

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

**August 29, 2011**

**WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

**Zoning Board Members Present:**

Lawrence Abramoff, Chair  
Andrew Freilich, Vice-Chair  
William Bilotta  
Timothy Loew, Alternate Member

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

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

1. **3 Lodge Street (ZB-2011-031):** Andrew Ansara requested a postponement of the hearing and extension of the Public Hearing deadline for the Variances because staff indicated that petitioner required more relief (a Special Permit and a Frontage Subdivision). Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 4-0 to postpone the hearing and extend the Public Hearing to September 19, 2011.
2. **666 Lincoln Street (ZB-2011-033):** Attorney Jonathan Finkelstein requested a postponement of the Special Permit and extension of the Public Hearing deadline in order to allow the larger-quorum Board to hear the petition. Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 4-0 to postpone the hearing and extend the Public Hearing to September 19, 2011.
3. **266 Chandler Street (ZB-2011-040):** Attorney John Shea requested a postponement of the Amendment to the Special Permit in order to allow the larger-quorum Board to hear the petition. Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 4-0 to postpone the hearing to September 19, 2011.
4. **779 Main Street (ZB-2011-041):** Arthur Mooradian, petitioner, requested a postponement and extension of the public hearing deadline of the requested Special Permits in order to have sufficient time to respond to staff's comments and suggestions. Upon a motion by Mr.

Freilich and seconded by Mr. Loew, the Board voted 4-0 to postpone the hearing and extend the Public Hearing to October 17, 2011.

## **NEW BUSINESS**

5. **442 Southwest Cutoff (ZB-2011-027):** Amendment to Special Permit: Expansion or change of pre-existing non-conforming structure and an Amendment to Special Permit: a Personal Wireless Service Facility: Edward Pare, Jr. of Brown Rudnick LLP, representative for New Cingular Wireless PCS, LLC by its Manager, AT&T Mobility Corporation, stated that the petitioner is seeking to add three panel antennas with six box-like radio heads and one surge arrester at a height of 120-ft on the 280-ft lattice tower. Each antenna will be connected to equipment located within the existing AT&T equipment shelter. He stated that AT&T is seeking to expand its 4G Long Term Evolution network in the City and that it is building a national network as required by AT&T licenses issued by the Federal Communications Commission. Mr. Bilotta asked that the antennas are painted to match the section of the tower where the antennas will be attached. Mr. Pare was amenable to that. Chair Abramoff requested that the petitioner conducts a post-installation test of the noise and Radio Frequency radiation to demonstrate compliance with the local standards and Federal Communication Commission Guidelines.

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 4-0 to approve the Amendment to Special Permit for Personal Wireless Service Facility and Amendment to Special Permit for Extension, Alteration or Change of a Preexisting, Nonconforming Structure with the following conditions of approval:

- That a revised photo simulation be submitted annotating the location of the additional equipment;
- That a color version of the PWSF location map be submitted so the legend can be interpreted;
- That an affidavit, signed by a qualified professional, be submitted that provides an accurate and complete estimate of the costs of decommissioning and removal of the proposed PWSF, and that said affidavit be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- That an affidavit, signed by the applicant and that states that the applicant agrees to match the paint of the proposed equipment as closely as practicable to the existing materials within the area of the installation, in compliance with Design Filing Requirements (Article IV, Section 12 (D)(7)(d)(iv)), be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- That post-installation measurements of the total noise and total Radio Frequency Radiation emitted by all PWSF on the building are taken by a certified noise and RF engineer; that results of these measurements demonstrate compliance with the Noise and Radio Frequency Radiation standards of the Zoning Ordinance and Federal Communication Commission Guidelines; and that these results are submitted to the

Division of Planning & Regulatory Services and Department of Inspection Services prior to the issuance of the Certificate of Use & Occupancy;

- That prior to the issuance of a building permit, a surety bond, equal to the cost of decommissioning and removal of the proposed PWSF, be obtained. Said bond shall be for a period of at least two years, and be adjusted for inflation upon term renewal – every two years. The provisions of said bond shall be to the satisfaction of the Director of Planning & Regulatory Services;
- That the structure is constructed in substantial accordance with the site plan and the photo simulation package submitted on June 30, 2011 as finally revised submitted by New Cingular Wireless PCS, LLC on file with the City of Worcester;

and provided it is in compliance with all governmental codes.

