

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

OCTOBER 30, 2006

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present: Leonard Ciuffredo, Chair
Jerry Horton
Matthew Armendo
Thomas Hannigan
Morris Bergman
David George
Andrew Freilich

Staff Present: Joseph Mikielian, Department 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 David George to approve the September 25, 2006 minutes. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the October 16, 2006 minutes.

REQUESTS FOR WITHDRAWAL

- 1. 1 Schussler Road (Z-06-167) – Amendments to Special Permits and Variances:** Jonathan Finkelstein, representative for Thomas Demeo, petitioner, requested Leave to Withdraw without prejudice because the relief requested was incorrect. Upon a motion by Matthew Armendo and seconded by Jerry Horton, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman, to grant the petitioner Leave to Withdraw Without Prejudice.
- 2. 6 & 6A Second Street (Z-06-170) – Special Permits:** Phillip Kenneway, petitioner, requested Leave to Withdraw without prejudice because the relief requested was incorrect. Upon a motion by Matthew Armendo and seconded by Jerry Horton, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to grant the applicant Leave to Withdraw Without Prejudice.

UNFINISHED BUSINESS

3. **475 Chandler Street (Z-06-156) – Special Permits:** Kate Rugman and Desiral Hagger, representatives for Omnipoint Communications, Inc, T-Mobile, petitioner, presented the petition. Ms. Rugman stated that the petitioner was seeking a Special Permit to install a personal wireless service facility and a Special Permit for the expansion or change of a pre-existing, nonconforming use/structure for the purpose of installing a personal wireless service facility inside a faux chimney on the roof of the building. Ms. Rugman also indicated that while the petitioner was proposing to install the wireless service equipment inside a faux chimney made of fiberglass to conceal it from public view, the chimney's exterior would have the appearance of brick and mortar to blend harmoniously with the exterior materials of the existing building. In addition, Ms. Rugman presented the Board with the following items: (a) a letter from Richard Katz, President of Bet Shalom Apartments, stating that Bet Shalom Apartments had agreed to restrict the building to one (1) wireless facility only and that wireless facility would be provided by T-Mobile, (b) samples of the proposed fiberglass material, (c) photographs of similar installations at other locations, and (d) a city map of other T-Mobile wireless facilities. Mr. Armendo stated that any approval of the petition should be conditioned upon installing only one chimney for the purpose of concealing personal wireless equipment on the roof of the building. 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 the following:

- **SPECIAL PERMIT: To install a personal wireless service facility.**
- **SPECIAL PERMIT: Expansion or change of a pre-existing, nonconforming use/structure.**

The approval carries the following conditions:

- **The proposed structure will be built according to the plan submitted.**
- **Only one chimney structure will be installed on the roof of the building.**
- **Only one personal wireless service facility will be installed on the roof.**

4. **239 Mill Street (Z-06-169) – Special Permit:** Robert Longden, representative for Stone & Berg Company, Inc., petitioner, presented the petition. Mr. Longden stated that the petitioner was seeking a Special Permit for the purpose of allowing a packaging business in a BL-1.0 zone (packaging and shipping locks). Councilor Frederick Rushton stated his support for the proposed project indicating that it would be an asset to the City. Mr. Ciuffredo read a letter from Edward Proko of Mill Street Motors expressing support of the proposed project. Mr. Longden stated that the proposed use would be an appropriate use of the site, conserve the value of land and buildings which are currently vacant, and promote and encourage business development along the Mill Street business corridor. In addition, Mr. Longden stated that all operations would be conducted inside, and indicated that the site has adequate parking to meet the needs of the proposed use. Mr. Horton asked Mr. Longden to inform the Board if the proposed use would require any manufacturing. Mr. Longden stated that only light assembly was required, and indicated any noise produced would be contained indoors. Mr. George asked Mr. Longden if the

