

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
June 13, 2005**

**Board Members Attending:** Thomas Hannigan  
John Reynolds  
Matthew Armendo  
Lenny Ciuffredo  
David George  
Jerry Horton

**Staff Attending:** Jody Valade, Division of Land Use  
David F. Holden, Department of Code Enforcement  
Denise McGinley, Division of Land Use  
Edgar Luna, Economic Office of Neighborhood Services

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Thomas Hannigan opened the meeting at 5:30 P.M. The following actions were taken:

**301 Southwest Cutoff – Special Permit:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Special Permit (*to erect a freestanding, non-accessory sign*) as listed below:

Special Permit:

1. To allow freestanding, non-accessory sign in a MG-2.0 zoning district.

**391 Shrewsbury Street – Special Permits:** Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permits (*to convert vacant retail use into a hair and nail salon*) as follows:

Special Permits:

1. Expansion or change of a non-conforming use/structure.
2. To allow a personal service shop in a MG-2.0 zoning district.

**23 Oxford Street – Variance & Special Permits:** Upon a motion duly made by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Leave to Withdraw Without Prejudice (*to convert existing church into dwelling units*) as follows:

Variance:

1. Relief of 1 foot 3 ½ inches from Side Yard setback requirement.

Special Permit:

1. Conversion to dwelling units (7).
2. Relief of 240 square feet from landscaping / barrier requirement (reduce 5 foot buffer to 3 feet in width – north boundary).
3. Expansion or change of a non-conforming use.

**311 Bridle Path – Variances:** Upon a motion duly made by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variances (*to raise existing structure and replace with a new single-family dwelling*) with the following condition as listed below:

Variances:

1. Relief of 4,040 square feet from Gross Dimensional requirement.
2. Relief of 25 feet from Frontage requirement.
3. Relief of 6 feet from Front Yard setback requirement.

Condition: The height, from grade to peak of said proposed replacement structure, can only be seven (7) feet taller than the existing dwelling.

**1429 Grafton Street – Special Permit:** Upon a motion duly made by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit (*to sell used automobiles*) with the following condition as listed below:

Special Permit:

1. To allow automotive sales in a BL-1.0 zoning district.

Condition:

1. There are to be no more than a total of three (3) vehicles for sale at the locus at any one time.

**39 Seymour Street – Variance & Special Permit:** Upon a motion duly made by Jerry Horton and seconded by John Reynolds, the Board voted 5-0 to continue the request for Variance & Special Permit (*to construct exterior set of stairs in order to facilitate a second egress for third floor apartment*) until June 27, 2005 as listed below:

Variance:

1. Relief of three (3) feet from Side Yard setback requirement.

Special Permit:

1. Expansion or change of a non-conforming use / structure.

**39 Shelby Street – Administrative Appeal:** Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 4-1 (Lenny Ciuffredo voted No) to deny the Administrative Appeal as follows:

Administrative Appeal:

1. To overturn the March 9, 2005 Planning Board decision granting Site Plan approval for a parcel located at 39 Shelby Street.

**182 Olean Street – Special Permit:** Upon a motion duly made by Jerry Horton and seconded by John Reynolds, the Board voted 4-1 (Matthew Armendo voted No) to approve the request for Special Permit (*to construct an addition to existing single-family dwelling*) as follows:

Special Permit:

1. Expansion or change of a non-conforming use / structure.

**137 Lovell Street – Special Permits:** Upon a motion duly made by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to grant a Leave to Withdraw Without Prejudice (*to construct a low-rise multi-family dwelling – 6 units; on mbl# 14-012-00028A*) as follows:

Special Permit:

1. New residential construction (6 units).
2. To allow multi-family low-rise construction in a RL-7 zoning district.

**13 Wrentham Road – Variance:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 4-1 (Matthew Armendo voted No) to approve the requested Variance (*to construct a single-family dwelling*) as listed below:

Variations:

1. Relief of five (5) feet from Frontage requirement.

**Shannon Street / Rice Lane – Variations:** Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variations (*to develop a portion of said land area by converting it into forty-six townhouses (eight of which will be on Shannon Street: Lot A-2B; and thirty-eight of which will be on Rice Lane: Lot C)*) as listed below:

Variations:

1. Relief of three (3) feet from Frontage requirement (Lot A-2B).
2. Relief of sixteen (16) feet from Frontage requirement (Lot C).
3. Relief of two (2) feet from Height limitations.

