

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

**AUGUST 14, 2006
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

Zoning Board Members Present: Leonard Ciuffredo, Chair
Matthew Armendo
Thomas Hannigan
Morris Bergman
David George
Andrew Freilich

Staff Present: Richard Trifero, Division of Code Enforcement
Wendy Quinn, Law Department
Joel Fontane, Division of Planning & Regulatory Services
Edgar Luna, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

EXECUTIVE SESSION

The Board recessed into an Executive Session from 5:35 PM to 6:00 PM.

APPROVAL OF THE MINUTES

Upon a motion by Thomas Hannigan and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Thomas Hannigan, Matthew Armendo, Morris Bergman and David George to approve the July 10, 2006 Minutes.

Upon a motion by Thomas Hannigan and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Thomas Hannigan, Matthew Armendo, Morris Bergman and David George to approve the July 24, 2006 Minutes.

CONTINUED HEARINGS

- 1. 50 Green Hill Parkway (Z-06-77) – Special Permit and Variance:** Maydee Morales, representative for Leila Bessa, petitioner, presented the petition. Ms. Morales stated that the petitioner was not able to provide professionally drawn plans showing 6 parking spaces on

the driveway because the cost estimates for such plans were high. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Matthew Armendo, Thomas Hannigan, Morris Bergman and David George to approve the following:

- **SPECIAL PERMIT: Residential Conversion from a Two-Family Dwelling to a Three-Family Dwelling.**

Upon a motion by Morris Bergman and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Matthew Armendo, Thomas Hannigan, Morris Bergman and David George to approve the following:

- **VARIANCE: Relief of 4 Parking Spaces from the Off-Street Parking Requirements.**

2. **61 Chandler Street (Z-06-88) – Special Permit:** The Variance and Special Permit for 61 Chandler Street were taken up concurrently. Damien Jacob, representative for George Maldonado, petitioner, presented the petition. Mr. Fontane stated that the Law Department had confirmed that since the sign will not advertise or call attention to any activity, business, or person occupying 61 Chandler Street, the sign is not an accessory sign as defined in the Zoning Ordinance, but is a non-accessory sign. Mr. Armendo asked if the applicant would consider installing a smaller sign. Mr. Jacob stated the applicant was seeking to install a large sign to cover the existing Ken Jones sign in its entirety. Matthew Armendo stated that the proposed sign is too large, and approving it would set a precedent for the future. Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted 1-3 by Leonard Ciuffredo to approve the Special Permit to allow a non-accessory sign in a BG-3.0 zone (Morris Bergman abstaining and Matthew Armendo, Thomas Hannigan, and David George voting against). The motion failed, and therefore the petition was denied.

NEW HEARINGS

- 3- **61 Chandler Street (Z-06-139) – Variance:** Damien Jacob, representative for George Maldonado, petitioner, presented the petition. Mr. Jacob stated that the petitioner was seeking a variance of relief from Article IV, Section 6, to place a 350 square foot commercial banner on the west exterior wall of the building. Upon a motion by Matthew Armendo and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted 1-3 by Leonard Ciuffredo to approve the Variance for Relief from Article IV, Section 6, which states that a wall sign shall not exceed 20% of the area of the wall and Table 4.3, which states that signs in a BG-3.0 zone shall not exceed 150 square feet (Morris Bergman abstaining and Matthew Armendo, Thomas Hannigan, and David George voting against). The motion failed, and therefore the petition was denied.

4. **8 Penn Avenue (Z-06-133) – Special Permit and Variance:** Elias Zeena, petitioner, presented the petition. Mr. Zeena stated that the Zoning Board of Appeals had previously granted him the same requested Special Permit and Variance on January 24, 2005. He indicated that he was not able to implement them because he was not able to sell the building at 236 Grafton Street, where the present business is located. Mr. Zeena stated that the hours of operation for the proposed liquor/package store would be 10:00 AM until 11:00 PM, Monday through Saturday, and 12:00 PM until 11:00 PM, on Sundays. Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonardo Ciuffredo, Thomas Hannigan, Matthew Armendo, Morris Bergman and Andrew Freilich to approve the following:

- **SPECIAL PERMIT: For the Expansion or Change of a Pre-Existing, Nonconforming Use/Structure.**
- **VARIANCE: Relief of 4 Parking Spaces from the Off-Street Parking Requirements.**

