

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

May 22, 2006

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present: Leonard Ciuffredo, Chair
Jerry Horton, Vice-Chair
Matthew Armendo
Thomas Hannigan
Morris Bergman
David George

Staff Present: Richard Trifero, Division of Code Enforcement
Joel Fontane, Division of Planning and Regulatory Services
Robin Bartness, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

REQUESTS FOR WITHDRAWAL/CONTINUANCE

- 1.) **1219 Main Street (Z-06-68) Variance/Special Permit:** Robert Longden, representative for YUM! Brands, Inc., presented the petition. Mr. Longden requested Leave to Withdraw without Prejudice. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo and Morris Bergman to grant the petitioner's request for Leave to Withdraw without Prejudice relative to the requested Variance for 30 feet of relief from the drive-through and escape lane length requirement, the requested Special Permit to waive four parking spaces from the parking requirement, and the requested Special Permit to allow a fast food service in a BG-2.0 zone.
- 2.) **428 Lake Avenue (Z-06-51) Administrative Appeal:** Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to table the hearing.
- 3.) **3 Bleeker Street (Z-06-73) Special Permit and 3 Bleeker Street (Z-06-94) Variances:** The Board took up both petitions together. Rob Webster expressed concerns about fire access down Bleeker Street, snow removal, traffic, and parking striping on the street. Samuel Rosario, representative for Pasquale Algieri, presented the petition. Upon a motion

by Morris Bergman and seconded by David George, the Board voted (5-0) to continue both items until the June 26, 2006 hearing to allow the applicant time to submit the following: 1.) a rendering of the proposed structure, 2.) a confirmation from the Fire Department that the proposed structure will not affect the Fire Department's access to the neighborhood, 3.) a revised plan showing the removal of the painted parking lines on Bleeker Street, and 4.) a verification from the Building Department that the windows can be covered.

- 4.) **428 Lake Avenue (Z-06-51) Administrative Appeal:** Richard Bianculli, Jr., representative for Gina Fields, petitioner, presented the petition. Joel Fontane, Director of Planning and Regulatory Services, stated the Law Department recommended a denial of the administrative appeal. Robin Bartness, Chief Planner, stated that Deputy City Solicitor, Michael Traynor indicated in a memo dated May 5, 2006, that the original site plan for 428 Lake Avenue was valid although current zoning and building code violations would have to be resolved prior to any development on Lot 428A. Ms. Bartness also clarified that the Board's original Special Permit approval did not create the current lot lines. Donald O'Neil, representative for Luco and Ann Monopoli, stated for the record that the Monopoli had originally applied for a variance for 428 Lake Avenue but were advised not to do so. Richard Fields expressed concern with the parking situation, the driveway and the hole in the yard. Ms. Bartness clarified that the Planning Board had granted Site Plan Approval with a condition that the applicant construct a hammerhead driveway. Mr. Bianculli expressed concern that the Monopoli would be granted future Zoning Board of Appeals relief. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted (5-0) to close the public hearing. Upon a motion by Jerry Horton and seconded by Matthew Armendo, it was voted (1-4) to approve the Administrative Appeal. (Leonard Ciuffredo in favor; Matthew Armendo, Jerry Horton, Thomas Hannigan, and Morris Bergman opposed.) Therefore, the motion did not pass and the administrative appeal was denied.

NEW HEARINGS

- 5.) **61-63 Walworth Street (Z-06-61) Variances:** Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted (5-0) to table the item.
- 6.) **Mohican Road/Dominion Road/Plantation Street (Z-06-89) Special Permit:** Donald O'Neil, representative for Real Estate Alternatives, Inc., petitioner, presented the petition. Courtney Petteer was concerned that the private road would be paved. Kevin Stiles expressed concerns about the dead-end on Mohican Road and drainage issues. Derek Stiles wanted to know how the Herzog property would be accessed. Ms. Bartness stated that although the Department of Public Works did not have any comments on the design, that she would not recommend the current proposed parking situation. Chair Leonard Ciuffredo stated he felt the proposed development was too dense. Upon a motion by Matthew Armendo and seconded by David George, the Board voted (5-0) to continue the public hearing until the June 26, 2006 meeting to allow the applicant time to submit a revised plan and a rendering of the proposed townhouses.

