

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

August 25, 2008

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present: Leonard Ciuffredo, Chair
David George, Vice-Chair
Andrew Freilich
Lawrence Abramoff
Brian Murphy

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Ruth Gentile, Division of Planning & Regulatory Services
John Kelly, Division of Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Ciuffredo called the meeting to order at 5:35 PM.

CONTINUED ITEMS

1. **Envelope Terrace (ZB-2008-066) – Special Permit and Variance:** Attorney Daniel Klasnick, Michael Creamer, Donald Haes, PhD, and Jeff Barbordora representatives for the petitioner, Verizon Wireless, presented the plan. He stated that Verizon Wireless proposes to construct twelve (antennas) in a false penthouse located atop an existing penthouse. The proposed false penthouse will be constructed of materials to match the color of the existing brick material and the back up generator is proposed as a neutral beige color. He also stated that the proposed PWSF is located at a new location and is not a co-location of antennas and equipment; therefore, additional equipment could be proposed in the future outside of the proposed false penthouse. Further, he stated that the Shrewsbury Street and Franklin Street areas represent a gap in Verizon's coverage. Mr. George inquired as to what other sites were considered for co-location. Mr. Klasnick informed the Board that the UMass building at 328 Shrewsbury Street was looked at and sites on Franklin Street were too high. He said that this building was in the middle of the coverage area and was ideal for Verizon's needs. Mr. George further questioned how many other carriers did the applicant think might use this location as it is a large building with a great deal of space on the roof. The applicant stated that there are five carriers that are licensed for this area and it is possible they might all be located on this roof. Mr. George opined what it might look like with all five of the carriers for a cumulative effect. The Board asked if the smokestack was able to be used for the antennas. Mr. Klasnick stated that it was looked at, but that it would not be aesthetically pleasing. The Board questioned the applicant's statement that there was a gap in coverage in the Shrewsbury Street area and both board members and staff indicated that they had not experienced poor coverage for the area. Mr. Creamer answered that the gap in coverage that

was being referred to was for both voice and data and that the standard that Verizon Wireless is attempting to achieve is to provide service nearly 100% of the time. He also stated that the coverage maps show the coverage from making a call from your car and that the gap is to fill in for all data services such as text messaging. He explained that two frequencies are used - 800 MHz and 1.9 GHz, where 800 MHz is for voice and 1.9 GHz is for data. Mr. Freilich and Mr. Abramoff inquired about the construction materials of the penthouse and if the picture in the application was accurate. Mr. Barbosa stated that they are steel with a fiberglass stealth panel façade that will be custom made to match the existing building. Mr. Creamer stated that the antennas are flush mounted and pointed upward and outward for maximum coverage and the RF will be absorbed by the building. The Board inquired how the stats were established and what they are based on. Mr. Haes stated that radiation exposure limitation is based on the body's ability to dissipate the heat associated with exposure to RF and, as it pertains to wireless facilities, the limit is 4 watts per Kg. of exposure. Mr. Haes explained that exposure greater than this would yield an increase in core body temperature, thus the limitation. He also noted that, as a general rule, wireless exposure is 1/5 of this Federal limit. He indicated that there is no cancer concern because it is non-ionizing radiation. Mr. Freilich stated that he did not believe it is safe and there are no reports that state that. He further questioned if there were any materials that would stop the RF from going down into the building. Mr. Haes answered no and said he did not know why you would want to shield a building from something that is not unsafe. Chair Ciuffredo was concerned with the generator noise and asked if the applicant would be amenable to a condition requiring a low sound enclosure for the generator. The applicant stated that they would comply with the City of Worcester's standards. He also questioned who was paying the taxes on the wireless facility and the answer was that Verizon Wireless was paying the taxes. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following application requirement waivers requested by the petitioner:

1. Vicinity Plan.

- Vegetative Cover.
- Proposed security barrier.
- Distances at grade from the proposed PSWF to each building on the vicinity plan.
- Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.

2. Design Filing Requirements

- Landscape plan
- Balloon Test

Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Amendment to Special Permit: To allow personal wireless service facility**
- **Variance: 18 feet of relief from the height requirement for structure mounted personal wireless service facilities**

