

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

March 24, 2008

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

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

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
John Kelly, Division of Code Enforcement

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Ciuffredo called the meeting to order at 5:40 PM.

APPROVAL OF MINTUES

Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the minutes from the March 10, 2008 meeting.

REQUESTS FOR WITHDRAWALS, CONTINUANCES, TIME EXTENSIONS

1. **130 Elm Street (ZB-2008-018) – Variance:** The petitioner requested Leave to Withdraw without prejudice because it was determined that the requested Variance for 13 square feet of relief from the signage requirement is not necessary. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the request of the petitioner for Leave to Withdraw without prejudice.

UNFINISHED BUSINESS

2. **7 Benefit Terrace (ZB-2008-006) – Variances:** The petitioner, Matthew 25, Inc., is seeking a Variance for 2,250 square feet of relief from the gross dimensional requirement, a Variance for 5 feet of relief from the frontage requirement, a Variance for 10 feet of relief from the front yard setback requirement, a Variance for relief of 2 parking spaces from the off-street parking requirement and a Variance to allow parking within the front yard setback to construct a two-family dwelling. The hearing has been continued from the February 25, 2008 meeting to allow the petitioner to submit a rendering to the Board. The rendering was

submitted. It was determined that the Variance for 10 feet of relief from the front yard setback requirement was not necessary. Fred Enman, representative for the petitioner, requested Leave to Withdraw without prejudice the requested Variance as well as a waiver of the fee for the Variance. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 to approve the request of the applicant for Leave to Withdraw without prejudice the Variance for 10 feet of relief from the front yard setback requirement. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 to waive the \$185.00 fee for the Variance for 10 feet of relief from the front yard setback requirement. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: 2,250 square feet of relief from the gross dimensional requirement**
- **Variance: 5 feet of relief from the frontage requirement**
- **Variance: Relief of two parking spaces from the off-street parking requirement**
- **Variance: To allow parking within the front yard setback requirement**

3. **27 Grammont Road (ZB-2008-008) – Variance:** Attorney Donald O’Neil, representative for the petitioners, Alicia Johnson and Robert Johnson, said they are seeking a Variance for 5 feet of relief from the frontage requirement to convert a single-family detached dwelling presently under construction into a two-family dwelling. The hearing had been continued in order to allow time for the petitioner to submit a rendering for the dwelling. The rendering was submitted. Mr. O’Neil said the petitioners were willing to use a grass paver instead of a paved impervious surface for the driveway. The applicant offered to use GrassPave2 or a similar permeable surface. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: 5 feet of relief from the frontage requirement**

The Variance was approved with the following conditions:

- **A grass paver product, such as GrassPave2 or a similar product be used for the driveway.**
- **A street tree, 3 or more inches in caliper and from the approved list in the Zoning Ordinance, be planted along the frontage of the lot.**

4. **435 Shrewsbury Street (ZB-2008-015) – Special Permits:** Attorney Samuel DeSimone, representative for Avery Investment Properties, LLC, presented the revisions for a Special Permit for relief of one space from the loading space requirement and a Special Permit for relief from the landscape buffer requirement to construct a 13,806 square foot office building. The Board thought the roof treatment and the inclusion of more brick on the

building was a big improvement over the previous rendering. The proposed landscaping plan was more acceptable to the Board, however, Mr. George wanted seasonal plantings in the window boxes. Mr. Fontane said the inclusion of the ornamental Japanese cherry trees and ornamental grasses, incorporated in a manner similar to the landscaping at 328 Shrewsbury Street, and the low lying plantings, not arbor vitae, incorporated along the westerly side of the property, while not exactly according to the Zoning Ordinance, were a good substitute. Mr. George asked about the roof color and Mr. DeSimone said it would be gray but that shades of color differ and he could not be more specific. Mr. George also asked if the brick would be on the front and sides of the building and Mr. Avery responded the brick would go all the way around the entire building. Mr. DeSimone asked if he could see the draft decision prior to signature and Chair Ciuffredo said the Board would take the matter under advisement and decided that it would not be appropriate. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Special Permit: Relief of one space from the loading space requirement**
- **Special Permit: Relief from landscape and landscaping buffer requirements**

The Special Permits were approved with the following conditions:

- **Approval is subject to the most recent rendering by Joseph Diderot dated March 24, 2008.**
 - **Schedule of seasonal plantings for the window boxes must be submitted.**
 - **Approval is subject to the Amended Definitive Site Plan approved by the Planning Board including the most recently revised landscaping plan by Thompson-Liston Associates dated March 24, 2008.**
5. **102 Green Street (ZB-2008-016) – Variance and Special Permit:** Angel Rodriguez, petitioner, requested a Variance for relief of 26 parking spaces from the off-street parking requirement and a Special Permit for expansion or change of a pre-existing nonconforming use/structure to expand the restaurant seating from 18 to 52. The hearing had been continued to resolve an outstanding tax bill owed by the owners of the property. The taxes have been paid and the requisite proof provided. Stephen Parker, representative for the petitioner, said the petitioner wants to expand the restaurant and obtain a full liquor license. Mr. George asked about the hours of operation. Mr. Rodriguez said the restaurant would be open seven days a week with a 2:00 A.M. closing Wednesday through Saturday nights pending License Commission approval. Chair Ciuffredo asked if there were any limitations on hours of operation of pouring establishments on Green Street presently. Mr. Kelly said no. Mr. Fontane informed the Board that the administration is presently working on a proposed parking overlay in the area to support the revitalization of the Canal District. Mr. Parker said there is plenty of parking available at night in the nearby municipal parking lot. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted

5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: Relief of twenty-six parking spaces from the off-street parking requirement**
- **Special Permit: Expansion or change of a pre-existing nonconforming use/structure**

NEW BUSINESS

6. **48 Trowbridge Circuit (ZB-2008-017) – Variance:** Raymond Lapolito, representative for the petitioner, said the petitioner is seeking a Variance for 4 feet of relief from the side yard setback requirement to create an enclosed egress from the basement to the existing sidewalk. He said there is a family room in the basement and the petitioner wants to install a means of egress for safety reasons. He said the petitioner has agreed to construct it in a manner that will not cause water to flow into the abutter's yard. Ms. Gentile's memo notes that only 3 feet of relief is needed according to the plan. Mr. Kelly said that actually the requested 4 feet is necessary because of the need to install a dry well to ensure water does not flow onto the abutting property. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: 4 feet of relief from the side yard setback requirement**

The Variance was approved with the following condition:

- **Construction must be completed in a manner that directs water flow away from abutting property.**
7. **197 Lorenzo Street (ZB-2008-019) – Variance and Special Permit:** Attorney Joe Boynton, representative for the petitioner, Ronald DeProspero, informed the Board that although the structure is listed as a two-family dwelling, but has been used as a three-family dwelling for four decades. He said the petitioner would like to bring the dwelling into compliance with the Zoning Ordinance. He indicated that a Variance for 712 square feet of relief from the gross dimensional requirement and a Special Permit to allow a three-family dwelling in an RL-7 district are requested. Chair Ciuffredo asked if any changes to the exterior were included. Mr. Boynton replied that exterior work would include siding, windows and the addition of a staircase to the deck. Mr. George asked if it were possible to get the additional square footage from the property next door at 5 Joseph Street but Mr. Boynton said that was not possible. Mr. George asked why an ANR, signed in August, 2006 by the Planning Board, was submitted when it would and did make the property at 197 Lorenzo Street nonconforming if it was, indeed, a three-family dwelling. Mr. Boynton said his client did not fully understand the ramifications of the ANR. Mr. Kelly said the petition is a means of rectifying the situation. He indicated that additional dwelling units have been created all over the city and is all too common. Upon a motion by David George and

seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Special Permit: To allow a three-family dwelling in an RL-7 district.**

Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to reconsider the Special Permit. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to re-open the hearing. Mr. Abramoff said he would like to see grass pavers or another type of permeable surface to reduce runoff and screening for the proposed parking area. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Special Permit: To allow a three-family dwelling in an RL-7 district**

The Special Permit was approved with the following condition:

- **Grass pavers such as GrassPave2 or another type of permeable surface must be used to reduce runoff.**
- **Landscaping to screen the proposed parking area must be installed.**

Upon a motion by David George and seconded by Brian Murphy, it was voted 4-1 by Leonard Ciuffredo, Andrew Freilich, Lawrence Abramoff and Brian Murphy (David George voted no) to approve the following:

- **Variance: 712 square feet of relief from the gross dimensional requirement**

8. **852 West Boylston Street (ZB-2008-020) – Special Permit:** Kevin Quinn, representative for the petitioner, said a Special Permit for expansion or change of a pre-existing nonconforming use/structure is being sought to convert the existing building into a food service and a single dwelling unit. He indicated that the existing building is nonconforming because it is only 8.1 feet from the rear yard setback rather than the required 20 feet. He continued by saying a portion of the rear of the building will be removed thus reducing the nonconformity by 4 feet. He said there will be a six foot stockade fence along the rear property line to screen the abutting residential property. Nancy McDonald, abutter to the property, asked how far the fence would run. Mr. Quinn responded that it would be the entire length of the western perimeter of her property. Ms. McDonald was concerned about the location of the exhaust fan and was told that it would most likely be on the Vendora Road side of the building since that is where the kitchen is located. Mr. Quinn said he had made a

concerted effort to design the plan to mitigate any affects on Vendora Road. He said parking for the commercial part of the property would be located on West Boylston Street and parking for the residential use will be on the Vendora Road side of the property. Ms. McDonald was concerned about hours of operation and outdoor seating. Mr. Murphy suggested approval be conditioned with no outdoor seating and, as indicated by Mr. Fontane, that all venting be situated to avoid aromas wafting toward Ms. McDonald's property. Mr. Freilich commented that there are no other establishments with outdoor seating in the area. He indicated that he would like to speak directly with the owner and ask him some questions. Mr. George agreed that he would like the owner present as well. Mr. Abramoff questioned the frequency of the dumpster being emptied and if the vents could be directed to West Boylston Street. He also wondered about the frequency of vent maintenance. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to continue the hearing to April 28, 2008 for additional information and requested the owner be present at that time to answer questions.

