

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

**FEBRUARY 13, 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: Dave Holden, Division of Code Enforcement
Joel Fontane, Division of Planning & Regulatory Services
Robin Bartness, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services

REGULAR MEETING (5:30 PM)

1. CALL TO ORDER

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

2. REQUESTS FOR WITHDRAWAL/CONTINUANCE

36 Wilbur Street (Z-06-09) Special Permit: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (Morris Bergman voted as alternate) to grant the petitioner's requested Leave to Withdraw without Prejudice relative to a Special Permit to allow single-family attached dwellings in an RL-7 zone; the applicant was not able to provide proof of standing.

29 East Mountain Street (Z-06-10) Special Permit: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to grant the petitioner Leave to Withdraw without Prejudice and asked that the applicant re-apply and that staff re-notify abutters.

Southold Street (Z-06-18) Special Permit: Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 (Morris Bergman voted as alternate) to grant the petitioner's request to Leave to Withdraw without Prejudice, as the item was improperly before the Board.

3. CONTINUATIONS

175 Lovell Street (Z-05-186) Special Permit: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (Morris Bergman voted as alternate) to approve the requested Special Permit for placement of fill with the following conditions:

- That the receipt of the final engineered plan of the retaining wall be submitted to the Code Department by March 16, 2006
- That the retaining wall be completed by July 1, 2006

25 Eskow Road (Z-05-207) Variance/Special Permits: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (Thomas Hannigan did not vote, David George and Morris Bergman voted as alternates) to continue the hearing until the March 27, 2006 meeting and to approve an extension of the constructive grant deadline to March 28, 2006 at the request of the petitioner conditioned upon the receipt of a letter requesting both the waiver for the constructive grant deadline extension and hearing continuation. The petitioner made the requests to allow time to address concerns from staff.

280-282 Highland Street (Z-05-225) Administrative Appeal: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to take the matter under advisement later in the meeting.

4. NEW HEARINGS

129 Gold Street (Z-06-19) Special Permit: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (David George voted as alternate) to approve the requested Special Permit for expansion or change of a pre-existing, non-conforming structure relative to the construction of a parking lot, storm water management system, retaining walls and security fence.

38 Hooper Street (Z-06-01) Variances/Special Permit: Upon a motion by Jerry Horton and seconded by David George (alternate), the Board voted 5-0 to continue the hearing until the March 13, 2006 meeting to allow staff and the applicant time to submit the following:

- Rendering of the proposed three-family dwelling (from applicant)
- History of the two parcels and single lot.
- A legal opinion from the Law Department regarding such properties that appear to create their own hardship and increase non-conformity yet that are also part of a previously approved subdivision and have been combined over time recently through common ownership.

4 Greendale Avenue (Z-06-02) Special Permit: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (Morris Bergman voted as alternate) to grant the petitioner's request for Leave to Withdraw without Prejudice relative to a Special Permit to allow a used car lot in an BL-1.0 zone.

223 Vernon Street (Z-06-03) Variances/Special Permit: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (David George voted as alternate) to approve the requested Variance for relief of six parking spaces and the Special Permit to allow a food retail store in an RG-5 zone.

15 Putnam Lane (Z-06-04) Extension of Time for a Special Permit: Upon a motion by Jerry Horton and seconded by Matthew Armendo, (Morris Bergman voted as alternate), the Board voted 4-1 (Leonard Ciuffredo opposed) to approve the extension of time for the previously approved Special Permit with the following condition:

- That the site be secured by a fence to prevent cut-through traffic

15 Mars Street (Z-06-05) Variance: Upon a motion by Thomas Hannigan and seconded by David George (alternate) the Board voted 5-0 to continue the hearing until the March 13, 2006 meeting to allow the applicant time to submit the following:

- Revised plot plan showing the proposed parking arrangement.

3 Eunice Avenue (Z-06-06) Variance: Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 (Morris Bergman voted as alternate) to continue the hearing until the March 13, 2006 meeting to allow the applicant time to submit the following:

- A detailed plot plan showing the proposed building and parking arrangement
- A history of the lot
- A rendering of the proposed structure

21 Washburn Avenue (Z-06-07) – Variances: Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 (David George as alternate) to continue the hearing until the February 27, 2006 meeting to allow the applicant time to provide:

- A sufficient plot plan
- A reduced-size rendering
- Per the Code Department's request, a tape survey showing the front yard setbacks of the abutting properties in order to determine the average front yard. (Per Article XIII, Section 3, #5 in the City of Worcester Zoning Ordinance.)

