-thru Coffee Shop, Prepared for Boston Donuts, Located at 338 Park Avenue; dated April 10, 2015, prepared by Land Planning, Inc.

9. 342 West Boylston Street (ZB-2015-017)

- Special Permit: To allow a food-service drive-through use in an BL-1.0 Zoning District (Article IV, Section 2, Table 4.1, Business Use #6)
- Special Permit: To modify the 240 ft. minimum drive-through length dimensional requirement for a food-service drive-through (Article IV, Section 7, A. 7.)
- Petitioner: Eyad Nashef, of Boston Donuts
- Present Use: Presently located on the premises is a vacant ~1,693 SF commercial structure, formerly used as a restaurant.
- Zone Designation: BL-1.0 (Business, Limited)
- Petition Purpose: The petitioner seeks to use the structure as a food-service drive-through and associated restaurant and plans to construct a ~100 SF addition to the south re-configuring the existing parking layout to provide 15 associated off-street parking spaces, along with associated site-work, grading, and paving

Public Hearing Deadline: 6/18/15

Norman Hill, Land Planning, Inc., introduced the applicant, Eyad Nashef, stated that the property they are interested in is directly across from Saint-Gobain. The site used to be a restaurant but it is currently vacant and appears to be blighted; it has been vandalized and there is graffiti all over it. His client wants to renovate it and open another Boston Donuts there. There is a steep embankment around the property that is heavily wooded and that will remain. The 15 required parking spaces will be provided. They are proposing a light pole on either side of the property shining toward the building. They provided bike racks, snow storage, etc.

Mr. Abramoff stated that he sees a few spaces that back into the drive-through lane.

Mr. Rolle stated that they actually back into the escape lane and it is a similar situation to the previous application and they should look into the appropriate way to grant the relief needed.

Mr. Michajlow stated that he did not see what the issue was since the escape lane was also the exit lane and people parked further back would still have to drive in the escape lane to exit the parking lot.

Mr. Rolle stated that in this case the argument can be made that the escape lane is generally not occupied; that being said, we want to ensure that the correct relief is granted.

Mr. Hill stated that he wanted the decision to be defensible so he is willing to continue this item as well.

Mr. Loew stated that the Fire Department comments stated that they were concerned with how close the drive-through window was to West Boylston Street. He asked if there was a way that window could be slid back.

Mr. Hill stated that there is some flexibility to move it back approximately 8 feet.

Upon a motion by Mr. Valeri and seconded by Mr. Loew, the Board voted 5-0 to continue the item to June 15, 2015.

List of Exhibits

- Exhibit A: ZBA – Special Permit Application & Project Impact Statement; received April 14, 2015; prepared by Applicant Eyad Nashef of Nashef LLC and Land Planning, Inc.
- Exhibit B: Site Plan for Drive-thru Coffee Shop, Prepared for Boston Donuts, Located at 342 West Boylston Street; dated April 14, 2015, prepared by Land Planning, Inc.

OTHER BUSINESS

10. Communications

- a. Albert Johnson et al v. Zoning Board of Appeals – Order on Defendant’s Motion for Summary Judgment

Ms. Tatasciore stated that the court’s decision was in favor of the Zoning Board.

- b. E-mail by Patricia Burke – MA Residents File DPU Fraud Complaint With Attorney General

No Comment.

11. Signing of Decisions from prior meetings – decisions were signed

Ms. Tatasciore stated that there are two decisions for 0 Breck Street because staff believes that they might only need one variance instead of two because the lot complies with 4,000 SF needed in a RG-5 zoning district. The Law Department will clarify how to proceed.

APPROVAL OF THE MINUTES – April 6, 2015

Upon a motion by Mr. Loew and seconded by Mr. Valeri, the Board voted 5-0 to approve the minutes for April 6, 2015.

ADJOURNMENT

Upon a motion the Board voted 5-0 to adjourn the meeting at 7:28 p.m.