

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

August 19, 2013

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM

Zoning Board Members Present: Lawrence Abramoff
William Bilotta
Timothy Loew
Robert Haddon

Zoning Board Members Absent: Vadim Michajlow
Joseph Wanat

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Marlyn Feliciano, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

Board Site Views

CALL TO ORDER

Chair Abramoff called the meeting to order at 5:32 p.m.

APPROVAL OF THE MINUTES: The minutes for 7/9/13 and 7/29/13 were held.

NEW BUSINESS

Public Hearing

1. 5 Hill Top Circle (ZB-2013-033)

Administrative Appeal: Appeal of a decision of the inspector of buildings / inspectional services commissioner (Article II, Section 6).

Petitioners: Kirsten Hubbard and Brian Lewis (9 Hill Top Circle)

Present Use: Single-family residential dwelling

Zone Designation: RS-10 (Residence, Single-Family)

Petition Purpose: Appeal of a decision of the inspector of buildings / building commissioner in a letter dated May 7, 2013 stating that no zoning violations have taken place at 5 Hill Top Circle. The petitioners claim that the property (the garage) is being used for commercial office of use (Business Use # 18, Table 4.1) in the RS-10 zone in violation of Table 4.1 "Table of Permitted Uses" that the land

use is not accessory to the predominate use in violation of Article IV, Section 8 “Accessory Uses” A(1)(a), that there is more than one commercial vehicle be kept on the lot in violation of Article IV, Section 8 B(5), and that the use is not in compliance with the home occupation in a residential district as an accessory use (Article IV, Section C)

Public Hearing Deadline: ~~8/10/13~~, 8/19/13

Constructive Grant Deadline: 9/14/13

Attorney Robert Longden stated that he submitted a postponement request on behalf of the owners of 5 Hill top Circle. Attorney Jonathan Finkelstein stated that he did not object to the postponement request. Mr. Longden stated that he was only hired at the end of last week and needs the additional time to catch up and also to make an effort to resolve the matter before the next meeting.

Mr. Fontane stated that the city is ready to move forward with the matter but if the applicant is okay with the postponement, staff does not have any objections.

Upon a motion by Mr. Loew and seconded by Mr. Bilotta, the Board voted 4-0 to postpone the item to September 9, 2013.

List of Exhibits.

Exhibit A: Administrative Appeal Application; received June 6, 2013; prepared by Kirsten Hubbard and Brian Lewis.

Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 5 Hill Top Circle – Administrative Appeals (ZB-2013-033); dated August 16, 2013.

Exhibit C: Request for Postponement from applicant’s attorney Jonathan Finkelstein; dated July 16, 2013 and July 22, 2013.

Exhibit D: Request for Postponement from subject property owner’s attorney, Robert Longden; dated August 15, 2013.

2. 690 Grafton Street (ZB-2013-037)

Special Permit: Extension, Alteration or Change of a Privileged Pre-Existing Nonconforming Use (Article XVI, Section 4).

Special Permit: To allow motor vehicle sales and display (Business Use # 15 & 16, Table 4.1) in a BL-1.0 (Business, Limited) zoning district.

Petitioner: Skaff Auto Inc.

Present Use: Gas station, 3-bay service garage and commercial space

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: Add motor vehicle sales and display use for the outdoor display of 24 motor vehicles (15 associated off-street spaces currently exist on site); other work proposed with this project is landscaping improvements, repairing the existing pavement, and restriping the lot

Public Hearing Deadline: 9/19/13

Chair Abramoff explained to the applicant that there were only 4 members present and that all four members had to vote unanimously to approve the project. Otherwise the matter would not pass.

Attorney John Duquette, on behalf of the owners, requested a postponement to the September 9, 2013 meeting so that they can be heard by a five member board. He also stated that he would try to meet with neighbors and resolve any issues with the petition prior to the next meeting.

Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted 4-0 to postpone the item to the September 9, 2013 meeting.

List of Exhibits

- Exhibit A: Special Permit Application; prepared by Skaff Auto Inc.; received July 16, 2013.
- Exhibit B: Proposed Site Plan & Parking Plan; dated prepared by Summit Engineering & Survey, Inc.; dated and received July 16, 2013.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: [subject heading]; dated [date], revised [date].
- Exhibit D: Letter from Renfrew St. Residents to the Zoning Board; re: 690 Grafton Street; dated August 7, 2013 and received August 9, 2013.

Other Business:

- 3. Signing of Decisions from prior meetings** – the decisions for 26 & 28 Northboro Street, 290 Franklin Street, and 453-455 Lincoln Street were signed.

Adjournment

Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted to adjourn at 5:47 p.m.