

**WORCESTER ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
November 14, 2005**

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

**Staff Present:** Dave Holden, Department of Code Enforcement  
Donald Ryder, Law Department  
Lara Bold, Division of Planning and Regulatory Services  
Russ Adams, Department of Public Works

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

**Call to Order:** Thomas Hannigan called the meeting to order at 5:30 P.M.

- 1) **1 & 3 Prioulx Street – Remand from Land Court:** Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 5-0 to continue the hearing until the November 28, 2005 meeting. Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 5-0 to have a site view open to the public on November 21, 2005 at 3:00 pm at 1 & 3 Prioulx Street.
- 2) **30 Hollis Street (Z05-158) – Special Permit:** Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to continue the hearing until November 28, 2005 to allow the applicant time to show a written, signed lease with the current owner as well as an agreement from the potential owner (purchase and sale).
- 3) **5 Falcon Street (Z05-159) Variance - Leave to Withdraw without Prejudice:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to grant the petitioner's request to Leave to Withdraw without Prejudice relative to the petitioner's request for a variance for 15 feet of relief from the frontage requirement.
- 4) **2 Belcourt Street (Z05-160) –Special Permit – Leave to Withdraw without Prejudice:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to grant the petitioner's request to Leave to Withdraw without Prejudice relative to the petitioner's request for a special permit to allow townhouses in an RL-7 zone.

- 5) **251-261 Plantation Street – Special Permit (Z05-163)** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted to continue the hearing until November 28, 2005 to allow the applicant time to discuss concerns with the neighbors.
- 6) **5 Mann Street (Z05-184)– Variance:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the requested Variances for 1,340 square feet of relief from the gross dimensional requirement and the Variance for 30 feet of relief from the frontage requirement.
- 7) **7 Sheldon Street (Z05-180) – Special Permit – Leave to Withdraw Without Prejudice:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to grant the petitioner’s request to Leave to Withdraw without Prejudice relative to a Special Permit to allow single family attached townhouse units in an RL-7 zone.
- 8) **175 Lovell Street (Z05-186) –Special Permit:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to continue the hearing until December 19, 2005 in order to allow the applicant time to obtain a report from a professional certified engineer detailing the condition of the existing fill and, if necessary, showing how any unclean fill will be removed and replaced with clean fill. The plan should also show a retaining wall. The current cease and desist order will remain in effect.
- 9) **210 Southwest Cutoff (Z05-187) –Special Permit:** Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 4-1 (Thomas Hannigan opposed) to deny the petitioner’s request for an extension of time relative to a special permit to allow stone crushing and fill removal in an MG-2.0 district.
- 10) **38 Aphorp Street (Z05-188) – Special Permit: Leave to Withdraw without Prejudice:** Upon a motion by Jerry Horton and seconded by Leonard Ciuffredo, the Board voted 5-0 to grant the petitioner’s request to Leave to Withdraw without Prejudice relative to a Special Permit to allow duplexes in an RS-7 zone.
- 11) **46 Lake Avenue (Z05-189) – Variance:** Upon a motion by John Reynolds and seconded by Matthew Armendo the Board voted 4-1 (Leonard Ciuffredo opposed) to approve the petitioner’s requested Variances for 18 feet of relief from the rear yard setback, 9 feet of relief from the front yard setback requirement and 8 feet of relief from the side yard setback requirement with the condition that no food service or food handling business be located at 46 Lake Avenue.
- 12) **23 Fairbanks Street (Z05-190) – Variance:** Upon a motion John Reynolds and seconded by Leonard Ciuffredo the Board voted 5-0 to approve the petitioner’s requested Variance for 1 foot of relief from the side yard setback requirement.

- 13) **27 Duxbury Road (Z05-191) – Variance/Special Permit:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 4-1 (Jerry Horton opposed) to approve the petitioner's requested Variance for 10 feet of relief from the front yard setback requirement, the Special Permit to allow parking within the front yard setback and the requested Special Permit for expansion or change of a non-conforming use.
- 14) **391 May Street (Z05-192) – Special Permit:** The Board determined that this petition was not properly before the Board because the proposed use is not allowed in an RS-7 zone.
- 15) **25 Rollinson Road (Z05-193) – Variance and Special Permit:** Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Special Permit to allow a private garage on more than 10% of the lot area.
- 16) **12 Brussels Street (Z05-194) – Variance/Special Permit:** Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to allow the petitioner to Leave to Withdraw without Prejudice relative to the requested Variance for 40 feet of relief from the maximum height requirement and the Special Permit to allow a non-accessory sign.
- 17) **30 Pullman Street (Z05-195) – Special Permit:** Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to continue the hearing until the December 19, 2005 meeting in order to allow the applicant time to talk with interested neighbors about concerns, to bring a lease agreement and to provide the Board and the Code Department with details regarding the operation including how quickly materials will be taken off site, how often trucks will drive in and out of the premises and provisions for rodent control.
- 18) **243 East Mountain Street (Z05-196) Special Permit** Upon a motion by John Reynolds and seconded by Matthew Armendo the Board voted 1-4 (Matthew Armendo, Leonard Ciuffredo, Thomas Hannigan and Jerry Horton opposed) to approve the petitioner's request to allow single family attached townhouse units in an RL-7 zone. The petition was therefore denied.
- 19) **32 Catharine Street (Z05-197) – Variances/Special Permit –** Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the petitioner's requested Variance for 3.7 feet of relief from the side yard setback requirement, the Variance for 9.8 feet of relief from the frontage requirement, 1000 square feet of relief from the gross dimensional requirement and the Special Permit to expand or change a pre-existing non conforming use.
- 20) **14 Columbia Street (Z05-198) – Variances –** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the requested Variance for 155 square feet of relief from the gross dimensional requirement on Lot A and the Variance for 378 feet of relief from the gross dimensional requirement for Lot B.

- 21.) **44 Pineview Avenue (Z05-199) – Special Permit** - Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit to allow 2 single-family semi-detached dwellings (duplexes) in an RS-7 zone.
- 22.) **83, 83 ½, 85, 87 Florence Street, 5 Maywood Place, 18-20 and 30 Beaver Street (Z05-200) - Variances** – Upon a motion by Jerry Horton and seconded by Morris Bergman, the Board voted 4-1 (John Reynolds recused himself and Leonard Ciuffredo opposed) to approve the requested Variance for 27 feet of relief from the 50 –foot setback requirement, the Variance for 5 feet of relief from the height requirement and the requested Variance for 1 story relief from the height requirement.
- 23.) **9 Hammond Street (Z05-201) –Special Permit-** Upon a motion John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 (John Reynolds recused himself, Morris Bergman voted) to approve the petitioner’s requested Special Permit to expand or change a pre-existing non conforming use.
- 24.) **1-7 Piedmont Street (Z05-202)** – Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 5-0 to continue the hearing until November 28, 2005 to allow the applicant time to research further off-site parking possibilities.
- 25.) **11 East Central Street** – Extension of Time – Upon a motion by Matthew Armendo and seconded by John Reynolds, the Board voted 5-0 to approve the requested extension of time.

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**Approval of Minutes:** Upon a motion by Leonard Ciuffredo and seconded by John Reynolds, the Board voted 5-0 to approve the October 17, 2005 minutes.

The meeting adjourned at 10:00 P.M.