- 7.) **61-63 Walworth Street (Z-06-61) Variance:** Bob O'Neil presented the petition on behalf of Joe Boynton and his clients, Artur Xharja, Mimoza Xharja, and Shpetim Llacaj, petitioners. Upon a motion by Thomas Hannigan and seconded by Jerry Horton, the Board voted (5-0) to close the public hearing. Upon a motion by Thomas Hannigan and seconded by Jerry Horton, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo and Morris Bergman to approve the requested Variances for 1,410 square feet of relief from the gross dimensional requirement for Parcel A, 633 square feet of relief from the gross dimensional requirement for Parcel B, 8 feet of relief from the side yard setback to create a zero lot line, and the Amendment to the Special Permit for expansion or change of a pre-existing, nonconforming structure.
- 8.) **89 West Boylston (Z-06-64) Variances & Special Permit:** Upon a motion by Thomas Hannigan and seconded by Jerry Horton, the Board voted 5-0 to close the public hearing. Upon a motion by Thomas Hannigan and seconded by David George, it was voted (3-2) by Jerry Horton, Thomas Hannigan and Leonard Ciuffredo (Matthew Armendo and David George opposed) to approve the requested Variance for relief from the 5-foot parking setback requirement, the requested Variance for relief from the landscaping requirement for the parking buffer, the requested Special Permit for expansion or change of a pre-existing, nonconforming structure and the requested Special Permit to allow parking for a multi-family low-rise in an RL-7 zone. Therefore, the motion did not pass and the petition was denied. *Note: See subsequent reconsideration vote: Item #24 under Other Business.*
- 9.) **21 Hollywood Street (Z-06-80) Special Permit:** Esmeralda Wilmot, petitioner, presented the petition. David George stated that he did not feel that the proposed use would fit in with the residential neighborhood. Morris Bergman noted that many older Victorian houses in the city and in the surrounding area had historically housed professional and personal services offices. Ms. Wilmot indicated that she would see most of her clients by appointment only. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted 5-0 to close the public hearing. Upon a motion by Matthew Armendo and seconded by David George, the Board voted 0-5 (Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan, and David George opposed) to approve the requested Special Permit to allow a personal services shop (hair salon) in an RG-5 zone. Therefore, the motion did not pass and the petition was denied.
- 10.) **765 West Boylston Street (Z-06-81) Variances:** Ken Strom, representative for J & M Batista Family, petitioners, presented the petition. Mr. Strom indicated that the applicants would like to relocate the Dunkin Donuts from its present location on West Boylston Street to the proposed location at 765 West Boylston Street for the following reasons: 1.) they currently share parking with the abutting Consumer Auto Parts, 2.) they do not own the building at the current site, and 3.) they would like to have the increased stacking space for the drive-through lane. Mr. Strom also stated that the proposed Dunkin Donuts would allow for the stacking of twelve cars as opposed to nine cars at the current Dunkin Donuts location. He also stated that the City does not have available parking counts for the area. Jerry Horton stated that the current site is difficult to navigate. Bruce Bollivar, representative for McDonald's Corporation, expressed concern about traffic and how it would affect his business. William Jose and Jean Jose also expressed concerns about traffic

and parking. Thomas Hannigan stated that the current location of the Dunkin Donuts poses other safety concerns due to its location across from the entrance to Quinsigamond Community College and the current curb cut's proximity to the bus stop. Chair Leonard Ciuffredo expressed concern regarding snow removal, the size of the lot, and possible issues with loading. Mr. Strom stated that snow will be removed from the site. He also stated that products would arrive at the proposed site via a small truck from the Shrewsbury Street Dunkin Donuts. Ms. Bartness stated that, at this time, there are no comments, from the Department of Public Works. Mr. Fontane indicated that the Department of Public Works has been consistent in their policy about drive-through lane lengths for coffee establishments and pointed out that there is a trade-off situation between the current site and the proposed site. William Jose argued that the traffic light is a life-saver and that moving the Dunkin Donuts to the proposed location would create more problems. David George questioned whether such a large storage area was necessary for the site and whether or not some of the storage area could be removed to create better accessibility for the site. Upon a motion by Matthew Armendo and seconded by David George, the Board voted (5-0) to continue the public hearing until the June 26, 2006 meeting so that the applicant has time to address the Board's concerns and provide the following information: 1.) more information on the existing facility, 2.) more information on the types of deliveries, the size of the delivery trucks and how often deliveries would take place, and 3.) traffic patterns for the area.