9. **96 Lake Avenue (ZB-2008-021) – Special Permit:** Attorney Patricia Gates, representing Danute Meilus, said the petitioner is requesting a Special Permit to operate a personal service shop in an RL-7 district. Ms. Gates said that it would be a barber shop located in the rear of the house and very unobtrusive. She indicated that most of the customers would come at night and by appointment only. Mr. George suggested that if approved, it be for a limited time period followed by review of the Board to see if the use should continue. Mr. Freilich asked if Ms. Meilus had considered another site for her business. Ms. Gates responded that Ms. Meilus is seeking a way to economically support herself and paying rent for space is not an option for her. Mr. Abramoff asked how much investment would be required to set up the use. Ms. Gates said there would be very little start up costs. Mr. George and Chair Ciuffredo said they would be opposed to a sign in the residential district. Mr. Freilich asked again if there would only be one chair and clients by appointment only and Ms. Gates answered yes. Mr. Freilich said he supports the creation of businesses, however, he feels the Board needs to be consistent in its deliberations and decisions. Mr. Abramoff noted that no neighbors were present to oppose the proposed use and it was considerably less intense with only one chair, unlike past cases. Mr. Murphy said the shop would be small and at the rear of the premises so neighbors probably would not even notice customers coming and going. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted 4-1 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy (Andrew Freilich voted no) to approve the following:

- **Special Permit: To allow a personal service shop in an RL-7 district**

The Special Permit was approved with the following condition:

- **Special Permit is for this owner, Danute Meilus, only.**
- **Clients are to be by appointment only.**
- **Barber shop is to have one chair only.**

- **The only signage allowed is the name of the owner and the house number.**
- **Special Permit is to run for a period of two years and then be reviewed by the Board.**

10. **514. 542 & 558 Southbridge Street (ZB-2008-022) – Special Permits:** Attorney Robert Longden, representative for the petitioner, Ralph Sevinor, stated the petitioner is seeking a Special Permit to allow retail sales in MG-2.0 and ML-1.0 districts and a Special Permit to increase the number of compact parking spaces to more than 25% in order to construct a supermarket and two buildings to be used for retail. He stated that there had been neighborhood meetings and suggestions were taken under advisement and incorporated into the design. He indicated that the facades will provide a model for future buildings on Southbridge Street because they have been designed with windows, brick and features to make them attractive and user friendly. Ron Charette, representing the South Worcester Neighborhood Center, said the particular site had been a blight on the neighborhood for many years and the project has the overwhelming support of the neighborhood residents. Mr. Longden said the supermarket would work with the neighborhood center to provide employment opportunities for area residents. City Councilor Barbara Haller sent a letter to the Board supporting the project and its potential positive impact on the further revitalization of the area. Mr. Freilich asked what makes the site suitable for the proposed use. Dan Dumais, representative for Price Rite, said Price Rite is unique in that it opens inner-city urban markets and sells national brand name products at half price. He feels this particular area of the city is in need of this type of supermarket and this particular site will be right for the demographic Price Rite wants to reach. Mr. George asked if a drive-thru for one of the retail buildings in the future would be allowed by right. Mr. Longden responded that, since it would have to go through a residential zone (RG-5), either a zone change or Special Permit would be necessary. Mr. Fontane noted that the project is a redevelopment of an underutilized parcel and will serve as an asset to the current and future residential and commercial development in the area. The structures are designed with large windows and distinct architectural details making them attractive to those traveling on Southbridge Street. He indicated that 46.6% of the total parking spaces (222) or 104 spaces would be compact spaces. Mr. Abramoff noted that the memo of Lara Bold dated March 21, 2008 and revised on March 24, 2008 questioned whether a planting strip, similar to that shown on the rendering from Dilullo Associates, Inc. between the sidewalk and the building, can be placed on the plan in between the sidewalk on Southbridge Street and the building. Mr. Longden said that will be addressed when they submit an application for definitive site plan approval to the Planning Board. Ronald O'Rourke, a Washburn Street resident, expressed support for the project. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Special Permit: To allow retail sales in MG-2.0 and ML-1.0 districts**
- **Special Permit: To increase the number of compact parking spaces to more than 25%**

The Special Permits were approved with the following conditions:

- **Subject to the rendering submitted by Dilullo Associates, Inc. dated March 26, 2008 and elevations submitted**
- **Subject to definitive site plan approved by the Planning Board**

OTHER BUSINESS

April 7, 2008 Meeting: Staff reported that there are no items for the scheduled April 7, 2008 meeting. The Chair announced that the April 7, 2008 meeting is canceled. The next meeting of the Board will be April 28, 2008.

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 8:45 P.M.