10-14 Millbury Street (Z-06-08) Amendment to a Special Permit: Upon a motion by Morris Bergman (alternate) and seconded by Thomas Hannigan, the Board voted 5-0 to approve the Amendment to the previously approved Special Permit to allow the restaurant to serve alcohol with the following conditions:

- That the Special Permit be specifically for the applicant, Chien Duc Bui
- That the hours of operation for the restaurant remain as proposed 10:00 am – 11:00 pm, seven days a week.

- That the Special Permit be valid for one year's time (February 14, 2007) at which time, staff will review any issues or concerns and determine if the amendment to serve alcohol deserves any further review.

9 Jeremiah's Lane (Z-06-12) Variance: Upon a motion by Matthew Armendo and seconded by David George (alternate) the Board voted 4-1 (Jerry Horton opposed) to approve the requested Variance for 7 inches of relief from the side yard setback requirement.

18 Sigel Street (Z-06-11) Variance/Special Permit: Upon a motion by Morris Bergman (alternate) and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Variance for 4.5 feet from the rear yard setback requirement and the requested Special Permit for expansion or change of a pre-existing, non-conforming use for a proposed rear emergency exit.

71 Wildwood Avenue (Z-06-13) – Variance: Upon a motion by Matthew Armendo and seconded by David George (alternate), the Board voted 3-2 (Thomas Hannigan and Jerry Horton opposed) to approve the requested Variance for 15 feet of frontage for a proposed carriage house in an RL-7 zone. The motion failed and the variance was denied.

21 Wawecus Road, Lot 5 (Z-06-14) – Variance: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (Morris Bergman voted as alternate) to continue the hearing until the March 13, 2006 meeting in order to give the Law Department time to submit a legal opinion regarding such properties that appear to create their own hardship and increase a non-conformity yet that are also part of a previously approved subdivision and have been combined over time recently through common ownership.

21 Wawecus Road, Lot 6 (Z-06-15) – Variance: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 (Morris Bergman voted as alternate) to continue the hearing until the March 13, 2006 meeting in order to give the Law Department time to submit a legal opinion regarding such properties that appear to create their own hardship and increase a non-conformity yet that are also part of a previously approved subdivision and have been combined over time recently through common ownership.

514 Lincoln Street (Z-06-16) Special Permit: Upon a motion by Thomas Hannigan and seconded by Matthew Armendo, the Board voted 5-0 (David George voted as alternate) to approve the requested Special Permit for expansion or change of a pre-existing, non-conforming structure with the following condition:

- That the petitioner comply with all conditions of the City of Worcester Zoning Ordinance.

The Board asked that the minutes reflect that the applicant disagreed with the fee he was charged for applying.

12 May Street & 2 Kingsbury Street (Z-06-17) Variances: Upon a motion by Jerry Horton and seconded by Morris Bergman (alternate), the Board voted 5-0 to grant the petitioner's request for Leave to Withdraw without Prejudice.

280-282 Highland Street (Z-05-225) Administrative Appeal: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 0-4 to affirm the petition for administrative appeal to overturn Dave Holden's determination that the proposed use for 280-282 Highland Street is defined as a "group residence." (Matthew Armendo, Jerry Horton, Thomas Hannigan, and Leonard Ciuffredo opposed, and Morris Bergman abstained.) The motion failed and the petition for administrative appeal was denied.

5. OTHER BUSINESS

30 Pullman Street

The Board discussed the previous vote to deny the Special Permits for 30 Pullman Street. Chairman Leonard Ciuffredo indicated that although he had voted yes to the motion to deny at the January 23, 2006 meeting, it was not his intention to do so, and that he had done so inadvertently. The Board then voted (4-1) to reconsider the decision to deny the two Special Permits for 30 Pullman Street. The Board took up the motion to deny the Special Permits for 30 Pullman St, and the Board voted (1-4) to deny the Special Permits. The motion failed. The Board then made a motion to grant the petitioner Leave to Withdraw without Prejudice. The Board voted (5-0) to approve the Leave to Withdraw without Prejudice.

7. APPROVAL OF THE MINUTES

January 23, 2006 meeting: Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 4-1 (Leonard Ciuffredo opposed) to approve the January 23, 2006 minutes.

8. ADJOURNMENT

Chair Leonard Ciuffredo adjourned the meeting at 10:00 PM.