

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

**August 10, 2009
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

Zoning Board Members Present: David George, Chair
Leonard Ciuffredo
Lawrence Abramoff
Brian Murphy
Andrew Freilich
William Bilotta

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. 36 Harlow Street (ZB-2009-027) – Variance:** Paul Conger, applicant, and his representative, David Messier, presented the Board with the requested information regarding photo simulations and sign specifications for the Variance for the relief of 600 square feet from the sign area requirement for roof signs. Given that the requested information was not provided as part of the Board's information packages prior to the meeting, the Board indicated that it needed time to review them properly. Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, William Bilotta and Brian Murphy to postpone the matter to the end of the meeting to allow the Board and staff time to review the information submitted. After the last application hearing on the agenda and upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, William Bilotta and Brian Murphy to take up 36 Harlow Street again. Mr. Ciuffredo stated that the Board was granting the applicant a courtesy by allowing the item to be heard given the fact that he had just submitted the information that the Board requested be submitted prior to its meeting so that staff and the Board could review it. Mr. Fontane said that his staff had not had an opportunity to review the materials submitted and that he recommended that the applicant re-file the petition after the sign ordinance amendment was considered by City Council. Mr. Conger stated that they were seeking relief for only 178 SF instead of the originally petitioned 600 SF of relief. Mr. Conger stated that the sign specifications meet staff's recommendations regarding video display, letter height, flashing, fonts without serifs, contrast of light letters against a dark background, transition time, no sequential message, no offsite message, dimming, freezing and orientation toward I-290. Mr. Fontane stated that that the digital portion of the sign (378 SF) exceeded staff's recommendation of 262 SF. He further stated that Worcester has been chosen as a test site for a digital billboard study where a 10 second change time is being

used as a minimum; and that staff recommends two (2) minutes as this is a challenging driving area due to its proximity to the highway exits. He said that the items being recommended by staff are those items that are being considered for inclusion in a sign ordinance amendment and that they hope to benefit from additional research being conducted regarding the safety concerns. Mr. Abramoff was concerned that the 2 minutes minimum time change is too long and 10 seconds is too short and questioned if the time could be a condition of approval and further said that when a new ordinance was adopted that the sign might be able to be constructed by-right. He, also, said that he did not have the expertise or information to decide what conditions would make this safe and therefore would not be able to support the request for the variance. Mr. George stated that he believed the sign would be a distraction and that the recommendations of staff are related to safety on the highway. Mr. Conger said he believed it was no different than the current sign on his building. Mr. Abramoff, Mr. Ciuffredo and Mr. George stated that the safety of the highway was important and that changing signs are different from static signs in terms of their impact. Upon a motion by Brian Murphy and seconded by William Bilotta, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, William Bilotta and Brian Murphy to close the hearing. Upon a motion by Brian Murphy, and seconded by William Bilotta it was voted 1-4 by Brian Murphy (David George, Lawrence Abramoff, Leonard Ciuffredo, and William Bilotta (voting no), to approve the requested Variance for relief of 600 SF and the applicant's amended request for relief from the sign area requirement for roof signs.

- 2. 15 Putnam Lane (ZB-2009-041) – Special Permit – Extension of Time:** Robert Longden, Andrew Chapin and Dan Endyke representatives for the applicant, Princeton Development LLC, presented the plan for the Extension of Time for a Special Permit to allow a multi-family dwelling in and RL-7 zoning district. Mr. Longden presented the plan for 160 dwelling units with 327 parking spaces, a pool and cabana on 7.5 acres abutting the Boston and Maine Railroad. He stated that on June 24, 2003, the City Council adopted an official Zoning Map change by rezoning the area around Putnam Lane from MG-2.0 to RL-7, including the parcel at 15 Putnam Lane, on July 28, 2003, the Zoning Board of Appeals voted to approve a Special Permit to allow multi-family dwellings in an RL-7 zone and on September 24, 2003, the Planning Board voted to approve a Site Plan to allow the construction of a multi-story, one hundred sixty unit apartment building and a four-level parking garage. He further stated that the property's environmental issues were addressed and that the petitioner purchased the property in 2005. He said that the project has not commenced due to the poor economy, but that his client has two credible offers to purchase the property and that the Special Permit is an important part of the sale negotiations. He said that there has not been any opposition to the extensions of time for the Special Permit and that they have met the Board's conditions of approval. The Board inquired about the potential buyers. Mr. Chapin stated that the potential purchasers are confidential, but that the property would be under agreement within the next six months. Mr. Longden stated that the petitioner would comply with staff's ALB resistant landscaping request; and that they are aware of the need for another Special Permit for compact parking spaces, but did not agree that the application of the recently adopted Special Permit findings of fact may be needed, contending that this project was already approved. The Board was concerned that the project could change with a different owner. The Board was also concerned with about the environmental remediation that was needed and if current conditions would impede construction. Mr. Chapin stated that environmental cleanup is complete and that the condition of the land will not stop construction. Mr. Longden stated that only extending the

