

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

**AUGUST 28, 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  
Andrew Freilich

**Staff Present:** Richard Trifero, Division of Code Enforcement  
Joel Fontane, Division of Planning & Regulatory Services  
Edgar Luna, Division of Planning & Regulatory Services

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

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

**APPROVAL OF THE MINUTES**

Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Thomas Hannigan, Matthew Armendo, Morris Bergman and Andrew Freilich to approve the August 14, 2006 Minutes.

**CONTINUED HEARINGS**

- 1. 9 Oakview Street (Z-06-101) – Special Permit:** Samuel Rosario, representative for Emanuel and Karen Tortorelli, petitioners, presented the petition. Mr. Rosario stated that the petitioners had acknowledged their error in placing fill in the property without a Special Permit. Mr. Rosario also stated that the petitioners were in the process of determining the most effective method to stabilize the filled area, and indicated that one of the preferred remediation options consisted of planting new trees and grass in the open areas. Mr. Trifero stated that he wanted to confer with DPW as to whether the conditions created by the new fill exacerbate water run-off onto adjacent properties. Consequently, Mr. Trifero requested a continuation of the hearing until September 11, 2006 to allow sufficient time to review this matter with the Department of Public Works. Carmen Quintanilla expressed concern that the petitioner cut down several trees on the property. Samuel Rosario requested a continuation of the hearing until September 11, 2006 to allow time to address the concerns expressed by Mr. Trifero and Ms. Quintanilla. Upon a motion by Matthew Armendo and seconded by Morris

Bergman, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan, and Morris Bergman to continue the hearing until September 11, 2006.

## **NEW HEARINGS**

- 2. 4 Greendale Avenue (Z-06-132) – Special Permit:** C. James Pappas, petitioner, presented the petition. Mr. Pappas stated that he was seeking a Special Permit to allow motor vehicle sales in the BL-1.0 zone portion of the lot, and not in the RG-5 portion of the lot. He also stated that he was planning to lease the adjacent parcel at 490 West Boylston Street to another car dealer, and use the 4 Greendale Avenue as his Worcester business address in order to keep and maintain his used car dealer's license. He further indicated that while he was planning to semi-retire from selling used vehicles, he wanted to remain partially active in such business by wholesaling 2 vehicles on a regular basis from this address. Mr. Armendo asked Mr. Pappas to describe the current use of the building on this parcel. Mr. Pappas stated that the structure was a three-family dwelling, and was currently occupied by tenants on the second and third floors. He stated that he wanted to use the first floor as an office for the new business. Mr. George asked Mr. Pappas to describe the reason for withdrawing a similar Special Permit shortly before the petition was scheduled to be heard by the Zoning Board of Appeals on February 13, 2006. Mr. Pappas indicated that he changed his mind a few days before said meeting. Lori Therrien and David Therrien expressed concerns regarding expanding the used car business into the residential neighborhood. Richard Cipro expressed concern regarding the traffic problems the proposed project may cause in the neighborhood. Mr. Fontane indicated that when a parcel is split zoned the more restrictive zone takes precedence, therefore, used car sales within the portion of the lot zoned RG-5 would be prohibited, including the structure which is partially zoned RG-5. Mr. Bergman requested clarification regarding the reason Mr. Pappas had decided not to keep the car sales lot on West Boylston Street. Mr. Pappas indicated that he wanted to dedicate a portion of his time to other businesses. Mr. Armendo stated that the proposed use would encroach into the residential neighborhood, and expressed concern that several uncertainties remained regarding how the proposed use would be implemented. Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 0-5 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the requested Special Permit To Allow Motor Vehicle Sales in the BL-1.0 Zone. Therefore, the motion failed, and the Special Permit was denied.
- 3. 118 Cambridge Street (Z-06-133) – Special Permit:** Steve Pulde, representative for Susan Hovagimian, petitioner, and Susan Hovagimian presented the petition. Mr. Pulde stated that Ms. Hovagimian business, formerly located at 34 Cambridge Street, was forced to relocate because the building was sold. Mr. Pulde stated that 118 Cambridge Street was an ideal location for a tattoo parlor because the business had been already established in the area for six years, and the general public and neighborhood residents were familiar with it. Mr. Bergman requested clarification from the applicant as to whether or not she already had a signed lease. Ms. Hovagimian stated that the lease was pending upon the Special Permit being approved. Mr. Luna stated that the strip mall was built in 1986 and currently houses 7 businesses. He also stated that based on a field report, it had been determined that the site has

41 nonconforming parking spaces (10' x 16'), and that 56 were needed based on current use. He further indicated that Alexander Trenta, owner of the property, stated that he was in the process of evicting the Anokye Krom Restaurant, which may bring the site into parking compliance. Mr. Trifero stated that while the matter before the Board was the proposed use, he acknowledged that parking appeared to be in violation and therefore indicated that he would address this matter with the property owner at a later date. Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to close the hearing. Upon a motion by Morris Bergman and seconded by Jerry Horton, it was voted 5-0 by Leonardo Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the following:

- **SPECIAL PERMIT: To Allow a Personal Service Shop (Tattoo Parlor) in an MG-2.0 and ML-2.0 Zone.**

4. **25 Mott Street (Z-06-101) – Extension of Time - Variances:** Todd Rodman, representative for Oak Hill Community Corporation, petitioner, presented the petition. Mr. Rodman stated that the petitioner was seeking to construct a single-family dwelling at this parcel. Mr. Rodman also stated that while the Zoning Board of Appeals had approved the Variances on August 15, 2005, and the Planning Board approved the Site Plan on September 28, 2005, the petitioner was not able to implement them because of the lengthy funding processes. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve an Extension of Time for six (6) months for the following Variances:

- **VARINACE: Relief of 1,971 Square Feet from the Gross Dimensional Requirement.**
- **VARIANCE: Relief of 12.5 Feet from the Frontage Requirement.**
- **VARIANCE: Relief of 3 Feet from the Side Yard Setback Requirement.**
- **VARIANCE: Relief of 4 Feet from the Exterior Side Yard Setback Requirement.**

#### **OTHER BUSINESS**

5. **273-275 Mill Street – Scrivener’s Error:** Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to correct the book and page numbers referenced in the decision for 273-275 Mill Street.

6. **20A Onset Street – Scrivener’s Error:** Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to correct an address error in the decision for 20A Onset Street.

**ADJOURNMENT:** Chair Ciuffredo adjourned the meeting at 7:00 PM.