- 11.) 16 South Cambridge Street (Z-06-82) Special Permit:** Jonathan Finkelstein, representative for Murray Outdoor Communications, petitioner, presented the petition. Mr. Finkelstein stated that the proposed billboard will not interfere with any parking circulation and will be sufficiently screened from the neighborhood. Joseph Murray of Murray Outdoor Communications stated that the signs are printed on stretched, durable vinyl which never rips. He also stated that they currently have six billboards in Worcester with high occupancy rates. In addition, he stated that the structures are painted every few years. Ms. Bartness stated that the Planning Board had granted the petitioner Site Plan Approval on May 17, 2006 for the billboard. Mr. Fontane noted that the applicant had made a concerted effort to meet with staff and neighborhood groups regarding this petition. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted (5-0) to close the public hearing. Upon a motion by Thomas Hannigan and seconded by Matthew Armendo, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the requested Special Permit for a non-accessory billboard.
- 12.) 11 Hammond Street (Z-06-83) Special Permit:** Michael Marchand, on behalf of Alfred Roy and Sons, Inc., petitioner, presented the petition. Upon a motion by Matthew Armendo and seconded by David George, the Board voted (5-0) to close the public hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo and David George to approve the requested Special Permit for expansion or change of a pre-existing, nonconforming structure in order to construct a four-car garage on the existing paved parking lot.

- 13.) **83 Harrison Street (Z-06-84) Extension of Time for a Variance:** James Vevone, representative for the Oak Hill Community Development Corporation, petitioner, presented the petition. Mr. Vevone indicated that Oak Hill CDC was applying for an extension of time because unexpected funding delays. He also stated that they will begin construction in 2-3 months. Upon a motion by Thomas Hannigan and seconded by Jerry Horton, the Board voted (5-0) to close the public hearing. Upon a motion by Thomas Hannigan and seconded by Jerry Horton, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the requested Extension of Time for six months for the previously approved Variance for 300 feet from the gross dimensional requirement.

- 14.) **237 Chandler Street (Z-06-85) Extension of Time for Variance & Special Permit:** James Vevone, representative for the Martin Luther King, Jr. Business Empowerment Center, petitioner, presented the petition. Jerry Horton stated for the record that the extension of time would be valid for six months and that he would not look favorably upon subsequent petitions for additional extensions of time. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted (5-0) close the public hearing. Upon a motion by Jerry Horton and seconded by David George, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and David George to approve the requested Extension of Time for six months for the previously approved Variance of 58 parking spaces from the off-street parking requirement, the Special Permit for expansion or change of a pre-existing, nonconforming structure and the Special Permit to allow manufacturing and other industrial operations in a BL-1.0 zone.

- 15.) **74 Dorchester Street (Z-06-86) Special Permit:** James Vevone, Jeff Howland, and Steve Cook, representatives for Oak Hill Community Development Corporation, petitioner, presented the petition. Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted (5-0) to close the public hearing. Upon a motion by Matthew Armendo and seconded by Jerry Horton, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the requested Variance for 2,210 square feet of relief from the gross dimensional requirement, 5 feet of relief from the exterior side parking requirement and 5.1 feet of relief from the frontage requirement with the condition that the structure be built in accordance with the approved site plan submitted to the Planning Board.

- 16.) **123 Morningside Road (Z-06-87) Variance & Special Permit:** Maria Palumbo, petitioner, presented the petition. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted (5-0) to close the public hearing. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo, and Morris Bergman to approve the requested Variance for 2 feet, 6 inches of relief from the front yard setback requirement and the requested Special Permit for expansion or change of a pre-existing, nonconforming structure.

