

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

**December 20, 2010
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

Zoning Board Members Present:

David George, Chair
Lawrence Abramoff
Andrew Freilich
William Bilotta
Vadim Michajlow
Timothy Loew
Kola Akindele

Staff Present:

Joel Fontane, Division of Planning & Regulatory Services
Ruth Gentile, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

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

- 1. 242 & 242A Stafford Street (ZB-2010-050) - Special Permit for Expansion or Change of a pre-existing non-conforming use/structure.** Atty. Peter Keenan, representative, requested a postponement to January 10, 2011 and to extend the public hearing deadline to February 1, 2011, to allow more time to provide additional information that staff has requested. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 5-0 to grant the postponement to January 10, 2011 and to extend the public hearing deadline to February 1, 2011.

Exhibits:

- Exhibit A: 242 -242A Stafford Street Application; received October 26, 2010; prepared by Atty. Peter Keenan on behalf of Michael McIntyre, applicant and owner of record, UB Properties, LLC.
- Exhibit B: 242-242A Stafford Street Plan; dated November 19, 2010 prepared by James F. Malley, Jr. PE.
- Exhibit C: Letter from Lara Bold, AICP, Chief Planner to Atty Peter Keenan; re: 242-242 A Stafford Street; dated November 23, 2010.

- Exhibit D: Letter / Affidavit – Thomas Mann from Atty. Peter Keenan to Lara Bold, Chief Planner, re: 242 -242A Stafford Street, dated December 9, 2010.
- Exhibit E Letter / Affidavit – Michael McIntyre from Atty. Peter Keenan to Lara Bold, Chief Planner, re: 242-242 A Stafford Street, dated December 17, 2010.
- Exhibit F E-mail requesting a continuance by Atty. Peter Keenan, Jr., dated December 20, 2010
- Exhibit G Letter of opposition to the Zoning Board of Appeals Chair from State Representative John J. Binienda, dated December 13, 2010; received December 21, 2010.
- Exhibit H Zone Change – Stafford Street Area – Ordained February 2, 1988.
- Exhibit I Special Permit decisions from Zoning Board of Appeals – April 26, 2005, September 26, 2005, and November 17, 2008.

- 2. 1 Kelly Square (ZB-2010-027) – Special Permit: To allow a non-accessory sign in a BG-3.0 zone.** Mr. Abramoff stated that there was a letter from Leonard Lorusso regarding the sign project that was received at the last meeting. Mr. McCormick stated that the Board would be accepting testimony prior to the vote and that we are now at the point where this is a continuation of a hearing. Mr. Freilich stated that he is concerned with the size of the sign. Mr. Lanava stated that the Chamber of Commerce is in support of the project and thinks that it is appropriate for the location as this is a commercial district with non-accessory signs and an area for nightlife which includes nightclubs and restaurants. Mr. Lorusso stated that he is the abutter to the sign. He said that this is a mixed-use area and that there are already four signs on the building and that he believes a fifth sign is excessive and he is not in favor of it. Mr. Freilich asked if there was a description of how the sign will look and further stated that he has a problem with the size of the sign and believes that 250 SF is appropriate. Mr. Fontane stated that the signs are affixed to buildings and that the design of the sign is up to both the owner and the sign person. Mr. Jacobs stated that the ratchets and the cables are not attractive and also that he respects what Mr. Lorusso is doing in the canal district and hopes that he will embrace the sign. Mr. Abramoff stated that previous recommendations were for a 400 SF sign and that now the recommendation is for a 350 SF sign. Mr. Freilich stated that his vote is not in favor of this sign and suggested that the applicant consider Leave to Withdraw. The applicant declined Mr. Freilich’s suggestion. Upon a motion by Lawrence Abramoff and seconded by William Bilotta, it was voted 5-0 to close the public hearing. Upon a motion by Lawrence Abramoff and seconded by William Bilotta it was voted 3-2 by Lawrence Abramoff, Vadim Michajlow and William Bilotta (David George and Andrew Freilich voting no) to approve the requested Special Permit to allow a non-accessory sign in a BG-3 zone with the following conditions: 1) total area of the sign is 300 SF, 2) sign is to be non-digital and remain static, 3) applicant must provide plans to scale, 4) all cables and fasteners be painted to match the brick siding, and 5) the prior to the issuance of a building permit, all signs on site be brought into compliance with the zoning ordinance.

