

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

**December 12, 2011**

**WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

**Zoning Board Members Present:** Andrew Freilich, Chair  
Lawrence Abramoff, Vice-Chair  
William Bilotta  
Vadim Michajlow  
Kola A. Akindele, Associate Member  
Timothy Loew, Associate Member

**Staff Present:** Joel Fontane, Division of Planning & Regulatory Services  
Luba Zhaurova, Division of Planning & Regulatory Services  
John Kelly, Department of Inspectional Services

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

**CALL TO ORDER**

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

Chair Freilich asked Mr. Abramoff the chair this meeting. Mr. Abramoff assumed the chair.

**APPROVAL OF THE MINUTES**

The Board held approval of the November 21, 2011 minutes.

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

1. **1200 Main Street (ZB-2011-060):** Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 6-0 to postpone the item to January 9, 2012 to allow sufficient time to correct a legal notice error by re-advertising the petition and including both 1200 and 1204 Main Street parcels, held in common ownership.
  
2. **37 (aka 49) Pleasant Valley Drive (ZB-2011-062):** Attorney Michal Dolan, of Brown Rudnick LLP, representative for New Cingular Wireless, PCS, LLC by AT&T Mobility Corporation, requested a postponement to January 9, 2012 in order to have sufficient time to redesign plans of the proposed facility in an attempt to improve its visual appearance. Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 4-0 to postpone the hearing and extend the public hearing deadline to January 9, 2012.

## UNFINISHED BUSINESS

3. **342 Greenwood Street (ZB-2011-049):** Ibrahim Abdulmassih, petitioner, stated that an abutter had a concern about a monument sign and that, therefore, he would like to withdraw a monument sign portion of the petition.

Mr. Fontane stated that he wanted to correct a statement he made at the last hearing and stated that a monument sign's pedestal does not count toward allowed sign area.

Mr. Freilich stated that he believed a monument sign might look more obtrusive than a pole sign.

Chair Abramoff stated that there are no other large signs in the area competing for attention based on his site visit and that he was in favor of the petitioned Special Permits. He stated that he believed the proposed sign would look prominent if well-designed.

Mr. Freilich asked if the petitioner thought he would lose business if not granted a 7 SF variance. Mr. Abdulmassih stated he was not sure.

Mr. Michajlow stated that he believed the required criteria for the Board to grant a variance had not been met.

Chair Abramoff recommended that the petitioner withdraws his variances with a possibility of reapplying in a future "in case of hardship." Mr. Abdulmassih chose not to do so.

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 5-0 (with Mr. Michajlow abstaining because he did not attend the previous hearing), to close the public hearing.

### *Regarding the Special Permits:*

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 5-0 (Mr. Akindele voted; Mr. Michajlow abstained because he did not attend the previous hearing), to approve the requested Special Permits for a 25-SF 12.5-sf tall freestanding pole sign with the following conditions of approval:

- That a landscaped island (e.g. 5-ft x 5-ft) is installed surrounding the freestanding pole sign;
- As required by the ordinance, the pole sign support structure shall be set back a minimum of 5-ft from the property line;
- As required by the ordinance, the sign shall not be internally illuminated; external illumination is permitted.

### *Regarding the Variances:*

Upon a motion by Mr. Freilich and seconded by Mr. Akindele, the Board voted 1-4 (with Andrew Freilich voting yes, Lawrence Abramoff, William Bilotta, Kola A. Akindele and Timothy Loew voting no, (Mr. Michajlow abstained because he did not attend the previous hearing),) to approve the requested Variance for a relief of 7 SF from sign area dimensional requirements for a freestanding pole sign and a relief of 1.5 ft from sign height dimensional requirements for a freestanding pole sign. The motion did not pass and the Variances were not approved.

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 5-0 (with Mr. Michajlow abstaining) to accept the findings of fact as amended by staff.