- 17.) **61 Chandler Street (Z-06-88): Special Permit:** Damien Jacob, representative

for Sponsorspot, petitioner, presented the petition. Mr. Jacob indicated that he had not received the letter sent by the Division of Planning and Regulatory Services requesting additional information. Steve Jones expressed concerns about the large sign next to his building and that people may think he is doing the advertising. He also stated an approval of this wall sign may trigger a snowball effect, where anybody can advertise where there is an open space on the wall. The Board requested that staff determine whether or not the applicant could or should apply for a Special Permit for expansion or change of a pre-existing, nonconforming use, in addition to or instead of, the requested Special Permit for non-accessory signs in a BG-3.0 zone. Upon a motion by Matthew Armendo and seconded by David George, the Board voted (5-0) to continue the hearing until the June 26, 2006 meeting in order to allow the applicant time to 1.) submit a proposed rendering of the sign, 2.) indicate whether it will or not it will be lighted, and, if so, to provide details for the proposed lighting, and 3.) provide the originally requested information indicating how many signs currently exist on the building.

- 18.) **20-22 Onset Street (Z-06-90): Amendment to a Variance:** Upon a motion by Matthew Armendo and seconded by David George, the Board voted (5-0) to close the public hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo and David George to approve the requested amendment to the previously approved Variance (on January 9, 2006) to delete the condition stipulating that the structure must be a single-family, semi-detached dwelling (duplex) and replace with “two-family dwelling.”
- 19.) **24 Channing Street (Z-06-92):** Neither the applicant nor a representative was in attendance to present the petition. Nancy Callender, an abutter, indicated that she would like to obtain clarification about the petition. Ms. Bartness stated that the applicant may not have understood that he should attend the meeting. Upon a motion by Matthew Armendo and seconded by David George, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Thomas Hannigan, Matthew Armendo and David George to continue the hearing until the July 10, 2006 meeting.

OTHER BUSINESS

- 20.) **525 Lincoln Street – Scrivener’s Error:** Upon a motion by Thomas Hannigan and seconded by Jerry Horton, the Board voted 5-0 to approve the corrected decision for 525 Lincoln Street.
- 21.) **April 24, 2006 minutes:** Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to approve the April 24, 2006 minutes.

May 8, 2006 minutes: Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to approve the May 8, 2006 minutes with the following amendment: David George asked that his request for a memo regarding staff’s policy towards the addition of units to create single-family attached dwelling units in RL-7 zones be added to the May 8, 2006 minutes.

- 22.) **Email Communication** – Chair Leonard Ciuffredo requested that staff at the Division of Planning and Regulatory Services reduce the number of nonessential emails sent to the Board.
- 23.) **Extension of Time Applications / Administrative Appeals** – Chair Leonard Ciuffredo requested that petitions for Extension of Time be placed first under New Hearings on the agenda. Board members also suggested that Administrative Appeals, because they are time consuming be placed later on the agenda.
- 24.) **Reconsideration: 89 West Boylston Street (Z-06-64) Variances and Special Permits:** Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted 5-0 to reconsider the previous vote for 89 West Boylston Street. *See item # 8 under New Hearings.* Upon a motion by Thomas Hannigan and seconded by Matthew Armendo, the Board voted (5-0) to withdraw the original motion to approve all requested Variances and Special Permits. Upon a motion by Jerry Horton and seconded by Thomas Hannigan, the Board voted (5-0) to re-open the public hearing. Joel Greene stated that the proposed structure is appropriate for the neighborhood, that it is a privileged nonconforming use, and that it fits in with the abutting multi-family dwellings. He also stated that the parking and drainage for the site will be improved. He asked that the Board consider the Special Permits for parking, separately. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted (5-0) to close the public hearing. Upon a motion by Jerry Horton and seconded by Thomas Hannigan, it was voted by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan, David George and Leonard Ciuffredo to approve the requested Variance for relief from the 5-foot parking setback requirement, the requested Variance for relief from the landscaping requirement for the parking buffer, and the requested Special Permit for expansion or change of a pre-existing, nonconforming structure. Upon a motion by Jerry Horton and seconded by Thomas Hannigan, it was voted (5-0) by Leonard Ciuffredo, Jerry Horton, Matthew Armendo, Thomas Hannigan and David George to approve the Special Permit to allow parking for a multi-family low-rise in an RL-7 zone.

ADJOURNMENT

Chair Leonard Ciuffredo adjourned the meeting at 9:35 PM.