Exhibits:

- Exhibit A– Special Permit Application received 5/14/10
- Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/8/2010 (Updated 7/29/10)

Exhibit X – Worcester Sign Company received 7/12/10

Exhibit C – E-mail requesting a continuance by Atty. Edward McCormick dated November 8, 2010

Exhibit D – E-mail requesting a continuance by Atty. Edward McCormick dated November 29, 2010

Exhibit E – Letter from Leonard Lorusso dated November 28, 2010 and received November 29, 2010

3. **379 Main Street (ZB-2010-031) – Special Permit: To allow a non-accessory sign in a BG-6.0 zone.** Mr. McCormick presented the plan. Mr. Abramoff stated that he had asked the petitioner to supply the Board with the size of the sign that is currently on the property. Mr. Jacobs stated that he is asking for approval for a 672 SF sign. Mr. Michajlow asked if that was the size of the sign currently on the property as he stated that he does not want a larger sign. Mr. McCormick said that the request is for a 672 SF sign but they would be able to reduce the size to 400 SF. Mr. Loew said that when you look down Main Street and you see City Hall in the background that the vista is a throwback in history. Mr. Marcus stated that the letters on the current sign are 5 feet high and the border is 12 to 15 feet and the length is 25 feet for an estimate of 325 SF. He stated that he does not want a billboard but wants the option for the sign and it will not advertise cigarettes or alcohol products. Mr. Jacobs stated that the signs would be trade fixtures that then become the property of the building owners. Mr. Freilich stated that he was concerned with the look of the sign and the historic value of the building. Mr. Marcus stated that he will work with the sign designer to have what is appropriate for the building and for his family. Mr. Abramoff stated that he agreed with the historic value of the current sign, but was looking for the exact measurements of what is currently on the building. Mr. Kelly said that the sign appears to be 5 ft. by 25 ft for a total of 125 SF. Mr. McCormick clarified that Mr. Marcus does not agree with Mr. Kelly and that he thinks the sign is approximately 375 to 400 SF. Mr. Lanava stated that the Chamber of Commerce is opposed to the sign. He said that there has been negative feedback on the location, visibility and area of the sign. Mr. Brodeur stated that he was representing 370 Main Street Associates and that they are in opposition of the sign for the reasons stated in the staff memo and for the sign being located at this site. He further stated that the findings of fact for criteria four is that there is no benefit as non-accessory signs in the downtown are not appropriate. Mr. Abramoff restated that he is dismayed that a physical measurement was not done as it was a request of the Board. Mr. Michajlow agreed with Mr. Abramoff. Mr. McCormick stated that they were prepared to reduce the size of the sign from 672 SF to 400 SF, but that the staff recommendation is 257 SF and that they would agree to 350 Sf. Mr. Freilich questioned if the signs would be promoting the businesses in the downtown area and in this building. Mr. McCormick said that they would offer the sign to the tenants in the building first and then to other advertisers. Mr. Lanava stated that the Chamber of Commerce has been supportive of signs but that this is not an appropriate location. Mr. Bilotta stated that he was concerned that an exact measurement could not be given and that he did not agree that the sign is 30 SF. Mr. Abramoff read the possible conditions of approval. He then stated that he would not support a 350 SF sign. Mr. Marcus said that the sign would need to be more than 7 feet high, in order to be able to allow two lines of text. Mr. McCormick stated that Mr. Marcus would like to continue the hearing to January 10, 2011. Mr. George stated that he did not believe a continuation was required and that the Board would be able to vote on the item. Upon a motion by William Bilotta and seconded by Vadim Michajlow, it was voted 4-1 to close the public hearing. Upon a motion

by Lawrence Abramoff and seconded by William Bilotta, it was voted 4-1 by Lawrence Abramoff, Vadim Michajlow, Andrew Freilich, William Bilotta and (David George voting no) to approve the requested Special Permit to allow a non-accessory sign in a BG-6 zone with the following conditions: 1) total area of the sign is 200 SF, 2) fasteners be painted to match the brick structure, 3) existing "Marcus sign" be preserved, 4) prior to the issuance of a building permit, all non-accessory and temporary signs on site be brought into compliance with the zoning ordinance, 5) applicant provide scaled depictions of each sign, and 6) sign to be non-digital and remain static.