At a meeting of the Board on August 29, 2011, and on motion duly made and seconded, it was voted 4-0 by Board members Lawrence Abramoff, Andrew Freilich, William Bilotta, and Timothy Loew to approve the waiver from the following application requirements:

1. Vicinity Plan: Vegetative cover on the subject property and immediately abutting adjacent properties. (Article IV, Section 12 (D)(7)(d)(iii)(aa))
2. City-wide map showing the other existing Personal Wireless Service Facilities in the City and outside the City within one mile of its corporate limits. (Article IV, Section 12 (D)(7)(d)(ii))
3. Design Filing Requirements: Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species. (Article IV, Section 12 (D)(7)(d)(iv)(ff))
4. Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed Personal Wireless Service Facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test. (Article IV, Section 12 (D)(7)(d)(iv)(gg))

#### List of Exhibits.

Exhibit A: Special Permit Application – 442 Southwest Cutoff; received June 30, 2011; prepared by New Cingular Wireless PCS, LLC by its manager, AT&T Mobility Corporation, including:

Exhibit 2 – Report of Radio Frequency Engineer

Exhibit 3 – Radio Frequency Coverage Plot Map

Exhibit 4 – Photo Simulations

Exhibit 10 – Equipment Specifications

Exhibit 11 – Noise Letter

Exhibit 14 – Waiver Requests; revised August 29, 2011.

- Exhibit B: Special Permit Plan – 442 Southwest Cutoff dated 4/4/11; prepared by Vertical Resources GRP and SAI Communications, received June 30, 2011.
- Exhibit C: Letter from Noise Control Engineering, Inc. to Centerline Communications, LLC; re: AT&T Cell Tower Site Noise for Worcester, MA; June 23, 2011.
- Exhibit D: Equipment Specifications from Kathrein Scala Division; dated 2/22/11.
- Exhibit E: Memorandum to Zoning Board of Appeals from Division of Planning & Regulatory Services, re: 442 Southwest Cutoff, dated August 29, 2011.
- Exhibit F: Memorandum to the Zoning Board of Appeals re: Updated Waiver request – 442 Southwest Cutoff, submitted by email to DPRS staff on August 29, 2011 by Jon Markus Pinard.

6. **39 Jolma Road (ZB-2011-029):** Amendment to Special Permit: Expansion or change of pre-existing non-conforming structure and an Amendment to Special Permit: a Personal Wireless Service Facility: Edward Pare, Jr. of Brown Rudnick LLP, representative for New Cingular Wireless PCS, LLC by its Manager, AT&T Mobility Corporation, stated that the petitioner is seeking to relocate the existing AT&T antennas from a height of 169-ft to 100-ft with the addition of three panel antennas with six small box-like radio heads and one surge arrestor. Each antenna will be connected to equipment located within existing AT&T equipment shelter. He stated that AT&T is seeking to expand its 4G Long Term Evolution network in the City and that it is building a national network as required by AT&T licenses issued by the Federal Communications Commission. He provided photo simulations of the installation (Exhibit G).

Mr. Freilich asked how many PWSF are on the pole currently. Mr. Pare said 6. He clarified saying that AT&T is moving its current antennas from the height of 169-ft to 100-ft and adding 3 new antennas, for a total amount of 9 AT&T antennas at a height of 100-ft.

