

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

**May 12, 2008**

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

**Zoning Board Members Present:** Leonard Ciuffredo, Chair  
David George, Vice-Chair  
Andrew Freilich  
Lawrence Abramoff  
Brian Murphy

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Ruth Gentile, Division of Planning & Regulatory Services  
John Kelly, Division of Code Enforcement

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

**CALL TO ORDER**

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

**APPROVAL OF MINTUES**

Upon a motion by Lawrence Abramoff and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the minutes from the April 28, 2008 meeting.

**NEW BUSINESS**

1. **160 Woodland Street (ZB-2008-028) – Special Permit:** Attorney Simon Brighenti, representative for Omnipoint Communications, petitioner, presented the petition for a Special Permit for a Personal Services Wireless Facility to install telecommunications computer equipment cabinets on a rooftop. Mr. Brighenti stated that the project is a hybrid in that the façade mounted antennas are allowed by-right and the computer equipment is being placed on the rooftop along with other equipment, such as HVAC, that are taller than the computer equipment being installed. Chair Ciuffredo requested an RF study be submitted as part of the petition. Mr. Brighenti argued that the RF study should not be required for this petition as the antennas do not produce RF and that it is very expensive to conduct the study. He further stated that his client is trying to get the zoning relief before spending money for the study. He requested that the RF report be a condition of approval. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following waivers:

- **Vicinity Plan**
  - Vegetative Cover
  - Proposed Security Barrier
  - Distances at grade from the proposed Personal Services Wireless Facility to each building on the vicinity plan.
  - Contours at each two feet AMSL for the subject property and adjacent properties within 300 feet.
  
- **Sight Lines**
  - Security Barrier
  
- **Design Filing Requirements**
  - Landscape Plan
  - Balloon Test

Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Special Permit: To allow personal wireless service communication facility**

The Special Permit was approved with the following conditions:

- **The Personal Wireless Service Facility color will match the exterior of the building.**
- **A city wide map showing existing and proposed personal wireless facilities be provided.**
- **An RF study for both existing conditions and after installation conditions be done in accordance with the Zoning Ordinance.**
- **An estimated noise study for both existing conditions and after installation conditions and subject to plans submitted.**

2. **620 West Boylston Street (ZB-2008-034) – Special Permit:** Attorney Simon Brighenti, representative for Omnipoint Communications, petitioner, presented the petition for a Special Permit for a Personal Services Wireless Facility to install three sets of antennas and three telecommunications computer equipment cabinets on a rooftop of an existing building. He stated that an affidavit from the RF engineer shows existing conditions and the predicted coverage after installation of the equipment along Route I-190. Chair Ciuffredo requested that the Board receive a copy of the lease regarding the equipment. Mr. Brighenti stated that he would request permission from the state to release the lease information to the Board. Maureen Brennan and Pauline Brennan were concerned that they had requested information from Quinsigamond Community College regarding the petition and they did not get answers and they want to know if jamming equipment will be used that may affect their use of wireless communications in the neighborhood. Mr. Brighenti requested a continuation so that he would be able to provide the Board with more information and asked what he needed to provide at the next meeting. He was told the Board wants to see: 1) revised plans showing the faux chimneys; 2) a unredacted copy of the lease agreement; 3) a city-wide

map showing both existing and proposed facilities; and 4) communication with the neighbors. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the request of the petitioner for a continuation to the June 9, 2008 meeting.