Exhibits:

Exhibit A – Special permit Application with plan received 7/7/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 8/2/2010.

Exhibit X – Worcester Sign Company received 7/12/10

Exhibit C – E-mail requesting a continuance by Atty. Edward McCormick dated November 8, 2010

Exhibit D – E-mail requesting a continuance by Atty. Edward McCormick dated November 29, 2010

- 4. 1051 Main Street (ZB-2010-033) – Special Permit: To allow a non-accessory sign in a BG-2.0 zone.** Mr. Jacobs presented the plan. He stated that the existing sign is a spider work of steel and that he wants to change it to add another base to the back. He also said that there was a billboard at 1049 Main Street and it had been removed and that the proposed new sign will add color to the area. Mr. Michajlow clarified that there is an existing sign and that the applicant wants to add another side that will face the opposite way. Mr. Freilich questioned who would see the sign. Mr. Jacobs said that the proposed sign can be built on the existing frame and project outward. Mr. George said then there would be two signs, one facing north and the other facing south. Mr. Jacobs confirmed that there would be two signs and each of them would be 672 SF and there would be no lighting. Mr. Freilich stated that he would like to see the pitch of the sign changed as it was being wedged in and then asked if there were structural drawings for the new modifications. Mr. Jacobs stated that he would request that the Board make it a condition of approval for the drawings to be provided. Councilor Haller stated that she is concerned with the angle of the signs and lighting pollution from it for the residents that live in the nearby high-rise building. Mr. Lanava stated that the Chamber of Commerce is in support of the sign for its appropriate location and the value it will add to the structure. Mr. Abramoff stated that the existing sign is an ugly web structure but that he would be in support of it, if it is angled away from residents and that a plan be provided showing the exact location of the sign. Mr. Fontane confirmed that the sign located at 1049 Main Street has a current OAB permit. Mr. Jacobs stated that he would accept the condition to let the permit expire. Mr. Fontane said that the condition should be that no new construction take place until the permit expires. The Board discussed the conditions of approval and accepted the findings of fact as amended by staff. Upon a motion by Lawrence Abramoff and seconded by William Bilotta, it was voted 5-0 to close the public hearing. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich it was voted 4-1 by Lawrence Abramoff, Andrew Freilich, William Bilotta, Vadim Michajlow and (David George voting no) to approve the requested Special Permit to allow a non-accessory sign in a BG-2 zone with the following conditions: 1) total area of the sign is 672 SF or exact size of the other face on the sign, whichever is smaller, 2) 6 copies of the

revised plans showing: a) scale, b) correct orientation of the existing structure, c) distances to other non-accessory sign structures in the area, 3) sign to be non-digital and remain static, 4) sign is not to be illuminated, 5)) prior to the issuance of a building permit, all non-accessory and temporary signs on site be brought into compliance with the zoning ordinance and that photos of the site be taken within 30 days of the building permit application, 6) permit for existing sign at 1049 Main Street be allowed to expire, 7) the angle of the new sign, be no greater than parallel to Main Street, 8) constructed in accordance with an approved site plan.

Exhibits:

Exhibit A – Special Permit Application – submitted by B&B Leasing, dated May 26, 2010.

Exhibit B – submitted 8/23/2010 by email from Damien Jacob:

- a. Memorandum in Regard to Size of Back to Back and V Type Non-Accessory Signs
- b. Exhibit Picture of Freestanding Billboard on 1049 Main Street
- c. Abandoned Billboard in Webster Square
- d. Additional Findings of Fact in Regard to ZB-2010-033
- e. Letter from Robert Anderson, B&B Leasing, August 23, 2010
- f. Memorandum in Support of ZB-2010-033
- g. Memorandum in Regard to spacing of Petitioner’s Non-accessory sign structure with the rooftop billboard on Bicycle Alley in Webster Square.
- h. Potential type of Freestanding Non-accessory Sign which can be placed on 1049 Main Street
- i. Potential Solutions for Non-Accessory signs on the Petitioner’s property

Exhibit C - Letter requesting a continuance by Damien Jacob dated November 8, 2010

Exhibit D – E-mail requesting a continuance by Damien Jacob dated November 29, 2010