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 4-0 to approve the Amendment to Special Permit for Personal Wireless Service Facility and Amendment to Special Permit for Extension, Alteration or Change of a Preexisting, Nonconforming Structure with the following conditions of approval:

- That a revised photo simulation be submitted annotating the location of the additional equipment;
- That a color version of the PWSF location map be submitted so the legend can be interpreted;
- That an affidavit, signed by a qualified professional, be submitted that provides an accurate and complete estimate of the costs of decommissioning and removal of the proposed PWSF, and that said affidavit be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;

- That an affidavit, signed by the applicant and that states that the applicant agrees to match the paint of the proposed equipment as closely as practicable to the existing materials within the area of the installation, in compliance with Design Filing Requirements (Article IV, Section 12 (D)(7)(d)(iv)), be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- That post-installation measurements of the total noise and total Radio Frequency Radiation emitted by all PWSF on the building are taken by a certified noise and RF engineer; that results of these measurements demonstrate compliance with the Noise and Radio Frequency Radiation standards of the Zoning Ordinance and Federal Communication Commission Guidelines; and that these results are submitted to the Division of Planning & Regulatory Services and Department of Inspection Services prior to the issuance of the Certificate of Use & Occupancy;
- That prior to the issuance of a building permit, a surety bond, equal to the cost of decommissioning and removal of the proposed PWSF, be obtained. Said bond shall be for a period of at least two years, and be adjusted for inflation upon term renewal – every two years. The provisions of said bond shall be to the satisfaction of the Director of Planning & Regulatory Services;
- That the structure is constructed in substantial accordance with the site plan and the photo simulation package submitted on June 30, 2011 and August 29, 2011, respectively, as finally revised, submitted by New Cingular Wireless PCS, LLC on file with the City of Worcester;

and provided it is in compliance with all governmental codes.

At a meeting of the Board on August 29, 2011, and on motion duly made and seconded, it was voted 4-0 by Board members Lawrence Abramoff, Andrew Freilich, William Bilotta, and Timothy Loew to approve the waiver from the following application requirements:

5. Vicinity Plan: Vegetative cover on the subject property and immediately abutting adjacent properties. (Article IV, Section 12 (D)(7)(d)(iii)(aa))
6. City-wide map showing the other existing Personal Wireless Service Facilities in the City and outside the City within one mile of its corporate limits. (Article IV, Section 12 (D)(7)(d)(ii))
7. Design Filing Requirements: Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species. (Article IV, Section 12 (D)(7)(d)(iv)(ff))
8. Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed Personal Wireless Service Facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test. (Article IV, Section 12 (D)(7)(d)(iv)(gg))

List of Exhibits.

- Exhibit A: Special Permit Application – 39 Jolma Rd; received June 30, 2011; prepared by New Cingular Wireless PCS, LLC by its manager, AT&T Mobility Corporation, including:
- Exhibit 3 – Radio Frequency Coverage Plot Map
  - Exhibit 10 – Equipment Specifications
  - Exhibit 11 – Noise Letter
  - Exhibit 14 – Waiver Requests, revised August 29, 2011.
- Exhibit B: Special Permit Plan – 39 Jolma Rd dated 4/4/11; prepared by Vertical Resources GRP and SAI Communications, received June 30, 2011.
- Exhibit C: Letter from Noise Control Engineering, Inc. to Centerline Communications, LLC; re: AT&T Cell Tower Site Noise for Worcester, MA; June 23, 2011.
- Exhibit D: Equipment Specifications from Kathrein Scala Division; dated 2/22/11.
- Exhibit E: Memorandum to Zoning Board of Appeals from Division of Planning & Regulatory Services, re: 39 Jolma Rd, dated August 29, 2011.
- Exhibit F: Memorandum to the Zoning Board of Appeals re: Updated Waiver request – 39 Jolma Rd, submitted by email to DPRS staff on August 29, 2011 by Jon Markus Pinard.
- Exhibit G: Photo simulations of the proposed PWSF at 39 Jolma Street; prepared by SAI Communications; received August 29, 2-11.

7. **19 McKeon Road (ZB-2011-034):** Amendment To Special Permit: To allow a Personal Wireless Service Facility in the MG-2.0 (Manufacturing, General) zoning district. Edward Pare, Jr. of Brown Rudnick LLP, representative for New Cingular Wireless PCS, LLC by its Manager, AT&T Mobility Corporation, stated that the petitioner is seeking to add three panel antennas with six box-like radio heads and one surge arrestor on the roof of the building. Each antenna will be connected to new equipment cabinet to be located inside the building.

