

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

**February 8, 2010
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

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

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Luba Zhaurova, 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 5:35 PM.

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

Chair George stated that the Board would be amenable to continuing or postponing the items to March 1st or March 22nd meetings because only four Board members were present.

- 1. 255 Park Avenue (ZB-2009-101) – Amendment to Special Permit:** Robert Longden, representative for Clear Wireless LLC, petitioner, requested continuance of the item to March 1, 2010 meeting because David Hoogasian, Clear Wireless’s Site Acquisition Specialist, was unable to attend. Upon a motion by Leonard Ciuffredo and seconded by Lawrence Abramoff, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, and Andrew Freilich to grant the petitioner’s request to continue the hearing to March 1, 2010.
- 2. 114 Randolph Road (aka 100-240 Barber Avenue) (ZB-2009-107) – Special Permit: To allow a Personal Wireless Service Facility:** Robert Longden, representative for Clear Wireless LLC, petitioner, requested continuance of the item to March 1, 2010 meeting because David Hoogasian, Clear Wireless’s Site Acquisition Specialist, was unable to attend. Upon a motion by Leonard Ciuffredo and seconded by Lawrence Abramoff, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, and Andrew Freilich to grant the petitioner’s request to continue the hearing to March 1, 2010.
- 3. 52 Country Club Boulevard (ZB-2010-001) – Special Permit: Expansion or Change of a Pre-existing non-conforming use/structure for a Personal Wireless Service Facility:** Robert Longden, representative for Clear Wireless LLC, petitioner, requested continuance of the item to March 1, 2010 meeting because David Hoogasian, Clear Wireless’s Site

Acquisition Specialist, was unable to attend. Upon a motion by Leonard Ciuffredo and seconded by Lawrence Abramoff, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, and Andrew Freilich to grant the petitioner's request to continue the hearing to March 1, 2010.

- 4. 40 Harlow Street (ZB-2009-105) – Special Permit: To allow a non-accessory sign (billboard) in MG-2.0 zone:** Attorney Jonathan Finkelstein, representative for Murray Marketing, Inc, petitioner, requested postponement of the item to March 22, 2010 meeting and an extension of the public hearing deadline to March 22, 2010. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, and Andrew Freilich to grant the petitioner's request to postpone the item to March 22, 2010 meeting and to extend the public hearing deadline to March 22, 2010.

Mr. Ciuffredo recused himself due to a conflict of interest.

- 5. 25 West Chester Street (ZB-2009-108) – Special Permit: To allow Personal Wireless Service Facility and Variance: Relief of 16 feet from the height requirement:** Mr. Fontane stated that the Board can not deliberate with three members. Francis Parisi, representative for MetroPCS Massachusetts LLC, petitioner, had requested a continuance of the item to March 1, 2010. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 3-0 by David George, Lawrence Abramoff, and Andrew Freilich to grant the petitioner's request to continue the hearing to March 1, 2010.

Mr. Ciuffredo rejoined the Board.

NEW BUSINESS

- 6. 29 Garden Street (ZB-2010-002) – Variance: Relief of 186 square feet for an accessory wall sign in a BG-6 zone:** Attorney Steven Madaus, representative for New Garden Park, Inc, petitioner, is seeking to install one 336 SF wall sign on the eastern wall facing I-290 on a six-level Gateway Park parking garage. Mr. Madaus indicated that the proposed sign is to display a Business Week recognition of the WPI part-time MBA program as the best in the United States. Because the recognition is temporary in nature, the sign also would not be permanent. The hardship is that a 150 SF sign allowed by right would not be visible and therefore would have no economic usefulness. Mr. Ciuffredo stated that because the City is working on the sign ordinance amendment, the Board is generally reluctant to grant dimensional relief for signs. He also pointed out that in 2007, during comprehensive sign review, the Board was assured that there would be no more signs. Mr. Madaus stated that at the time of that review, the WPI could not have known that it would be recognized in such a manner. He also added that the proposed sign is consistent in style with other signs at Gateway Park. Mr. Ciuffredo stated that the sign appears to temporary in nature and asked Mr. Madaus to explain why it is considered an accessory sign, as the garage appears to be used by many people. Mr. Madaus responded that the building has an education use. He also stated that he is willing as a condition of approval to accept a time limit on the sign. Mr. Freilich stated his support for the petition because the sign accentuates the Worcester's image as a college community and because it seems to be located well and in context with the surrounding areas. He suggested two conditions of approval – a time limit and conformance

with the upcoming sign ordinance. Mr. Madaus stated that while he did not see the sign ordinance draft, it was his impression based on conversations with staff, that the proposed sign would be allowed by-right. Mr. Fontane confirmed that. Chair George asked if WPI owns the garage and the lot. Mr. Madaus responded that WPI owns the lot. Mr. Abramoff stated support for the petition, because it highlight education industry of Worcester and because it seems to be in right proportion with the size of the building, is not illuminated, and will be terminated in two years. Mr. Ciuffredo asked what material would be used for the sign. Mr. Madaus was not sure. Mr. Ciuffredo stated that he was not sure if the sign should be considered an accessory sign. Chair George responded that since the sign would be located on the same lot as the use, it appears that it would be considered an accessory sign. Mr. Fontane confirmed that this interpretation is in line with an Inspectional Services Department interpretation as well because the entire college campus is treated as the same use. Mr. Freilich suggested that a condition of approval is included requiring compliance with the future sign ordinance, but after some discussion, withdrew this condition, because a time limit would be imposed as a condition of approval.

Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Andrew Freilich to close the public hearing. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Andrew Freilich to approve a variance for relief of 186 square feet for an accessory wall sign in a BG-6 zone with the following conditions:

- That the sign be located substantially in accordance with the photo simulation submitted with the application dated January 25, 2010 showing the sign on the top section of the eastern portion of the parking garage at 29 Garden Street.
- That the sign contain no illumination, digital or moving components as currently proposed without seeking a further amendment from this Board.
- That the sign be limited to a 336 SF wall sign as proposed in the application.
- That the sign material is made of a flexible material, such as plastic or fabric.
- That the variance expires January 31, 2012.

Chair George relinquished the chair to Mr. Abramoff for item # 7.

- 7. 43 Gates Street (ZB-2010-003) – Special Permit: To allow a residential conversion for a three (3) unit -family dwelling in an RG-5 Zoning District:** Hui Song, petitioner, is seeking to create a three-family dwelling to bring the structure into compliance with the zoning ordinance. Mr. Abramoff offered the petitioner a choice to continue the item to the next meeting when the full member Board should be present. Mr. Song decided to proceed. He stated that he purchased this foreclosed and vacant property in 2009. That the property had three-units, though it only had two-units in City records. He stated his intent and commitment to comply with all City regulations by making the third unit legal and conforming. Mr. Ciuffredo asked the petitioner to explain how the funds awarded through the Neighborhood Stabilization Program will be used. Mr. Song responded that the grant was conditioned upon the grant of this Special Permit and with other conditions, such as not reselling the property within 5 years, renting the units to low-income families, and other time limits. While he can use the grant money interest free for now, the loan could be forgiven if he owns the property for five years. He stated that he plans to renovate the property prior to

occupancy. Mr. George asked if the money tied to all three units. Mr. Song responded yes and that all three units are proposed to be for low-income families. He also stated that he was not aware of the need for a sprinkling system until recently, but that he will comply with this requirement. Mr. George asked how the traffic and parking will work with the proposed six tandem parking spaces. Mr. Song responded that since two parking spaces will be designated for each of the three units, the tenants will work the parking arrangements among themselves. Mr. George asked where excess snow would be stored. Mr. Song responded that unless there is a very heavy snow storm, it will be spread out across property. Mr. George encouraged the petitioner to consider alternative layout for the parking. Mr. Song was amenable to that. Mr. George asked if the petitioner is planning to live in the building. Mr. Song said no. Mr. George asked how the petitioner will be maintaining the property. Mr. Song responded that he has experience as he bought his first property in 2004 and he has confidence that he will do a good job maintaining this property as well. Mr. Kelly stated that if approved, the Department of Inspectional Services will make sure that an additional plot plan is submitted at the time of the Building Permit and that the traffic circulation on site is reasonable. He also added that one parking space can be compact 8 by 16 feet. Mr. Abramoff stated his support for the project and appreciation for the hard work it takes to renovate triple-deckers. Mr. Ciuffredo asked is the petitioner is amenable to planting a tree in a front yard setback. Mr. Song said yes.

Upon a motion by David George and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Andrew Freilich to close the public hearing. Upon a motion by David George and seconded by Leonard Ciuffredo, it was voted 4-0 by David George, Lawrence Abramoff, Leonard Ciuffredo and Andrew Freilich to approve a Special Permit to allow a residential conversion for a three (3) unit -family dwelling in an RG-5 Zoning District with the following conditions:

- Six copies of the revised plot plan are submitted to the Division of Planning and Regulatory Services prior to issuance of the Building Permit by the Department of Inspectional Services with the following changes and additions:
 - One Asian Longhorned Beetle resistant specie of tree to be planted in the front yard setback.
 - Certified land surveyor or engineer stamp and signature.
 - North point.
 - Names of streets.
 - Zoning districts.
 - Names of owners of properties up to abutters of abutters of the subject property within 300 feet.
 - Property lines, locations of buildings or use of the property where a variance or special permit is requested.
 - Distances from adjacent buildings and property lines.
 - The dimensions of the lot.
 - All existing uses on the entire parcel and any future proposed uses.
 - Table of dimensional requirements and proposed setbacks as well as relief requested or relief previously granted and dates of such granting.
 - Percentage of the lot covered by the principal and accessory uses (impervious surface) and percentage of open space.
 - Required off-street parking spaces for each use on the lot.

- Location and species of any trees over 9 inches in diameter that are proposed to be removed as part of the development.
- Location of existing vegetation on site.

Other Business

Mr. Fontane introduced Vadim Michajlow, the new Zoning Board of Appeals member who will start his term on March 2, 2010.

Adjournment

Chair George adjourned the meeting at 6:34 pm.