

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

May 14, 2012

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM

Zoning Board Members Present:

Lawrence Abramoff, Acting Chair
William Bilotta
Vadim Michajlow
Kola A. Akindele
Timothy Loew

Staff Present:

Joel Fontane, Division of Planning & Regulatory Services
Deborah D. Steele, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

Board Site Views

Call to Order – 5:30 pm

Approval of the Minutes – Approval of the minutes was held.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

Chair Abramoff explained that Zoning Board would be going into Executive Session to discuss pending legal matter and would reconvene the regular meeting after Executive Session was completed.

Executive Session: 5:31 p.m. – 5:45 p.m.

UNFINISHED BUSINESS

- 1. 59 Granville Street (ZB-2012-024)** - Attorney Donald O’Neil appeared on behalf of the applicant, Edward Rodriguez, to construct an additional single-family detached dwelling and to separate the lot into two.

Mr. Michajlow asked whether this item could be heard as Chairman Freilich requested the continuance to the May 14 meeting for more time to review but could not attend tonight's meeting.

Mr. Fontane stated the item could still go forward but as Chair Abramoff was not present for last meeting when item was discussed he would be unable to vote on item and therefore the vote must be 4-0 in order to grant the variances.

Mr. Bilotta stated that he would be unable to attend the June 4, 2012 Zoning Meeting and therefore quorum problem on this item could occur again.

Attorney O'Neil requested a continuance until the June 25, 2012 Zoning Board Meeting and extension of the constructive grant deadline until July 28, 2012.

Upon a motion by Mr. Michajlow and seconded by Mr. Akindele the Board voted 4-0 to continue the hearing until the June 25, 2012 Zoning Board of Appeals meeting and extend the constructive grant deadline until July 28, 2012.

List of Exhibits.

Exhibit A: Variance Application; received March 20, 2012; prepared by Edward Rodriguez.

Exhibit B: Variance Plan of Land; dated March 7, 2012; prepared by HS&T Group, Inc.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 59 Granville Avenue; dated April 20, 2012, revised April 23, 2012.

Exhibit D: Letter of Opposition from Mike Carlson on April 20, 2012.

Exhibit E: Letter of Opposition from Donna Gustafson on April 20, 2012.

Exhibit F: Letter of Opposition from Marian Ouimette on April 20, 2012.

Exhibit G: Letter of Opposition from Maya Elisayeff on April 21, 2012.

Exhibit H: Letter of Opposition from Ann and John Klump on April 23, 2012

Exhibit J: Applicant's Request for Continuance to June 25, 2012; dated May 14, 2012

2. **67 Millbrook Street (ZB-2012-009)**- Daniel Klasnick appeared on behalf of petitioner Bell Atlantic Mobile of Massachusetts Corporation, LTD dba Verizon Wireless on Amendment to a Special Permit to relocate the existing 12 antennas from the facades of the existing roof pent-houses and to mount them at a higher height on the roof penthouse – 4 antennas at a height of 21-ft above the roof level, and 8 antennas at a height of 24-ft above the roof level.

Mr. Klasnick stated that the Board had requested at the March 26, 2012 the applicant go back and reevaluate some of the design details of the proposed installation and the applicant has revised the plans to fully stealth the proposed relocated antennas by enclosing the antennas within the penthouse.

Mr. Fontane stated the revised plans submitted meet requirements requested by the Zoning Board at previous meeting.

Mr. Klasnick stated his applicant is working with building owner to make certain that there is no disruption to the building.

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

Mr. Fontane stated that Department of Planning & Regulatory Services recommends approval of the waivers requested.

Upon a motion by Mr. Loew and seconded by Mr. Michajlow the Board voted 5-0 to approve Amendment to a Special Permit to allow a Personal Wireless Service Facility in the MG-2.0 Zoning District and Amendment to a Special Permit for expansion of a dimensional non-conformity with respect to height (more than 10-ft above the roofline) with the following conditions:

- 1) Six (6) copies of final revised plan are submitted prior to issuance of a Building Permit showing the plan drawn to scale.
- 2) Only authorized personnel are allowed onto the roof and that public access is prohibited.
- 3) Notice signs are posted at the roof access and at the installation point of all existing and proposed PWSF installations.
- 4) That the structure is constructed in substantial accordance with the final approved plans submitted and the photo simulation package on file with the City of Worcester.
- 5) **Cost of decommissioning:** That an affidavit, signed by a qualified professional, be submitted that provides an accurate and complete estimate of the costs of decommissioning and removal of the proposed PWSF, and that said affidavit be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- 6) **Paint color matching:** That an affidavit, signed by the applicant, be submitted that states that the applicant agrees to match the paint of the proposed equipment as closely as practicable to the existing materials within the area of the installation, and that said affidavit be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- 7) **Surety Bond:** That prior to the issuance of a building permit, a surety bond, equal to the cost of decommissioning and removal of the proposed PWSF, be obtained. Said bond shall be for a term of at least two years, and be adjusted for inflation every two years. The provisions of said bond shall be to the satisfaction of the Director of Planning & Regulatory Services;
- 8) **Post-installation measurement of RFP:** That post-installation measurements of the total Radio Frequency Radiation emitted by all PWSF on the building and top floor of the building below the antennae and at all public access points are taken by a certified

RF engineer; that results of these measurements demonstrate compliance with the Radio Frequency Radiation standards of the Zoning Ordinance and Federal Communication Commission Guidelines; and that these results are submitted to the Division of Planning & Regulatory Services and Department of Inspectional Services prior to the issuance of the Certificate of Use & Occupancy.

Upon a motion by Mr. Akindele and seconded by Mr. Bilotta the Board voted 5-0 to approve the waivers from the application requirements for:

1. City-wide map
2. Siting Filing Requirements
3. Colors of proposed PWSF represented by a color band
4. Landscape plan
5. Balloon or crane test
6. Noise Filing Requirements
7. Federal Environmental Filing Requirements

List of Exhibits.

- Exhibit A: Special Permit Application – 67 Millbrook Street; received January 31, 2012; prepared by Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless.
- Exhibit B: Special Permit Plan; dated January 27, 2012; prepared by Chappell Engineering Associates, LLC.
- Exhibit C: Photo Simulation; dated February 10, 2012; prepared by Chappell Engineering Associates, LLC.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 67 Millbrook Street; dated March 2, 2012, revised March 23, 2012, April 20, 2012, May 11, 2012.
- Exhibit E: Request for Extension; dated April 20, 2012; prepared by Daniel D. Klasnick of Duval, Klasnick and Pastel, LLC.
- Exhibit F: Revised Photo Simulation; dated May 8, 2012; prepared by Chappell Engineering Associates, LLC.

3. 49 (aka 51) Union Street (ZB-2012-013) – Mark Cook appeared on behalf of the petitioner

Sprint Nextel Corporation for a Special Permit to:

- 1) Replace three (3) existing antennas
- 2) Add nine (9) Remote Radio Head (RRH) units and three (3) combiners
- 3) Replace an existing GPS unit

- 4) Replace two (2) existing equipment cabinets
- 5) Install a fiber cabinet and perform work inside the building within its existing equipment space.

Mr. Cook stated at the March 26, 2012 meeting the Board had asked him to explore structural feasibility of stealthing the entire antenna array on the top attached to the smokestack and if that wasn't possible could applicant paint it to blend better with the existing chimney.

Mr. Cook distributed updated photo simulations of proposed site of antennas (Exhibit G).

Mr. Cook stated that any type of stealth covering would not be practical due to wind and ice loading and it would be difficult to meet current building codes. He stated that the applicant is proposing to paint the existing antennas and RRH units a brick red.

Chair Abramoff stated that painting the installation seems to be best solution.

Mr. Fontane stated that the painting is an innovative way to provide stealth and would work well.

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

Upon a motion by Mr. Loew and seconded by Mr. Akindele the Board voted 5-0 to approve Amendment to a Special Permit to allow a Personal Wireless Service Facility in a BG-6.0 Zoning District and the waivers requested by the applicant given the existing location of the proposed PWSF on a smokestack in the BG-6 zoning district with the following conditions:

- The proposed PWSF is constructed in compliance with the submitted application and plans on file with Division of Planning & Regulatory Services.
- **Cost of decommissioning:** That an affidavit, signed by a qualified professional, be submitted that provides an accurate and complete estimate of the costs of decommissioning and removal of the proposed PWSF, and that said affidavit be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- **Paint color matching:** That an affidavit, signed by the applicant, be submitted that states that the applicant agrees to match the paint (brick red, as proposed at the meeting on May 14, 2012) of the proposed equipment as closely as practicable to the existing materials within the area of the installation, and that said affidavit be submitted to the Division of Building and Zoning and the Division of Planning & Regulatory Services prior to the issuance of a building permit;
- **Surety Bond:** That prior to the issuance of a building permit, a surety bond, equal to the cost of decommissioning and removal of the proposed PWSF, be obtained. Said bond shall be for a term of at least two years, and be adjusted for inflation every two years. The provisions of said bond

shall be to the satisfaction of the Director of Planning & Regulatory Services;