### **List of Exhibits.**

- Exhibit A: 342 Greenwood Street - Special Permit and Variance Application; received August 22, 2011, revised (with Variance information) September 6, 2011 prepared by Ibrahim Abdulmassih.
- Exhibit B: Plot Plan 342 Greenwood Street – original plan prepared by Builders Realty Network Inc. Applicant marked up plan; undated, unsigned.
- Exhibit C: Sign Elevation Package – 342 Greenwood Street, dated February 15, 2011; prepared by Sign Techniques, Inc.
- Exhibit D: A rendering of proposed 32 SF and 25 SF signage submitted by the petitioner at the October 17, 2011 meeting.
- Exhibit E: Page from *A Framework for On-Premise Sign Regulation - Model Regulatory Guidelines*. Alan Weinstein. Street Graphics and the Law. March 2009.
- Exhibit F: Graphical Representations of Various Sign Types with Varying Degrees of Relief – 32 Greenwood Street, prepared by DPRS staff, dated December 12, 2011.
- Exhibit G: A rendering of a 30 SF monument sign submitted by the petitioner at the 12/12/2011 meeting.

### **NEW BUSINESS**

4. **4-6 Westland Street (ZB-2011-061):** Attorney Jonathan Finkelstein, representative for Michael D. and Mary P. True, petitioners, stated that petitioners are seeking to subdivide the lot and to convert the building to two single family detached dwellings. The owners, two separate families, purchased the property in 1982 when it was located in a RL-7 district and took title as tenants in common, each family occupying one side of the structure. Attorney Finkelstein stated that in 1988, the area was rezoned to RS-7 and the ordinance later amended which only permitted single-family detached dwellings in RS-7 zones. He stated that because the owners now wish to hold and convey their interests separately, the only logical option is to separate the dwelling as if they were characterized as two single-family detached dwellings.

Mr. Bilotta stated that he is favor of the petition and asked whether a Board's consideration would be required if a petitioner decided to add a garage in the future. Attorney Finkelstein stated that a Special Permit for expansion, alteration or change would be needed as the site is currently non-conforming.

Chair Abramoff designated Mr. Loew as alternate member for this item.

Upon a motion by Mr. Bilotta and seconded by Mr. Michajlow, the Board voted 5-0 to close a public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow, the Board voted 5-0 to approve the requested:

Special Permit: Expansion, Alteration or Change of a Pre-Existing Nonconforming Structure & Use

*Proposed Lot A (#4 Westland Street):*

Variance: Relief of 8-ft from the northerly side yard setback dimensional requirement (8-ft required)

Variance: Relief of 4.92 feet from the frontage requirement (65-ft required)

Variance: Relief of 2,308.18 SF from gross dimensional requirement (7,000 SF required)

Variance: Relief of 2 off-street parking spaces (2 parking spaces required)

*Proposed Lot B (#6 Westland Street):*

Variance: Relief of 8-ft from the southerly side yard setback dimensional requirement (8-ft required)

Variance: Relief of 25.08 feet from the frontage requirement (65-ft required)

Variance: Relief of 2,486.17 SF from gross dimensional requirement (7,000 SF required)

Variance: Relief of 2 off-street parking spaces (2 parking spaces required)

With the condition of approval that the division of land is in substantial accordance with the final approved Definitive Frontage Subdivision.

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 5-0 to accept the applicant's findings of fact as amended by staff.

### **OTHER BUSINESS**

5. **Update regarding the disposition of the historic Fire Alarm & Telegraph Building located at 230 Park Avenue:** Mr. Fontane stated that the City is seeking to dispose of this historic building, and that more information about the layout will be presented to the Board in the future.

### **OTHER BUSINESS**

**Chair Abramoff:** Mr. Freilich thanked Mr. Abramoff for his tenure on the Board and said that he hopes to live up to his leadership now as a chair.

**Adjournment:** Chair Abramoff adjourned the meeting at 6:10 pm.