

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

**October 20, 2008**

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

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

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Judy Stolberg, Division of Planning & Regulatory Services  
Luba Zhaurova, Division of Planning & Regulatory Services  
John Kelly, Division of Inspectional Services

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

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

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

1. **75 Alvarado Avenue (ZB-2008-089) – Special Permit and Variances:** Attorney Stephen Madaus, on behalf of the Roman Catholic Bishop of Worcester, who is seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure to establish a new lot line for proposed Lots 1&2, Variance for 5.2 feet of relief from the side yard setback requirement for Lot 1, Variance for 12.1 feet of relief from the front yard setback requirement for Lot 2, Variance for 17.2 feet of relief from the rear yard setback requirement for Lot 2 and Variance for 0.2 feet of relief from the exterior side yard setback requirement for Lot 2, requested Leave to Withdraw without prejudice. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to grant the request of the petitioner for Leave to Withdraw without prejudice.
2. **10 New Bond Street Lot A (ZB-2008-077) – Variances:** Attorney Patricia Gates, representative for Liberty MA Portfolio, who is seeking a Variance for 15 feet of relief from the rear yard setback requirement and a Variance for .21 of relief from the Floor to Area Ratio (FAR) to separate the large building by creating Lots A& B by dividing the building along a common wall between the two-story front building and one-story rear building, requested a continuance to November 17, 2008 and an extension of the constructive approval date to December 18, 2008 because there were only four members present. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard

Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to continue the hearing to November 17, 2008 and to extend the constructive approval date to December 18, 2008.

3. **1 Liscomb Street (ZB-2008-083) – Variances:** David Sadowski, representative for the petitioner, M.J. Mann, Inc., who is requesting a Variance for 505 square feet of relief from the gross dimensional requirement and a Variance for 5 feet of relief from the frontage requirement, was not present. The item was tabled until later in the meeting, however, when it was taken up later, no one representing the petitioner was present. Since the petitioner had not requested a postponement, the hearing was opened and upon a motion by David George and seconded by Brian Murphy, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to continue the hearing to November 3, 2008. Chair Ciuffredo asked staff to notify Mr. Sadowski of the continuance and inform him that he would have to go forward with the four sitting members at that time.
4. **8 Boynton Street (ZB-2008-085) – Special Permit and Variances:** Attorney Jeffrey Turco, representative for the petitioner, Delta Sigma Phi Building Association of Alpha Chi Rho, Inc., who is requesting a Variance for relief of 6 parking spaces from the off-street parking requirement, Variance for 3.7 feet of relief from the rear yard setback requirement, Variance for 9.08 feet of relief from the side yard setback requirement and Special Permit for expansion or change of a pre-existing nonconforming use/structure, asked for a postponement to November 17, 2008 because only four members were present. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to grant the request of the petitioner for a postponement to November 17, 2008.
5. **24A Maplewood Road (ZB-2008-088) – Variance:** Paul Bergevin, who is seeking a Variance for 5 feet of relief from the frontage requirement, requested a postponement to November 17, 2008 and to waive the public hearing deadline because only four members were present. Upon a motion by David George and seconded by Brian Murphy, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to postpone the hearing to November 17, 2008 and to waive the public hearing deadline date.
6. **325 Grafton Street a.k.a. 327-329 Grafton Street (ZB-2008-089) – Special Permit:** Jackson Vianna, who is seeking a Special Permit to allow food service with sale and consumption of alcohol in a BL-1.0 zone, requested a postponement to November 17, 2008 because only four members were present. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to postpone the hearing to November 17, 2008.
7. **242-242A Stafford Street (ZB-2008-093) – Special Permit:** Attorney Robert Longden, representing 242 Stafford Street LLC, who is seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure to utilize the property as headquarters for a taxicab company, requested a postponement to November 17, 2008 because only four members were present. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to postpone the hearing to November 17, 2008.

