

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

May 3, 2010

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM

Zoning Board Members Present:

Lawrence Abramoff, Chair
Andrew Freilich
William Bilotta
Vadim Michajlow

Staff Present:

Lara Bold, Division of Planning & Regulatory Services
Ruth Gentile, Division of Planning & Regulatory Services
Jody Kennedy-Valade, Department of Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

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

NEW BUSINESS

- 1. 44 Byron Street (ZB-2010-013) – Special Permit: Expansion or Change of a pre-existing non-conforming use/structure for a Personal Wireless Service Facility:** Ms. Gentile stated that staff was requesting a postponement until May 24, 2010 as there was an abutter notification error and also requested that the Public Hearing deadline be extended to May 24, 2010. Upon a motion by Andrew Freilich and seconded by William Bilotta, it was voted 4-0 by Lawrence Abramoff, William Bilotta, Vadim Michajlow and Andrew Freilich to grant the request from staff to postpone the hearing until May 24, 2010. Upon a motion by Andrew Freilich and seconded by William Bilotta, it was voted 4-0 by Lawrence Abramoff, William Bilotta, Vadim Michajlow and Andrew Freilich to extend the public hearing deadline until May 24, 2010.

- 2. 38 Flagg Street (ZB-2010-015) – Special Permit: Expansion or change of a pre-existing non-conforming use/structure and Variance for relief of 5 feet from the side yard setback requirement.** Florica Frigioiu presented the plan to construct a detached garage. He stated that the current garage is on the property line and the side that will be expanded will be on the side closer to the house. He stated that the existing garage was damaged in 2008 and a larger garage is being constructed in the same location. He said that Flagg Street is narrow and parking is difficult and the larger garage will make parking easier. He said that the current garage is 14feet long and it was being enlarged to 20 feet. The Board asked if a surveyed plan was required by the Department of Inspectional Services. Ms. Valade said that a surveyed plan was not needed if the same building footprint was being used. Mr. Frigioiu

said that the driveway was being expanded and the existing garage was being demolished and a larger garage was being constructed. Ms. Bold stated that if the entire structure was being demolished then the request for the Special Permit for expansion or change of a pre-existing non-conforming structure would not be required as the structure would lose its non-conforming status, if razed. She further stated that the Special Permit request could be withdrawn, if requested by the petitioner, and the only relief required would be for 5 feet from the side yard setback requirement for the entire length of the proposed garage. Mr. Freilich and Mr. Abramoff were concerned with drainage and runoff from the driveway. Mr. Florica stated that he was only paving 4 more feet of driveway than what is existing. Mr. Freilich stated that he would like to see Mr. Florica work with the Code Department to make sure there is no more water runoff than currently exists. Mr. Florica requested a waiver from the surveyed plan requirement. Mr. Freilich stated that the lot is small and that he would not recommend a waiver from the requirement. He further stated that if the waiver were granted it would allow the petition to be approved, but a scaled plan would be required prior to the issuance of a Building Permit. Mr. Abramoff stated that the waiver was a risk to the applicant. Mr. Frigioiu said that the expense of a scaled plan was a hardship. He further stated that he met with a Building Inspector at the Department of Inspectional Services and was told that the submitted plot plan would be sufficient to obtain a Building Permit. Ms. Valade stated that an alternative plan would be to retain the existing side exterior wall and build the structure into the lot and then request the Special Permit for expansion or change of a pre-existing non-conforming structure. Mr. Frigioiu requested Leave to Withdraw for the Special Permit for expansion or change of a pre-existing non-conforming structure. Upon a motion by Andrew Freilich and seconded by Vadim Michajlow, it was voted 4-0 by Lawrence Abramoff, Andrew Freilich, Vadim Michajlow, and William Bilotta to close the hearing. Upon a motion by Andrew Freilich and seconded by Vadim Michajlow, it was voted 4-0 by Lawrence Abramoff, Andrew Freilich, Vadim Michajlow, and William Bilotta to grant the requested waiver from the application requirement for a scaled plan. Upon a motion by by Andrew Freilich and seconded by William Bilotta, it was voted 4-0 by Lawrence Abramoff, Andrew Freilich, Vadim Michajlow, and William Bilotta to approve Leave to Withdraw for the Special Permit for expansion or change of a pre-existing non-conforming use/structure. Upon a motion by by Andrew Freilich and seconded by William Bilotta, it was voted 4-0 by Lawrence Abramoff, Andrew Freilich, Vadim Michajlow, and William Bilotta to approve a Variance for relief of 5 feet from the side yard setback requirement with the following conditions: 1) petitioner must work with the Department of Inspectional Services to mitigate the flow of water or runoff from the driveway, 2) the façade of the proposed garage will be brick to match the brick on the front of the house, 3) both sides of the driveway to remain green space except for approved pavement expansion as shown on the plan, 4) structure to be built in substantial accordance with submitted rendering received by DPRS on 4/28/10 and to submitted plot plan received by DPRS on 3/29/10.

