

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

**JUNE 11, 2007**

**WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

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

**Staff Present:** John Kelly, Department of Code Enforcement  
Joel Fontane, Division of Planning & Regulatory Services  
Judith 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 Lawrence Abramoff, the Board voted 5-0 to approve the minutes from the April 23, 2007 and May 14, 2007 meetings.

**REQUESTS FOR CONTINUANCE/LEAVE TO WITHDRAW/EXTENSION OF TIME**

1. **30-32 Greenwood Street (Z-07-54) – Amendment to Special Permit:** Attorney Joe Boynton, representative for Julio Romero, petitioner, requested Leave to Withdraw without prejudice for the requested Amendment to Special Permit for expansion or change of a pre-existing nonconforming use/structure. 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 Jerry Horton to approve the request of the petitioner for Leave to Withdraw Without Prejudice.
  
2. **41 Lancaster Street (Z-07-56) – Special Permits & Variance:** The petitioner, 41 Lancaster Nominee Trust, is seeking a Special Permit to allow a sorority house in an RG-5 district and a BL-1.0 district, Special Permit to waive landscaping or barrier requirement, Special Permit for expansion or change of a pre-existing nonconforming use/structure and a Variance for relief of three parking spaces from the off-street parking requirement for the purpose of using the premises as a sorority house. Attorney Jonathan Finkelstein, representative for the petitioner,

submitted a letter requesting a continuance to June 25, 2007 because the Planning Board requested changes to the site plan at its June 6, 2007 meeting. Mr. Finkelstein stated he wanted both boards to have the same plan. Chair Ciuffredo asked if those abutters present could attend the June 25, 2007 meeting and advised those who cannot to submit their comments to the Board in writing through the Planning and Regulatory Services Office. Upon a motion by Morris Bergman and seconded by Jerry Horton, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, Jerry Horton and David George to continue the hearing to June 25, 2007.

**3. 1-7 Piedmont Street (Z-07-59) – Extension of Time – Special Permit and Variances:**

Attorney Joe Boynton, representative for Worcester Common Ground, owner and petitioner, presented the petition. Mr. Boynton stated that, on November 28, 2005, the petitioner received approval for a Variance for 115 feet of relief from the frontage requirement, Variance for relief of forty-eight parking spaces from the off-street parking requirement and Special Permit for expansion or change of a nonconforming use for the purpose of constructing twelve one-bedroom dwelling units and four retail shops. He said an extension of time was granted on November 13, 2006 for six months, but it took longer to secure funding for the project necessitating the request for an additional extension of time. He informed the Board that funding has been secured and they are ready to commence construction. Upon a motion by Matthew Armendo and seconded by Jerry Horton, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, Jerry Horton and David George 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, Jerry Horton and David George to approve the following:

- **Extension of Time for six months for a Variance for 115 feet of relief from the frontage requirement, Variance for relief of forty-eight parking spaces from the off-street parking requirement and Special Permit for expansion or change of a nonconforming use**

**4. 45 Steele Street (Z-07-40) – Variance:**

Travis Peltier, petitioner, requested a Variance to allow parking in the front yard setback for the purpose of providing parking for one of the dwelling units. Mr. Peltier was told at the April 23, 2007 hearing that the Board did not have enough information to make an informed decision and he should bring the builder to the June 11, 2007 hearing. Mr. Peltier and his builder failed to appear when the hearing was called. 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 close the hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted 0-5 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the Variance to allow parking in the front yard setback. The motion failed and the Variance was denied.