5. **32 Bancroft Street (Z-06-134) – Variances:** Patricia Gates, representative for Carroll Development Corporation, petitioner, presented the petition. Ms. Gates stated that the petitioner was seeking to construct a duplex at this location. John Freeman and Steve Freeman, abutters, expressed concern regarding additional on-street parking and its negative impact on their business and traffic in the area. Ms. Gates stated that while the lot is legally described as undevelopable land due to its size, granting the requested variances would add two units to the housing market, and thereby make a positive use of said lot. Mr. Fontane stated that the requested variances were significantly large for a lot that is legally described as undevelopable. In addition, Mr. Fontane expressed concern that while the applicant was providing a 2 car garage per unit, the garages could be used for storage and the vehicles would end up parking in front of the house due to the small dwelling size. In addition, he stated that the lack of a sufficient front yard setback area for parking could lead to increased on-street parking of vehicles, which could exacerbate parking issues in the neighborhood. Mr. Armendo stated that a duplex at this location would have a negative impact on the neighborhood. Upon a motion by Matthew Armendo and seconded by Thomas Hannigan, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by David George, it was voted 0-5 by Leonard Ciuffredo, Thomas Hannigan, Matthew Armendo, Morris Bergman and David George to approve the following Variances: Relief of 1,022 square feet from the gross dimensional requirement for Lot 1L, Relief of 1,049 square feet from the gross dimensional requirement for Lot 1R, Relief of 3 feet from the rear yard setback requirement for both lots, and Relief of 3 feet and 5 inches from the front yard setback requirement for both lots. The motion failed, and therefore the petition was denied.

6. **375 Airport Drive (Z-06-135) – Special Permit:** Maurya Sullivan, representative for New Cingular Wireless PCS, LLC, petitioner, presented the petition. Ms. Sullivan stated that New Cingular Wireless was seeking a Special Permit to construct and install a wireless communications facility adjacent to existing communication facilities at the Worcester Airport. She also stated that the petitioner was seeking to construct a 60-foot tall monopole adjacent to the existing tower site, with up to 12 antennas, and an equipment shelter. Mr.

Armendo asked how the monopole would function in case it would collapse. Ms. Sullivan stated that the monopole was designed to collapse vertically onto itself. Mr. Fontane stated that Phillip Niddrie had sent a letter on behalf of the Worcester Airport stating their support. He also stated that if the applicant seeks to locate the monopole where there are buildings within its fall zone, a variance would be required. Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonardo Ciuffredo, Thomas Hannigan, Matthew Armendo, Morris Bergman and Andrew Freilich to approve the following:

- **SPECIAL PERMIT: To Allow a Personal Wireless Service Facility.**

7. **222 Harrington Way (Z-06-136) – Special Permit:** Maurya Sullivan, representative for New Cingular Wireless PCS, LLC, petitioner, presented the petition. Ms. Sullivan stated that New Cingular Wireless was seeking a Special Permit to install a wireless communications facility on the existing lattice tower located at 222 Harrington Way, adjacent to the main building of the Worcester Ecotarium. Additionally, she stated that a Geotechnical Engineering team had determined that the existing tower needed to be relocated approximately 15-20 feet southeasterly of the current location because the present foundation is inadequate due to its soil conditions and would not support additional communications equipment. Further, she indicated that the proposed project would include installation of up to 9 antennas, which would be mounted to the tower in array of up to 3 antennas each. Stephen Pitcher, speaking on behalf of the Worcester Ecotarium, stated that the Worcester Ecotarium supported the project. Mr. Armendo asked if installing a monopole was considered for this project. Ms. Sullivan stated that the Worcester Ecotarium had indicated that using the existing lattice tower was preferred. She also added that only the main buildings of the Worcester Ecotarium were determined to be within the fall zone of the relocated lattice tower. Mr. Trifero stated that the applicant did not need a variance to relocate the existing lattice tower closer to the main buildings of the Worcester Ecotarium. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to close the hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, it was voted 5-0 by Leonardo Ciuffredo, Thomas Hannigan, Matthew Armendo, Morris Bergman and David George to approve the following:

- **SPECIAL PERMIT: To Allow a Personal Wireless Service Facility.**

OTHER BUSINESS

8. **Public Hearing Attendance / Voting:** Mr. Fontane described in detail the new state law regarding meeting and voting requirements.
9. **Proposed Zoning Ordinance Amendment.** Mr. Fontane described in detail the proposed Zoning Ordinance amendments before the Planning Board on August 16, 2006:

- Article II, Section 6(1), Application for Special Permit under Article IX or Article X, the Planning Board shall be the SPGA under the provisions of Article XIII, Section 5(3).
- Article IV, Section 7(1) G, Drive-through Service.
- Article XV, Flexible Parking Overlay District Amendment.

ADJOURNMENT

Chair Ciuffredo adjourned the meeting at 8:50 PM.