Recess: 6:55 PM

Reconvene: 7:03 PM

- 5. 443 Chandler Street (ZB-2010-042) - Special Permit for Expansion or Change of a pre-existing non-conforming use/structure and Variance for relief of 15.30 feet from the frontage requirement.** Ben Kaplan presented the plan. He stated that he had updated the plans for two egresses and that the Board has two plans in front of them, one which is staff’s recommendation and the other is the one that the abutter wants. He said that both plans require parking relief. Mr. George asked if the building meets the standards of the building code. Mr. Kelly confirmed that the plan meets building code standards for height and egress. Mr. Bilotta stated that he wants to see a semi-annual maintenance program for landscaping. Mr. Abramoff stated that the parking plan that is being approved is Exhibit X submitted at the meeting. Upon a motion by Andrew Freilich and seconded by William Bilotta, it was voted 5-0 to close the public hearing. Upon a motion by William Bilotta and seconded by Andrew Freilich, it was voted 5-0 by David George, Andrew Freilich, William Bilotta, Kola Akindele and Timothy Loew to approve the requested Special Permit for expansion or change of a pre-existing non-conforming use/structure and Variance for relief of 15.30 feet from the frontage requirement with the following conditions: 1) that the final revised plot plan include: a) requirements of the Zoning Board of Appeals Rules and Regulations governing plans submitted with special permit and variance applications, b) proposed

screening be provided between the parking area and the abutting property located at 11 Durant Way, c) a note on the plan stating that mature trees be retained and no further expansion of the parking area can occur without an amendment to the relief granted, 2) semi-annual maintenance program for landscaping be instituted, 3) a note on the plan be added stating that no portion of the off-street parking area be located in the RS-7 zoning district. Upon a motion by Andrew Freilich and seconded by William Bilotta, it was voted 5-0 to waive the requirement of a surveyed plot plan.

Exhibit A: Special Permit and Variance Application dated 8/17/2010 submitted by Benjamin Kaplan, received August 18, 2010

Exhibit B Plot Plan, dated 8/17/2010 prepared by S.J. Mullaney Engineering, Inc., received August 18, 2010

Exhibit C Special Permit and Variance application (for use and parking in exterior side yard setback) dated 9/27/2010 submitted by Benjamin Kaplan, received September 27, 2010.

Exhibit D Revised Plot Plan, no date and no engineer or land surveyor's name provided, received September 27, 2010.

Exhibit E Staff's alternative proposal for off-street parking configuration that requires less impervious surface.

Exhibit F Kaplan Basement Renovation – Permit Set Construction Drawings – dated December 10, 2010; prepared by PDR Design and Drafting Services, submitted December 10, 2010.

Exhibit G Letter from Ben Kaplan to David George, Chair, dated December 10, 2010; requesting a waiver from requirement to submit a plot plan prepared by a registered engineer, submitted December 10, 2010.

Exhibit X – Plot Plan, no date and no engineer or land surveyor's name provided, received at the Zoning Board of Appeals Meeting on December 20, 2010.

6. 443 Chandler Street (ZB-2010-042A) - Special Permit to allow a three-family detached dwelling in an RL-7 zone and a Variance for relief of parking in the exterior side yard.

The item was taken up at the same time as Item #5. Upon a motion by Andrew Freilich and seconded by William Bilotta, it was voted 5-0 to close the public hearing. Upon a motion by William Bilotta and seconded by Andrew Freilich, it was voted 5-0 by David George, Andrew Freilich, William Bilotta, Kola Akindele and Timothy Loew to approve the requested Special Permit to allow a three-family detached dwelling in an RL-7 zone and a variance for relief of parking in the exterior side yard with the following conditions: 1) that the final revised plot plan include: a) requirements of the Zoning Board of Appeals Rules and Regulations governing plans submitted with special permit and variance applications, b) proposed screening be provided between the parking area and the abutting property located at 11 Durant Way, c) a note on the plan stating that mature trees be retained and no further expansion of the parking area can occur without an amendment to the relief granted, 2) semi-annual maintenance program for landscaping be instituted, 3) a note on the plan be added stating that no portion of the off-street parking area be located in the RS-7 zoning district.

