

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

**May 8, 2006**

**WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

**Zoning Board Members Present:** Leonard Ciuffredo, Chair  
Jerry Horton, Vice-Chair  
Matthew Armendo  
Morris Bergman  
David George

**Staff Present:** Joel Fontane, Division of Planning and Regulatory Services  
Robin Bartness, Division of Planning & Regulatory Services  
Lara Bold, Division of Planning & Regulatory Services  
Jody Kennedy-Valade, Division of Code Enforcement

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

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

**REQUESTS FOR WITHDRAWAL/CONTINUANCE**

- 1.) **14 Commonwealth Avenue (Z-06-65) Variance and Special Permits:** Jonathan Finkelstein, representative for Lisa Mastrototano, petitioner, presented the petition. Mr. Finkelstein requested a continuance in order to speak with the neighbors about their concerns with the proposal. Matthew Armendo indicated he was not in favor of any plan showing a triplex attached to the rear of an existing single-family house. Robin Bartness, Chief Planner, stated that the Division of Planning and Regulatory Services' staff concurred with Mr. Armendo's sentiment. Mr. Finkelstein requested Leave to Withdraw without Prejudice. Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to grant the petitioner's request for Leave to Withdraw without Prejudice relative to the requested Variance for 15 feet of relief from the 20-foot front yard setback requirement, the requested Special Permit for expansion or change of a pre-existing, nonconforming structure, and the requested Special Permit to allow single-family attached dwelling units in an RL-7 zone.
  
- 2.) **370 Pleasant Street (Z-06-79) Variance:** Jonathan Finkelstein, representative for Southern New England Conference Associates of Seventh Day Adventist, petitioner, requested Leave to Withdraw without Prejudice. Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to grant the petitioner's request for Leave to Withdraw without Prejudice relative to the requested Variance for relief of 20 parking spaces. The Board also voted 5-0 to approve a waiver of the filing fee upon resubmission of the

application with the exception of advertising costs and any additional fees that may apply as a result of changes in a future submission.

### **CONTINUATIONS**

- 3.) **32 Catharine Street (Z-06-66) Variance:** Jack Morrison, representative for West Realty Trust, petitioner, presented the petition. Mr. Morrison indicated that the preferred manufacturer does not make up-and-down dwellings (two-family dwellings), and therefore the duplex is a more feasible project. Ms. Bartness stated the duplex must show two separate doors to access each dwelling unit. Matthew Armendo expressed concerns that the site would look very “pre-fabricated” without additional plantings. Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to close the public hearing. Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Variance for 10 feet of relief from the frontage requirement with the following conditions:

- The proposed duplex must be built in accordance with the submitted plan and rendering.
- The proposed duplex must have two separate doors and the entrance must not be enclosed.
- The driveways for each unit should be separated by a vegetated strip.
- The plantings in front of the house must be planted in accordance with the submitted rendering.
- The developer must include additional trees on the lot.

### **NEW HEARINGS**

- 4.) **3 Bleeker Street (Z-06-73) Special Permit:** Samuel Rosario, representative for Pasquale Algieri, petitioner, requested a continuance on behalf of the petitioner. Lara Bold, Planning Analyst, indicated that staff had requested the applicant continue the public hearing for the requested Special Permit because the applicant had also filed for Variances for the same property at a later date. Upon a motion by Morris Bergman and seconded by Jerry Horton, the Board voted 5-0 to continue the hearing until May 22, 2006 to allow the Board to hear the Special Permit and Variances for the property at the same time.
- 5.) **344 Pleasant Street (Z-06-67) Extension of Time:** Henri Bahnan, petitioner, presented the petition. Mr. Bahnan indicated that he had difficulty beginning construction due to the busy holiday seasons that affect his business. Jody Kennedy-Valade, Coordinator of Zoning, confirmed that the applicant had applied for the Extension of Time within the required time frame. Jerry Horton stated that he would not look favorably upon any future requests for extensions of time for this project. Upon a motion by Matthew Armendo and seconded by Jerry Horton, the Board voted 5-0 to close the public hearing. Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to approve the requested Extension of Time of six months for the previously granted Variance for relief of 12 off-street parking spaces, the previously requested Variance for relief of 650 square feet from

the gross dimensional requirement, and the requested Special Permit for expansion or change of a pre-existing, nonconforming structure.