- ***Post-installation measurement of sound and RFP:*** That post-installation measurements of the total noise and total Radio Frequency Radiation emitted by all PWSF on the building/site are taken by a certified noise and RF engineer; that results of these measurements demonstrate compliance with the Noise and Radio Frequency Radiation standards of the Zoning Ordinance and Federal Communication Commission Guidelines; and that these results are submitted to the Division of Planning & Regulatory Services and Department of Inspectional Services prior to the issuance of the Certificate of Use & Occupancy.

List of Exhibits.

- Exhibit A: Special Permit Application; received 2/17/2012; prepared by Sprint Nextel Corp., including:
- a) An application waiver request
 - b) PWSF equipment brochures/information
 - c) RF Engineering Affidavit
 - d) Radio Frequency – Electromagnetic Energy Compliance Report
 - e) Report re: Structural Analysis
- Exhibit B: Special Permit Plan; dated 2/16/2012; prepared by Alcatel Lucent and Salient Architects, LLC.
- Exhibit C: Supplemental to the Application received 2/17/2012 including:
- a) Existing and Proposed Indoor Reliable Coverage for BS73XC044
 - b) Photo Simulations
- Exhibit D: Letter from Mark Cook for Sprint Nextel Corp to the Zoning Board of Appeals; re: Application for Special Permit for Modification to Personal Wireless Service Facility; dated March 23, 2012. Subject Property: 49 Union Street (MBL 02-001-00020)
- Exhibit E: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 49 (aka 51) Union Street (ZB-2012-013); dated 3/26/2012, updated April 20, 2012.
- Exhibit F: Letter from Salient Associates, LLC to Alcatel/Lucent USA, Inc.; re: Sprint Site Upgrade at 49 Union Street, Worcester, MA; dated May 4, 2012.
- Exhibit G: Photos received from Mark Cook at the May 14, 2012 Zoning Board of Appeals Meeting.

NEW BUSINESS

- 4. 3 Forestdale Street (ZB-2012-026)** - George Valeri appeared on behalf of the petition for a Variance for Relief of 3 off-street parking spaces from the 5 off-street parking spaces requirement.

Mr. Valeri stated that if four spaces are required it would “wipe out all the plants” on the premises and “wipe out all the beauty of the building” as he would need to put up a concrete retaining wall for parking spaces that he stated would not be used. Mr. Valeri stated that lodging house residents typically do not have cars. Mr. Valeri presented photos of property (Exhibit D).

Chair Abramoff stated that a Variance was granted for one off street parking space by the Zoning Board in 2010 with a number of conditions that have not been complied with. Mr. Valeri stated that he did not convert the parking area to gravel due to financial reasons but if Board decides that two parking spaces are required he will remove the asphalt and replace with the necessary depth of gravel. Mr. Valeri stated that he did not provide a dumpster, but instead provided two 80 gallon barrels that are on wheels that are hidden behind the building in the smoking area.

Mr. Valeri stated that there is a stockade fence along the back of the property. Mr. Fontane stated the original condition placed by Zoning Board of Appeals was that a stockade fence be constructed between the existing property and property owned by Luis Marrero and Marc Tetrault. Mr. Valeri stated that he could put up a fence but that it would encroach on his neighbor’s property. Chair Abramoff stated they can only approve what is on applicant’s property.

Mr. Fontane asked whether the five foot wall was five feet all the way down the property line. Mr. Valeri stated no. Mr. Fontane stated the fence was to screen the parking area and the parking area was proposed to have additional spaces.

Mr. Kelly stated that the project has received approval from License Commission for a lodging license and until the conditions of approval are met the lodging license cannot be issued.

Mr. Valeri stated by next week a stockade fence from the wall to the back by the right hand side would be installed.

Mr. Michajlow stated he had concerns that applicant did not comply with the original conditions of approval imposed by the Board and that since location is a lodging house there is a turn over of tenants and applicant cannot predict if future tenants may have cars. Mr. Akindele stated he had same concerns as Mr. Michajlow.

Mr. Bilotta asked Mr. Kelly if there had been any parking complaints at the location. Mr. Kelly stated that Inspectional Services had not received any complaints and that property is code compliant but needed to confirm that there is a resident assistant for the property. Mr. Valeri stated there is a resident assistant.

