

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

**May 11, 2009 (Amended November 23, 2009)
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

Zoning Board Members Present: David George, Chair
Leonard Ciuffredo
Lawrence Abramoff
Brian Murphy

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

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair George called the meeting to order at 5:30 PM.

- 1. 137 Greenwood Street (ZB-2009-025) – Special Permits:** Robert Murphy, representative for Jhonny Ortega, requested Leave to Withdraw without Prejudice. Upon a motion by Lawrence Abramoff, and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to grant the applicant's request for approve the petitioner's request for Leave to Withdraw without Prejudice.
- 2. 3 Fairfax Road (ZB-2008-028) – Special Permit and Variance:** Crystal Carr, representative for the applicant, requested a postponement for the Variance for the relief of two parking spaces from the off-street parking requirement. Upon a motion by Lawrence Abramoff, and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to grant the applicant's request for postponement to June 8, 2009 for the Variance. Ms. Carr requested Leave to Withdraw without Prejudice for the Special Permit. Upon a motion by Lawrence Abramoff, and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to grant the applicant's request for approve the petitioner's request for Leave to Withdraw without Prejudice.
- 3. 5 Suburban Road (ZB-2009-026) – Special Permit:** Jacqueline Murray, representative for Omnipoint Communications, requested a *continuance* to June 8, 2009. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to approve the applicant's request for a continuance to June 8, 2009

4. **36 Harlow Street (ZB-2009-027) – Variance:** Paul Conger, applicant, requested a postponement for the Variance for the relief of 600 square feet from the sign area requirement for roof signs. Upon a motion by Lawrence Abramoff, and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to grant the applicant’s request for postponement to June 29, 2009.
5. **400 Park Avenue (ZB-2009-021) – Variances:** Mark Donahue, representative for CVS Caremark, Corp., stated that he was requesting an amendment to the requested variances. The amendment includes removing the sign for the drive-thru pharmacy and the sign for the photo center on Park Avenue and therefore eliminates the need for the variance for 41.66 SF. Mr. Donahue stated that the focus of the drive-thru was necessary and that this CVS site was visible from two-way travel where other CVS sites were able to comply with signage requirements because of the one-way traffic patterns. He further stated that the sign would be a reader board with no flashing. Mr. Fontane stated that the way CVS operates the sign on West Boylston Street is desired. Upon a motion by Brian Murphy and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to grant the following:

- **Variance for 24.66 square feet of relief from the signage requirement**

The variance was approved with following conditions:

- **That the signs be constructed according to submitted plan with revision date of April 2, 2009.**

6. **390 Southbridge Street (ZB-2009-030) – Special Permit:** Alan Hanscom and John Howarth, representative and petitioner, sought a Special Permit to allow open lot storage of salt. The application is proposing to store a covered salt pile ~20 to 30 feet high with ~50 to 80,000 tons of salt on a parcel owned by Providence and Worcester Railroad. The project will have four full time employees with access from Southbridge Street. Mr. Ciuffredo was concerned with the security of the tarp that covers the salt and how high winds will effect it. The Board was also concerned about the runoff from the salt pile. Mr. Hanscom explained that the pile is surrounded by a Cape Cod berm that protects the pile from runoff. Paul Griff asked how the pile would be protected from flooding. The Board also expressed security concerns such as lighting, runoff and locked gates. Upon a motion by Leonard Ciuffredo and seconded Lawrence Abramoff by, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to grant the following:

- **Special Permit to allow open lot storage of salt**

The Special Permit was granted with the following conditions:

- **Salt operation will be in accordance with May 2, 2009 “Best Practices” as submitted.**
- **That impervious barriers be used for water control and that they meet DPW&P’s approval.**
- **Tarp will be place secured on top of pile and well maintained at all times.**
- **Salt pile shall not exceed a weight of 80,000 tons.**
- **In compliance with the site plan dated June 8, 2009 as revised.**

7. 5 Buddy Road (ZB-2009-029) – Variance: Dan Ouellette, petitioner, presented the plan to build a two-story, 3-car detached garage with storage area above the garage. He stated that the proposed structure will not have kitchen or bathroom facilities, because his only objective is to provide indoor parking for his 3 vehicles and create storage space for household and personal belongings above the garage. He also indicated that the design selected will complement the architecture of the house and enhance the value of the property. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Brian Murphy to grant the following:

- **Variance for relief of 6 feet, 5 inches from the height requirement.**

The Variance was granted with the following conditions:

- **Structure to be built in accordance with submitted renderings and plans.**
- **Structure may not be habitable – no plumbing installed.**

OTHER BUSINESS

Approval of Minutes: Board discussed the minutes related to the meetings of April 6th and April 27th, 2009. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo it was voted 3-0 by David George, Leonard Ciuffredo, Lawrence Abramoff to approve an amendment to the minutes from the Board’s April 6, 2009 meeting. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo it was voted 3-0 by David George, Leonard Ciuffredo, Lawrence Abramoff to approve the minutes from the Board’s April 27, 2009 meeting.

Television Training Discussion: Mr. Fontane announced a television training session will be conducted on Wednesday, May 20, 2009 for all Board and staff in anticipation of moving all Board meetings to the Levi Lincoln Room in City Hall in July.

Board Meeting Schedule. The Board expressed concern that its schedule might slow approvals. Mr. Fontane said that the new schedule recognizes staff cuts and provides more time to review the items coming before the Board. Mr. Fontane further indicated that his goal to use the time to ensure that applicants and staff are prepared with the information needed for the Board to render its decisions and that this would reduce the need for continuations. He also indicated that staff

would be recommending amendments to the Board's Rules and Regulations regarding application requirements (per the Board's request) and fees per the City's budget process at an upcoming meeting.

ADJOURNMENT

Chair George adjourned the meeting at 7:10 P.M.