**5. 10 & 12 Rosemont Road (Z-07-41) – Variances:**

Paula Leverone, wife of the petitioner, presented the petition. The petitioner requested a Variance for 9 feet of relief from the frontage requirement for 10 Rosemont Road, Variance for 429 square feet of relief from gross dimensional requirement for 10 Rosemont Road and Variance for 2.8 feet of relief from the

setback requirement for accessory structures for 12 Rosemont Road for the purpose of dividing the lot and constructing a single-family semi-detached dwelling (duplex) on 10 Rosemont Road. The Board advised Ms. Leverone at the April 23, 2007 hearing that the petitioner should explore the option of constructing a single-family detached dwelling instead of a single-family semi-detached dwelling because it would only require four feet of relief from the frontage requirement. Ms. Leverone told the Board that a revised plan for a single-family detached dwelling had been submitted. Mr. Bergman and Mr. George said they wanted to see a rendering. Ms. Leverone responded that the petitioner wanted to sell the lot and let the buyer build the dwelling to his/her specifications. Mr. Armendo said it is the Board's policy to request a rendering. Chair Ciuffredo also wanted to see a rendering. Michael Milligan said, as an abutter, he would want to see a rendering as well. Ms. Leverone requested a continuance and an extension of the constructive grant deadline. 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 request of the petitioner to extend the constructive grant deadline to July 25, 2007. 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 continue the hearing to June 25, 2007 to allow the petitioner time to submit a rendering.

**6. 4 Upsala Street/183 Vernon Street (Z-07-46) – Variances:** Raymond Smith, petitioner, requested a Variance for 264 square feet of relief from the gross dimensional requirement (4 Upsala Street), Variance for 3 feet of relief from the rear yard setback requirement for an accessory structure (183 Vernon Street), Variance for 5 feet of relief from the side yard setback requirement for an accessory structure (183 Vernon Street) and Variance for 9 feet of relief from the front yard setback requirement (183 Vernon Street) for the purpose of re-establishing the original lot line and constructing a single-family detached dwelling on 4 Upsala Street. At the May 14, 2007 hearing, the Board had suggested to Mr. Smith that he communicate with the mortgage lender regarding purchasing land from his father to meet the gross dimensional requirement for 4 Upsala Street. Mr. Smith provided documentation to the Board releasing 365 square feet to him for 4 Upsala Street thereby eliminating the need for a Variance from the gross dimensional requirement. Mr. Kelly told the Board that a building permit could not be issued until the property was actually deeded and recorded. Mr. Armendo asked if the dwelling could be constructed with a one-car garage under and said he didn't like the house situated sideways on the lot. Mr. Smith said that it could be done. 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 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 Andrew Freilich to grant the request of the petitioner for Leave to Withdraw without prejudice the Variance for 264 square feet of relief from the gross dimensional requirement for 4 Upsala Street. 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 Andrew Freilich to approve the following:

- **Variance for 3 feet of relief from the rear yard setback requirement for an accessory structure (183 Vernon Street)**

- **Variance for 5 feet of relief from the side yard setback requirement for an accessory structure (183 Vernon Street)**
- **Variance for 9 feet of relief from the front yard setback requirement (183 Vernon Street)**

The Variances were approved with the following conditions:

- **Rendering be amended to show symmetrical windows on both sides of the front door and that the house include these windows.**
- **Plan show one-car garage under and one parking space on the side at 4 Upsala Street.**
- **Parking for 183 Vernon Street be shown on the plan.**

