

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

**November 29, 2010
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

Zoning Board Members Present:

David George, Chair
Lawrence Abramoff
Andrew Freilich
Vadim Michajlow
Timothy Loew

Staff Present:

Joel Fontane, Division of Planning & Regulatory Services
Ruth Gentile, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS**

- 1. 1 Kelly Square (ZB-2010-027) – Special Permit: To allow a non-accessory sign in a BG-3.0 zone.** Ms. Gentile presented a letter from the applicant requesting a continuance to December 20, 2010. Ms. Gentile also distributed a letter from Leonard Lorusso regarding the sign project. Upon a motion by Lawrence Abramoff and seconded by Vadim Michajlow, it was voted 3-2 by Lawrence Abramoff, Vadim Michajlow and Timothy Loew (David George and Andrew Freilich voting no) to grant the continuance to December 20, 2010.

Exhibits:

Exhibit A– Special Permit Application received 5/14/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 7/8/2010 (Updated 7/29/10)

Exhibit X – Worcester Sign Company received 7/12/10

Exhibit C – E-mail requesting a continuance by Atty. Edward McCormick dated November 8, 2010

Exhibit D – E-mail requesting a continuance by Atty. Edward McCormick dated November 29, 2010

Exhibit E – Letter from Leonard Lorusso dated November 28, 2010 and received November 29, 2010

2. **379 Main Street (ZB-2010-031) – Special Permit: To allow a non-accessory sign in a BG-6.0 zone.** Ms. Gentile presented a letter from the applicant requesting a continuance to December 20, 2010. Upon a motion by Vadim Michajlow and seconded by Lawrence Abramoff, it was voted 3-2 by Lawrence Abramoff, Vadim Michajlow and Timothy Loew (David George and Andrew Freilich voting no) to grant the continuance to December 20, 2010.

Exhibits:

Exhibit A – Special permit Application with plan received 7/7/10

Exhibit B – DPRS Staff Memo to Zoning Board of Appeals dated 8/2/2010.

Exhibit X – Worcester Sign Company received 7/12/10

Exhibit C – E-mail requesting a continuance by Atty. Edward McCormick dated November 8, 2010

Exhibit D – E-mail requesting a continuance by Atty. Edward McCormick dated November 29, 2010

3. **1051 Main Street (ZB-2010-033) – Special Permit: To allow a non-accessory sign in a BG-2.0 zone.** Ms. Gentile presented a letter from the applicant requesting a continuance to December 20, 2010. Mr. Freilich stated that the information that has been submitted by Mr. Jacobs appears to be redundant. He and Mr. George both stated that they thought Mr. Jacobs had expressed urgency in receiving decisions on his requests and that he wanted to move forward quickly. Upon a motion by Vadim Michajlow and seconded by Lawrence Abramoff, it was voted 3-2 by Lawrence Abramoff, Vadim Michajlow and Timothy Loew (David George and Andrew Freilich voting no) to grant the continuance to December 20, 2010.

Exhibits:

Exhibit A – Special Permit Application – submitted by B&B Leasing, dated May 26, 2010.

Exhibit B – submitted 8/23/2010 by email from Damien Jacob:

- a. Memorandum in Regard to Size of Back to Back and V Type Non-Accessory Signs
- b. Exhibit Picture of Freestanding Billboard on 1049 Main Street
- c. Abandoned Billboard in Webster Square
- d. Additional Findings of Fact in Regard to ZB-2010-033
- e. Letter from Robert Anderson, B&B Leasing, August 23, 2010
- f. Memorandum in Support of ZB-2010-033
- g. Memorandum in Regard to spacing of Petitioner's Non-accessory sign structure with the rooftop billboard on Bicycle Alley in Webster Square.
- h. Potential type of Freestanding Non-accessory Sign which can be placed on 1049 Main Street
- i. Potential Solutions for Non-Accessory signs on the Petitioner's property

Exhibit C - Letter requesting a continuance by Damien Jacob dated November 8, 2010

Exhibit D – E-mail requesting a continuance by Damien Jacob dated November 29, 2010

4. **2-14 Kansas Street (ZB-2010-049) – Amendment to Special Permit: To allow a recycling operation in an MG – 2.0 Zoning District.** Mr. O'Connor, petitioner, requested a postponement to December 20, 2010 to allow time to address staff comments. He stated that the law has changed regarding recycling and that he is trying to answer all of staff's questions. Mr. George asked if the Board of Health applications had been sought. Mr. O'Connor stated that he was going to begin that process. Mr. Fontane said that the Planning Office, Inspectional Services and the Health Department are coordinating their reviews. He said that December 20, 2010 is enough time for the reviews. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 5-0 by David George, Lawrence Abramoff, Andrew Freilich, Vadim Michajlow and Timothy Loew to grant the postponement to December 20, 2010 to allow sufficient time to submit additional information.

