

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

FEBRUARY 26, 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 Morris Bergman and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the minutes of the February 12, 2007 meeting.

REQUESTS FOR WITHDRAWAL

- 1. 25 Rural Street (Z-06-223) – Variance:** Christopher Keenan, representative for Angelo Piombino, petitioner, requested Leave to Withdraw without prejudice for the requested Variance for 30 feet of relief from frontage requirement. 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 grant the petitioner Leave to Withdraw Without Prejudice.

NEW BUSINESS

- 2. 135 Lake Avenue (Z-07-17) – Special Permit and Variance:** Patricia Gates and John DiIorio, petitioner, presented the petition. The petitioner is seeking a Variance for 3 feet of relief from side yard setback requirement and a Special Permit for expansion/change of a pre-existing nonconforming structure for the purpose of adding a garage with second floor for additional living space. Marguerite Cormier and Jeanne Burow, abutters, expressed concerns relative to quality of life issues. Mr. Bergman and Mr. Armendo stated they would not vote favorably if the

abutters were not comfortable. Chair Ciuffredo urged the petitioner to meet with the abutters and try to work out a compromise. Mr. Bergman asked staff to check with the Fire Department to see if there were any issues from its perspective. Ms. Stolberg informed the Board that the Fire Department had returned its comment sheet and checked off “no comments at this time”. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to continue the hearing to March 26, 2007.

3. **76 Sagamore Road – Extension of Time for Special Permit:** Samuel DeSimone, representative for the petitioners, presented the petition. He stated that a Special Permit had been approved on April 10, 2006 for the purpose of maintaining the existing three-family dwelling structure on Lot 1 and constructing a two-family dwelling structure on Lot 2. Anthony Prendergast questioned why an extension of time was necessary. Mr. DeSimone responded that finding a contractor had been a problem because of the costs involved. In response to a question from Mr. George, Mr. DeSimone and Linda Reid, petitioner, stated construction would commence by Fall of this year. Mr. Prendergast said he was looking for closure on this project and that the delay is causing an undue hardship for the neighborhood. Mr. Bergman stated he would not be inclined to vote for another extension of time if construction were not started on the project. Upon a motion by Morris Bergman and seconded by David George, the Board voted 5-0 to close the hearing. Upon a motion by Morris Bergman and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Extension of Time for Special Permit: One year**

4. **25 May Street (Z-06-210A) – Special Permit:** Alan Kupelnich, petitioner, presented the petition to the Board. He stated he is seeking a Special Permit for an accessory parking lot for the purpose of providing parking for tenants at 68 Woodland Street, a condominium complex also owned by the petitioner. Mr. George asked if the lot would be paved and Mr. Kupelnich responded that it would be compressed aggregate. Mr. Armendo and Mr. George informed Mr. Kupelnich that the spaces needed to be defined. Mr. Kelly said the spaces should be striped and numbered. Rich Tran, an abutter, complained about noise on the premises late at night. Mr. Bergman suggested signage stating parking was for the Woodland Street tenants only and violators would be towed. Mr. Fontane indicated he recommended Dark American Arborvitae thickly planted (4 feet on center) and/or a fence with landscaping be placed along all shared property lines. He said one additional street tree was necessary as well. 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 David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to approve the following:

- **Special Permit: for accessory parking lot**

The Special Permit was approved with the following conditions:

- **Parking lot must be paved with asphalt and striped.**

- **There shall be no lighting in the lot.**
- **Dark American Arborvitae thickly planted (4 feet on center) and/or a fence with landscaping must be in place to provide screening along all shared property lines.**
- **One additional street tree must be provided.**
- **Signage stating “Parking for tenants of 68 Woodland Street only. Violators will be towed at own expense.” must be installed.**

5. **129 Lincoln Street (Z-07-02) – Variance:** Frank Voci, petitioner, presented the petition. The petitioner is seeking a Variance for 44 square feet of relief from the signage dimension requirement for the purpose of adding a 3’x8’ illuminated sign to the existing 4’x8’ illuminated sign at the corner of the property. Mr. Armendo inquired as to whether a Variance is necessary for a free-standing sign. Upon a motion by Morris Bergman and seconded by Lawrence Abramoff, 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 determine if the Variance is necessary.

6. **41 Lancaster Street (Z-07-06) – Special Permit and Variance:** John Altomieri and Jay Hummer, petitioner, presented the petition to the Board. The petitioner is seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure and Variance for 10 feet of relief from frontage requirement for the purpose of altering the interior of the structure to convert the former nursing home into a four-unit apartment building. Mr. Altomieri said the petitioner had met with the neighbors to address their concerns. Chair Ciuffredo asked about the number of bedrooms in each apartment. Mr. Hummer responded that there would be three apartments with four bedrooms each and one apartment with two bedrooms. He said there would be no changes to the exterior of the structure at this time. Mr. Fontane informed the Board that the plan did not meet the parking requirement, had insufficient landscaping and showed snow storage in the landscape buffer or screening areas. Upon a motion by Matthew Armendo and seconded by Andrew Freilich, it was voted 5-0 to table the item to allow the petitioner to discuss changes to the plan with his engineer.