Mr. Valeri stated that historically he has never had more than three of four cars owned by residents in the six buildings he owns and that it is what he is basing his request on and doesn’t see it changing in the future.

Mr. Bilotta stated that he would suggest keep the green space and install the fence and the gravel and bring it before the Board in a year to see if there are any problems.

Jo Hart, city resident, stated that if there has no been outcry from the abutters relative to the parking that in her opinion the Variance should be approved.

Chair Abramoff stated that he had concerns as original conditions imposed were not complied with. However, he does value the green space and that there was no one present from direct neighborhood at meeting expressing concerns about the parking. Mr. Akindele stated he will take into consideration that there are no abutters present complaining about the parking and would be inclined to vote yes.

Mr. Michajlow stated he will not vote in affirmative on application unless there is time frame when all conditions of approval be completed.

Mr. Abramoff suggested a condition that the site complies with all conditions of approval within 30 days and that no parking complaints should be received in the next two years. Mr. Valeri stated that he will guarantee that he will pull up the asphalt and put some gravel down and stockade fence will be completed.

Mr. Fontane asked whether number of spaces now provided will be two. Mr. Abramoff stated yes. Mr. Fontane stated that the garden to the left could remain and create the parking behind along the side and rear of the building. Mr. Fontane stated this is most significant relief that Zoning Board has granted to a lodging house and that tenants turn over at these types of facilities and while current tenants may not require parking spaces future tenants may. Mr. Fontane stated he had question to the applicant as application states that there are nine beds being used but original application approved was for ten. Mr. Valeri stated it was not feasible to have ten bed. Chair Abramoff proposed that Board reduce the number of beds to nine.

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

Upon a motion by Mr. Loew and seconded by Mr. Bilotta, the Board voted 5-0 to approve the Variance for relief of 3 off-street parking spaces from the 5 off-street parking spaces requirement with the following conditions:

- a. That approval is tied to final approved amended Definitive Site Plan. Since, the plan has been modified to show a different configuration / number of off-street parking spaces, the applicant must file an Amendment to Definitive Site Plan and build to the amended approved plan by the Planning Board.
- b. That the gravel depth of the driveway and parking areas is to be approved by the Planning Board in accordance with site plan approval.
- c. That the driveway and parking area to remain gravel and existing pavement be eliminated and label such on amended site plan.
- d. That relief is for one parking space; the four off-street parking spaces must be provided on the eastern portion of the site.
- e. That the dumpster on site be screened by a stockade or simulated stockade fencing and be placed outside the front yard setback and outside the side yard setback for the abutting residential property.

- f. That the height and materials of existing and/or proposed fencing be labeled on amended site plan.
- g. That a stockade fence be constructed, if not already existing, between the existing property and property owned N/F by Luis Marrero and Marc Tetrault.
- h. That the applicant label existing trees in excess of 9 inches in diameter and label any existing or proposed dense vegetative buffers on amended site plan and not remove any trees in excess of 9 inch diameter.
- i. That a weekly or more frequently, if needed, maintenance program for lawn, shrubs, snow removal and parking areas be established. Gravel runoff, if any, is to be removed from street as part of the maintenance program.
- j. That a letter from the company agreeing to the maintenance program above be filed with Division of Planning and Regulatory Services.
- k. That the off-street parking relief (Variance) is for a lodging house use *only*.
- l. That a minimum lease period of 12 months for the lodging house use.
- m. That the lease is to include the house rules as finally revised and that the house rules are to be posted on all floors.
- n. Lodging house rules accepted as modified by the ZBA, referred to as “Claremont rules”, whichever is more stringent and further modified to comply with state law.
- o. That a Resident Assistant be retained and live in the building to ensure compliance with house rules.
- p. That the contact information of the landlord is to be posted outside and available to the public.
- q. That the applicant must notify the abutters that were notified for ZBA hearing of the License Commission hearing and pay for notification at own expense.
- r. That at the time of the annual inspection by Inspectional Services and the Fire Department, the land owner must demonstrate that the conditions of the Special Permit are being met;
- s. That the maximum number of beds is reduced to nine (9) total;
- t. That the proposed garden space is preserved;
- u. That conditions are complied with within thirty days from the final action date;
- v. That by May of 2014, the applicant will return to the Zoning Board of Appeals to provide update on parking and Board will re-vote the issue.

List of Exhibits.

