

WORCESTER ZONING BOARD OF APPEALS
MINUTES OF MEETING
September 26, 2005

Board Members Present: Thomas Hannigan
Leonard Ciuffredo
John Reynolds
Matthew Armendo
Morris Bergman

Staff Present: Dave Holden, Department of Code Enforcement
Lara Bold, Division of Planning and Regulatory Services

Executive Session (5:00 PM)

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

Call to Order: Thomas Hannigan called the meeting to order at 5:00 P.M. The Board then went into Executive Session to discuss pending litigation. The Board reconvened at 5:30 PM.

- 1) **43 Olga Avenue (Z05-116) – Variances & Special Permit:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the petitioner's requested Variance for 15' of relief from frontage requirement, the requested Variance for 9' feet of relief from side yard setback and the requested Special Permit for expansion of a pre-existing non conforming structure.
- 2) **67 King Street (Z05-120) - Variance:** Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 5-0 to continue the hearing until October 17, 2005 and requested the applicant provide more detailed information about the lot and where the proposed single-family semi-detached dwelling will be located.
- 3) **101 Barry Road (Z05-117) Special Permit:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 3-2 (Leonard Ciuffredo and Thomas Hannigan opposed) to deny the requested Special Permit to construct and operate a nursing or convalescent home in an RS-7 zone. The Board determined that traffic issues were not sufficiently addressed and felt that the site view deficiency created by the entrance would negatively impact the neighborhood.
- 4) **1 & 3 Prioulx Street (Remand from Land Court)** Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 5-0 to continue the hearing until October 17, 2005 in order for the Board to review documents from the Law Department.
- 5) **10 Dearborn Street (Z05-148) – Special Permit:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit to allow placement of fill around the perimeter drain.

- 6) **17 Esper Avenue (Z05-134) - Variances:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 4-0 (John Reynolds recused himself) to approved the requested Variance for 14 feet of relief from the front yard setback requirement.
- 7) **2 Dixfield Street (Z05-150)– Variance:** Upon a motion by Morris Bergman and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the petitioner’s requested Variance for 6 feet of relief from the rear yard setback requirement.
- 8) **4 Dixfield Street (Z05-151) – Variance:** Upon a motion by Morris Bergman and seconded by John Reynolds, the Board voted 5-0 to approve the petitioner’s requested Variance for 6 feet of relief from the rear yard setback requirement.
- 9) **12 Washburn Avenue (Z05-137) – Special Permit:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the petitioner’s requested Special Permit to allow a warehouse to be used for cleaning and restoration in an RG-5 zone with the following conditions: 1.) The petitioner will operate during reasonable business hours (between 7am-5pm) with occasional emergency evening hours, Monday through Friday with some Saturday morning hours. 2.) The petitioner will store all chemicals inside the building. 3.) No cleaning of furniture or other items from houses will take place on site. 4.) No off site parking will occur as a result of the cleaning and restoration operations.
- 10) **349 Bridle Path (Z05-153) – Variances and Special Permit:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variance for 6 feet of relief from the side yard setback requirement on the left side of the building, the requested Variance for 3 feet of relief from the side yard setback requirement on the right side of the building, the requested Variance for 10 feet of relief from the rear yard setback requirement, and the requested Special Permit for the expansion or change of a non conforming structure.
- 11) **3 Beaman Street (Z05-154) –Special Permit:** Upon a motion by Leonard Ciuffredo and seconded by John Reynolds, the Board voted 5-0 to approve the petitioner’s requested Special Permit for an expansion or change of a pre-existing non-conforming use.
- 12) **242A Stafford Street (Z05-155) – Amendment to a Special Permit:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 4-0 (John Reynolds recused himself) to approve the requested Amendment to a Special Permit for expansion or change of a non-conforming use. The approved amendment includes an expansion of the footprint of the building and the construction of an additional floor.
- 13) **38 Tornita Avenue (Z05-156) – Administrative Appeal:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to deny the petitioner’s requested Administrative Appeal to overturn the Planning Board’s site plan approval at 38 Tornita Avenue.

- 14) **95 Hope Avenue (Z05-157) – Variances and Special Permit:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the requested Variance for 20 feet of relief from the rear yard setback requirement, the requested Variance for 9 feet of relief from front yard setback, the requested Variance for waiver from setback, buffer and landscaping requirements, and a Special Permit for expansion or change of a pre-existing non-conforming structure.
- 15) **30 Hollis Street (Z05-158) – Special Permit:** Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 4-0 (John Reynolds recused himself) to continue the public hearing for the requested Special Permit to allow a flea market in an MG-2.0 zone until October 17, 2005, in order to give the applicant time to provide the Board with more information regarding the entrances and exits of the site, designated parking areas, and the possible tenants for the flea market.
- 16) **5 Falcon Street (Z05-145) – Variance:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 at the request of the applicant to continue the public hearing for the requested Variance for 15 feet of relief from the frontage requirement until the November 14, 2005 meeting.
- 17) **2 Belcourt Street (Z05-160) – Special Permit:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo the Board voted 5-0 to continue the public hearing until the November 14, 2005 for the requested Special Permit to allow single-family attached dwellings in an RL-7 zoning district.
- 18) **298 Lovell Street (Z05-161) – Variances:** Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to deny the petitioner's requested Variances for relief of 661 square feet of the gross dimensional requirement and the requested Variance from 10 feet of frontage requirement because the lot cannot be subdivided for the duplexes without creating a hardship.
- 19) **137 Lovell Street (Z05-162) – Special Permit:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit to allow a single family attached dwelling unit in an RL-7 zone with the following conditions pursuant to a letter dated September 6, 2005 from Michael Murphy (Concord Hill Development): 1.) 75' no disturbance zone in the rear of the lot that will not be disturbed during construction, 2.) 6' foot high privacy fence to be installed along left hand lateral property line beginning 25' from the front line and continuing to no disturbance zone, 3.) no site work or landscaping on Saturday and Sunday and interior construction limited to the hours of 9AM-4PM on Saturdays; 4.) Townhouse style design that will be sold upon completion.
- 20) **261 Plantation Street (Z05-163) – Special Permit:** Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 5-0 to continue the public hearing, at the request of the applicant, until November 14, 2005.

Other Business

21) **31 Richmond Avenue (Z05-140) Vote to Reconsider** – Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the petitioner's request to reconsider the previously denied petition, provided the applicant re-notify abutters, re-advertise and provide a more detailed plan to the Board. The Board also requested fees be waived. The public hearing will be held October 17, 2005

22) **5 Mann Street** – Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 5-0 to approve the petitioner's requested extension of time.

Approval of Minutes: Upon a motion by Leonard Ciuffredo and seconded by John Reynolds, the Board voted 5-0 to approve the September 12, 2005 minutes.

The meeting adjourned at 9:00 P.M.