Special Permit for 6 months would limit the buyers and is a negative for the sale of the property and his request is for a one year extension. The Board asked whether the project would be constructed by a non-profit organization. Mr. Longden stated that the developers were for-profit developers and that the development would not be programmatic housing. Mr. Fontane stated he was not aware of any funding for this project, but noted that while the City is not subject to 40B, characteristics of projects could be similar to those of 40B development. He further stated that the Division of Neighborhood and Housing Development would review any CDBG funding requests and that his office has not received any information from the Division of Neighborhood and Housing Development regarding this development. Upon a motion by Brian Murphy and seconded by Lawrence Abramoff, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 4-1 by Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich, Brian Murphy and David George (voting no), to approve the requested Extension of time for a Special Permit to allow a multi-family dwelling in an RL-7 zoning district provided that the following conditions are met: 1) that no tax abatement be sought, 2) that landscaping include Asian Longhorned Beetle (ALB) resistant species only, 3) that bi-monthly maintenance of the area be performed, and 4) that the fence be repaired and that the property be secured.

3. **87 Pocasset Avenue (ZB-2009-042) – Variance:** Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to postpone the hearing to August 31, 2009 to allow sufficient time to provide abutter notice and advertise.
4. **52 High Street (ZB-2009-044) – Special Permit:** Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to postpone the hearing to August 31, 2009 to allow sufficient time to provide abutter notice and advertise.
5. **130 Elm Street (ZB-2009-045) – Special Permit:** Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to postpone the hearing to August 31, 2009 to allow sufficient time to provide abutter notice and advertise.
6. **1230 Pleasant Street (ZB-2009-046) – Variance:** Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to postpone the hearing to August 31, 2009 to allow sufficient time to provide abutter notice and advertise.
7. **79 Calumet Avenue (ZB-2009-047) – Special Permit:** Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to postpone the hearing to August 31, 2009 to allow sufficient time to provide abutter notice and advertise.
8. **36 Willard Avenue (ZB-2009-048) – Variance:** Upon a motion by Lawrence Abramoff and seconded by Leonard Ciuffredo, it was voted 5-0 by David George, Lawrence Abramoff, Leonard Ciuffredo, Andrew Freilich and Brian Murphy to postpone the hearing to August 31, 2009 to allow sufficient time to provide abutter notice and advertise.

OTHER BUSINESS

Recruitment: Mr. Fontane stated that the Citizen's Advisory Board conducted a strategic planning initiative and forwarded its recommendations to the City Manager. Part of that strategy includes a recruitment meeting for new board members. Mr. Fontane stated that Board members are invited to the recruitment meeting on September 30, 2009. Mr. George stated the Board's concern that vacant seats have not been filled which leads to potential delay for applicants. Mr. Fontane indicated that the administration will be conducting two appointment rounds per year in an effort to maintain a full complement of members on all Boards.

Application Requirement Policy Discussion: Mr. Fontane presented draft proposed amendments to the Board's rules and regulations and said that he was not requesting a vote to advertise these changes but rather that he was presenting them to the Board for the feedback and discussion needed to craft a final version. He indicated that amendments proposed were based on feedback from Board members, staff and an overarching consideration of what information is needed to make accurate and complete zoning determinations, assess the impact of various developments and advise the Board accordingly. Specifically they further clarify and make explicit the information requirements of a "plan of land" including general information along with zoning, parking, landscaping and other elements as appropriate. Moreover, the amendment provides for flexibility through an application requirement waiver process that requires a simple majority vote of the Board regarding each waiver. The proposal also introduces the requirement and specifications for building elevation plans and proposes standard conditions of approval for variances. Mr. Kelly stated that his office would review the proposal and that he would have comments for the Board's September 21, 2009 meeting.

Approval of Minutes: Upon a motion by Leonard Ciuffredo and seconded by Lawrence Abramoff it was voted 5-0 by David George, Leonard Ciuffredo, Lawrence Abramoff, Andrew Freilich and William Bilotta to approve the minutes from the Board's July 20, 2009 meeting.

Other: Mr. Freilich thanked staff for their efforts regarding the proposed rules and regulations and ongoing advisement to and support of the Board.

Mr. Murphy announced that he was stepping down from the Board effective at the close of the meeting due to a change of employment and family considerations. Mr. Freilich thanked Mr. Murphy, on behalf of the Board, for his service.

Board returned parking hang tags.

Board reviewed and signed decisions.

ADJOURNMENT

Chair George adjourned the meeting at 8:25 P.M.