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

- **That the personal wireless service facility colors match as closely as possible the exterior color of the building and approved by the Division of Planning and Regulatory Services and Division of Inspectional Services.**
 - **That the personal wireless service facility color specifications be provided to the Division of Planning and Regulatory Services by manufacturer, color, name, style and dimensions and approved by the Division of Planning and Regulatory Services and Division of Inspectional Services.**
 - **That the personal wireless service facility be built in accordance with Photo 2 of the application.**
 - **That detailed drawings will be provided at the time of application for a Building Permit.**
 - **That emergency generators include a Type II sound mitigation enclosure.**
 - **That sound testing for the emergency generator will take place no more than two hours per week on weekdays during the hours of 10:00 AM and 4:00 PM.**
 - **That all local taxes will be paid at full value with no request for abatement.**
 - **That a bond amount be established to the satisfaction of the Director of Planning & Regulatory Services, prior to operation, to ensure funds are available for the removal of the personal wireless service facility if abandoned. Said bond is to be for a period of at least two years and shall be renewable and adjusted for inflation upon renewal and approved by the Division of Planning and Regulatory Services and Division of Inspectional Services.**
2. **52 High Street (ZB-2008-070) – Special Permit:** Attorney Kathleen O’Connor, representative for the petitioner, Abby’s House, said the applicant seeks a Special Permit for the modification of parking, loading and landscaping requirements. The applicant is proposing several changes to the structure which currently serves as a non-transient, affordable housing dwelling. Proposed changes include: a reduction in the number of units from 54 to 43, increase in number of accessible dwelling units, installation of an elevator, reconfiguration of the parking area, and provision of two accessible parking spaces as well as an accessible route to the main entrance. She further stated that they have received a Building Demolition Delay Waiver from the Historical Commission and an approved Definitive Site Plan from the Planning Board. Mr. George inquired about the funding for the project and how long it will take to complete the project. Ms. O’Connor answered that she expected to be back to the Board for extensions and that it will take many years for the funding from both public and private sources, as well as a capital campaign to be in place to complete the project. Upon a motion by Brian Murphy and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 5-0 to approve the following:

- **Special Permit: To modify parking, loading and landscape requirements.**

The Special Permit was approved with the following conditions:

- **That approval is subject to Definitive Site Plan approved by the Planning Board**

3. **344 Franklin Street (ZB-2008-0471) – Special Permit:** Domenic Martinello, representative for Friends of Arts and Music Inc., the applicant, wishes to occupy 14,845 SF of space at 344 Franklin Street for a “members only” nonprofit social club for artists, performers, musicians, etc. He stated that the club has a charter and is a 501C7. Mr. George inquired if any events would be open to the public and Mr. Martinello answered that there may be an open event one or two times a year. He, also, stated that the hours of operation would be 8:00 AM to 4:00 PM by appointment only during the week and overnight on Friday and Saturday, closed on Sunday. Mr. Martinello stated that the owner might build the parking lot if the building were fully occupied, but was not planning to do so immediately, therefore he would be asking for a variance from the parking requirement. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to continue the hearing to October 6, 2008, to allow applicant time to apply for required variances for parking.

4. **72 Fairmont Avenue (ZB-2008-072) – Special Permit:** Brian Shepard, petitioner, presented the plan that is seeking to convert the existing structure from a single-family detached dwelling unit to a two-family detached dwelling. The applicant is not proposing any exterior alterations and is showing sufficient parking area for four (4) vehicles outside of the front yard setback and that there will be no increase in traffic. The Board was concerned with the amount of impervious surface and requested that the plan be marked up to reflect the area that will be re-paved, initialed by Mr. Shepard and titled, Exhibit A. It has been determined by staff that the requested variances are not required and the applicant requested a Leave to Withdraw without Prejudice for the variances. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 to approve the following:

- **Special Permit: Expansion or change of a pre-existing non-conforming use/structure**

The Special Permit was approved with the following conditions:

- **That the property is owner occupied.**
- **That a plan be marked up showing the parking and lawn areas and initialed by the petitioner.**

Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the request for Leave to Withdraw without prejudice the following:

- **Variance: Relief of 1,000 square feet from the gross dimensional requirement.**
- **Variance: Relief of 5 feet from the frontage requirement.**
- **Variance: Relief of 7.1 feet from the front yard setback requirement.**
- **Variance: Relief of 1.5 feet from the side yard setback requirement.**

The Leave to Withdraw without Prejudice was approved with the following conditions:

- **That the petitioner submit in writing within a week the request for Leave to Withdraw without Prejudice.**

OTHER BUSINESS

620 West Boylston Street (ZB-2008-0) – Scrivener’s Error: Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 5-0 to approve the following:

Under **620 WEST BOYLSTON STREET (MBL 23-019-00002)**, it reads, “The Board of Appeals viewed the property located at 620 West Boylston Street, Worcester, Massachusetts and thereafter held a hearing on May 12, 2008 at 5:30 P.M. in the Worcester Public Library, Saxe Room, 2 Salem Square, on the appeal of MetroPCS, petitioner.”

but should read:

“The Board of Appeals viewed the property located at 620 West Boylston Street, Worcester, Massachusetts and thereafter held a hearing on May 12, 2008 at 5:30 P.M. in the Worcester Public Library, Saxe Room, 2 Salem Square, on the appeal of , Omnipoint Communications, Inc., petitioner.”

The Board discussed the need for more members and voted 5-0 to ask the City Manager to advertise for the vacant seats in a timely fashion.

The Board discussed parking in the library parking lot and voted 5-0 to request the City Manager provide hang tags for Board members to allow them to park at meters in the parking lot on meeting nights.

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 8:20 P.M.