Exhibit A: Special Permit and Variance Application dated 8/17/2010 submitted by Benjamin Kaplan, received August 18, 2010

Exhibit B Plot Plan, dated 8/17/2010 prepared by S.J. Mullaney Engineering, Inc., received August 18, 2010

- Exhibit C Special Permit and Variance application (for use and parking in exterior side yard setback) dated 9/27/2010 submitted by Benjamin Kaplan, received September 27, 2010.
- Exhibit D Revised Plot Plan, no date and no engineer or land surveyor's name provided, received September 27, 2010.
- Exhibit E Staff's alternative proposal for off-street parking configuration that requires less impervious surface.
- Exhibit F Kaplan Basement Renovation – Permit Set Construction Drawings – dated December 10, 2010; prepared by PDR Design and Drafting Services, submitted December 10, 2010.
- Exhibit G Letter from Ben Kaplan to David George, Chair, dated December 10, 2010; requesting a waiver from requirement to submit a plot plan prepared by a registered engineer, submitted December 10, 2010.
- Exhibit X – Plot Plan, no date and no engineer or land surveyor's name provided, received at the Zoning Board of Appeals Meeting on December 20, 2010.

- 7. 15 Hillside Street / 18 Alpine Street (ZB-2010-051) – Special Permits for 1) Expansion or Change of a pre-existing non-conforming use/structure (15 Hillside Street), 2) Expansion or Change of a pre-existing non-conforming use/structure (18 Alpine Street) and a Variance for Relief of 2,254 SF from the gross dimensional requirement (15 Hillside Street).** Hossein Hagenazadeh presented the plan. He stated that the property at 18 Alpine Street will remain as it is and that three additional off-street parking spaces will be provided at 15 Hillside Street. Mr. George asked the applicant to explain why he was not creating his own hardship. Mr. Hagenazadeh said that the topography is what makes the land useful for the three parking spaces. Mr. Michajlow clarified that the property on Alpine Street will not be affected and that three more parking spaces will be provided on Hillside Street. Councilor Haller said that parking is a problem in the area and that she would like to see the project supported. The Board agreed that parking is a problem in the area. Upon a motion by William Bilotta and seconded by Andrew Freilich, it was voted 5-0 to close the public hearing. Upon a motion by Andrew Freilich and seconded by Timothy Loew, it was voted 5-0 by Lawrence Abramoff, Andrew Freilich, Vadim Michajlow, William Bilotta and Timothy Loew to grant the requested Special Permits for 1) Expansion or Change of a pre-existing non-conforming use/structure (15 Hillside Street), 2) Expansion or Change of a pre-existing non-conforming use/structure (18 Alpine Street) and a Variance for Relief of 2,254 SF from the gross dimensional requirement (15 Hillside Street with the following condition that the parking plan be constructed in substantial accordance with the final approved Special Permit and Variance plan.

Exhibits:

- Exhibit A: Variance & Special Permit Application; received October 26, 2010; prepared by Casimir Zdanowicz.
- Exhibit B: Variance & Special Permit Plan; dated October 14, 2010; prepared by HS&T Group, Inc.

- 8. 2-14 Kansas Street (ZB-2010-049) – Amendment to Special Permit: To allow a recycling operation in an MG – 2.0 Zoning District.** Mr. O'Connor, petitioner, presented the plan. He stated that he was applying for all of the required permits in a parallel fashion. He stated