At the end of the meeting, upon a motion by Matthew Armendo and seconded by Andrew Freilich, it was voted 5-0 by Matthew Armendo, Morris Bergman, Leonard Ciuffredo, David George and Andrew Freilich to reconsider the item again. Mr. Hummer informed the Board that he would make the changes to the plan and requested approval with conditions. Mr. Armendo stated the practice of the Board is that they want to see the revised plan. Mr. Altomieri stated his client was facing time constraints in order to market the apartments to students at WPI. Mr. Fontane said the hearing could be continued to the next meeting and if approved at that meeting, the decision could be prepared, signed and filed in the City Clerk’s office within a few days. 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 Andrew Freilich to continue the hearing to March 12, 2007 to allow time for the petitioner to revise the plan.

7. **156 Cohasset Street (Z-07-08) – Variance:** Samuel DeSimone, representative for the petitioner, presented the petition to the Board. The petitioner is seeking a Variance for 1 foot of relief from the front yard setback requirement for the purpose of obtaining an Occupancy Permit for the

existing single-family detached dwelling and attached garage. It was determined that the correct address is Lot 3, Cohasset Street, formerly known as 156 Cohasset Street. When the petitioner received the abutters list from the Assessor's office, the lot address was 156 Cohasset Street for a larger lot. Since that time, the Assessor has updated records to reflect that a portion of the lot has been split off and is now 112 Dana Avenue with the remainder being Lot 3, Cohasset Street. 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 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Variance: 1 foot of relief from front yard setback requirement**

8. **57 Humes Avenue (Z-07-09) – Variance:** George Russell, optionee and petitioner, presented the petition. The petitioner is seeking a Variance for 15 feet of relief from frontage requirement and a Variance for 2,000 square feet of relief from the gross dimensional requirement for the purpose of constructing a single-family detached dwelling with a two-car garage under. Mr. Armendo and Mr. Bergman said they would not vote to approve a dwelling situated sideways on a lot. Nelson and Gladys Maldonado expressed concerns regarding where the actual property line is located. 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 26, 2007 so the petitioner can have the property surveyed to establish the property lines and reposition the dwelling so that it faces Humes Avenue.

9. **37 & 50 Great Brook Valley Avenue (Z-07-10) – Special Permit:** Todd Rodman and Craig Leslie, representatives for the petitioner, presented the petition. Mr. Rodman stated the Worcester Housing Authority was seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure for the purpose of renovating the building by installing exterior stairwell towers, removing one of the existing dwelling units, increasing the number of parking spaces, constructing recreational facilities and reconfiguring the existing streets. 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, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to approve the following:

- **Special Permit: for expansion or change of a pre-existing nonconforming use/structure**

The Special Permit was approved with the following conditions:

- **Special Permit is conditioned upon the approved Definitive Site Plan that is pending before the Planning Board.**

10. **98 Sunderland Road (Z-07-12) – Variance:** Dorothy Jones and Tho Ngo, owners and petitioners, presented the petition. They explained that they are seeking a Variance for 24.54 feet of relief from the frontage requirement for the purpose of dividing the lot into two single-family

lots. Chair Ciuffredo informed the petitioners that it is the Board's policy not to grant relief when the petitioner is creating the hardship. Mr. Bergman and Mr. George concurred. The petitioners requested Leave to Withdraw Without Prejudice. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to grant the petitioner Leave to Withdraw without prejudice.

11. 151 West Boylston Drive (Z-07-15) – Special Permit: Mark Donahue, representative for the petitioner, presented the petition. Mr. Donahue stated The Convertible Castle, Inc. is seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure and a Special Permit to allow retail in an MG-1.0 district for the purpose of using the entire premises as retail space for a furniture store. Upon a motion by Morris Bergman and seconded by David George, the Board voted 5-0 to close the hearing. 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 Andrew Freilich to approve the following:

- **Special Permit: for expansion or change of a pre-existing nonconforming use/structure**
- **Special Permit: to allow retail in an MG-1.0 district**

The Special Permits were approved with the following condition:

- **Petitioner must provide required landscaping, including a mix of trees and shrubs along West Boylston Drive as well as along the northerly property line where the lot abuts a residential property (163 West Boylston Drive).**

OTHER BUSINESS:

12. 10-14 Millbury Street – Amendment to Special Permit and Variance (1 Year Review): There have been no problems associated with this site. The restaurant has only been opened for four months but there have been no traffic or police issues associated with the use. No action was required by the Board.

13. 475 Chandler Street – Special Permits: At the request of Kate Rugman, attorney for Omnipoint Communications, relative to a Special Permit to install a personal wireless service facility at 475 Chandler Street, Mr. Fontane asked the Board to reaffirm the intent of the approval was for one chimney and one carrier. The Board was emphatic that the conditions of approval were one chimney and one carrier.

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 8:45 PM.