

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

**August 13, 2007**

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

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

**Staff Present:** Ruth Gentile, Division of Planning & Regulatory Services  
Lara Bold, 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, Morris Bergman, Matthew Armendo, Larry Abramoff and David George to approve the minutes of the July 23, 2007 meeting with the revision that Item #3 be amended to read, "Mr. Armendo requested a representative from Assumption College be present at the next meeting."

**UNFINISHED BUSINESS**

- 1. 76, 78, 82 May Street, Lot 38B, 394, 402, 404 Park Avenue and 123 Winfield Street (Z-07-71A) – Special Permit:** Todd Brodeur, representative for the petitioner, requested a continuance to the August 27, 2007 Zoning Board of Appeals meeting. He stated that CVS needed more time to review the requests of the Board. Upon a motion by Larry Abramoff 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 petitioner's request to continue the hearing until August 27, 2007.
  
- 2. 500 Salisbury Street (Z-07-65) – Special Permit:** Daniel Klasnick and Richard Hogan, representatives for the petitioner, presented the plan. The petitioner requested a Special Permit to install and operate a roof-mounted personal wireless facility. Mr. Bergman stated that he had received a copy of the redacted lease and that he was concerned with whose application was in front of the Board, Assumption's or Verizon's, and how facilities are

taxed. Mr. Freilich and Mr. Bergman asked how many carriers were on the site. Mr. Klasnick answered that there are two personal wireless facilities currently located on the rooftop, one in a “stealth” flagpole, one in an existing fiberglass chimney and Verizon seeks to install a chimney for six antennae. Mr. Ciuffredo asked if Verizon could share existing structures. Mr. Klasnick stated that Verizon would be the only user of the proposed “stealth” chimney. In addition, he stated that towers can have multiple carriers, but rooftop facilities cannot be shared. Mr. Bergman asked if there were a policy for choosing sites for these types of facilities. Mr. Hogan said location decisions are based on technical merit. Mr. George stated that the Board had previously requested the criteria the company uses to site wireless facilities. Mr. Hogan stated that the RF design team looks at areas where they lack coverage as well as existing structures, zoning and elevations. Mr. Ciuffredo asked about the significance of an SUV inspection that was referred to in the application. Mr. Klasnick stated that SUV’s are used and not large trucks, so there is minimal impact to the neighborhood. Mr. Hogan stated that they inspect the sites regularly and that batteries are sealed in a pack and that they can activate generators remotely on any time condition that the Board requests. Steven Quist was concerned that a non-profit institution is making money by receiving rent for the tower and requested that the Board to require a representative from Assumption College be present at the next meeting. Mr. Bergman asked if the taxes were real estate or personal property. Mr. Klasnick stated that they were personal property. Mr. Bergman and Mr. Freilich asked why there was no representative from Assumption College at the meeting as the Board had requested. Mr. Klasnick stated that there was a letter from Assumption College and wanted it read into the record. Mr. Bergman stated that a representative from Assumption College needs to be at the meeting. 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 continue the hearing until September 10, 2007.

### **NEW BUSINESS**

3. **69 Armory Street (Z-07-72) – Special Permit:** Anthony Brooks, the petitioner, presented the plan. The petitioner requested a Special Permit to allow salvage and recycling operations for motor vehicles and to use a vacant portion of the building for office space and interior storage/garage in conjunction with the salvage and recycling business. He stated that the Zoning Board of Appeals approved Special Permits for this proposed use at 10 Webster Place on December 18, 2006. In addition, he stated, the Special Permits were appealed and he relinquished his rights to the Special Permits via an agreement and stipulation of dismissal filed with the Land Court on May 29, 2007. He stated that 1) he is reducing inventory, 2) the business is at the end of a dead end street, 3) the site has a tree line that shields the overlooking residential area, and 4) vehicles will not be parked in the rear of the building. David George asked if this was going to be a temporary location. Mr. Brooks stated that this will be the location of his business and he has a six-month lease renewable up to three years. David George asked if Mr. Brooks had looked at other possible sites. Mr. Brooks stated that all zoning districts require a Special Permit for the use and that he had looked at other possible sites. 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 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:

- **Special Permit: to allow a salvage/recycling operation and open lot storage in an MG-2.0 and ML-2.0 zoning district.**

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 waiver of the filing fee.

- 4. 722 Plantation Street (Z-07-73) – Amendment to Special Permit:** Kevin Quinn, representative for the petitioner, presented the plan. The petitioner requested an Amendment to a Special Permit, granted by the Zoning Board of Appeals at its November 27, 2006 meeting, for expansion or change of a pre-existing, nonconforming use/structure to allow for the restoration of the existing building and to reconfigure the parking area to accommodate large delivery trucks. Mr. Quinn stated that the amendment is needed because parking needs to be increased for the change in use of the building to a mix of office and retail uses. In addition, he stated that the proposed landscaping plan is for low growth plantings on the street to allow sight into the area for safety. Ben Woodbury was concerned with citing by the DEP and contamination of the watershed and asked if the project required DEP approval. Mr. Quinn explained the storm water management on the site. He stated that storm water would be detained and not recharged into the contaminated soil that contains chromium but will be treated and removed from the site. Upon a motion by David George and seconded by Lawrence Abramoff, 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 David George and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Amendment to Special Permit: expansion/change of a pre-existing non-conforming structure.**

The Special Permit was approved with the following conditions:

- **Landscape screening along Plantation Street will include trees in addition to the proposed shrubs along the entire length of the front property line in compliance with landscape screening requirements.**

#### **OTHER BUSINESS:**

The Board had a discussion regarding taxes for personal wireless facilities. The questions were: 1) are the facilities taxed as personal property or real estate, 2) how are the facilities appraised and, 3) how many personal wireless facilities are on non-profit properties. The Board requested that the Assessor come to a meeting or explain how he taxes this type of facility.

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