that he will only accept incidental food waste and will not allow drive-ups at his facility. Mr. Abramoff stated that the issues are the concern of yard waste, food waste and drop offs. Mr. O'Connor stated that there is no seal on the floor but that they will have a misting system like most haulers. Mr. Abramoff asked if he was willing to accept staff recommendations except for sealing the floors and pitching the room. Mr. George inquired if there were any complaints filed against the site. Mr. O'Connor stated that a cease and desist was issued and that it was addressed immediately. He said that he was cited for the amount of trash and that outside dumpsters were full and not being staged before hauling them off. Mr. Kelly confirmed that Mr. O'Connor addressed the cease and desist order immediately. He said that the order was issued at a bi-annual inspection and was a result of a required permit. Mr. O'Connor stated that there is an outstanding question regarding signage. Mr. O'Connor stated that he has talked to the abutters regarding his plan and has not received any negative feedback. Mr. Michajlow stated that he is concerned with residents and the church as this is a change of use. Councilor Haller stated that Mr. O'Connor has worked with the South Worcester Neighborhood Center and that this business is located near Sacred Heart Church and the problem may be odors and truck traffic. She said that the trucks do not go through the neighborhoods and that it has created jobs. Mr. Lanava stated that they have worked with Mr. O'Connor and that we believe he has addressed neighbor issues and that this small business is a success story. Mr. Freilich asked if the scale will be opened for public use. Mr. O'Connor responded no and that it would just be for his business use. The Board discussed the conditions of approval from staff recommendations with item 10C being changed to no walk-ups except contractors and licensed haulers. Also, no floor drain to be provided and the requirement of sealing of floors is subject to inspection and then required if Department of Inspectional Services deems necessary. Mr. Kelly stated that there are no cracks in the floor and that the area is in the flood plain. Mr. Fontane stated that the condition regarding incidental food waste has been clarified. Mr. George questioned how food waste is handled and how is it determined to be incidental. Mr. Kelly stated that there is no way of monitoring that by his department. Mr. O'Connor said that he has to separate it out under DEP regulations and through inspections. Mr. Kelly stated that during inspections it is determined if the food waste is incidental. Mr. George stated that he would like to see the records from DEP be available to Inspectional Services. Mr. Abramoff clarified that a small contractor could bring wood from a construction site to this location instead of a landfill and said that this will help the environment instead of going to a landfill. Upon a motion by Andrew Freilich and seconded by Lawrence Abramoff, it was voted 5-0 to close the public hearing. Upon a motion by Lawrence Abramoff and seconded by Vadim Michajlow, it was voted 5-0 by David George, Lawrence Abramoff, Andrew Freilich, Vadim Michajlow and William Bilotta to grant requested amendment to Special Permit: to allow a small (less than 50 tons per day) solid waste transfer operation with the following conditions:

1.) General.

- a.) All loading, unloading, storage of recyclable and non-recyclable materials shall be conducted indoors. Solid waste transfer shall occur in the southern loading area as indicated on the proposed plan and shall not occur in the Kansas Street loading area.
- b.) Plot plan should be revised to show location for proposed dumpster staging. All containers shall be covered. Solid waste containers shall be emptied within 24 hours. Recyclables shall be emptied within 48 hours.
- c.) Inspections by Inspectional Services shall be conducted annually.

- d.) The facility shall be locked at night.
- e.) The floor may be required to be sealed if deemed necessary by an Inspection from Inspectional Services.

2.) *Litter.*

- a.) Kansas & Sherman Streets in vicinity of the facility shall be maintained free from litter on a daily basis.
- b.) Incoming and outgoing loads shall be covered.

3.) *Traffic.*

- a.) In accordance with the previously approved Special Permit, access shall be limited to Kansas Street and Cambridge Street.
- b.) Kansas Street and the access drive shall be paved fully to control dust.
- c.) Traffic to site for solid waste transfer shall be limited to licensed private haulers. No “walk up” shall be permitted for solid waste transfer.
- d.) Avoid queuing off-site onto Sherman and Kansas Streets.
- e.) Site operators shall ensure compliance with existing anti-idling laws of Massachusetts and post signage with relevant portions of the anti-idling law visible to incoming trucks.
- f.) The addition of a scale on-site and circulation for weighing on-site shall be permitted only by an additional amendment to this special permit, if approved.

4.) *Dust.*

- a.) Truck bodies and tires shall be cleaned as necessary prior to leaving the site to reduce tracking of dirt onto streets.

5.) *Hours of Operation.*

- a.) Hours of operation for the facility shall be limited from 7:00 am to 10:00 pm, Monday-Saturday and the facility shall not operate on Sunday as suggested in the Department of Inspectional Services memo dated November 16, 2010 (Exhibit D).

6.) *Odor/Pest Control.*

- a) Yard waste and/or any food waste that is more than incidental.
- b) Provide documentation that the services of a licensed pest control company have been retained to the Division of Planning & Regulatory Services and Department of Inspectional Services on an annual basis.
- c) Due to proximity to residential neighborhood, in addition to a licensed pest control company, staff recommends using best practices for non-chemical deterrent of vectors (rodents, insects, etc) including rodent-proofing measures for holes, vents, pipes and removing all potential areas for rodent “harborage” – empty boxes, piles, brush, etc. In addition to maintaining overgrowth and brush on-site, the Board may want to consider requiring the applicant *seek* an easement or agreement from abutting property owner to remove brush/overgrowth on the eastern portion of the site.

- d) Install bird deterrent measures such as suspended or hanging wires and eliminate horizontal surfaces, within reason, where birds can congregate.