Mr. Freilich expressed concern with proliferation of PWSF on buildings from aesthetic perspective and discussed possibility of disguising these structures on the building roofs with architectural details. Mr. Fontane stated that currently the ordinance encourages co-location, and if the Board disagrees with this policy, it can look at amending Zoning Ordinance. He also stated that the petitioner is the owner of the building, and that the owner can be made to camouflage the existing and future PWSF. Mr. Freilich asked if there is a limit to number of PWSFs. Mr. Fontane stated that there is a limit in terms of amount of Radio Frequency allowed, but that in practical terms, there is no limit. Mr. Fontane offered that staff can research Best Practices with respect to camouflaging the PWSF. Mr. Freilich asked that a trigger as to a number of PWSF per site/building is researched. Mr. Loew stated that it might be difficult to reach the right balance, because some faux architectural elements do not look good either. The Board requested that DPRS staff research Best Practices with respect to camouflaging the PWSF.

Chair Abramoff posed a question, given the proximity to residential uses, whether a noise study prior to installation needs to take place. Mr. Fontane stated that staff does not think so given the parcel's location close to the Interstate I-290 and other commercial/manufacturing uses.

Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 4-0 to approve the Amendment to Special Permit for Personal Wireless Service Facility with the following conditions of approval:

- That six (6) copies of final revised plans to scale are submitted to the Division of Planning & Regulatory Services prior to issuance of the Building Permit demonstrating that the proposed antennas are no taller than 10-ft above the height of the building.
- That post-installation measurements of the total noise and total Radio Frequency Radiation emitted by all PWSF on the building are taken by a certified noise and RF engineer; that results of these measurements demonstrate compliance with the Noise and Radio Frequency Radiation standards of the Zoning Ordinance and Federal Communication Commission Guidelines; and that these results are submitted to the Division of Planning & Regulatory Services and Department of Inspection Services prior to the issuance of the Certificate of Use & Occupancy;
- That an affidavit, signed by the applicant and that states that the applicant agrees to match the paint of the proposed equipment as closely as practicable to the existing materials within the area of the installation, in compliance with Design Filing Requirements (Article IV, Section 12 (D)(7)(d)(iv)), be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- That an affidavit, signed by a qualified professional, be submitted that provides an accurate and complete estimate of the costs of decommissioning and removal of the proposed PWSF, and that said affidavit be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- That prior to the issuance of a building permit, a surety bond, equal to the cost of decommissioning and removal of the proposed PWSF, be obtained. Said bond shall be for a period of at least two years, and be adjusted for inflation upon term renewal – every two years. The provisions of said bond shall be to the satisfaction of the Director of Planning & Regulatory Services;
- That the structure is constructed in substantial accordance with the site plan and the photo simulation package submitted on July 8, 2011 submitted by New Cingular Wireless PCS, LLC on file with the City of Worcester and in compliance with all governmental codes and the City of Worcester Zoning Ordinance;

and provided it is in compliance with all governmental codes.

At a meeting of the Board on August 29, 2011, and on motion duly made and seconded, it was voted 4-0 by Board members Lawrence Abramoff, Andrew Freilich, William Bilotta, and Timothy Loew to approve the waiver from the following application requirements:

- Vicinity Plan: Vegetative cover on the subject property and immediately abutting adjacent properties. (Article IV, Section 12 (D)(7)(d)(iii)(aa))
- City-wide map showing the other existing Personal Wireless Service Facilities in the City and outside the City within one mile of its corporate limits. (Article IV, Section 12 (D)(7)(d)(ii))
- Design Filing Requirements: Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species. (Article IV, Section 12 (D)(7)(d)(iv)(ff))
- Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed Personal Wireless Service Facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test. (Article IV, Section 12 (D)(7)(d)(iv)(gg)).

