

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

July 9, 2007

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present: Leonard Ciuffredo, Chair
Morris Bergman, Vice-Chair
Matthew Armendo
David George
Lawrence Abramoff

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

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

APPROVAL OF THE MINUTES

The minutes were held until July 23, 2007 to be amended.

NEW BUSINESS

- 1. 660 Franklin Street (Z-07-45) – Variances:** Cheryl Morrill, representative for the petitioner, presented the petition. The petitioner is seeking a Variance for relief of 2,440 square feet from the gross dimensional requirements for each of the two existing lots located at 660 Franklin Street (A.K.A. 664 and 666 Franklin Street). The Board took up item #2, a petition for Administrative Appeal (Z-07-62) contemporaneously. Ms. Morrill stated that the project has received building permits and all inspections have been completed but that a Certificate of Occupancy was not issued because Table 4.2 of the Zoning Ordinance, as amended through 2007, states that for all residential dwellings in the BL-1.0 zoning district, 5,000 square feet is required. Since Table 4.2 does not specifically state “per dwelling unit”, the Director of Code Enforcement has interpreted the required 5,000 square feet as being required per lot. All other references to residential districts where duplexes are allowed (RG-5 and RL-7) specifically refer to the requirements per dwelling unit (4,000 square feet per dwelling unit in RL-7 and 3,000 square feet per dwelling unit in RG-5). Because single-family, semi-detached dwelling units are, by definition, located on two adjoining lots, the Director of Code Enforcement has interpreted that 5,000 square feet is required per lot and, therefore, 10,000 square feet per duplex in the BL-1.0 zoning district. By right, the petitioner would be allowed to construct a two-family, side-by-side condominium with shared utilities on a 5,000 square foot lot but not a duplex. Jean Portuando was concerned with safety, as

there is an unsecured building on the lot, and debris and overgrowth on the lot that needs to be cleaned up. Victor Montiverdi was concerned about the density of the development. Mr. Fontane stated that staff has identified this as an oversight in the Planning Board's November 18, 2003 petition to amend Table 4.2 and is preparing an amendment for the Planning Board's consideration.. Mr. Kelly stated that when the "As-Built" plans were reviewed the problem was discovered. Don Theoridis stated that there have been prospective buyers but they have been unable to close on the purchase because a Certificate of Occupancy has not been granted. Mr. Armendo asked if the Board can set conditions to have the site cleaned up. Mr. Kelly and Mr Fontane answered that the site should be cleaned up as a condition of approval. Mark Portuando was concerned about the rest of the site if this variance is approved. Upon a motion by Larry Abramoff and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Larry Abramoff and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Variance for 2,440 square feet of relief from the gross dimensional requirement (664 Franklin Street)**
- **Variance for 2,440 square feet of relief from the gross dimensional requirement (666 Franklin Street)**

The Variances were approved with the following conditions:

- **A Certificate of Occupancy will not be issued until the property is free of debris and loose construction materials**
 - **All overgrown weeds and trees must be cut down on all sides of the property**
 - **Lot must be graded to remove holes and piles of dirt**
 - **Existing building must be secured**
2. **660 Franklin Street (Z-07-62) – Administrative Appeal:** The petition for an Administrative Appeal was taken up contemporaneously with item #1. Cheryl Morrill, representative for the petitioner, stated that the petitioner is seeking an Administrative Appeal to overturn the determination by the Director of Code Enforcement that 5,000 square feet is required per lot for single-family, semi-detached dwellings (duplexes) in a BL-1 zoning district. Upon a motion by David George and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by David George and seconded by Matthew Armendo, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to affirm the Director of Code Enforcement's determination and the petition was denied.
3. **10 Frank Street (Z-07-63) – Variance:** Ralph Sargent, representative for the petitioner, presented the plan. The petitioner requested a Variance for 3,000 square feet of relief from gross dimensional requirement (Parcel A), Variance for 20 feet of relief from frontage requirement (Parcel A), Variance for 3 feet, 10 inches of relief from front yard setback requirement (Parcel A), Variance for relief of 2 parking spaces from the off-street parking

requirement (Parcel A), Variance for 2,000 square feet of relief from gross dimensional requirement (Parcel B), Variance for 15 feet of relief from frontage requirement (Parcel B). Mr. Armendo stated that the petitioner had been creative with the parking configuration, had done what the Board had previously requested, and was not changing the character of the neighborhood. Mr. George was concerned about the number of other lots in this neighborhood that could be built upon in a similar fashion. He also expressed concern about overcrowding. Board members discussed overcrowding. Mr. Sargent requested Leave to Withdraw Without Prejudice for all of the Variances. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the petitioner's request for Leave to Withdraw Without Prejudice the requested Variances.

4. **69 Heywood Street (Z-07-64) – Variance;** Charles Scott, representative for the petitioner, presented the plan. The petitioner requested a Variance for 752 square feet of relief from gross dimensional requirement, Variance for 15 feet of relief from rear yard setback requirement. Mr. Scott stated that the petitioner had purchased the single family detached dwelling that was on the site and that it had burned and was demolished. He also stated that the new plan was to construct a single-family semi-detached dwelling with the front door located on Rosamond Street. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to close the hearing. Upon a motion by Matthew Armendo and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, Morris Bergman, Matthew Armendo, David George and Lawrence Abramoff to approve the following:

- **Variance for 15 feet of relief from the rear yard setback requirement**
- **Variance for 752 square feet of relief from the gross dimensional requirement**

The Variances were approved with the following conditions:

- **That erosion mitigation system, such as, pavement or a similar measure, must be installed at the bottom of the driveway to prevent erosion of Rosamond Street.**
- **Approval is subject to the site plan approved by the Planning Board.**
- **Landscaping for screening purposes to be a combination of trees and shrubs.**

OTHER BUSINESS:

Mr. Fontane presented to the Board a proposed fee schedule to reflect the associated costs with application review processing that included an adjustment for inflation, introduction of new fees and other changes. He stated that commercial fees and residential fees were separated as the Board requested. The Board expressed concern that the fees were not updated since 1991. Mr. Fontane recommended that the fees should be tied to the CPIU and updated bi-annually. Upon a motion by Lawrence Abramoff and seconded by Matthew Armendo, the Board voted 5-0 to

advertise the amendment to the Rules and Regulations of the Zoning Board of Appeals, Article II, Section 5.

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 8:00 PM.