

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

**FEBRUARY 12, 2007**

**WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

**Zoning Board Members Present:** Leonard Ciuffredo, Chair  
Morris Bergman, Vice-Chair  
Matthew Armendo  
David George  
Andrew Freilich  
Lawrence Abramoff

**Staff Present:** John Kelly, Department of Code Enforcement  
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.

**APPROVAL OF THE MINUTES**

Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 4-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo and David George to approve the minutes of the January 8, 2007 meeting. Upon a motion by David George and seconded by Matthew Armendo, it was voted 4-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo and David George to approve the minutes of the January 22, 2007 meeting as amended.

**REQUESTS FOR WITHDRAWAL**

- 1. 32 Bancroft Street (Z-06-222) – Variances:** Edward Caroll, petitioner, submitted a request for Leave to Withdraw without prejudice. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to grant the petitioner Leave to Withdraw Without Prejudice.

**UNFINISHED BUSINESS**

- 2. 61 Lafayette Street (Z-06-209) – Variances:** The petitioner was not present when the item was called. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Matthew Armendo, Morris Bergman, Leonard Ciuffredo, David George and Andrew Freilich to table the item. The item was called again at the end of the meeting and the petitioner was not present. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Matthew Armendo, Morris Bergman, Leonard Ciuffredo, David George and Andrew

Freilich to take up the item again. The petitioner is seeking a Variance for 770 square feet of relief from the gross dimensional requirement and a Variance for 24 feet, 8 inches from the frontage requirement for the purpose of constructing a two-family dwelling. The Board requested a rendering of the structure at the January 8, 2007 meeting. The rendering was not provided. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 0-5 by Matthew Armendo, Morris Bergman, Leonard Ciuffredo, David George and Andrew Freilich to approve the requested Variances. The motion failed, therefore the Variances were denied.

### **NEW BUSINESS**

3. **22 Catherine Street (Z-06-219A) – Variances and Special Permit:** Martin Sammon, petitioner, presented the petition. The petitioner is seeking a Variance for relief of 4 parking spaces from the off-street parking requirement, Variance for 2,000 square feet of relief from gross dimensional requirement, Variance for 5 feet of relief from side yard setback requirement, Variance for 5 feet of relief from frontage requirement, Variance for 2 feet of relief from rear yard setback requirement and Special Permit for expansion/change of a pre-existing nonconforming structure for the purpose of converting a vacant rooming house to a two-family dwelling. Chair Ciuffredo asked Mr. Sammon how much the renovations would cost and Mr. Sammon responded he anticipated investing \$100,000. In response to a question from Mr. Bergman, Mr. Sammon said there will be no exterior changes made and the building would be deleaded. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Variance: Relief of four (4) parking spaces from the off-street parking requirement.**
- **Variance: 2,000 square feet of relief from gross dimensional requirement**
- **Variance: 5 feet of relief from side yard setback requirement**
- **Variance: 5 feet of relief from frontage requirement**
- **Variance: 2 feet of relief from rear yard setback requirement**
- **Special Permit: Expansion/change of a pre-existing nonconforming structure**

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

- **All work must be done in accordance with the plan dated December 20, 2006.**

4. **25-41 Granite Street (Z-07-01) – Amendment to Special Permit:** Enver Hyskaj, petitioner, requested an Amendment to a previously approved Special Permit for the purpose of expanding into another space for a take-out restaurant. Mr. Hyskaj presented the petition. Mr. Armendo stated his opposition to parking in front of the building due to its proximity to a school. The Board expressed concern about the piles of dirt in the parking area and inquired when they would

be removed and where the dirt came from. Tam Nguyen, owner of the premises, responded that the dirt came from another lot and would be removed from the site in March. Mr. Bergman cautioned Mr. Hyskaj that if he chooses to have tables and seats, he will be required to have more parking spaces. Mr. Bergman also told the petitioner that he should provide a copy of a lease agreement. Mr. Armendo stated he would like a commitment from the owner to create a legal parking area in the rear of the building with spaces for all of the anticipated uses of the building. Mr. Freilich asked if paved parking was a requirement and Mr. Fontane responded that paving was not required. Mr. Abramoff asked if the number of tables or the number of seats was the issue relative to the number of parking spaces. Mr. Fontane replied that the number of seats trigger the parking requirement. Upon a motion by Matthew Armendo and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to continue the hearing to March 12, 2007 to allow the petitioner to provide a plan showing an arrangement of parking spaces that will function as intended and specifying the improvements to the parking area.

5. **34 Jeppson Avenue (Z-07-03) – Special Permit:** Thomas Flynn, representative of the petitioner, Henry Flynn, presented the petition. Mr. Flynn stated that he was seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure for the purpose of constructing a 16’ by 28’ addition to the house. Mr. Flynn informed the Board that the addition would consist of a bedroom and bath. Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Andrew Freilich to approve the following:

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

6. **40 Grosvenor Street (Z-07-04) – Special Permit:** Stephen Parker, representative for the petitioner, presented the petition. He stated the petitioner was seeking a Special Permit for expansion or change of a pre-existing nonconforming structure/use for the purpose of adding two dormers to accommodate a second dwelling unit. He said the only exterior renovations will be the dormers. He also said the petitioner is able to provide the four required parking spaces on-site. Upon a motion by Morris Bergman and seconded by David George, it was voted 5-0 to close the hearing. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Matthew Armendo, Morris Bergman, David George and Larry Abramoff to approve the following:

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

The Special Permit was approved with the following conditions:

- **Petitioner must provide a plan delineating four off-street parking spaces outside of the front yard setback.**

Mr. Freilich left the meeting.

7. **452 Lake Avenue (Z-07-05) – Variances:** Paul Bergevin, petitioner, presented the petition to the Board. He stated he was seeking a Variance for 3,860 square feet of relief from the gross dimensional requirement, Variance for relief of 5 feet from frontage requirement, Variance for 12 feet of relief from rear yard setback requirement and Variance for 10 feet of relief from front yard setback requirement for the purpose of demolishing an existing three-car garage and constructing a single-family dwelling with two-car garage under. He informed the Board that these Variances had been approved in 2005 and an extension of time for six months was granted on March 22, 2006. However, construction did not commence within the allotted time and the Variances expired necessitating a new petition. Mr. George asked Mr. Bergevin when the dwelling will be constructed and he responded that construction would begin in March. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Variance: 3,860 square feet of relief from gross dimensional requirement**
- **Variance: 5 feet of relief from frontage requirement**
- **Variance: 12 feet of relief from rear yard setback requirement**
- **Variance: 10 feet of relief from front yard setback requirement**

The Variances were approved with the following condition:

- **Dwelling must be constructed in accordance with rendering submitted to the Board.**

**OTHER BUSINESS:**

At the request of Mr. Armendo, a brief discussion ensued regarding the upcoming Zoning Ordinance review and the Board's involvement. Mr. Armendo was particularly concerned about the number of attorney's and developers who appear before the Boards serving on the Ad Hoc Committee. Mr. Fontane advised the Board that he would keep them apprised of the process and provide them with information going forward. No action was taken on this item.

**ADJOURNMENT:** Chair Ciuffredo adjourned the meeting at 7:45 PM.