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

FEBRUARY 12, 2007
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present:
Leonard Ciuffredo, Chair
Morris Bergman, Vice-Chair
Matthew Armendo
David George
Andrew Freilich
Lawrence Abramoff

Staff Present:
John Kelly, Department of Code Enforcement
Joel Fontane, Division of Planning & Regulatory Services
Judy Stolberg, 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 4-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo and David George to approve the minutes of the January 8, 2007 meeting. Upon a motion by David George and seconded by Matthew Armendo, it was voted 4-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo and David George to approve the minutes of the January 22, 2007 meeting as amended.

REQUESTS FOR WITHDRAWAL
1. 32 Bancroft Street (Z-06-222) – Variances: Edward Caroll, petitioner, submitted a request for Leave to Withdraw without prejudice. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to grant the petitioner Leave to Withdraw Without Prejudice.

UNFINISHED BUSINESS
2. 61 Lafayette Street (Z-06-209) – Variances: The petitioner was not present when the item was called. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Matthew Armendo, Morris Bergman, Leonard Ciuffredo, David George and Andrew Freilich to table the item. The item was called again at the end of the meeting and the petitioner was not present. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Matthew Armendo, Morris Bergman, Leonard Ciuffredo, David George and Andrew
Freilich to take up the item again. The petitioner is seeking a Variance for 770 square feet of relief from the gross dimensional requirement and a Variance for 24 feet, 8 inches from the frontage requirement for the purpose of constructing a two-family dwelling. The Board requested a rendering of the structure at the January 8, 2007 meeting. The rendering was not provided. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 0-5 by Matthew Armendo, Morris Bergman, Leonard Ciuffredo, David George and Andrew Freilich to approve the requested Variances. The motion failed, therefore the Variances were denied.

NEW BUSINESS

3. 22 Catherine Street (Z-06-219A) – Variances and Special Permit: Martin Sammon, petitioner, presented the petition. The petitioner is seeking a Variance for relief of 4 parking spaces from the off-street parking requirement, Variance for 2,000 square feet of relief from gross dimensional requirement, Variance for 5 feet of relief from side yard setback requirement, Variance for 5 feet of relief from frontage requirement, Variance for 2 feet of relief from rear yard setback requirement and Special Permit for expansion/change of a pre-existing nonconforming structure for the purpose of converting a vacant rooming house to a two-family dwelling. Chair Ciuffredo asked Mr. Sammon how much the renovations would cost and Mr. Sammon responded he anticipated investing $100,000. In response to a question from Mr. Bergman, Mr. Sammon said there will be no exterior changes made and the building would be deleadmed. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- Variance: Relief of four (4) parking spaces from the off-street parking requirement.
- Variance: 2,000 square feet of relief from gross dimensional requirement
- Variance: 5 feet of relief from side yard setback requirement
- Variance: 5 feet of relief from frontage requirement
- Variance: 2 feet of relief from rear yard setbacks requirement
- Special Permit: Expansion/change of a pre-existing nonconforming structure

The Variances and Special Permit were approved with the following condition:

- All work must be done in accordance with the plan dated December 20, 2006.

4. 25-41 Granite Street (Z-07-01) – Amendment to Special Permit: Enver Hyskaj, petitioner, requested an Amendment to a previously approved Special Permit for the purpose of expanding into another space for a take-out restaurant. Mr. Hyskaj presented the petition. Mr. Armendo stated his opposition to parking in front of the building due to its proximity to a school. The Board expressed concern about the piles of dirt in the parking area and inquired when they would
be removed and where the dirt came from. Tam Nguyen, owner of the premises, responded that
the dirt came from another lot and would be removed from the site in March. Mr. Bergman
cautione d Mr. Hyskaj that if he chooses to have tables and seats, he will be required to have
more parking spaces. Mr. Bergman also told the petitioner that he should provide a copy of a
lease agreement. Mr. Armendo stated he would like a commitment from the owner to create a
legal parking area in the rear of the building with spaces for all of the anticipated uses of the
building. Mr. Freilich asked if paved parking was a requirement and Mr. Fontane responded that
paving was not required. Mr. Abramoff asked if the number of tables or the number of seats was
the issue relative to the number of parking spaces. Mr. Fontane replied that the number of seats
trigger the parking requirement. Upon a motion by Matthew Armendo and seconded by David
George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David
George and Lawrence Abramoff to continue the hearing to March 12, 2007 to allow the
petitioner to provide a plan showing an arrangement of parking spaces that will function as
intended and specifying the improvements to the parking area.