proposed business included any automation, either currently or proposed. Mr. Longden responded that the operation is currently not automated and there are no plans to do so. Anne DiLiddo expressed concern regarding potential traffic problems. John Illy expressed concerns regarding potential traffic problems on Mill Street, future expansion, use of existing docks, and hours of operation. Mr. Longden stated that no expansion or significant renovations to the existing buildings and docks are needed because the structures have adequate space to meet the needs of the proposed business, and indicated that traffic to and from the site will be significantly less than the previous use, O'Coins Homebrands. Mr. Armendo asked Mr. Longden to describe the petitioner's operation plan. Mr. Longden indicated that the petitioner's operation plan included the following: (1) hours of operation will be 7:00 am to 7:00 pm Monday through Friday, (2) deliveries to the site will take place between 8:00 am to 9:00 am, (3) the site will be open to the public to view new products; however, the company retails to trades people only, (4) 10-20 trucks per week will pick up large-order merchandise between 6:00 pm and 7:00 pm, (5) approximately 10-20 daily trips are expected from area trades people (locksmiths), (6) the company employs 24 area residents, who arrive between 7:00 am and 7:30 am, (7) of the 65 parking spaces on site, 24 will be used by employees, (8) the company will provide 6-9 trainings per month (20 individuals per class), for area locksmiths and retailers between 6:00 pm and 9:00 pm, (9) the proposed business will use a dumpster; however, it will be located away from any residential uses, and (10) while new signage is proposed, the petitioner will use the same location the previous occupant used. Mr. Hannigan expressed his support for the proposed business, and indicated that the proposed use would be of benefit to the neighborhood, and City in general. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the following:

- **SPECIAL PERMIT: To Allow a Packaging Business in a BL-1.0 zone**

NEW BUSINESS

5. **220 Highland Street (Z-06-165) – Variances and Special Permits:** Daniela Gatej, petitioner, and presented the petition. Ms. Gatej stated that she was seeking a Variance for relief of 2 parking spaces from the off-street parking requirement, a Variance to allow backing out onto Dover Street, a Special Permit for the expansion or change of a pre-existing, nonconforming use/structure, and a Special Permit to allow a professional office in an RG-5 zone. The purpose of the request is to operate a dental office in the first floor of the single-family residential dwelling located on site. In addition, Ms. Gatej stated that she purchased the property in 2005 to transfer her dental office from a nearby location where she practiced her profession for 18 years. She further indicated that her hours of operation are 10:00 am to 6:00 pm, Monday through Friday, and stated that she does not employ additional staff. Mr. Armendo asked Mr. Gatej to inform the Board how many patient she treats per day. Ms. Gatej stated that she schedules 6 to 7 patients per day. Mr. George asked Ms. Gatej if this would be the only use on the premises. Ms. Gatej stated that her dental office would be located in the first floor, and her son would live on the second floor. William Krikorian, an abutter, stated that while he was not opposed to the proposed use, he was concerned that the property may be sold; thereby, bringing incompatible uses that would adversely affect the

neighborhood. Ms. Gatej stated that she had purchased the building with the intention of establishing her business and not to sell it. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion Morris Bergman and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman, to approve the following:

- **VARIANCE: Relief of 2 Parking Spaces from the Off-Street Parking Requirement.**
- **VARIANCE: To allow backing out onto Dover Street.**
- **SPECIAL PERMIT: Expansion or Change of a Pre-Existing, Nonconforming Use/Structure.**
- **SPECIAL PERMIT: To Allow a Professional Office in an RG-5 Zone.**

The approval vote carries the following condition:

- **The Dental Office will be limited to 1 Treatment Chair only.**
- **Hours of operation will be Monday through Friday, 10:00 am to 5:00 pm, and 7:00 pm on, except for emergency services, which are permitted from 5:00 pm to 7:00 pm if needed.**

