

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

SEPTEMBER 22, 2008

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

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

Staff Present: 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.

**REQUESTS FOR WITHDRAWALS, POSTPONEMENTS, CONTINUANCES, TIME
EXTENSIONS**

1. **1 Wigwam Hill Drive (ZB-2008-0082) – Extension of Time - Variances:** Attorney Joe Boynton, representative for Joseph Panarelli, petitioner, requested an Extension of Time for a Variance for 588 square feet of relief from the gross dimensional requirement, Extension of Time for a Variance for 6.72 feet of relief from the side yard setback requirement and Extension of Time for a Variance for 22.25 feet of relief from the frontage requirement to construct a single-family detached dwelling. Mr. Boynton explained that Mr. Panarelli has been ill and is unable to do the construction himself. He further explained that a potential sale of the property to another entity had fallen through. He said they needed more time because of the collapse of the housing market and Mr. Panarelli's illness. Chair Ciuffredo asked if Mr. Boynton and Mr. Panarelli were optimistic and Mr. Boynton said given the current situation, he was not; however, a six month extension would give them additional time to market the property. Mr. George asked if Mr. Boynton would be comfortable with a condition that the petitioner not seek a tax abatement for the duration of the extension. Mr. Boynton said if it were necessary, but he had not checked the assessment of the property to see if it had increased in value. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff approve the following:

- **EXTENSION OF TIME VARIANCE: 588 square feet of relief from the gross dimensional requirement**
- **EXTENSION OF TIME VARIANCE: 6.72 feet of relief from the side yard setback requirement**
- **EXTENSION OF TIME VARIANCE: 22.25 feet of relief from the frontage requirement**

The Extensions of Time were approved with the following conditions:

- **That the Extension of Time is for six months.**
 - **That the petitioner will not seek a tax abatement for the period of the extension of time.**
 - **That the petitioner, or his representative, notifies abutters of the status of the project.**
2. **1 Liscomb Street (ZB-2008-083) – Variances:** David Sadowski, representative for the petitioner, M.J. Mann, Inc., who is requesting a Variance for 505 square feet of relief from the gross dimensional requirement and a Variance for 5 feet of relief from the frontage requirement, asked for a postponement to October 6, 2008 because only four members were present. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to grant the request of the petitioner for a postponement to October 6, 2008.
 3. **20 Imperial Road (ZB-2008-084) – Variances:** David Sadowski, representative for the petitioner, Gerald Gallo, who is requesting a Variance for 4 feet of relief from the side yard setback requirement and a Variance for 4 feet of relief from the rear yard setback requirement, asked for a postponement to October 6, 2008 because only four members were present. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to grant the request of the petitioner for a postponement to October 6, 2008.
 4. **8 Boynton Street (ZB-2008-085) – Special Permit and Variances:** Attorney Jeffrey Turco, representative for the petitioner, Delta Sigma Phi Building Association of Alpha Chi Rho, Inc., who is requesting a Variance for relief of 6 parking spaces from the off-street parking requirement, a Variance for 3.7 feet of relief from the rear yard setback requirement, a Variance for 9.08 feet of relief from the side yard setback requirement and a Special Permit for expansion or change of a pre-existing nonconforming use/structure, asked for a postponement to October 6, 2008 because only four members were present. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to grant the request of the petitioner for a postponement to October 6, 2008.

NEW BUSINESS

5. **154 Grand Street (ZB-2008-081) – Special Permit:** Arbel Menina, on behalf of Ana Barclay and Jose Nunez, petitioners, said they are seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure to re-establish a residential unit in a former office/warehouse building. Staff indicated that the structure is nonconforming because it does not meet the front yard, rear yard or side yard setback requirements of the Zoning Ordinance. Ms. Gentile's review memo to the Board further indicated that the proposed change of use will not meet these same requirements as well as not meeting the gross dimensional requirement and the frontage requirement, thus necessitating the Special

Permit for expansion or change of a pre-existing nonconforming use/structure. Mr. Menina said the property would be used as a church in the future with the pastoral residence in the building. He stated that the property at 158 Grand Street is held in common ownership and can be used for off-street parking. Mr. George asked what the most recent use of the property was and Mr. Menina answered there was a sanctuary and a residential unit. He said the residential unit was not legally permitted and Ms. Barclay and Mr. Nunez are attempting to bring it into compliance with the Ordinance. He said they are aware that they will have to come back for the church use in the future. Mr. Fontane informed the Board that a change of use would trigger an amendment to the Special Permit. Mr. George asked if there were a timeline to complete the project. Mr. Menina indicated that it would be five years because the congregation needed to raise the money to pay for the renovations. Mr. Abramoff asked if the petitioners were willing to accept a condition that the property at 158 Grand Street would be used for parking. They answered yes. Mr. Abramoff noted that the building is in terrible shape and whatever work the petitioners do would be an improvement. He expressed the hope that maybe this project might be a catalyst for improving the area. Mr. Freilich asked if the church use would trigger Planning Board approval. Mr. Fontane said it would trigger Parking Plan Approval if it involved nine (9) or more spaces. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 to approve the following:

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

The Special Permit was approved with the following condition:

- **That 154 & 158 Grand Street (MBL 07-021-00023 and MBL 07-021-00008) be held in common ownership and 158 Grand Street be used for parking for all uses in 154 Grand Street.**

OTHER BUSINESS

Approval of Minutes: Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the minutes from the August 25, 2008 meeting. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the minutes from the September 8, 2008 meeting as amended.

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 6:30 P.M.