List of Exhibits:

- Exhibit A: Special Permit Application – 19 McKeon Rd; received July 8, 2011; prepared by New Cingular Wireless PCS, LLC by its manager, AT&T Mobility Corporation, including but not limited to:
- Exhibit A-2 – Report of Radio Frequency Engineer
  - Exhibit A-3 – Radio Frequency Coverage Plot Map
  - Exhibit A-4 – Photo Simulations
  - Exhibit A-10 – Equipment Specifications
  - Exhibit A-11 – Noise Letter
  - Exhibit A-14 – Waiver Requests, revised August 29, 2011.
- Exhibit B: Special Permit Plan – 19 McKeon Road; dated 4/4/11; prepared by Vertical Resources GRP and SAI Communications, received July 8, 2011.
- Exhibit C: Letter from Noise Control Engineering, Inc. to Centerline Communications, LLC; re: AT&T Cell Tower Site Noise for Worcester, MA; June 23, 2011.
- Exhibit D: Equipment Specifications from Kathrein Scala Division; dated 2/22/11.
- Exhibit E: Report of Radio Frequency Engineer from Kevin Breauer, RF Engineer, AT&T; re: Radio Frequency of the proposed three panel antennas at 19 McKeon Road.
- Exhibit F: Radio Frequency Coverage Plot Maps.
- Exhibit G: Photo Simulations by SAI Communications.
- Exhibit H: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 19 McKeon Road; dated August 29, 2011.



8. **100 Front Street (ZB-2011-035):** Amendment To Special Permit: To allow a Personal Wireless Service Facility in the BG-6.0 (Business, General) zoning district. Edward Pare, Jr. of Brown Rudnick LLP, representative for New Cingular Wireless PCS, LLC by its Manager, AT&T Mobility Corporation, stated that the petitioner is seeking to add three panel antennas with six box-like radio heads and one surge arrestor on the roof of the building. Each antenna will be connected to new equipment cabinet to be located inside the building.

Mr. Kelly asked how high from the roofline is the parapet. Mr. Pare stated that he believes it is 3-ft. Mr. Kelly asked if the PWSF could be camouflaged by the parapet. Mr. Pare stated that PWSF needs to be as close to the roof edge as possible and the parapet would interfere with that. Mr. Pare stated that the parapet would have to be made of fiberglass, but that there might be structural concerns with having such a camouflage on the edge of the roof. He stated that visually, such parapet would add more bulk to the building.

Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 4-0 to approve the Amendment to Special Permit for Personal Wireless Service Facility with the following conditions of approval:

- That six (6) copies of final revised plans to scale are submitted to the Division of Planning & Regulatory Services prior to issuance of the Building Permit demonstrating that the proposed antennas are no taller than 10-ft above the height of the building;
- That post-installation measurements of the total noise and total Radio Frequency Radiation emitted by all PWSF on the building are taken by a certified noise and RF engineer; that results of these measurements demonstrate compliance with the Noise and Radio Frequency Radiation standards of the Zoning Ordinance and Federal Communication Commission Guidelines; and that these results are submitted to the Division of Planning & Regulatory Services and Department of Inspection Services prior to the issuance of the Certificate of Use & Occupancy;
- That an affidavit, signed by the applicant and that states that the applicant agrees to match the paint of the proposed equipment as closely as practicable to the existing materials within the area of the installation, in compliance with Design Filing Requirements (Article IV, Section 12 (D)(7)(d)(iv)), be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- That an affidavit, signed by a qualified professional, be submitted that provides an accurate and complete estimate of the costs of decommissioning and removal of the proposed PWSF, and that said affidavit be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- That prior to the issuance of a building permit, a surety bond, equal to the cost of decommissioning and removal of the proposed PWSF, be obtained. Said bond shall be for a period of at least two years, and be adjusted for inflation upon term renewal – every two years. The provisions of said bond shall be to the satisfaction of the Director of Planning & Regulatory Services;

- That the structure is constructed in substantial accordance with the site plan and the photo simulation package submitted on July 8, 2011 submitted by New Cingular Wireless PCS, LLC on file with the City of Worcester and in compliance with all governmental codes and the City of Worcester Zoning Ordinance;

and provided it is in compliance with all governmental codes.