6. **1 Schussler Road (Z-06-167) – Variances, Special Permit and Amendment to a Special Permit:** Jonathan Finkelstein, representative for Thomas Demeo, petitioner, presented the petition. Mr. Finkelstein stated that the petitioner was seeking a Variance of relief of 7 parking spaces from the off-street parking requirement, a Variance to allow backing out onto Schussler Road, a Variance to allow parking within the front yard setback, a Variance of relief from the 5 foot landscaping buffer requirement, a Special Permit for the expansion or change of a pre-existing, nonconforming use/structure, and an Amendment to Special Permit for Change of Use from a psychiatric nursing home to Sorority. Mr. Finkelstein stated that the relief sought was for the purpose of re-configuring the on-site parking layout. He further stated that on April 26, 2004, the Zoning Board of Appeals granted a Special Permit to allow the Sorority House in a RG-5 zone, and stated that said approval included an agreement to provide off-street parking for 20-24 students via an off-street licensed parking lot in the neighborhood. He added that the leased spaces never materialized. Spiro Giannopoulos stated that he was the owner of the parking lot the petitioner had alluded to in the petition, but expressed disappointment that while he had made efforts to reach out to the petitioner following the April 26, 2004 approval. He stated that a final agreement never materialized. Mr. Bergman asked Mr. Giannopoulos to inform the Board if the parking lot was still available. Mr. Giannopoulos acknowledged that the parking lot was still available. Mr. Ciuffredo asked Mr. Finkelstein and Mr. Giannopoulos to step out of the meeting room to discuss a possible agreement to sign a lease.

Upon a motion by Matthew Armendo and seconded by Jerry Horton, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to table this item until Mr. Finkelstein and Mr. Giannopoulos had discussed a

possible agreement to sign a lease, and were ready to resume the hearing. This item was taken up again after item #8.

1 Schussler Road (Z-06-167) – Variances, Special Permit and Amendment to a Special Permit. 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 take this item off the table. Mr. Finkelstein informed the Board that he and Mr. Giannopoulos had discussed leasing the parking lot, but indicated that additional time was needed to discuss the details of the agreement, and to prepare and sign the lease. Therefore, Mr. Finkelstein asked the Board to consider continuing the hearing until November 13, 2006 to allow additional time to discuss the details of the agreement, and to prepare and sign the lease. 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 continue the hearing until November 13, 2006.

7. 4 & 6 Second Street (Z-06-170A) – Variances: Phillip Kenneway, petitioner, presented the petition. Mr. Kenneway stated that he was seeking a Variance for relief of 1,900 square feet from the gross dimensional requirement for Lot 4 and Lot 6, a Variance for relief of 4 feet from the side yard setback requirement for Lot 6 (existing garage), a Variance for relief of 5 feet from the frontage requirement for Lot 4 and Lot 6, a Variance for relief of 4 feet from the rear yard setback requirement for Lot 6 (existing garage) and a Variance for relief of 6 inches from the front yard setback requirement for Lot 6. The relief is for the purpose of re-establishing a previous lot line for a second lot, and constructing a single-family dwelling on the second lot. Mr. Kenneway also stated that the present petition was an alternative plan suggested by the Board on June 12, 2006 when he had petitioned for a Special Permit to expand his existing home by attaching a new unit to it, which he withdrew. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted 5-0 to close the hearing. Upon a motion by Thomas Hannigan and seconded by Jerry Horton, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the following:

- **VARIANCE: Relief of 1,900 square feet from the gross dimensional requirement for Lot 4.**
- **VARIANCE: Relief of 5 feet from the frontage requirement for Lot 4.**
- **VARIANCE: Relief of 1,900 square feet from the gross dimensional requirement for Lot 6.**
- **VARIANCE: Relief of 5 feet from the frontage requirement for Lot 6.**
- **VARIANCE: Relief of 4 feet from the side yard setback requirement for Lot 6 for existing garage.**
- **VARIANCE: Relief of 4 feet from the rear yard setback requirement for Lot 6 for the existing garage.**
- **VARIANCE: Relief of 6 inches from the front yard setback requirement for Lot 6.**

8. 70 Winter Street (Z-06-171) – Variance and Special Permit: Mark Donahue, representative for Selim-A Lahoud, petitioner, presented the petition. Mr. Donahue stated