Exhibits:

- Exhibit A - Special Permit application -2-14 Kansas Street. (includes cover letter, Proposed Solid Waste Transfer Operational Plan, and Third Party Analysis of Massachusetts Solid Waste Act Changes for FY 2011) prepared by Dennis O'Connor and Scott Soucy, Corporate Environmental Advisors, dated October 22, 2010. Received October 22, 2010.
- Exhibit B - Plot Plan Site Layout – 2-14 Kansas Street. Prepared by Corporate Environmental Advisors, dated 10/19/2009; received October 22, 2010. Note: the plan appears to have been updated since the 2009 approval.
- Exhibit C - Letter from Dennis O'Connor, undated, entitled: Responses to “Questions for Applicant” page 4 of August 25, 2009 Memorandum from Lara Bold, Chief Planner.”
- Exhibit D - Memorandum: John Kelly, Building Commissioner / Acting Commissioner Department of Inspectional Services to Joel Fontane – re: 2-14 Kansas Street Proposed Solid Waste/ Recycling Transfer Station, dated November 16, 2010.
- Exhibit E - Waste Transfer Stations: A Manual for Decision Making. United States Environmental Protection Agency – Office of Solid Waste. June 2002. Accessed: <http://www.epa.gov/osw/nonhaz/municipal/pubs/r02002.pdf>
- Exhibit F - E-mail requesting a postponement by Dennis O'Connor dated November 29, 2010

5. **15 Hillside Street / 18 Alpine Street (ZB-2010-051) – Special Permits for 1) Expansion or Change of a pre-existing non-conforming use/structure (15 Hillside Street), 2) Expansion or Change of a pre-existing non-conforming use/structure (18 Alpine Street) and a Variance for Relief of 2,254 SF from the gross dimensional requirement (15 Hillside Street).** Ms. Gentile presented a letter from the applicant requesting a postponement to December 20, 2010. Upon a motion by Vadim Michajlow and seconded by Andrew Freilich, it was voted 5-0 by David George, Lawrence Abramoff, Andrew Freilich, Vadim Michajlow and Timothy Loew to grant the postponement to December 20, 2010.

Exhibits:

- Exhibit A: Variance & Special Permit Application; received October 26, 2010; prepared by Casimir Zdanowicz.
- Exhibit B: Variance & Special Permit Plan; dated October 14, 2010; prepared by HS&T Group, Inc.

6. **94 & 96 Sears Island Drive (ZB-2010-048)- Special Permit for Expansion or Change of a pre-existing non-conforming use/structure. (96 Sears Island Drive).** Jay Melick, representative, presented the plan. He said that the applicant owns two lots, one is 2,975 SF and the other is 4,372 SF and that there are two single-family detached dwellings and a two-car detached garage on the two lots. He said that the structures have been there since 1940. He said that that garage is being demolished and the each of the houses will be renovated and additions to each of them will be constructed. He further stated that the house nearest the lake has a non-conforming rear yard setback and a garage will be added to the front of the structure. He said that the smaller house requires the requested special permit because it is 4 feet from the exterior side yard setback and the new addition will also be in the side yard setback. He said that renderings had been provided for the board. Mr. George asked if Conservation Commission approval were required and if there would be additional impervious surface. Mr. Melick stated that Conservation Commission approval was required and that the impervious surface would remain the same because even though there would be new additions to the structures, the garage was being demolished. The board was concerned that the address of the property did not match the assessor records. Mr. Kelly stated that when the applicant applies for a building permit, his division gets clarification from the Department of Public Works and Parks. Mr. Freilich asked who would be living at the property. Mr. Melick stated that the current owner will live in the house that is nearer to the lake and the other house will be rented. Mr. Freilich was further concerned that the area is congested and that the new additions to the structures were adding more density. Mr. Fontane stated that the structures were already in existence and that there this request will not be more detrimental than what is currently on the lots and that this is not uncharacteristic for the area. Upon a motion by Andrew Freilich and seconded by Vadim Michajlow, it was voted 5-0 by David George, Lawrence Abramoff, Andrew Freilich, Vadim Michajlow and Timothy Loew to close the public hearing. Upon a motion by Andrew Freilich and seconded by Vadim Michajlow, it was voted 5-0 by David George, Lawrence Abramoff, Andrew Freilich, Vadim Michajlow and Timothy Loew to approve the Special Permit for Expansion or change of a pre-existing non-conforming structure, with the following conditions: 1) That the proposed driveway / parking areas be constructed with permeable pavers and be maintained as pervious surface and 2) the structure be constructed in substantial accordance with the final approved final revised plot plan dated July 27, 2010 and with the submitted rendering prepared by Jay Melick Design, dated 9/12/10 and submitted October 13, 2010.

Exhibits:

- Exhibit A: Variance and Special Permit Application; received October 13, 2010; prepared by Jay Melick, on behalf of Haiim Kavon Kermanian
- Exhibit B: Variance and Special Permit Plan; dated July 27, 2010; prepared by Allen Paige.
- Exhibit C: Rendering; dated 9/12/10; prepared by Jay Melick Design.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the David George; re: 94 & 96 Sears Island Drive; dated November 22, 2010.

Other Business:

Decisions: The Board signed decisions.

Adjournment

Chair George adjourned the meeting at 6:15 pm.