7. **947 West Boylston Street (Z-07-52) – Special Permits & Variance:** Attorney Patricia Gates, representative for Dennis DiSchino, Equity Partners, Inc., petitioner, presented the petition. She stated the petitioner is seeking a Special Permit to allow 50% compact parking spaces, Special Permit to allow drive-thru service, Special Permit to modify drive-thru escape lane (9 feet) and parking layout and Variance for 11 feet, 5 inches of relief from the rear yard setback requirement for the purpose of constructing a building containing three retail stores and a restaurant with drive-thru service. Ms. Gates said a meeting with neighbors was held on May 8, 2007 to discuss their concerns regarding the project resulting in the proposed building being decreased in size rendering it further away from abutting property. Ms. Gates shared a legal opinion from Attorney J. John Readon, Jr., prepared for the petitioner, which stated the petitioner had the authority to use the right of way area as long as it is not obstructed for other users. She further stated that the main access would be on West Boylston Street and the exit at Dixfield Street would be narrowed to 20' with a stop sign and signage stating "do not block intersection". She acknowledged that City Council approval would be required for the signage. Mr. DiSchino said there were no signed tenants yet but negotiations were ongoing. William Scully presented a summary of the traffic study. Mr. Armendo and Mr. Bergman both asked how project traffic impacts can be projected if the tenants are unknown. Mr. Scully responded that they know the type of tenant that would use a retail site of this type and that is how they project traffic levels. In response to a question pertaining to parking, Mr. DiSchino said the industry standard is 5 spaces per 1000 square feet to make the site marketable. Chair Ciuffredo said he thought the petitioner was trying to put too much on the site. Mr. Freilich and Mr. Armendo expressed skepticism about approving the project without knowing the uses. Mr. George was concerned about commercial encroachment in a residential area and said site assembly should be done with the lowest impact to residential uses. Samuel Rosario said he had attended the neighborhood meeting and said the developer had done his due diligence and worked with the neighborhood. He said traffic is still a concern. Marian McGovern, John Milaskas and Eileen Daubney had issues with the size of the project and traffic. Susan Sacco was satisfied with the project but wanted the Dixfield Street exit closed. Rev. Edward Nichols was against approval of an unknown entity. He was concerned about potential drive-thru users and noise. Mr. Bergman said it was difficult to make a decision without all the necessary information such as the size of the building, a landscaping plan, fencing and the user of the drive-thru. 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 request a legal

review from the Law Department regarding the authorized use of the right-of-way. 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 continue the hearing to June 25, 2007 at the request of the petitioner.

- 8. 12 Bruce Street (Z-07-47) – Special Permit and Variances:** Joseph Tonelli, petitioner, presented the petition. He stated he was requesting a Special Permit for expansion or change of a pre-existing nonconforming use/structure, Variance for 1,840 square feet of relief from the gross dimensional requirement, Variance for 1 foot, 8 inches from the frontage requirement, Variance for 14 feet of relief from the rear yard setback requirement and Variance to allow parking within the front yard setback for the purpose of adding a second dwelling unit. Staff reported that on June 26, 2000 a Special Permit for expansion or change of a pre-existing nonconforming use/structure, Variance for 1,840 square feet of relief from the gross dimensional requirement and Variance for 1 foot, 8 inches of relief from the frontage requirement were approved. However, the Special Permit and Variances have since expired. Ken Jordan, David Rutherford and Paula Fenuccio, abutters, were opposed because of parking issues in the neighborhood and narrowness of the street. Chair Ciuffredo questioned whether the second dwelling unit would fit into the neighborhood. Mr. Bergman opined it would not. 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 Jerry Horton 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 Jerry Horton to approve the request of the petitioner for Leave to Withdraw without prejudice.
- 9. 138 Sterling Street (Z-07-53A) – Special Permit and Variances:** Joseph Gambone, representative for the petitioner, Alfonso Gambone, presented the petition. He stated the petitioner was requesting a Special Permit for expansion or change of a pre-existing nonconforming use/structure, Variance for 13 feet of relief from the rear yard setback requirement and Variance for 5 feet, 6 inches of relief from the side yard setback requirement for the purpose of adding two floors above the existing garage to create a single-family detached dwelling. Staff reported that in 1945, 2,777 square feet of this lot were taken by eminent domain leaving a lot area of 2,689 square feet. The lot has been configured as such for 62 years. The petitioner purchased said property in 2003. Chair Ciuffredo and Mr. Armendo stated they could not vote to approve this petition because of the size of the lot. Mr. Horton expressed his opinion that approval would set a precedent and it was not appropriate. Mr. Gambone requested Leave to Withdraw without prejudice. 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 Jerry Horton 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 Jerry Horton to approve the request of the petitioner for Leave to Withdraw without prejudice.
- 10. 8-10 Westland Street (Z-07-57) – Special Permit and Variances:** Chair Ciuffredo recused himself. Morris Bergman assumed the Chair. James Soffan, petitioner, presented the petition. He stated he was requesting a Special Permit for expansion or change of a pre-existing nonconforming use/structure, Variance for 8 feet of relief from the side yard setback requirement