that the petitioner was seeking a Variance of relief of 49 parking spaces from the off-street parking requirement, and a Special Permit for the expansion or change of a pre-existing, nonconforming use/structure, for the purpose of operating a 98-seat restaurant. In addition, Mr. Donahue indicated that while the petitioner was seeking relief for the entire parking requirement, he was proposing to utilize valet parking to minimize its impact on surrounding businesses and the area's limited on-street parking. The proposed valet parking would end once a proposed municipal parking lot to be located nearby is completed. Paul Robbins expressed support for the proposed use, but indicated that the proposed parking arrangement was unrealistic and deficient. Mr. Bergman stated that the proposed project would be a catalyst for additional investment in the area; therefore, supporting it would promote economic development in the area and surrounding neighborhoods. In addition, Mr. Bergman indicated that the proposed parking arrangement seemed to be a good alternative to address the on-street parking limitations of the neighborhood. Mr. Fontane stated that the uses in the area have changed rapidly during the last two years from manufacturing to commercial uses, but indicated that limited on-street parking will continue to play a pivotal role in the area's development. Mr. Fontane also indicated that while the petition states that the petitioner is proposing to build 27 dwelling units, he has received approval for parking for only 18 dwelling units. He further clarified that if the petitioner is proposing to add more dwelling units, he would need to either petition the Board for further relief or find suitable parking-lease options. Mr. Armendo stated that while he supported the valet-parking proposal to address the parking needs of the restaurant; the valet-parking should be conditioned to be a permanent arrangement. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted 5-0 to close the hearing. Upon a motion by Thomas Hannigan and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the following:

- **VARIANCE: Relief of 49 Parking Spaces from the Off-Street Parking Requirement for a 98 Person Rated Occupancy Restaurant.**
- **SPECIAL PERMIT: Expansion or Change of a Pre-Existing, Nonconforming Use/Structure.**

The approval carries the following condition:

- **Valet-Parking will be provided permanently on Fridays, and Saturdays from 5:00 pm until the last seating.**

9. **15 Joppa Road (Z-06-172) – Variance:** Joseph Quinn, petitioner, presented the petition. Mr. Quinn stated that he was seeking a Variance for relief of 5 feet from the side yard setback for the purpose of constructing an attached garage at the end of the existing driveway. In addition, Mr. Quinn stated that the proposed garage would be 23 feet wide by 25 feet in length. Mr. Armendo asked Mr. Quinn to inform the Board the justification for not locating the proposed garage on the opposite side of the house, which would not require a Variance. Mr. Quinn stated that the house had limited space and he was planning to expand the house in the future to accommodate the needs of his family. Mr. George asked Mr. Quinn what the height of the proposed structure would be. Mr. Quinn stated that the proposed height was 15 feet. Mr. George stated that the renderings provided were not sufficient to render a decision

on the appropriateness of the proposed structure. Mr. Quinn acknowledged that the renderings provided were deficient; therefore, he requested to Board to consider continuing the hearing until November 13, 2006 to allow him time to provide additional renderings of the proposed structure. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman, to continue the hearing until November 13, 2006.

- 10. 38 Coral Street (Z-06-173) – Variances:** Todd Rodman, representative the Oak Hill Community Development Corporation, petitioner, presented the petition. Mr. Rodman requested that the Board allow his client to withdraw the petition without prejudice. 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 grant the petitioner Leave to Withdraw Without Prejudice.

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 waive fees except for the portion of the fee that is associated with advertising.

- 11. 40 Coral Street (Z-06-174) – Variances:** Todd Rodman, representative the Oak Hill Community Development Corporation, petitioner, presented the petition. Mr. Rodman stated that upon reviewing the petition, an error had been identified in the relief requested. Therefore, he requested that the Board allow his client to withdraw the petition without prejudice. 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 grant the petitioner Leave to Withdraw Without Prejudice.

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 waive fees except for the portion of the fee that is associated with advertising.

Thomas Hannigan left the meeting at the end of the above hearing.

