

WORCESTER ZONING BOARD OF APPEALS
MINUTES OF MEETING
January 23, 2006

Board Members Present: Leonard Ciuffredo
Jerry Horton
Matthew Armendo
Thomas Hannigan
Morris Bergman
David George

Staff Present:
David Holden, Department of Code Enforcement
Joel Fontane, Division of Planning and Regulatory Services
Robin Bartness, Division of Planning and Regulatory Services
Lara Bold, Division of Planning and Regulatory Services

Regular Meeting (5:30 PM) – Saxe Room, Worcester Public Library

Call to Order: Leonard Ciuffredo called the meeting to order at 5:30 P.M.

Continued Hearings

1.) 11 Benedict Road – (Z05-214) Special Permit and Variance: A representative for Anna Sbrogna, petitioner, asked to withdraw the request for a Variance for 2 feet of relief from the height requirement, and asked the Board to only consider the Special Permit to allow an accessory structure (private garage) to exceed 10% of the lot area. Upon a motion by Thomas Hannigan and seconded by Matthew Armendo (David George voted as alternate), the Board voted 1-4 to continue the hearing until February 27, 2006 meeting (Jerry Horton, Matthew Armendo, Leonard Ciuffredo and David George voted no); therefore the motion to continue did not pass. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 1-4 to approve the Special Permit (Matthew Armendo, Jerry Horton, David George and Leonard Ciuffredo opposed); therefore the requested Special Permit was denied.

2.) 435 Shrewsbury Street (Z05-229) Variance: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (Morris Bergman voted as alternate) to grant the petitioner’s request for Leave to Withdraw without Prejudice relative to the requested Variance for 48 feet of relief from the 180 foot drive-through requirement.

New Hearings

- 1.) **345 Shrewsbury Street (Z05-230) Variances:** Upon a motion by Matthew Armendo and seconded by Thomas Hannigan (David George voted as alternate) the Board voted 5-0 to approve the petitioner's requested Variance for 3 feet and 2 inches of relief from the side yard setback requirement (for a corner lot in a MG-2.0 zone) and the requested Variance for 14 feet of relief from the rear yard setback requirement.
- 2.) **225 Shrewsbury Street (Z05-231) Variance:** Upon a motion by Morris Bergman and seconded by Thomas Hannigan (Morris Bergman voted as alternate) the Board voted 5-0 to approve the requested Variance for 50 feet of relief from the 180 foot drive through lane requirement with the following condition:
 - That DCU, the tenant listed in the application, be the specific tenant associated with the drive-through lane.
- 3.) **89 Shrewsbury Street (Z05-232) Variances and Special Permit:** Upon a motion by Thomas Hannigan and seconded by Jerry Horton (David George voted as alternate) the Board voted 5-0 to approve the requested Variance for relief of 20 parking spaces from the parking requirement for office use and the requested Special Permit for change of a pre-existing non-conforming structure.
- 4.) **1078 West Boylston Street (Z05-233) Special Permit:** Upon a motion by Jerry Horton and seconded by Matthew Armendo (Morris Bergman voted as alternate), the Board voted 5-0 to continue the hearing until the February 27, 2006 meeting to allow the applicant time to submit to the Division of Planning and Regulatory Services a site plan showing the location of the building, the location of the ingress and egress of the site, the location of the parking spaces. The applicant is seeking a Special Permit to allow motor vehicle service/repair in a BL-1.0 zone.
- 5.) **4 Ideal Terrace (Z05-234) Variances:** Upon a motion by Matthew Armendo and seconded by Jerry Horton (David George voted as alternate), the Board voted 5-0 to approve the requested Variance for 20 feet of relief from the rear yard setback, the requested Variance for 3500 square feet of relief from the gross dimensional requirement and 21 feet of relief from the frontage requirement.
- 6.) **4 Natural History Drive (Z05-235) Special Permit and Variance:** Upon a motion by Thomas Hannigan and seconded by Matthew Armendo (David George voted as alternate), the Board voted 5-0 to approve the requested Special Permit for expansion or change of a pre-existing non conforming use/structure and the requested Variance for 18 feet of relief from the frontage requirement.
- 7.) **2 Belcourt Road (Z05-237) Special Permit:** Upon a motion by Jerry Horton and seconded David George (David George voted as alternate), the Board voted 5-0 to grant the petitioner's request for Leave to Withdraw without Prejudice relative to a Special Permit to allow townhouses in an RL-7 zone.

- 8.) **76 Sagamore Road (Z05-236) Special Permit:** Upon a motion by Matthew Armendo and seconded by Morris Bergman (Morris Bergman voted as alternate), the Board voted 5-0 to continue the hearing to the February 27, 2006 meeting to allow the applicant additional time to discuss the project with the neighbors.
- 9.) **68 Laurel Street (Z05-238) Variances:** Upon a motion by Thomas Hannigan and seconded by Jerry Horton (David George voted as alternate), the Board voted 5-0 to approve the requested Variances:
- a.) 1,792 square feet of relief from the Gross Dimensional Requirement for Lot 1, and 1,283 square feet of relief from the Gross Dimensional Requirement for Lot 2, and 932 square feet of relief from the Gross Dimensional Requirement from Lot 3.
 - b.) 7.77 feet of relief from the Frontage requirement for Lot 1 and 7.77 feet of relief from the Frontage requirement for Lot 2.
 - c.) 14 feet, 6 inches of relief from the Front Yard setback requirement for Lot 1 and 14 feet, 6 inches from the Front Yard setback requirement for Lot 2.
 - d.) 9 feet of relief from the Exterior Side Yard setback requirement for Lot 3.
 - e.) 5 feet of relief from the Rear Yard setback requirement for Lot 3.

Other Business

- 1.) **Waiver of fees – 68 Laurel Street** – Upon a motion by Thomas Hannigan and seconded by Jerry Horton (David George voted as alternate), the Board voted 5-0 to approve the request to waive the application fees for 68 Laurel Street because of reasons stated in a letter dated January 5, 2006 from the Worcester East Side Community Development Corporation.
- 2.) **30 Pullman Street – Reconsideration** The item was called up. Joel Fontane, Director of Planning and Regulatory Services, presented a legal memo dated January 23, 2006 from the Law Department stating that the Board’s previous reconsideration of the vote to deny the Special Permit and the tabled motion for Leave to Withdraw without Prejudice on December 19, 2005 did not violate any Open Meeting Law. Upon a motion by Thomas Hannigan and seconded by Jerry Horton (David George voted as alternate), the Board voted 4-1 to deny the requested Special Permit (Jerry Horton voted no). Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 4-1 to reconsider the motion to deny (Thomas Hannigan voted no). Upon a motion by Matthew Armendo and seconded by David George, the Board voted 3-2 to deny the Special Permit (Jerry Horton and David George voted no).

Approval of Minutes: Upon a motion by Thomas Hannigan and seconded by Matthew Armendo the Board voted 5-0 to approve the January 9, 2006 minutes.

The meeting adjourned at 8: 10 pm.