- Exhibit A: 3 Forestdale Rd Application; received 4/5/2012 prepared by George Valeri.
- Exhibit B: Definitive Site Plan; dated June 3, 2010 revised April 4, 2012; prepared by Michael Burke.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 3 Forestdale Rd; dated May 11, 2012.

Exhibit D: Photos submitted by George Valeri at the May 14, 2012 Zoning Board of Appeals Meeting.

- 5. 72 Shrewsbury Street (ZB-2012-027)** – Robert Branca, Matthew Doyle and Jay Finlay appeared on behalf of the petitioner J&M Batista Family Limited Partnership for Special Permits to provide several uses on site, including a ~3,140SF retail use, a ~5,290SF restaurant use, a ~8,420 SF office use, a ~8,700 SF professional space, and a ~3,220 SF bank with a drive-through use with 81 off-street parking spaces on site. Mr. Branca clarified that the ~8,700 SF professional space, as stated in the notice, will actually be used as a garage space.

Mr. Fontane stated this is an application for Special Permit and parking relief will be applied for through the Planning Board.

Chair Abramoff asked whether traffic would exit onto East Central Street. Mr. Branca stated people can enter and exit the site via Shrewsbury or East Central Street.

Chair Abramoff was concerned about employee parking area interfering with the escape lane. Mr. Branca stated that cars park there now already and that he does not anticipate interference as the escape lane is larger than twelve feet wide.

Mr. Michajlow asked whether four employee parking spaces was enough. Mr. Branca stated that there are four designated employee parking spaces, but a total of 167 spaces on site.

Mr. Bilotta stated that was concerned about safety of a person with a disability having to cross the drive thru lane to access the building. Mr. Branca stated that there is a dedicated crosswalk in proximity to the handicapped parking. Chair Abramoff stated that recommendation of staff was to stripe the pedestrian walkway. Mr. Branca that the pedestrian walkway is already striped.

Mr. Bilotta was concerned with traffic being able to enter and exit both ways to Shrewsbury Street. Mr. Branca stated that previous use was retail and they had similar set up and people were allowed to enter and exit both ways.

Mr. Akindele asked if the drive up teller will be provided. Mr. Branca stated yes.

Mr. Branca stated staff's suggested conditions of approval are acceptable and they will be providing more trees than required.

Mr. Fontane stated that the relief that is being requested is consistent with past requests to ZBA for similar relief. He suggested that the Board consider a condition be added that no queuing would be allowed off-site.

Mr. Bilotta asked Mr. Kelly if there was a way to extend the island on Shrewsbury Street to prevent people from making a left turn. Mr. Kelly stated that Department of Public Works would have to review the matter. Vice Chair Abramoff suggested as condition of approval that application be subject to review by Department of Public Works.

Mr. Fontane stated that the parking plan will be reviewed by the Planning Board at an upcoming meeting.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to approve the Special Permit for Nonresidential use allowed only by Special Permit (Article IV, Section 2, Table 4.1) – bank/credit union with a drive-through and Special Permit for Modification Parking/Loading Requirements (Article IV, Section 7(A)(7)(c)-180-ft drive-through length required, 116 proposed with the following conditions:

- 1) That the structure be constructed in accordance with final approved plan approved by the Planning Board - Special Permit – Shrewsbury Street Parking Overlay District;¹
- 2) That six copies of final revised plans are submitted incorporating all of the Zoning Board of Appeals and the Planning Board’s conditions of approval, as applicable, including:
 - a.) Proposed wall mounted lighting;
 - b.) Dimensions of the proposed monument sign;
 - c.) Proposed landscaping and landscaping table with species number and size;
- 3) That dumpster screening shall consist of simulated stockade fence;
- 4) That the existing chain link fence along East Central Street is replaced with black vinyl coated chain link fence or similar;
- 5) Landscaping:
 - a.) Provide a minimum of three (3) trees be provided along East Central Street and a minimum of one (1) tree be provided along Shrewsbury Street;
 - b.) Provide a combination of ornamental grasses, hardy, drought/salt tolerant perennials and evergreen shrubs in the remaining landscaping buffer throughout the site;
 - c.) Provide minimum 2 trees for the interior parking area;
- 6) That the landscaping be maintained minimum on the bi-annual basis;
- 7) Stripe a pedestrian walkway throughout the parking field from the 17 interior parking spaces to the 11 parking spaces across from the building to provide designated pedestrian areas;
- 8) That no vehicle queuing off-site shall be allowed;
- 9) That Department of Public Works review traffic plan for the location.