3. **18 Grafton Street (ZB-2008-029) – Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit for a Personal Services Wireless Facility. Chair Ciuffredo stated that he wanted the hearing to be continued to the next meeting so that he could review the information that was given to him at the meeting. He also requested that Mr. Parisi provide lease agreements from the Worcester Housing Authority. Mr. Parisi stated he provided a letter of authorization but not a lease agreement and argued he did not believe that it was in the Board's purview to request a lease. Mr. Parisi requested that the Board allow him to do a preliminary presentation about his company and the petition so that the Board would be familiar with the other petitions he would be presenting. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the request of the petitioner for a continuation to the June 9, 2008 Zoning Board of Appeals Meeting.
4. **425 Pleasant Street (ZB-2008-030) – Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit for a Personal Services Wireless Facility. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the request of the petitioner for a continuation to the June 9, 2008 meeting.
5. **50 Murray Avenue (ZB-2008-031) – Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit for a Personal Services Wireless Facility. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the request of the petitioner for a continuation to the June 9, 2008 meeting.
6. **1050 Main Street (ZB-2008-032) – Special Permit:** Attorney Fran Parisi, representative for MetroPCS, petitioner, presented the petition for a Special Permit for a Personal Services Wireless Facility. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the request of the petitioner for a continuation to the June 9, 2008 meeting.
7. **22 Darling Street (ZB-2008-034) – Variance:** Peter Stanley, petitioner, presented the plan to add a 12' x 16' family room on the left side of the existing house. He stated that the land beyond his property is vacant. Mr. George requested clarification of the amount of relief being requested either 3.2 ft or 3.4 ft. Ron Boucher, from R&K Design, contractor, stated that the project cannot be built anywhere else on the property due to the slope of the rear of

the lot and an existing garage structure on the right side. Mr. Freilich requested a rendering. Mr. Boucher provided hand drawn plans and stated that the exterior will match current siding. Manuel and Regina Hidalgo spoke in support of the project. Upon a motion by Andrew Freilich and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: Relief of 3.2 feet from the side yard setback requirement**

The Variance was approved with the following conditions:

- **That the structure be constructed in accordance with the plans submitted and that the exterior be designed to match existing house.**

8. **100 Westborough Street (ZB-2008-035) – Variance:** Kevin Quinn, representative for the petitioner, Edward Newell, presented the petition. He said the petitioner seeks to construct a 1,344 square foot accessory structure on the lot with a garage on the first level and a storage area upstairs. Mr. Quinn stated that the hardship is that the garage would have to have a very large footprint to have the same amount of storage if they did not receive the requested Variance for 8 feet of relief from the height requirement. Mr. George and Mr. Freilich were concerned about whether the structure will be habitable and wanted a condition that will not allow a dwelling unit. Mr. George asked why Mr. Newell was not putting an addition onto the existing house and the answer was that the house was new and he did not want to alter it. Upon a motion by Andrew Freilich and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: Relief of 8 feet from the height requirement**

The Variance was approved with the following conditions:

- **That no portion of the garage be used as a dwelling unit.**
- **That only a cold water line will be allowed to be brought into the structure.**

9. **26 Spofford Road (ZB-2008-041) – Variance:** Matthew Mattus, petitioner, presented the plan. He stated that the privacy hedge that was along the property line had been destroyed by a virus and had to be cut down. He still wanted the same level of privacy on a busy street and therefore had the fence installed in the front yard. At some point, an inspector informed him that the fence was too high and then he received a letter telling him that he was in violation. He applied for a building permit for the fence and was denied because the fence was too high to be in the front yard setback. Mr. Freilich asked how the issue came to be known. Mr. Kelly informed the Board that no building permits had been applied for and

there were no complaints. Mr. George asked if the privacy that the petitioner desires can be accomplished with a shorter fence and the answer was that privacy is the issue. Mr. Freilich stated that he was upset that the fence company that was hired did not inform the petitioner that the height of the fence would require a building permit and did not apply for same. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Brian Murphy, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: Relief of 19 feet from the front yard setback requirement**

### **OTHER BUSINESS**

**New Meeting Schedule from July, 2008 through January, 2009:** It was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following meeting schedule:

June 23, 2008  
July 21, 2008  
August 11, 2008  
August 25, 2008  
September 8, 2008  
September 22, 2008  
October 6, 2008  
October 20, 2008  
November 3, 2008  
November 17, 2008  
December 1, 2008  
December 15, 2008  
January 12, 2008  
January 26, 2008

**90 East Central Street Discussion:** This project was approved last year with conditions to the Special Permit that expire at the end of one year. The applicant has applied for an Amendment to Special Permit to remove the conditional approval of one year that will be heard on June 23, 2008.

**Renderings with applications:** Andrew Freilich requested that all applications have renderings.

**ADJOURNMENT:** Chair Ciuffredo adjourned the meeting at 8:00 P.M.