At a meeting of the Board on August 29, 2011, and on motion duly made and seconded, it was voted 4-0 by Board members Lawrence Abramoff, Andrew Freilich, William Bilotta, and Timothy Loew to approve the waiver from the following application requirements:

- Vicinity Plan: Vegetative cover on the subject property and immediately abutting adjacent properties. (Article IV, Section 12 (D)(7)(d)(iii)(aa))
- City-wide map showing the other existing Personal Wireless Service Facilities in the City and outside the City within one mile of its corporate limits. (Article IV, Section 12 (D)(7)(d)(ii))
- Design Filing Requirements: Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species. (Article IV, Section 12 (D)(7)(d)(iv)(ff))
- Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed Personal Wireless Service Facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test. (Article IV, Section 12 (D)(7)(d)(iv)(gg)).

#### List of Exhibits:

- Exhibit A: Special Permit Application – 100 Front Street; received July 8, 2011; prepared by New Cingular Wireless PCS, LLC by its manager, AT&T Mobility Corporation, including but not limited to:  
 Exhibit A-2 – Report of Radio Frequency Engineer  
 Exhibit A-3 – Radio Frequency Coverage Plot Map  
 Exhibit A-4 – Photo Simulations  
 Exhibit A-10 – Equipment Specifications  
 Exhibit A-11 – Noise Letter  
 Exhibit A-14 – Waiver Requests, revised August 29, 2011.
- Exhibit B: Special Permit Plan – 100 Front Street; dated 5/2/11; prepared by Vertical Resources GRP and SAI Communications, received July 8, 2011.
- Exhibit C: Letter from Noise Control Engineering, Inc. to Centerline Communications, LLC; re: AT&T Cell Tower Site Noise for Worcester, MA; June 23, 2011.
- Exhibit D: Equipment Specifications from Kathrein Scala Division; dated 2/22/11.
- Exhibit E: Report of Radio Frequency Engineer from Kevin Breauer, RF Engineer, AT&T; re: Radio Frequency of the proposed three panel antennas at 100 Front Street.

- Exhibit F: Radio Frequency Coverage Plot Maps.
- Exhibit G: Photo Simulations by SAI Communications.
- Exhibit H: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 100 Front Street; dated August 29, 2011.

The Board took a recess for five minutes.

9. **10 New Bond Street (ZB-2011-039):** Attorney Daniel Cotton, representative for New Bond Flea market, Inc., petitioner, stated that the petition is seeking to use approximately 93,000 SF of the building for the Flea Market use on weekends and Federal holidays. Attn. Cotton submitted a revised plan (Exhibit D). Mr. Cotton stated that while the application stated that 273 off-street parking spaces are on site, after drawing up the plan, it appears that up to 389 off-street parking spaces can be provided on-site. He stated that the petitioner intends to keep Kendrick Street blocked off during the Flea Market use, so that only Bond Street is used as an entrance to and exit from the site. Mr. Cotton stated that approximately 260 spaces would be required to comply with the parking requirements of the zoning ordinance for all uses on site, if using 1 parking space per 1,000 SF of the floor area calculation. He stated that parking area to the west of the building, and not in its rear, is primarily used by other uses on site. He stated that the petitioner is not amenable to stripe and pave the entire parking lot because of the cost and time issues. He states that two interior dumpsters are planned for the use and that they expect to have a sign near the New Bond Street driveway entrance and another one on the wall.

Mr. Bilotta asked if the security personnel to be present will be from Worcester Police Department. Mr. Cotton stated no. Mr. Bilotta asked that WPD is hired for security on site. Mr. Cotton stated that the issue of security is dealt with if the need arises. Mr. Bilotta requested that the handicapped parking spaces are painted and retacked. Mr. Cotton was amenable to that.

