

WORCESTER ZONING BOARD OF APPEALS
MINUTES OF MEETING
January 9, 2006

Board Members Present: Leonard Ciuffredo
Jerry Horton
Matthew Armendo
Thomas Hannigan
Morris Bergman
David George

Staff Present:

Jody Kennedy-Valade, Department of Code Enforcement
Joel Fontane, Division of Planning and Regulatory Services
Robin Bartness, Division of Planning and Regulatory Services
Lara Bold, Division of Planning and Regulatory Services

Regular Meeting (5:30 PM) – Saxe Room, Worcester Public Library

Call to Order: Leonard Ciuffredo called the meeting to order at 5:30 P.M.

- 1) **251-261 Plantation Street – (Z05-163) Special Permit:** Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to grant the petitioner's request for Leave to Withdraw without Prejudice, relative to a Special Permit to allow duplexes in an RS-7 zone.
- 2) **25 Eskow Road (Z05-207) Variance and Special Permit:** Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 (Thomas Hannigan did not vote) to continue the hearing until the February 13, 2006 meeting to allow the Board time to review documents submitted by Global Companies and to allow both the applicant and the staff time to research the Board's questions relative to the site, specifically: 1) an overview of similar bulk plant fuel operations, their history, the issues such facilities face and how Global plans to address those issues and, additionally, 2) the location of tank farms in New England (Global's and others'), their proximity to major transportation lines, water or wetlands, demographic overview of the surrounding areas, and finally 3) an overview of the global market perspective on such facilities and environmental justice issues.
- 3) **281 Clark Street (Z05-206) Special Permit:** Upon a motion by Matthew Armendo and seconded by David George, the Board voted 1-4 to approve the Special Permit to allow duplexes in an RS-7 zone for the proposed Jasmine Place subdivision; therefore the petition was denied.

- 4) **175 Lovell Street (Z05-186) Special Permit:** Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to continue the hearing for a Special Permit to allow placement of fill until the February 13, 2006 meeting. The Board requested that the engineer be present and that a more accurate soil analysis be done in addition to the geotechnical test and that the borings be representative of where the fill was placed.
- 5) **40 Dunbar Street (Z05-224) Variance:** Upon a motion by Thomas Hannigan and seconded by Matthew Armendo, the Board voted 2-3 to approve the petitioner's requested Variance for 40 feet of frontage from the 65-foot frontage requirement; therefore the motion was denied.
- 6) **280-282 Highland Street (Z05-225) Administrative Appeal:** Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 4-1 (Thomas Hannigan opposed) to continue the hearing until February 13, 2006 to allow the administration, including the Law Department, time to further review the application and to research the definition of "group home" and to allow Attorney Samuel DeSimone, representing Community Health Link, time to submit a brief.
- 7) **20-22 Onset Street (Z05-226) Variance:** Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Variance for relief of 35 feet from the 70-foot frontage requirement with the following conditions: (1) that only one duplex and no other additional dwelling units be built on the lot and (2) that the front doors of the dwelling units face Onset Street so that the orientation of the building is not "sideways" on the lot.
- 8) **10 Julien Avenue (Z05-227) Variance:** Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 3-2 (Jerry Horton and Thomas Hannigan opposed) to approve the petitioner's requested Variance for 6 inches of relief from the 15-foot side yard setback requirement, therefore the motion did not pass. The Board immediately thereafter, upon a motion by Thomas Hannigan and seconded by Matthew Armendo, voted 5-0 to reconsider the vote. Upon a motion by Thomas Hannigan and seconded by Matthew Armendo, the Board voted 4-1 (Jerry Horton opposed) to rescind the original vote. Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 4-1 (Jerry Horton opposed) to approve the requested Variance for 6 inches of relief from the 15-foot side yard setback requirement. Board member, Jerry Horton, asked that his reason for opposition be noted for the record, his reason being that he was opposed to this particular petition and similar petitions because it represented careless work by engineers.
- 9) **6 Carver Street (Z05-228) Special Permit:** Upon a motion by David George and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit for expansion or change of a pre-existing non-conforming use, relative to the petitioner's request to replace a 3 family dwelling with three townhouses with the following conditions: 1) that the two-car garage be built as indicated on the plan, and 2) that the applicant install a fence that abuts the property of 2 Carver Street currently owned by Mr. Paul Bartolomei.

- 10) **435-450 Shrewsbury Street (Z05-229) Variance:** Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to continue the hearing at the petitioner's request until the January 23, 2006 meeting.

Other Business

- 1) **30 Pullman Street (Z05-195) Special Permits:** 30 Pullman Street was called up. The Board heard from Attorney John W. Spillane and Attorney Jonathan Finkelstein, who were present at the meeting, regarding the procedure the Board used in its deliberations. Attorney Jonathan Finkelstein asserted that the Board had violate Open Meeting Law. Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 4-1 (Thomas Hannigan opposed) to take the reconsideration of 30 Pullman Street under procedural advisement and to postpone the consideration of the motion to grant the applicant Leave to Withdraw to January 23, 2006.
- 2) **32 Mendon Street, Scrivener's Error:** Upon a motion by Jerry Horton and seconded by Thomas Hannigan, the Board voted 5-0 to approve the scrivener's error (to add the following previously omitted language to the approved Variances: "and a Variance for 6 feet of relief from the front yard setback") to the final decision.

Approval of Minutes: December 19, 2005 meeting

The meeting adjourned at 9:25 pm.