7.) *Other.*

- a.) Site shall process less than 50 tons of solid waste per day.
- b.) Containers shall be covered; solid waste containers shall be emptied within 24 hours, recyclables emptied within 48 hours.
- c.) Maintain a log for all material brought to the site, total weight of material transferred, date and time of transfer, and by whom. Said log shall be submitted annually to the Department of Inspectional Services.
- d.) Provide a staffing plan that lists duties by job title, minimum staffing levels and typical work schedules.
- e.) Create a fact sheet for all private haulers that describes acceptable and unacceptable wastes and alternative locations for dispensing of items on the unacceptable waste list. Per the EPA's Waste Transfer Station – Manual for Decision Making (Exhibit E), staff suggests, at a minimum, that the fact sheet include:
- o A picture or graphic of unacceptable waste
 - o A definition of what the unacceptable waste is and why it is not accepted at the transfer station
 - o The dangers or penalties for improper disposal of unacceptable waste.
 - o Safe consumer alternatives.
 - o Where the waste can be appropriately managed, including driving directions, hours of facility operation and contact information.
 - o Telephone numbers and websites of appropriate regulatory agencies that can provide more information.
- f.) Provide a copy of Operations and Contingency Plan for emergencies such as power failures, unavailability of transfer vehicles, discovery of hazardous materials, spills, fire and injuries to employees or visitors to site. to the Division of Planning & Regulatory Services and the Department of Inspectional Services
- g.) Comply with proposed conditions proposed in the Dept. of Inspectional Services memo dated November 16, 2010.
- h.) Provide schedule for installing signage – staff notes that on a recent staff visit, it does not appear as if any signage identifying the building or business have been installed. Additional signs shall be located on site per the Department of Inspectional Services memo dated November 16, 2010 (Exhibit D)
- i.) Any windows, if uncovered or replaced shall be re-installed with double-glazed glass windows.

Previous condition of 2009 Special Permit approval:

- In addition to previous conditions of approval for the recycling facility noted in the footnotes to the background section, provide proof that an engineering firm was hired to conduct indoor air testing related to the subsurface contaminants to the portion of the lot

fronting Cambridge Street as stated in letter from Dennis O'Connor in response to staff's previous memo. (Exhibit C)

Exhibits:

- Exhibit A - Special Permit application -2-14 Kansas Street. (includes cover letter, Proposed Solid Waste Transfer Operational Plan, and Third Party Analysis of Massachusetts Solid Waste Act Changes for FY 2011) prepared by Dennis O'Connor and Scott Soucy, Corporate Environmental Advisors, dated October 22, 2010. Received October 22, 2010.
- Exhibit B - Plot Plan Site Layout – 2-14 Kansas Street. Prepared by Corporate Environmental Advisors, dated 10/19/2009; received October 22, 2010. Note: the plan appears to have been updated since the 2009 approval.
- Exhibit C - Letter from Dennis O'Connor, undated, entitled: Responses to "Questions for Applicant" page 4 of August 25, 2009 Memorandum from Lara Bold, Chief Planner."
- Exhibit D - Memorandum: John Kelly, Building Commissioner / Acting Commissioner Department of Inspectional Services to Joel Fontane – re: 2-14 Kansas Street Proposed Solid Waste/ Recycling Transfer Station, dated November 16, 2010.
- Exhibit E - Waste Transfer Stations: A Manual for Decision Making. United States Environmental Protection Agency – Office of Solid Waste. June 2002. Accessed: <http://www.epa.gov/osw/nonhaz/municipal/pubs/r02002.pdf>
- Exhibit F - E-mail requesting a postponement by Dennis O'Connor dated November 29, 2010
- Exhibit F Letter from Dennis O'Connor on behalf of Massachusetts Materials Management in response to staff's November 22, 2010 memo. Dated December 10, 2010. Received December 10, 2010.

Other Business:

Election of Officers:

Upon a motion by Andrew Freilich and seconded by William Bilotta, it was voted 5-0 to elect Lawrence Abramoff as the Chair.

Upon a motion by Lawrence Abramoff and seconded by William Bilotta, it was voted 5-0 to elect Andrew Freilich as Vice-Chair.

Decisions: The Board signed decisions.

Adjournment

Chair George adjourned the meeting at 8:15 pm.