Mr. Freilich asked how many flea markets the petitioner has owned before. Mr. Cotton stated that it is the petitioner's first flea market. Mr. Freilich asked how many vendors the petitioner is expecting to have. Mr. Cotton stated 400-500 vendors. Mr. Freilich asked what type of goods will be sold. Mr. Cotton stated that some antique items and other small items, such as clothing, books, radios, etc. will be sold. Mr. Freilich was doubtful that the site is capable of assimilating the traffic the flea market can generate. He asked if this is the City's first flea market. Mr. Fontane said no, and listed 72 Pullman Street, 115 Dewey Street, 30 Hollis Street, and 344 Franklin Street, but he was not sure which ones of them were still active. Mr. Cotton stated that the petitioner believed the amount of available parking spaces on site will be sufficient to accommodate projected traffic. Mr. Fontane stated that the Board may restrict number of vendors as a condition of approval. Chair Abramoff stated that the site is isolated and the traffic would not spill into the residential neighborhood. He stated that if the parking situation does not work, the business would not be successful. Mr. Ha stated that about 200 SF is allocated per vendor space, but that some vendors rent 4-5 spaces.

Mr. Fontane asked if parking area paved. Mr. Cotton stated that the vast majority of parking spaces are paved, but some are not.

Danny Ha, president of the New Bond Flea Market, stated that the building has two interior loading docks and that a cardboard recycling dumpster will be provided. Mr. Cotton stated that the petitioner is amendable to holding all flea market activities inside. Mr. Ha stated that there will be 2 outside security personnel directing parking and 2 inside security personnel. Chair Abramoff suggested that Brooks Street exit from the site is blocked off. Mr. Fontane suggested that the exit is not blocked off because it might be a fire safety issue and the Fire Department has not weighed in on this issue. Chair Abramoff suggested that parking attendants wear identifiable uniforms.

The Board discussed possible conditions of approval to make sure traffic flow to and from the site is safe. Mr. Fontane suggested a common condition of approval of no queuing of cars off-site. The Board agreed that if queuing occurs off-site on a public way, then the petitioner would need to remedy the situation.

Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 4-0 to approve the requested Special Permit to allow a Flea Market (Table 4.1, Manufacturing Use #4) in the MG-1.0 zoning district with the following conditions of approval:

- That if queuing occurs off-site on a public way, then the petitioner would need to remedy the situation up to and including hiring the Worcester Police Department;
- That minimum two (2) security personnel and minimum two (2) parking lot attendants are present on site during all hours of the operation of the flea market;
- That the security personnel is hired from a licensed security company;
- That required handicapped parking spaces for the flea market use are designated with appropriate striping and signage;
- That the Flea Market is conducted from 9 am to 5 pm on Saturdays, Sundays, and Federal Holidays only;
- That all flea market activities take place inside the building;
- That the sale of adult entertainment paraphernalia is prohibited and the applicant/owner shall require all vendors to sign an agreement stating as such;
- That all provided off-street parking spaces are in compliance with the Zoning Ordinance parking requirement for all current and proposed uses on site;
- That a list of vendors is submitted to the Department of Inspectional Services and Division of Planning & Regulatory Services on the annual basis;
- That the following is submitted to the Division of Planning & Regulatory Services prior to the issuance of the Occupancy Permit:
  - A copy of an official signed lease between the petitioner and the owner;
  - Six (6) copies of to-scale revised plans including a parking analysis of required and provided off-street parking spaces for all current and proposed uses on site;
- That the structure and the parking lot are operated in substantial accordance with the final approved Special Permit plan;

List of Exhibits.

- Exhibit A: Special Permit Application; received July 26, 2011; prepared by New Bond Flea Market, Inc.
- Exhibit B: Approval Not Required Plan; dated November 21, 2008; prepared by Thompson-Liston Associates, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 10 New Bond Street (ZB-2011-039) – Special Permit; dated August 25, 2011.
- Exhibit D: Special Permit Revised Plan; titled ‘New Bond Street Flea Market Inc. Parking Proposal’; prepared by Wadsworth & Associates, Architects; dated 8/8/2011; revised 8/22/2011.

**OTHER BUSINESS**

10. **Personal Wireless Service Facilities:** The Board requested that staff conduct research and provide the Board with the Best Management practices with respect to regulating the installation, operation, aesthetics and co-location of the Personal Wireless Service Facilities.

11. **Approval of Minutes:** The approval of the minutes was held.

**Adjournment:** Chair Abramoff adjourned the meeting at 7:33 pm.