

**WORCESTER ZONING BOARD OF APPEALS
MINUTES OF MEETING
October 17, 2005**

Board Members Present: Thomas Hannigan
Leonard Ciuffredo
John Reynolds
Matthew Armendo
Jerry Horton
Morris Bergman
David George

Staff Present: Dave Holden, Department of Code Enforcement
Edgar Luna, Division of Planning and Regulatory Services
Lara Bold, Division of Planning and Regulatory Services

Regular Meeting (5:30 PM) – Saxe Room, Worcester Public Library

Call to Order: Thomas Hannigan called the meeting to order at 5:30 P.M.

- 1) **12 May Street (Z05-133) – Leave to Withdraw Without Prejudice:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the petitioner's requested Leave to Withdraw without Prejudice relative to the petitioner's requested five variances.
- 2) **5 Albert Street (Z05-134) - Variances:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the petitioner's request for a Variance for 10 feet of relief from the frontage requirement and a Variance for relief of 1,267 feet from the gross dimensional requirement to construct a single family home with the following condition: that the structure will not have any entrance on the side, only on the front and rear of the building.
- 3) **24 Northboro Street (Z05-137) Leave to Withdraw without Prejudice:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to grant the petitioner's request to Leave to Withdraw without Prejudice relative to the petitioner's request for two special permits and a variance.
- 4) **67 King Street (Z05-120) -Variance:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 (John Reynolds recused himself, Morris Bergman voted) to approve the requested Variance for relief of 27 feet, 10 inches from the frontage requirement for a duplex with the following conditions: that the existing fence is maintained and that a vegetative buffer is established.

- 5) **1 & 3 Prioulx Street** (Remand from Land Court) The Board determined that the applicant had standing and requested the Law Department to ask for an additional extension of 90 days to review the site plan in order to set reasonable terms and conditions.
- 6) **30 Hollis Street** (Z05-158) – **Special Permit:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 (John Reynolds recused himself, Morris Bergman voted) to continue the hearing for the requested Special Permit to allow a flea market in an MG-5.0 zone until November 14, 2005 to allow the petitioner time to show the board a lease with an agreement for parking spaces and definite square footage.
- 7) **31 Richmond Avenue** (Z05-140)– **Variations and Special Permit:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 (Jerry Horton recused himself, Morris Bergman voted) to approve the petitioner’s requested Variance for 10 feet of relief from the front yard setback requirement, the requested Variance for 10 feet of relief from the frontage requirement and the requested Special Permit for expansion or change of pre-existing, non-conforming structure with the following conditions: that the new architecture blend in with the existing architecture and that smoke detectors be installed in the new addition per Worcester Fire Department request.
- 8) **59 Park Avenue** (Z05-166) – **Special Permit:** Upon a motion by Matthew Armendo and seconded by John Reynolds, the Board voted 4-1 (Leonard Ciuffredo opposed) to approve the petitioner’s requested Special Permit to allow a beauty salon in a BO-1.0 zone.
- 9) **456 Park Avenue** (Z05-167) – **Variations and Special Permits:** Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 4-1 (Matthew Armendo opposed) to approve the petitioner’s requested Variance for 10 feet of relief from the rear yard setback requirement, the requested Variance for relief of five parking spaces, the requested Special Permit to expand or change a pre-existing non conforming structure and the requested Special Permit to expand or change a pre-existing non-conforming use for a conversion and small expansion of existing retail and office space.
- 10) **91 Stafford Street** (Z05-168) – **Variations and Special Permit:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Special Permit to allow retail in an ML-2.0 zone.
- 11) **26 Lyon Street** (Z05-169) – **Variance and Special Permits:** Upon a motion by Leonard Ciuffredo and seconded by John Reynolds, the Board voted 5-0 to deny the petitioner’s requested Variance for relief of one off-street parking space, the requested Special Permit to allow a kennel in a BG-2.0 zone, and the requested Special Permit to expand or change a pre-existing, non-conforming use because the Board felt a kennel was not an appropriate use for the area and may have a detrimental effect on the neighborhood.