(Lot 1), Variance for 8 feet of relief from the side yard setback requirement (Lot 2), Variance for 24.97 feet of relief from the frontage requirement (Lot 1), Variance for 17.03 feet of relief from the frontage requirement (Lot 2) and Variance for 1,343 square feet of relief from the gross dimensional requirement for the purpose of dividing the property into two separate lots (zero lot line). Mr. Soffan explained he wanted to subdivide the lot but is unable to utilize the ANR process because the lots do not meet the frontage requirement. The only means of accomplishing his purpose is to seek frontage subdivision approval from the Planning Board and Variances from the Zoning Board of Appeals to bring the lots into compliance with current zoning requirements. Mr. Soffan said the parcels will be sold separately. Mr. Bergman, Mr. Freilich and Mr. Abramoff wanted to ensure that the exteriors would remain uniform in color and general physical appearance. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Morris Bergman, Matthew Armendo, David George, Jerry Horton and Lawrence Abramoff to close the hearing. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Morris Bergman, Matthew Armendo, David George, Jerry Horton and Lawrence Abramoff to approve the following:

- **Special Permit for expansion or change of a pre-existing nonconforming use/structure**
- **Variance for 8 feet of relief from the side yard setback requirement (Lot 1)**
- **Variance for 8 feet of relief from the side yard setback requirement (Lot 2)**
- **Variance for 24.97 feet of relief from the frontage requirement (Lot 1)**
- **Variance for 17.03 feet of relief from the frontage requirement (Lot 2)**
- **Variance for 1,343 square feet of relief from the gross dimensional requirement (Lot 1)**

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

- **Any exterior improvements, including painting, siding, roofing or windows, maintain a uniform physical appearance.**

**11. 25-27 Rena Street (Z-07-58) – Variances:** Mr. Bergman remained in the Chair. Attorney Donald O’Neil, Dennis Dean and Robert O’Neil, representatives for the petitioner, presented the petition. Attorney O’Neil stated the petitioner requested a Variance for 2,000 square feet of relief from the gross dimensional requirement (25 Rena Street), Variance for 15 feet of relief from the frontage requirement (25 Rena Street), Variance for 6 feet, 10 inches of relief from the front yard setback requirement (27 Rena Street), Variance for 3 feet, 4 inches of relief from the rear yard setback requirement for accessory structure – garage (27 Rena Street), Variance for 4 feet, 8 inches of relief from the side yard setback requirement for accessory structure – garage (27 Rena Street) and Variance for 3 feet, 2 inches of relief from the rear yard setback requirement for accessory structure – shed (27 Rena Street) for the purpose of constructing a single-family detached dwelling at 25 Rena Street. Attorney O’Neil explained that the lots at 25-27 Rena Street are held in common ownership and in order to re-establish the lot line, the lots must be granted relief for existing and proposed nonconformities under the current zoning requirements. He said the petitioner wanted to sell the second lot and use the proceeds to renovate the existing single-family detached dwelling. John O’Day was concerned about runoff. Robert O’Neil assured him that perimeter drains would be in place and tied into the drainage

system. Barbara and Edward McGuinness asked what kind of house would be built. Attorney O'Neil responded that it would be a three-bedroom, 1.5 story, 1,600 square foot home. Adam Norris told the Board about the unsanitary conditions resulting from the pigeon coop on the petitioner's property. He said the property is not kept clean and the odor permeates the area. Mr. Armendo urged the petitioner to clean up the property. Dennis Dean responded that he had placed a dumpster on the property and was beginning to clean it. Mr. Ciuffredo stated he felt the petitioner was asking for too much relief. Mr. Armendo questioned whether the petitioner was creating his own hardship. Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, it was voted by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Jerry Horton to continue the hearing to June 25, 2007 and told Mr. Dean to get the site cleaned up as much as possible prior to that time.

**OTHER BUSINESS:**

Chair Ciuffredo asked Mr. Kelly to see if the sign recently installed atop the DCU bank on Eastern Avenue is in compliance with the zoning requirements.

**ADJOURNMENT:** Chair Ciuffredo adjourned the meeting at 10:15 PM.