- 12. 16 Emile Street/70 Bedford Avenue (Z-06-175) – Special Permit:** Scott Charpentier, representative for Sam Realty Trust and Joseph Scampini, petitioners, presented the petition. Mr. Charpentier stated that the petitioners were seeking a Special Permit to allow single-family attached dwellings in an RL-7 zone for the purpose of razing the existing dwelling and combining the two lots to construct a cluster group of dwellings that would consist of 1 single-family detached dwelling and 11 single-family attached dwellings (townhouses). In addition, Mr. Charpentier indicated that the proposed project was also before the Planning Board for a Special Permit for Cluster Zoning, Definitive Plan – More than One Building on a Lot, and Definitive Site Plan. Mr. Charpentier also stated that the proposed project had been presented to the Inter-Departmental Review Team for review, and indicated that the feedback received from staff had been addressed and incorporated into this petition. Mr. Armendo asked Mr. Charpentier to inform the Board who would be responsible for improving the conditions of the road. Mr. Charpentier stated that a condominium association to be established would be responsible for improving the road. Mr. Armendo stated that

accessibility to the proposed project through Bedford Avenue would be difficult and dangerous because the road is in poor condition, is limited to a one-car lane, and only extended to parcels 68 and 20. Mr. Bergman asked Mr. Charpentier to inform the Board how many car trips per day approximately would be expected from the proposed development. Mr. Charpentier stated that the proposed development would generate approximately 48 car trips per day. Mr. Armendo stated that the neighborhood would not be able to support such traffic increase without widening and paving Emile Street and Bedford Avenue to City standards. Mr. Charpentier stated that while the petitioner was not proposing to widen or pave Emile Street or Bedford Avenue, he was proposing to improve the condition of Bedford Avenue by placing a binder course and gravel, which in his opinion, was a sufficient and had been accepted by the Department of Public Works as an appropriate treatment for a private road. Mr. Horton asked Mr. Fontane to inform the Board what the City policies are regarding road improvements. Mr. Fontane stated that since Bedford Avenue is a private way, the neighbors are responsible for the improvements. In addition, Mr. Fontane indicated that while the site meets the standards for the proposed Cluster Special Permit, the Board has the right to set conditions for the road improvements to meet City standards. Mr. Bergman asked Mr. Charpentier to inform the Board if improvements to the road would be completed before the completion of the proposed project. Mr. Charpentier stated that the petitioner was proposing road improvements and building construction to take place simultaneously. In addition, Mr. Charpentier stated that while he believed the proposed project met the objectives and regulations of the Zoning Ordinance, he acknowledged that the Board had expressed concerns that would need to be addressed; therefore, he requested that the Board allow his client to withdraw the petition without prejudice. Upon a motion by Matthew Armendo and seconded by David George, it was voted 3-2 by Jerry Horton, Morris Bergman and David George (Leonard Ciuffredo and Matthew Armendo voting against) to grant the petitioner Leave to Withdraw Without Prejudice.

13. 94 Sachem Avenue (Z-06-176) – Variance: Patricia Gates, representative for Stanley Harackiewicz and Rita Petrosino, petitioners, presented the petition. Ms. Gates stated that the petitioners were seeking a Variance for 1,000 square feet of relief from the gross dimensional requirement for the purpose of dividing the parcel into two lots to construct one single-family home on each lot with adequate living space and a two-car garage. In addition, Ms. Gates stated that the lots comply with minimum frontage, and the proposed structures would meet all setback requirements. Following her presentation, Ms. Gates acknowledged that 13 neighborhood residents were present to express their opposition to the proposed project; consequently, she asked the Board to consider continuing the hearing to November 27, 2006 to allow her time to meet with the neighbors and address their concerns. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Morris Bergman, and David George to continue the hearing until November 27, 2006.

14. 11 Sears Island Drive (Z-06-177) – Variance and Special Permit: Thomas Gervais, petitioner, presented the petition. Mr. Gervais stated that he was seeking a Variance for relief of 24 feet from the frontage requirement, and a Special Permit for the expansion or change of a pre-existing, nonconforming use/structure for the purpose of razing the existing dwelling and constructing a single-family detached dwelling on the premises. Upon a motion by

Matthew Armendo and seconded by Andrew Freilich, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Morris Bergman, and Andrew Freilich to approve the following:

- **VARIANCE: Relief of 24 Feet from the Frontage Requirement.**
- **SPECIAL PERMIT: Expansion or Change of a Pre-Existing, Nonconforming Use/Structure.**

The approval carries the following conditions:

- **The proposed structure is to be built according to the Building Code for structures in the flood plain.**
- **The proposed structure is to be built according to the site plans and elevation plans submitted.**

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 10:00 PM.