- 6.) **416B Hamilton Street (Z-06-69) Variances:** Jesse Cantino, petitioner, presented the petition. Mr. Cantino indicated that he was requesting relief to provide space for a four-car garage, as well as additional storage for his plumbing business, and space for a recreational room above the garage. Ms. Kennedy-Valade confirmed that 416B Hamilton was held in common ownership with two other lots; therefore the requested relief was valid. Joel Fontane, Director of the Division of Planning and Regulatory Services, indicated that the lot was large enough to accommodate a 1,400+ square foot garage without requesting any relief. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to continue the public hearing until June 12, 2006 to allow the applicant time to work on redesigning the site with little or no relief necessary. The Board requested that the applicant provide the exact square footage of the three lots held in common ownership and plans for the structure.
  
- 7.) **16 Hermitage Lane (Z-06-70) Variance:** Claudia Austin, petitioner and owner of the property, presented the petition. Ms. Bartness questioned if the sunroom could be built either at the rear of the existing building where there is 80 feet to the rear property line or on the opposite side of the house where there is 19 feet to the side property line. Ms. Austin stated that she hoped to construct an addition to the house in the future, and therefore did not want to place the sunroom at the rear of the house. Ms. Austin also stated that there were topography issues. Ms. Bartness explained that the side yard setback is necessary to provide green space between residences and indicated that granting such substantial relief for a sunroom could set a negative precedent for the neighborhood. Upon a motion by Matthew Armendo and seconded by Morris Bergman, the Board voted 5-0 to close the public hearing. Upon a motion by Matthew Armendo and seconded by David George, the Board voted 0-5 to approve the requested Variance for 7 feet from the side yard setback requirement; therefore the motion did not carry and the petition was denied.
  
- 8.) **280 Mill Street (Z-06-71) Special Permit:** Jeremy Brooks, petitioner, presented the petition. Mr. Brooks stated that the current auto repair garage had been built in 1925 and was too small for current business needs. He also stated that he had no intention of selling vehicles. In addition, he explained that he had already removed 42 cars from the site and would continue to remove vehicles including the trailer truck. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to close the public hearing. Upon a motion by Jerry Horton and seconded by David George, the Board voted 5-0 to approve the requested Special Permit for expansion or change of a pre-existing, nonconforming use to allow the expansion of an existing auto repair business with the following conditions:
  - The applicant must remove the trailer truck from the site by November 8, 2006.
  - The applicant must continue to remove cars from the site.
  - The applicant must expand the building in accordance with the most recent revised Parking Plan Approval submitted to the Worcester Planning Board.