5. 34 Jeppson Avenue (Z-07-03) – Special Permit: Thomas Flynn, representative of the
petitioner, Henry Flynn, presented the petition. Mr. Flynn stated that he was seeking a Special
Permit for expansion or change of a pre-existing nonconforming use/structure for the purpose of
constructing a 16’ by 28’ addition to the house. Mr. Flynn informed the Board that the addition
would consist of a bedroom and bath. Upon a motion by Matthew Armendo and seconded by
Morris Bergman, the Board voted 5-0 to close the hearing. Upon a motion by David George and
seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew
Armendo, David George and Andrew Freilich to approve the following:

- **Special Permit: Expansion/change of a pre-existing nonconforming
  use/structure**

6. 40 Grosvenor Street (Z-07-04) – Special Permit: Stephen Parker, representative for the
petitioner, presented the petition. He stated the petitioner was seeking a Special Permit for
expansion or change of a pre-existing nonconforming structure/use for the purpose of adding two
dormers to accommodate a second dwelling unit. He said the only exterior renovations will be
dormers. He also said the petitioner is able to provide the four required parking spaces on-
site. Upon a motion by Morris Bergman and seconded by David George, it was voted 5-0 to
close the hearing. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it
was voted 5-0 by Leonard Ciuffredo, Matthew Armendo, Morris Bergman, David George and
Larry Abramoff to approve the following:

- **Special Permit: Expansion or change of a pre-existing, nonconforming
  use/structure**

The Special Permit was approved with the following conditions:

- **Petitioner must provide a plan delineating four off-street parking spaces
  outside of the front yard setback.**

Mr. Freilich left the meeting.
7. **452 Lake Avenue (Z-07-05) – Variances:** Paul Bergevin, petitioner, presented the petition to the Board. He stated he was seeking a Variance for 3,860 square feet of relief from the gross dimensional requirement, Variance for relief of 5 feet from frontage requirement, Variance for 12 feet of relief from rear yard setback requirement and Variance for 10 feet of relief from front yard setback requirement for the purpose of demolishing an existing three-car garage and constructing a single-family dwelling with two-car garage under. He informed the Board that these Variances had been approved in 2005 and an extension of time for six months was granted on March 22, 2006. However, construction did not commence within the allotted time and the Variances expired necessitating a new petition. Mr. George asked Mr. Bergevin when the dwelling will be constructed and he responded that construction would begin in March. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- Variance: 3,860 square feet of relief from gross dimensional requirement
- Variance: 5 feet of relief from frontage requirement
- Variance: 12 feet of relief from rear yard setback requirement
- Variance: 10 feet of relief from front yard setback requirement

The Variances were approved with the following condition:

- **Dwelling must be constructed in accordance with rendering submitted to the Board.**

**OTHER BUSINESS:**

At the request of Mr. Armendo, a brief discussion ensued regarding the upcoming Zoning Ordinance review and the Board’s involvement. Mr. Armendo was particularly concerned about the number of attorney’s and developers who appear before the Boards serving on the Ad Hoc Committee. Mr. Fontane advised the Board that he would keep them apprised of the process and provide them with information going forward. No action was taken on this item.

**ADJOURNMENT:** Chair Ciuffredo adjourned the meeting at 7:45 PM.