## NEW BUSINESS

8. **51 Hurtle Avenue (ZB-2008-090) – Extension of Time Variance:** Anthony Dellomo, petitioner, is seeking an Extension of Time for a previously approved Variance for 10 square feet of relief from the gross dimensional requirement in order to create a buildable lot for a single-family detached dwelling. Mr. Dellomo requested a one year extension because of the downturn of the economy. However, Chair Ciuffredo informed him that the Board typically approves six month extensions for Variances. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 to close the hearing. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the Extension of Time for the previously approved Variance for 10 square feet of relief from the gross dimensional requirement for a period of six months.
9. **22 Dean Street & 53 Wachusett Street (ZB-2008-091) – Special Permit and Variance:** Dennis Rice, from Cullinan Engineering, and Alfred DeMauro, representing WPI, presented the plan to modify the existing driveway and curb cut from Dean Street. Mr. Rice stated WPI is seeking a Special Permit to modify parking layout for reduced access aisle width and relief from the landscape screening requirement and a Variance for relief from the off-street parking requirement to allow 100% compact spaces. Chair Ciuffredo wondered why WPI did not decrease the number of spaces and make the spaces larger. Mr. DeMauro explained the street is narrow and the overriding concern is to get cars off the street. He indicated that when cars are parked on both sides of the street, it is very difficult to travel. Mr. Fontane explained to the Board that 25% of the spaces can be compact spaces by right and that, although it appears they are requesting 100% of relief, in reality, it is only 75%. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the following:
- **SPECIAL PERMIT: To modify parking layout for reduced access aisle width and relief from landscape screening requirement**
  - **VARIANCE: Relief from the off-street parking requirement to allow all compact spaces**

The Special Permit and Variance were approved with the following conditions:

- **That the parking stalls be at least 9' in width.**
- **That the fence along the southerly side of the property be maintained, subject to ownership by WPI.**

10. **0 Parsons Hill Drive (ZB-2008-092) – Variance:** Keith Wharton, petitioner, is seeking a Variance for 14.99 feet of relief from the frontage requirement to construct a single-family detached dwelling. He said the lot is large and has a narrow rectangular shape but lacks the required frontage. Ms. Zhaurova indicated in her memo dated October 14, 2008 that the proposed dwelling does not appear to fit in well with the character of the neighborhood, most of the dwellings have 20 foot front yard setbacks while the proposed dwelling has a 40 foot front yard setback, and that most of the homes have frontages that range from 65-80 feet with most having 70 feet. David Keer was fearful that the proposed dwelling would reduce property values and said the lack of frontage was a major concern. Richard Murdock stated he had been told by the developer when he purchased his property that the adjacent lot could not be built upon because it was a right-of-way. Chair Ciuffredo said it appears that the owner is trying to maximize the profitability of the lot by constructing a house that will not fit in with the other homes in the area. Mr. Murphy indicated that he, too, was concerned that the house will not fit in with the character of the neighborhood. Mr. George agreed. Mr. Wharton requested Leave to Withdraw without prejudice. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the request of the petitioner for Leave to Withdraw without prejudice.

11. **124 Forest Street (ZB-2008-095) – Amendment to Variance:** Richard Tedesco, on behalf of JML Contracting, petitioner, is seeking an Amendment to a previously approved Variance. He explained that he had received a Variance for 2.5 feet of relief from the front yard setback requirement and a Variance for 5.4 feet of relief from the rear yard setback requirement in order to construct a farmer's porch in the front of the dwelling and a deck in the rear of the dwelling. However, due to a surveyor's error, the structure, front porch and front porch steps were placed closer to the front yard setback than shown on the approved plan rendering the previous relief from the front yard setback insufficient. He said an additional 4.1 feet of relief is necessary for a total of 6.6 feet of relief to allow a front yard setback of 13.4 feet. Mr. Tedesco said the problem was discovered when the as built plans were submitted. Carol Tucker, who is purchasing the home, said she completely redesigned the exterior in order to improve the appearance of the structure and make it fit with the character of the area. She said she is quite anxious to assume ownership and occupy the dwelling. Chair Ciuffredo told Ms. Tucker that the house had a much better appearance and was definitely more in character with the area. However, he did tell Mr. Tedesco that the Board was being put in an awkward position because of the surveying error. He indicated that had the request for more front yard setback relief been made at the time of the original application, it probably would have been approved. Upon a motion by Brian Murphy and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Brian Murphy and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Lawrence Abramoff and Brian Murphy to approve the following:

- **AMENDMENT TO VARIANCE: Additional relief of 4.1 feet of relief from the front yard setback requirement for a total of 6.6 feet of relief**

## **OTHER BUSINESS**

**Approval of Minutes:** Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 3-0 by Leonard Ciuffredo, David George and Lawrence Abramoff (Brian Murphy was not present at the October 6, 2008 meeting) to approve the minutes from the October 6, 2008 meeting.

**Parcel Delineation:** The Board asked that the parcels for applications on the abutters' maps be more clearly defined so that it is easier for members to find on their site views. Mr. Abramoff noted that "0 Parsons Hill Drive" is an example of a parcel that was difficult to find. Mr. Fontane explained that a recent GIS upgrade led to this problem and that staff had made a request to Technical Services to improve the visibility of the parcel selected. While TS is working to improve these maps, staff will manually mark the parcel so that Board members can easily identify the subject property for each application.

**ADJOURNMENT:** Chair Ciuffredo adjourned the meeting at 7:10 P.M.