

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

**June 4, 2012**

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

**Zoning Board Members Present:**

Andrew Freilich, Chair  
Lawrence Abramoff, Vice-Chair  
William Bilotta  
Kola A. Akindele

**Staff Present:**

Joel Fontane, Division of Planning & Regulatory Services  
Deborah Steele, Division of Planning & Regulatory Services  
John Kelly, Department of Inspectional Services

**Board Site Views**

**CALL TO ORDER**

Chair Freilich called the meeting to order at 5:38 PM. Chair Freilich made the audience aware that only four members of the Board were present and that petitions would require an affirmative vote from all four members and that the Board would be amenable if applicants wished to postpone items for that reason.

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

**1. 10 Midgley Lane (ZB-2012-029):**

The petitioner, Patrick Hayes, requested a continuance until the June 25, 2012. Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 to continue the meeting to June 25, 2012.

**2. 10 Midgley Lane (ZB-2012-029):**

The petitioner, Patrick Hayes, requested a postponement until the June 25, 2012 Zoning Board meeting. Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 to postpone the meeting to June 25, 2012.

**3. 888 Grafton Street (ZB-2012-034):**

Benedict A. Grigaliunas appeared on behalf of the petitioner, Brendan Ly, and requested a postponement until the June 25, 2012 Zoning Board meeting. Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 to postpone the meeting to June 25, 2012.

**4. 55 Greencourt Street (ZB-2012-030):**

Hossein Haghanizadeh from HST Group appeared on behalf of the petitioner, Joanne Konan, and requested a postponement until the June 25, 2012 Zoning Board Meeting. Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 to postpone the meeting to June 25, 2012.

**5. 2 Northboro Street (ZB-2012-031):**

Hossein Haghanizadeh appeared on behalf of the petitioner, Rodney Haddad, and requested a postponement until the June 25, 2012 Zoning Board Meeting. Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 to postpone the meeting to June 25, 2012.

**NEW BUSINESS**

**6. 1 Midland Street (ZB-2012-032):**

Dino Singas appeared on behalf of petition. Mr. Singas stated request was to remove and replace the existing garage with a larger three car garage.

Mr. Abramoff asked if there was a rendering of proposal.

Mr. Fontane stated in supplemental package there was email from applicant with the proposed garage.

Mr. Abramoff stated he thought design looked fairly nice and did not think it would impact the neighborhood.

Mr. Bilotta asked whether it would be an apartment.

Mr. Singas stated no and area would be utilized for storage.

Anna Kontaxis, abutter to the property, stated she is objection to the proposal as it would impact her property. She felt that building would be too large and would require demolition, bringing in large equipment to build a trench, bringing in cement trucks and staging to put up the siding and does not feel that could be done within the three foot side yard setback.

Chairman Freilich explained that the relief sought still requires Mr. Singas to adhere to the laws of construction and they can condition that Mr. Singas keep all construction equipment on his property and that he keep it clean and neat so not to disturb her property.

Ms. Kontaxis asked if proposal followed the regulation regarding open space between buildings.

Mr. Fontane stated that there are no regulations regarding open space between buildings and believed Ms. Kontaxis was referring to setbacks and that is why the applicant was before Board to apply for a variance of relief of three feet from the side yard setback dimensional requirement and that applicant will be within in two feet of the five requirement which will make the garage longer.

Mr. Abramoff asked Ms. Kontaxis if her driveway runs along Mr. Singas's property or her grass.

Ms. Kontaxis stated it ran along her driveway and her home.

Mr. Fontane stated that in terms of by right alternatives there appears to be sufficient area on the parcel to be compliant with the rear and side yard setbacks.

Chairman Freilich asked Mr. Singas why he needed a three car garage and why it couldn't be pulled two feet closer to the property line.

Mr. Singas stated even if variance is not approved he has to repair garage as during the ice storm Ms. Kontaxis's garage fell and damaged his garage.

Mr. Singas stated if he has to move the garage five from the property line it will be a considerable expense as he will have to shift the pavement.

Mr. Fontane stated as alternative the Board could look at side yard set back and not complying with the rear yard set back. So you could move the structure few feet closer to Newton Avenue and only require variance from the rear yard set back.

Chairman Freilich asked what minimum depth required for a garage.

Mr. Fontane stated on this application it is 20 feet.

Chairman Freilich stated he felt that applicant's request is reasonable.

Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Abramoff and seconded Mr. Billotta the Board voted 4-0 to approve the

Variance: Relief of 3-ft from the side yard setback dimensional requirement (min 5-ft required)

Variance: Relief of 4-ft from the rear yard setback dimensional requirement (min 5-ft required)

with the following conditions of approval:

1. The structure be constructed in substantial accordance with the final approved Variance Plan on file with the Division of Planning & Regulatory Services;

2. Minimum one 3" caliper shade tree that is Asian Long Horn Beetle resistant be planted on the lot in the vicinity of the garage off-setting an increase in impervious surface;
3. That area labeled as grass on the Variance Plan remains unpaved;
4. The proposed structure is to be non-habitable;
5. That structure be built in accordance with all building codes;
6. That structure be built in accordance with rendering submitted Dino Singas. Exhibit D.
7. That construction be done in such a way to minimize effects on neighbors.

**List of Exhibits.**

- Exhibit A: Variance Application; received 4/26/2012; prepared by Singas Midland Trust.
- Exhibit B: Variance Plan; dated 4/2/2012,; prepared by Robert D. O'Neil, Jr.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 1 Midland Street; May 31, 2012.
- Exhibit D: Email rendering submitted by Dino Singas on May 31, 2012.

**7. 60 Shrewsbury Street (ZB-2012-033)**

Attorney Chung Lee appeared on behalf of the petitioner, 7 Nana Steak House, Inc. along with Jack Loo the proposed manager of the restaurant on request to install an 149.5SF channel letter roof sign.

Mr. Lee stated he had read memorandum from Department of Planning & Regulatory Services and agreed with department's finding that the premises is fronting Shrewsbury Street. Application submitted stated that the area was off of and not fronting Shrewsbury Street.

Mr. Lee stated that 7 Nana Steak House has received approval for a liquor license for a restaurant and they would like a roof sign so that traffic passing through Shrewsbury Street would see advertisement for the restaurant.

Mr. Fontane stated that Division of Planning & Regulatory Services would recommends approval with the condition that it is a channel roof sign and constructed with rendering submitted.

John Kelly from Inspectional Services stated he had no comment.

Chairman Freilich asked where the traffic views would be from.

Attorney Chung Lee stated from Shrewsbury Street.

Chairman Freilich asked sign if would be visible from 290.

Mr. Fontane stated you may be able to see sign from 290 but would not obstruct any of the views of Union Station.

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

Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 to approve Special Permit for Accessory Permanent Freestanding Roof Sign with Channel Letters in Union Station Sign Overlay District with the following conditions of approval:

- Only one roof sign is allowed per lot;
- No freestanding signs are allowed on the site as long as the roof sign is present;
- That it is a channel roof sign and constructed with rendering submitted to Department of Planning & Regulatory Services.

**List of Exhibits.**

- Exhibit A: Special Permit Application; received 5/1/2012; prepared by 7 Nana Steak House Inc.
- Exhibit B: Proposed Sign Rendering; 12/20/2011; prepared by Statewide Sign & Design, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 60 Shrewsbury Street; May 31, 2012.

**8. Marcius Road (ZB-2012-035)**

Tim Womer appeared on behalf of application. Mr. Womer stated he would like to construct a 952SF detached garage that is 23-ft in height in the rear of the property.

Mr. Womer stated reason for request is to increase storage space.

John Kelly from Inspectional Services stated he had no comments.

Mr. Fontane stated Division of Planning and Regulatory Services recommends approval but only two copies of revised plans would be required.

Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 close the public hearing.

Upon a motion by Mr. Abramoff and seconded by Mr. Akindele the Board voted 4-0 approve the Variance for relief of 8-ft from the height dimensional requirement for detached garage with the following conditions of approval:

- 1) That two copies of revised plans be submitted with the following modifications:
  - a. Correct the plan scale to read 1"= 30'
  - b. Revise the dimensional summary

- i. RS-7 district minimum yard setback requirements should read: front (20'), side (8') and rear (20').<sup>1</sup>
    - ii. Correct the proposed total building area, proposed lot coverage and existing free space
  - c. Provide dimensions, lots lines, setback requirements and SF of the garage, existing dwelling and shed
  - d. If the driveway is expanded and paved, maintain green space on both sides of the driveway and label the materials to be used
- 2) The proposed structure is to be non-habitable and no plumbing is to be installed;
  - 3) No commercial business to be conducted in the structure;
  - 4) Install a rain barrel to collect rainwater runoff from roof down spouts;
  - 5) That the project is constructed in substantial accordance with the final approved plot plan.

**List of Exhibits.**

- Exhibit A: Variance Application; received May 4, 2012; prepared by Tim Womer.
- Exhibit B: Site Plan; dated April 21, 2012; prepared by Atlas Land Surveying, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 1 Marcius Road; dated May 31, 2012.

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<sup>1</sup> Accessory buildings require minimum setbacks of 5'.

**APPROVAL OF THE MINUTES**

Upon a motion by Mr. Abramoff and seconded by Mr. Bilotta the Board voted 4-0 to approve the following minutes: February 13, 2012 and May 14, 2012.

**ADJOURNMENT**

Chair Freilich adjourned the meeting at 6:25 p.m.