- 12) **46 Marcy Street (Z05-170) – Variance:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variance for 5 feet of relief from the side yard setback requirement.
- 13) **775 Grafton Street (Z05-171) – Special Permit:** Upon a motion by John Reynolds and Leonard Ciuffredo, the Board voted 5-0 to deny the requested Special Permit to allow motor vehicle sales in a BL-1.0 zone because the Board felt the location was not the most appropriate use of the land and felt that such use would negatively impact the neighborhood.
- 14) **45 Somerset Street (Z05-172) – Variance and Special Permits:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to deny the requested Leave to Withdraw without Prejudice. Subsequently, the Board voted 5-0 to deny the petitioner’s requested Variance for relief of 3 parking spaces from the off-street parking requirement, the Special Permit to expand a pre-existing non-conforming structure, and the Special Permit to allow a professional office in an RG-5.0 zone because the Board felt it would negatively impact the residential aspect of the neighborhood and would stress an already difficult parking situation.
- 15) **29 Laconia Road (Z05-173) – Variance:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the petitioner’s requested 10 feet of relief from exterior side yard setback requirement for a carport.
- 16) **35 Bristol Street (Z05-174) – Special Permit:** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 to continue the hearing for the requested Special Permit to allow a duplex in an RS-7 zone until November 28, 2005.
- 17) **150 Cambridge Street (Z05-175) – Variance and Special Permit:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the requested Variance for 17 feet of relief from the rear yard setback requirement and the requested Special Permit to allow a used car lot in a BL-1.0 zone with the following conditions: that the proposed structure on the lot be pre-fabricated construction and not a trailer with visible wheels and that appropriate landscaping be used.
- 18) **301 Plantation Street (Z05-176) – Special Permit:** Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to continue the hearing for the requested Special Permit to construct a 3 family dwelling in an RL-7 zone until November 28, 2005 to allow the engineer time to indicate on the plan details on the drainage and to allow the applicants time to discuss other concerns about parking with the abutters.
- 19) **525 Lincoln Street (Z05-177) – Special Permit:** Upon a motion by John Reynolds and seconded by Leonard Ciuffredo, the Board voted 5-0 to approve the requested Special Permit to allow a drive through service in a BG-4.0 zone for a proposed Dunkin Donuts/Baskin Robbins style restaurant.
- 20) **299 Lincoln Street (Z05-178) – Variances:** Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested Variance

for 5 feet of relief from the side yard setback requirement and the requested Variance for 7 feet of relief from the rear yard setback requirement in order to renovate and upgrade the building for medical and office use and provide sufficient off-street parking for said use.

- 21) **Heath Street (off 83 Malvern Road) (Z05-179) – Leave to Withdraw Without Prejudice:** Upon a motion by Leonard Ciuffredo and seconded by Matthew Armendo, the Board voted 5-0 to approve the petitioner's request to Leave to Withdraw without Prejudice relative to a requested Special Permit to allow single family attached dwellings in an RL-7 zone.
- 22) **Sheldon Street (off 83 Malvern Road) (Z05-180) – Special Permit** – Upon a motion by John Reynolds and seconded by Matthew Armendo, the Board voted 5-0 to continue the hearing for a Special Permit to allow single family attached dwellings in an RL-7 zone until November 14, 2005 to allow the petitioner time to address some of the abutters' concerns.
- 23) **Lot 1, 1475 Main Street (Z05-181) – Special Permit** – Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Special Permit to allow single-family semi-detached dwellings (duplexes) in an RS-7 zone.
- 24.) **Lot 2, 1475 Main Street (Z05-182) – Special Permit** - Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Special Permit to allow single-family semi-detached dwellings (duplexes) in an RS-7 zone.
- 25.) **Lot 3, 1475 Main Street (Z05-183) - Special Permit** - Upon a motion by John Reynolds and seconded by Jerry Horton, the Board voted 5-0 to approve the requested Special Permit to allow single-family semi-detached dwellings (duplexes) in an RS-7 zone.
- 26.) **18 East Mountain Street (Z05-185) – Variances and Special Permit-** Upon a motion by Matthew Armendo and seconded by Leonard Ciuffredo, the Board voted 5-0 to continue the requested hearing for 3 Variances and a Special Permit until the November 28, 2005 meeting to allow the petitioner time to provide more information to the Board.
- 27.) **301, 315, 319, 321 Cambridge Street and 2 Hacker Street** – Extension of Time – Upon a motion by Matthew Armendo and seconded by John Reynolds, the Board voted 5-0 to approve the requested extension of time.
- 28.) **5 Mann Street – (Z05-184)- Request for Continuance** – Upon a motion by Jerry Horton and seconded by Matthew Armendo, the Board voted 5-0 to approve the requested continuance until the November 14, 2005 meeting.
- 29.) **475 Chandler Street** – Change to a Comprehensive Permit – Upon a motion by Jerry Horton and seconded by John Reynolds, the Board voted 5-0 that the proposed

refinancing change to the previously granted Comprehensive Permit was insubstantial and therefore did not warrant a new public hearing.

Approval of Minutes: Upon a motion by Leonard Ciuffredo and seconded by John Reynolds, the Board voted 5-0 to approve the September 26, 2005 minutes.

The meeting adjourned at 9:00 P.M.