**Trenton Street (Lots 79/80) – Variations:** Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 4-1 (Lenny Ciuffredo voted No) to approve the requested Variations (*to construct a single-family dwelling*) as listed below:

Variations:

1. Relief of 500 square feet from Gross Dimensional requirement.
2. Relief of 15 feet from Frontage requirement.
3. Relief of 2 feet from Side Yard setback requirement.
4. Relief from parking requirement (Article IV, Section 7, Off-street Parking – 5 foot setback parking area).

**83 Harrison Street – Variance:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Variance (*to construct two single-family semi-detached dwelling units – 2 duplexes*) as listed below:

Variations:

1. Relief of 300 square feet from Gross Dimensional requirement.

**335 Plantation Street – Variances & Special Permit:** Upon a motion duly made by John Reynolds and seconded by Lenny Ciuffredo, the Board voted 5-0 to approve the requested Variances & Special Permit (*to construct two additions to existing structure: one to enlarge waiting area for hair salon & one to enlarge solarium*) as listed below:

Variances:

1. Relief of 14 feet 8 ½ inches from Side Yard setback requirement (west side).
2. Relief of 6 feet 1 ¼ inches from Side Yard setback requirement (east side).
3. Relief of 4 spaces from Off-Street parking requirement.

Special Permit:

1. Expansion or change of a non-conforming use / structure.

**1112 West Boylston Street – Special Permits:** Upon a motion duly made by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to continue the requested hearing for Special Permits to July 11, 2005 (*to construct two structures for low-rise, multi-family dwelling units – 6 units in one building and 5 in the other building*) as listed below:

Special Permits:

1. New residential construction (11 units).
2. To allow multi-family low-rise construction in a RL-7 zoning district.

**1300 Grafton Street – Variances & Special Permit:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Variances and Special Permit (*to construct twelve single-family attached dwelling units: 4 structures; of which, each to contain 3 single-family attached dwelling units*) as listed below:

Variances:

1. Relief of 15.33 feet from Frontage requirement (Lot 3A-B).
2. Relief of 3.21 feet from Frontage requirement (Lot 3A-C).
3. Relief of 5 feet from Frontage requirement (Lot 3B-A).
4. Relief of 16 feet from Frontage requirement (Lot 3B-B).
5. Relief of 15.33 feet from Frontage requirement (Lot 4A-B).
6. Relief of 4.31 feet from Frontage requirement (Lot 4A-C).
7. Relief of 7.02 feet from Frontage requirement (Lot 4B-A).
8. Relief of 16 feet from Frontage requirement (Lot 4B-B).

Special Permit:

1. New residential construction (12 units).

**500 Salisbury Street – Variances and Special Permits:** Upon a motion duly made by Jerry Horton and seconded by John Reynolds, the Board voted 5-0 to approve the requested Variance and Special permit (*to install a support structure for a telecommunication facility*) as listed below:

Variance:

1. Relief of seventeen (17) feet from Height requirement (Article IV, Section 12 (2) (C) (1)).

Special Permit:

1. To allow personal wireless service facility installation in an IN-S zoning district.

Note:

Please see "Other Business" for request of opinion to Law Department regarding 500 Salisbury Street filing.

**165 Holden Street – Special Permits:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 3-2 (Lenny Ciuffredo and Matthew Armendo voted No) to approve the requested Special Permits (*to divide parcel into three lot*). Therefore; since the vote did not carry (4-1 required) the petition as listed below stands denied:

Special Permit:

1. To allow single-family semi-detached dwelling units in a RS-7 zoning district.
2. New residential construction (4 units).

**64 Water Street – Variance & Special Permit:** Upon a motion duly made by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Variance and Special Permit (*to remodel and develop existing vacant residential units*) as listed below:

Variance:

1. Relief of 122 feet from Frontage requirement.

Special Permit:

1. Expansion or change of a non-conforming use / structure.

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**OTHER BUSINESS: (1)**

The Board requested that the following opinion be obtained from the Law Department:

1. Do tax exempt properties, such as hospitals, colleges, churches, that enter into leases with telecommunication companies that lease structures for the purpose of installing wireless service, pay taxes to the City of Worcester, based on the rental which is now a commercial use.

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**Approval of Minutes:** Upon a motion duly made and seconded, the Board voted 5-0 to approve the minutes of the May 9, 2005 and May 23, 2005 meeting.

The meeting adjourned at 9:30 p.m.