Exhibit A: 72 Shrewsbury Street - Special Permit Application; received April 9, 2012; prepared by Matthew Doyle.

¹ The Special Permit review subsumes Parking Plan review.

Exhibit B: Parking Plan; dated March 20, 2012, prepared by Finlay Engineering.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 72 Shrewsbury St Special Permits; dated May 11, 2012.

Chair Abramoff requested a five minute recess.

- 6. 1 Fielding Street (ZB-2012-028) - Anthony Corso, the applicant, appeared to request a Variance to subdivide the lot and construct another single-family detached dwelling** fronting Apricot Street. Mr. Corso stated that on January 10, 2011 the Zoning Board had approved the Variance but the rights authorized under the Variance were not exercised and the Variance expired on February 2, 2011. Chair Abramoff asked if original conditions would still be acceptable to applicant. Mr. Corso stated yes and everything would stay the same.

Joanne Koslaskas, an abutter, asked for a confirmation that there will be no changes to the original plan.

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

Upon a motion by Mr. Loew and seconded by Mr. Akindele, the Board voted 5-0 to approve the Variance for relief of five (5) feet from the frontage requirement and to accept the applicant's Finding of Facts as amended by staff with the following conditions:

- 1) The structure be constructed in substantial accordance with the final approved Variance plan and with the submitted rendering prepared by Westchester Modular Homes, Inc., submitted on December 7, 2010 and resubmitted with the current Variance application, April 11, 2012;
- 2) One 3" caliper shade tree be planted in the lot fronting Apricot Street;
- 3) Each side of the driveway remain as green space and not be paved;
- 4) The single-family detached dwelling on Lot 2 shall not be constructed until and if the Approval Under The Subdivision Control Law Is Not Required Plan (subdividing the 1 Fielding Street parcel into Lot 1s and 2, as shown on the Variance Plan (dated 11-30-10, prepared by HS&T Group, Inc.) is approved by the Planning Board and recorded with the Registry of Deeds;
- 5) Garage is to be set back 21 feet from the street;
- 6) Stockade fencing is to be constructed 1 foot inside the property line as follows: a) left side of house is to be 8 feet back from street and will rise from 3 feet to 6 feet in a 10 foot space, b) right side of house is to be 17 feet back from the street be 3 feet in height for a span of 10 feet to the corner of the house and then 6 feet in height for the rest of the length.

List of Exhibits.

Exhibit A: Variance Application; received April 11, 2012; prepared by Anthony Corso.

- Exhibit B: Variance Plan; dated 11-30-10, prepared by HS&T Group, Inc., received April 12, 2012.
- Exhibit C: Rendering; submitted December 7, 2010; received April 12, 2012 prepared by Westchester Modular Homes, Inc.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 1 Fielding Street (ZB-2012-028); dated May 11, 2012

- 7. 10 Midgley Lane (ZB-2012-029)** – Grover Gentry, Jr appeared on behalf of the petitioner, Patrick Hayes for a Variance for relief of 1,125 SF from the 7,000 SF gross area dimensional requirement. Mr. Hayes stated that was not able to have a rendering requested by Department of Planning & Regulatory Staff for tonight’s meeting.
- Chair Abramoff stated without a rendering the Board would not be willing to consider the item and asked if the applicant would like a postponement on the item.
- Mr. Hayes requested to postpone item until June 4, 2012.
- Upon a motion by Mr. Loew and seconded by Mr. Akindele, the Board voted 4-0 to postpone the item to the June 4, 2012 Zoning Board of Appeals Meeting.

List of Exhibits.

- Exhibit A: Variance Application; received April 13, 2012; prepared by Patrick M. Hayes.
- Exhibit B: Variance Plan; dated April 6, 2012; prepared by New England Land Survey.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 10 Midgley Lane; dated April 8, 2012.
- Exhibit D Letter of Opposition from Gerard M. Sutton and Petition signed by abutting owners, dated May 2, 2012.
- Exhibit E Letter of Opposition from James H. Faler; dated May 8, 2012.
- Exhibit F Request for continuance dated May 14, 2012 received from Grover Gentry at the May 14, 2012 Zoning Board of Appeals meeting.

OTHER BUSINESS

Signing of Decisions: 19 McKeon Road, 22 South Lenox Street, 59 Granville Street, 38 Hermon Street, 266 Chandler Street decisions were signed.

ADJOURNMENT

Upon a motion by Mr. Bilotta and seconded by Mr. Akindele, the Board adjourned the meeting at 7:35 p.m.