

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

APRIL 24, 2006

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present: Leonard Ciuffredo, Chair
Jerry Horton, Vice-Chair
Matthew Armendo
Thomas Hannigan
Morris Bergman
David George

Staff Present: Joel Fontane, Division of Planning and Regulatory Services
Robin Bartness, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Leonard Ciuffredo called the meeting to order at 5:30 PM.

REQUESTS FOR WITHDRAWAL/CONTINUANCE

- 1. 29 East Mountain Street (Z-06-10) Special Permits:** Samuel DeSimone, representative for Bruce Taylor, petitioner, requested Leave to Withdraw without Prejudice. Upon a motion by Thomas Hannigan and seconded by Matthew Armendo, it was voted by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo and David George (5-0) to grant the petitioner's request for Leave to Withdraw without Prejudice relative, to the requested Special Permit to allow townhouses in an RL-7 zone and the requested Special Permit to allow access (driveway) to the multi-family dwelling low-rise in a BL-1.0 zone through the RL-7 zone.

- 2. 265 Greenwood Street (Z-06-49) Variance:** Suzanne Benoit, representative for George and Evelyn Jregie, petitioners, requested Leave to Withdraw without Prejudice. Upon a motion by Matthew Armendo and seconded by David George, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Morris Bergman and David George (5-0) to grant the petitioner's request for Leave to Withdraw without Prejudice, relative to the requested Variance for 1,673 square feet of relief from the gross dimensional requirement.

CONTINUATIONS

- 3. 428 Lake Avenue (Z-06-51): Administrative Appeal:** Joel Fontane, Director of the Division of Planning and Regulatory Services, requested a continuance on behalf of his division and the Law Department to allow additional time to complete the Board's previous requests from the April 10, 2006 meeting. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman (5-0) to continue the hearing until May 22, 2006 to allow staff time to continue researching the following questions: 1) Did the previous granting of a Special Permit create nonconformities for the lot (parking and setback issues)? 2) And if so, does that affect the approved ANR and consequently the Site Plan? 3) Additionally, what are the consequences of not having recorded the Special Permit with the Registry of Deeds?

NEW HEARINGS

- 4. 30 Everard Street (Z-06-61) Extension of Time:** William Hamilton, petitioner, presented the petition. Mr. Hamilton indicated that weather conditions and issues with the water hook-up had delayed construction. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to close the public hearing. Upon a motion by David George and seconded by Matthew Armendo, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and David George to approve the requested Extension of Time for the previously approved (March 14, 2005) Variance for 1,000 square feet of relief from the gross dimensional requirement and the requested Variance for 10 feet of relief from the frontage requirement for the construction of a single-family, semi-detached dwelling (duplex) for six months.
- 5. 1 College Street (Z-06-63) Variances:** Sam DeSimone, Richard Reagan and John Cannon, representatives for the College of the Holy Cross, presented the petition. Mr. DeSimone stated that the sign would not have any motion, would be limited to text only, and that it would be used to announce College of the Holy Cross events. He explained the sign would be divided into three sections: a fixed, permanent section that says College of the Holy Cross at the top of the sign, an electronic portion of the sign that would be used to announce events, and a bottom sponsorship portion of the sign that would change periodically. He also stated that relief from the height requirement was needed in order for the sign to be seen from the highway. Mr. Cannon indicated that the sign can be serviced on Holy Cross property and that such service would not disrupt traffic. He also stated the background of the electronic text portion of the sign would be black and the lights would be amber. Mr. Fontane stated that the administration supports the proposed sign. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted 5-0 to close the public hearing. Upon a motion by Thomas Hannigan and seconded by Morris Bergman, it was voted by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the requested Variance for 58 square feet of relief from the gross dimensional requirement and the requested Variance for 18 feet of relief from the height requirement with the following conditions:

- The sign will have a fixed text message, only, with no animation and no motion except for the infrequent rotation of the lower sponsorship portion of the sign.
- The electronic text message located in the middle portion of the sign will not change more than once every hour.

6. 32 Catharine Street (Z-06-66) Variance: Jack Morrison, representative for West Sutton Realty Trust, petitioner, presented the petition. Mr. Morrison indicated that the front doors of the duplex would face Catharine Street. He stated that Benjamin and David Pearson are the trustees of West Sutton Realty Trust and have owned the property for six months. Morris Bergman questioned if the duplex would fit into the character of the neighborhood. He suggested the applicants submit a rendering or photos showing more specific details of the proposed structure. The Board members and petitioners discussed the possibility of doing a two-family dwelling instead of a duplex. Benjamin Pearson, petitioner, stated that the proposed duplex would be the same height as a two-family dwelling. He suggested there would be little difference between a duplex and a two-family dwelling, except that with a duplex each side would own the property beneath their house and that the structure would have two doors instead of one. Lara Bold, Planning Analyst, indicated that a two-family dwelling would require five feet less frontage relief than a duplex. Robin Bartness, Chief Planner, stated that the applicants would have to go before the Planning Board with an application for a frontage subdivision in order to split the lot. Mr. Fontane pointed out that the Planning Board's hearing would not be discretionary and that if relief was granted at the Zoning Board of Appeals, future reviews would only consider the requirements of the subdivision regulations. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman (5-0) to continue the hearing until May 8, 2006 to allow the applicant time to provide a more specific rendering of a two-family dwelling and a duplex as well as a cost feasibility of constructing a two-family dwelling versus a duplex.