- 9.) **6 Second Street (Z-06-72) Special Permits:** Philip Kenneway, petitioner, presented the petition. Ms. Bold clarified that the structures at 8 Second Street and 15 Second Street were allowed to expand by-right with only a building permit and had not come before the Board. Matthew Armendo stated that he felt a triplex was not in harmony with the neighborhood. Mr. Kenneway stated that he had bought the property knowing that he could add one additional unit by right. He also stated that there were not any other townhouses in the immediate neighborhood. Upon a motion by Jerry Horton and seconded by David George, the Board voted 5-0 to continue the public hearing until June 12, 2006 to allow the applicant time to submit new plans and a rendering for a duplex.
- 10.) **Wigwam Hill Drive (Z-06-75) Variances:** Joe Boynton, representative for Domenic Giuliani, petitioner, presented the petition. Mr. Boynton stated that the application and legal advertisement had not stated the correct amount of relief for the side yard setback; it should state 6.72 feet instead of 6.2 feet. He also indicated that the petitioner had filed a petition with the City Council to remove Totem Trail from the Official Map, which, if approved by the Planning Board, might change the requested relief. He also stated that the front doors of the units would face Wigwam Hill Drive. Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to continue the hearing until June 26, 2006 to allow the applicant time to see if the Planning Board will approve the removal of Totem Trail from the Official Map and to amend the petition accordingly. Staff will re-advertise the item with the correct relief.
- 11.) **1160 West Boylston Street (Z-06-76)** Jeffrey Howland, representative for the petitioner and Brendan O'Connor, petitioner, presented the petition. Mr. O'Connor stated that the restaurant wanted to expand the entrance, add 40 additional seats and reconfigure the parking lot. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to close the public hearing. Upon a motion by Morris Bergman and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit for expansion or change of a pre-existing, nonconforming use with the following conditions:
- The site should be built in accordance with the most recent revised plan submitted for Parking Plan Approval to the Worcester Planning Board.
  - The applicant should make an effort to speak with the Massachusetts Highway Department regarding the site's curb on the north-east corner, which presents some safety concerns.
- 12.) **50 Green Hill Parkway (Z-06-77) Variance and Special Permit:** Lelia Bessa, petitioner, presented the petition. Ms. Bessa indicated that there are only two other houses on the street and that off-street parking is not an issue. Ms. Bartness expressed concern that petitioner's plot plan showed two parking spaces in the front yard setback. Ms. Bessa expressed concerns with providing parking on a slope. Matthew Armendo stated that although there may be some slope issues, some additional parking should fit on the lot. Upon a motion by Matthew Armendo and seconded by David George, the Board voted 5-0 to continue the hearing until June 12, 2006 to allow the applicant time to show more on-site parking and/or the estimated cost of providing the parking on site.

**13.) 409 Park Avenue (Z-06-78) Special Permit:** Robert Longden, representative for 7-Eleven Inc., petitioner, presented the petition. Mr. Longden indicated that the site will maintain the same curb cuts and will improve the site by adding landscaping. He stated that the 7-Eleven convenience store will be open 24 hours a day, similar to the Walgreens and Mobil Station on Park Avenue. Ken Barnes, representative for 7 Eleven Inc., indicated that there would be an ATM inside the building and also explained that there will be internal security cameras. Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to close the public hearing. Upon a motion by Jerry Horton and seconded by Morris Bergman, the Board voted 5-0 to approved the requested Special Permit for expansion or change of a pre-existing, non-conforming structure/use to allow the applicant to operate a 7-Eleven convenience store subject to the submitted site plan.

### **OTHER BUSINESS**

**14.) 456 Park Avenue:** Ms. Bold indicated that the previously approved petition had stated that the applicant would expand and rehabilitate the current structure. Leonard Ciuffredo and Matthew Armendo expressed concern that there were signs that the building may have been demolished and rebuilt. Ms. Kennedy-Valade stated that she would look into the matter and follow-up with the Board.

**15.) 38 Hooper Street – Scrivener’s Error:** Upon a motion by Jerry Horton and seconded by David George, the Board voted 5-0 to correct the scrivener’s error for the 38 Hooper Street decision.

**16.) Request for information on additional units in RL-7 zones:** David George requested the following information:

- A breakdown on the number of petitions for additions to existing units in RL-7 zones that have been approved or denied by the Zoning Board of Appeals
- A memo from staff detailing any policy on such additions to existing structures

**17.) Zoning Board of Appeals’ rules and regulations:** Mr. Fontane indicated that staff will be reviewing the Zoning Board intake procedures, specifically plot plan requirements and will propose applicable amendments to the Zoning Board’s rules and regulations for review by the Board. He also stated that he hoped to provide the Board members a copy of a proposed fee schedule in June. David George requested that the Board also be provided with comparisons of other cities’ and towns’ application fees.

### **ADJOURNMENT**

Chair Leonard Ciuffredo adjourned the meeting at 8:15 PM.