- 3. 108 Canterbury Street (ZB-2010-016) – Special Permit & Variances: Special Permits for Expansion or Change of a pre-existing non-conforming use/structure and relief of one parking space from the off-street parking requirement and variances for relief of 7 feet from side yard setback requirement and for relief of 9.7 feet of relief from the rear yard setback requirement:** Ms. Gentile stated that staff was requesting a postponement until May 24, 21010 as there was an abutter notification error. Upon a motion by Andrew Freilich and seconded by William Bilotta, it was voted 4-0 by Lawrence Abramoff, William

Bilotta, Vadim Michajlow and Andrew Freilich to grant the request from staff to postpone the hearing until May 24, 2010.

- 4. 97 Houghton Street (ZB-2010-08) – Variances for relief of 232.2 square feet from the gross dimensional requirement for proposed Lot 1 and 254.4 square feet from the gross dimensional requirement for Lot 2.** Don O’Neil, representative, and Joe Luu, petitioner, presented the plan to subdivide the lot at 97 Houghton Street, on the corner of Acton Street and Houghton Street. He stated that the 97 Houghton Street lot is dimensionally conforming and that the new lot meets all of the dimensional requirements except for the gross area which is 6,000 square feet for two dwelling units. He stated that the area is a mix of multi-family uses and that a duplex fits with the character of the neighborhood. Ms. Bold stated that if the Board seeks to approve the requested relief that staff recommends approval of the gross dimensional relief in the aggregate of 486.6 square feet instead of the individual amounts for each proposed lot, to accommodate a margin of error when the structure is built. Mr. O’Neil presented plans that were changed based on staff comments. He stated that the parking configuration was changed based on the surveyor’s recommendation. The Board was concerned about the challenge of parking and snow removal and did not want a configuration whereby vehicles of one dwelling unit could block other vehicles’ access. Upon a motion by Andrew Freilich and seconded by Vadim Michajlow, it was voted 4-0 by Lawrence Abramoff, Vadim Michajlow, Andrew Freilich and William Bilotta to close the public hearing. Upon a motion by Andrew Freilich and seconded by Vadim Michajlow, it was voted 4-0 by Lawrence Abramoff, William Bilotta, Vadim Michajlow and Andrew Freilich to approve the Variances of relief from 232.2 square feet from the gross dimensional requirement and 254.4 square feet from the gross dimensional requirement with the following conditions: 1) Total of 486.6 square feet of relief to be distributed evenly between the two lots, 2) One three (3) inch caliper Asian longhorned beetle resistant tree to be planted in front of each dwelling unit on Acton Street, 3) Green space to remain on each side of the driveways, 4) Parking area for existing structure to be constructed according to the plan by George Smith dated 3/26/10, 5) Parking area for Lot 2 to be constructed according to the plan by George Smith dated 5/3/10, 6) Structure to be built in substantial accordance with the rendering submitted to DPRS and received on 3/30/10.

Other Business

Decisions: The Board signed decisions.

Adjournment

Chair Abramoff adjourned the meeting at 6:35 pm.