Morris Bergman left at 6:35 PM.

7. 1219 Main Street (Z-06-68) Variance/Special Permits: Robert E. Longden, representative for Yum! Brands Inc., petitioner, presented the petition. Thomas Hannigan expressed concern with the area's ability to handle additional traffic. David George expressed concern with the slowness of the traffic light at Young and Main Streets and worried if traffic would back up to Stafford Street. Robert Michaud, transportation consultant for MDM Transportation Consultants, Inc., presented the traffic study and proposed traffic circulation for the site. Mr. Michaud indicated that the timed traffic light at Young and Main Street was well-equipped to handle additional traffic. Matthew Armendo expressed concerns with turning left onto Stafford Street from Young Street. Mr. Michaud explained that the traffic study showed only 20% of vehicles choosing to go Young Street to Stafford or about 8-13 cars per hour. He also stated that vehicles could enter and exit both access points comfortably and that the back parking spaces would be for employees. Mr. Longden indicated that the proposed hours of operation for the fast food restaurant would be 10:30 a.m. to 1 a.m. Mr. Longden stated that he had applied for a Special Permit for parking relief not a Variance as was indicated in the agenda. Ms. Bartness stated that there was a discrepancy between the zoning determination form and the petition in that the parking relief

had been advertised as a Variance. Mr. Longden stated he received confirmation from David Holden, Director of Code Enforcement, that he could apply for a waiver of 10% of the total spaces required via a Special Permit. The applicant and Board agreed to go forward with the presentation although the parking relief will have to be re-advertised as a Special Permit.

Jonathan Finkelstein, representative for the Goddard House, spoke in opposition to the plan, citing concerns with the appropriateness of the use next to an area with so many apartments for the elderly. He expressed concerns with the drive-through window and menu board facing the elderly residences, as well as concerns with the 1 a.m. closing time. He also questioned the need for the requested four spaces of parking relief since the applicants indicated that they are leasing out six parking spaces. Margaret Naglor, Executive Director for the Goddard House, indicated that the Goddard House serves elderly residents by maintaining 36 apartments with housekeeping and emergency call services as well as activities for the residents. She also stated that 25% of the elderly residents cross the street daily to go to church.

Bob Chase, president of the Goddard House Board of Directors, stated that the Goddard House along with the Washburn House and neighboring churches had worked hard to make the neighborhood a clean and serene place. He indicated that a fast food restaurant next to the Goddard House could affect their ability to attract residents. Margaret Naglor, Executive Director for the Goddard House, stated that a right hand turn only sign would not deter most people from trying to make a left turn, further exacerbating the traffic concerns. Ms. Naglor also worried about unpleasant odors from the fast food restaurant being vented out of the building so close to residences. Pastor Renault, quoting from a Massachusetts Citizen Planner Training Collaborative document, questioned whether the Special Permit could be granted given so many concerns about its appropriateness in the neighborhood. Janice Weeks, representative for Christ Tabernacle Church, feared that additional traffic and the drive-through nature of the restaurant would worsen already difficult conditions for children and the elderly crossing the streets. Ms. Weeks pointed out that traffic near the Kentucky Fried Chicken restaurant on Park Avenue is often congested. She also expressed concerns about the potential increase in litter. Terry Winners stated that it is already difficult to make turns out of Young Street and to watch for the elderly crossing the street. Russell Buzek expressed concerns about potential loitering and increased crime. John Mistretta, a teacher in the area, expressed concern for the safety of the children in the neighborhood and stated that there have been several accidents already at the intersection of Young and Main Streets. David George expressed his sympathy for the neighbors and stated that he would have like to have seen more outreach from the developers to the neighbors. He also reminded the neighbors that the area was commercially zoned and stated that Worcester is a city. Upon a motion by Matthew Armendo and seconded by David George, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, and David George (Thomas Hannigan voting against) to continue the hearing until May 22, 2006 to allow the applicants time to address the concerns of the Board and abutters.

Jerry Horton left the meeting at 7:50 PM.

OTHER BUSINESS

456 Park Avenue: Leonard Ciuffredo and Matthew Armendo expressed concern that the applicant for a previously approved Special Permit granted for 456 Park Avenue in 2005 demolished the building instead of rehabbed it as was indicated in the Special Permit application. The Board asked staff to research how conditions of approval on Special Permits are followed up.

MEETING SCHEDULE: Upon a motion by Matthew Armendo and seconded by David George the Board voted 4-0 to approve the following Zoning Board of Appeals meeting schedule for the remainder of the year:

- **Monday, July 10**
- **Monday July 24**
- **Monday, August 14**
- **Monday, August 28**
- **Monday, September 11**
- **Monday, September 25**
- **Monday, October 16**
- **Monday, October 30**
- **Monday, November 13**
- **Monday, November 27**
- **Monday, December 18**

APPROVAL OF THE MINUTES

Upon a motion by Matthew Armendo and seconded by David George, the Board voted 4-0 to approve the April 10, 2006 minutes.

ADJOURNMENT

Chair Leonard Ciuffredo adjourned the meeting at 8:05 PM.