

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

January 14, 2008

WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM

Zoning Board Members Present: Leonard Ciuffredo, Chair
David George, Vice-Chair
Lawrence Abramoff
Andrew Freilich
Brian Murphy

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
John Kelley, Division of Code Enforcement

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

APPROVAL OF MINTUES

Upon a motion by David George and seconded by Andrew Freilich, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the minutes from the December 10, 2007 meeting as amended.

UNFINISHED BUSINESS

- 1. 20 Imperial Road (Z-07-125) – Variances and Special Permit:** David Sadowski, representative for the petitioner, Gerald Gallo, reminded the Board that the petitioner is seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure, a Variance for 4 feet of relief from the side yard setback requirement and a Variance for 11 feet of relief from the rear yard setback requirement to add an attached two-car garage with a second story to be used as a recreational area. He informed the Board that Mr. Gallo was out of town for two months and was unable to attend the hearing. Chair Ciuffredo said at the November 26, 2007 meeting the Board requested a rendering and Mr. Freilich and Mr. Abramoff both said they wanted to see a scaled drawing showing how the proposed garage relates to the house and the surrounding area. Mr. George said he wanted to see how the structure would fit on the lot and said he had a problem with the additional space over the garage. Mr. Freilich made it clear that he will not vote to approve a bathroom in the upstairs space and he does not want the space to ever be utilized as an apartment. At this point, Chair Ciuffredo said that perhaps it might be better to request leave to withdraw without prejudice because Mr. Bergman, who had sat in on the first hearing, is no longer serving on the Board and the new member, Brian Murphy, cannot participate in this hearing

since he had just been appointed. Because the Board wants more information, he concluded, Mr. Gallo could reapply and have five members participate at that time because it would be a new application. Mr. Sadowski asked if the application fee could be waived for the new application and Chair Ciuffredo said the Board would entertain the request. Mr. Fontane asked that if the Board chose to waive the fee for re-application, it waive all but \$100.00 to cover advertising costs and processing. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to close the hearing. Upon a motion by Andrew Freilich and seconded by Lawrence Abramoff, it was voted 4-0 by Leonard Ciuffredo, David George, Andrew Freilich and Lawrence Abramoff to approve the request for Leave to Withdraw without prejudice the Special Permit for expansion or change of a pre-existing nonconforming use/structure, a Variance for 4 feet of relief from the side yard setback requirement and a Variance for 11 feet of relief from the rear yard setback requirement. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 3-1 by Leonard Ciuffredo, Andrew Freilich and Lawrence Abramoff (David George voted no) to waive the filing fee for reapplication except for \$100.00 to cover the costs associated with advertising and processing.

2. **19 Buckingham Street (Z-07-130) – Variance: Two additional petitions for this address (Z-07-135) - Special Permit and (Z-07-136) – Variance were taken contemporaneously (#7 on the agenda).** The petitioner, Evis Terpollari, explained to the Board that he was seeking a Variance for 4 feet of relief from the side yard setback requirement, a Variance for 4 feet of relief from the rear yard setback requirement and a Special Permit for expansion or change of a pre-existing nonconforming use/structure to add on to the existing garage. He said he was just adding space to park a car and there would be no upper level storage. The Board requested a rendering and Mr. Terpollari requested some time to produce it. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to table the item until later in the meeting. After all the other hearings were concluded and upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to remove the item from the table. Mr. Terpollari produced a hand drawn rendering which depicted a larger garage than he was actually requesting. He cross hatched the part of the garage that would not be built and submitted it as Exhibit A. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Special Permit for expansion or change of a pre-existing nonconforming use/structure**
- **Variance for 4 feet of relief from the side yard setback requirement**
- **Variance for 4 feet of relief from the rear yard setback requirement.**

3. **1-7 Piedmont Street (Z-07-131) – Extension of Time for Special Permit and Variances:** Joe Boynton stated the petitioner, Worcester Common Ground, is seeking an extension of time for a Special Permit for expansion or change of a pre-existing nonconforming use/structure, an extension of time for a Variance for 115 feet of relief from the frontage requirement and an extension of time for a Variance for relief of 48 parking spaces from the off-street parking requirement to construct a building containing twelve one-bedroom dwelling units and four retail shops. Mr. Boynton said the project had not moved forward due to financing delays and increased costs, but the financing is in place and they hope to break ground in the Spring. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:
- **Extension of time for six months for a Special Permit for expansion or change of a pre-existing nonconforming use/structure**
 - **Extension of time for a Variance for relief of 48 parking spaces from the off-street parking requirement**
 - **Extension of time for a Variance for 115 feet of relief from the frontage requirement.**
4. **28 Windsor Street (Z-07-132) – Special Permit:** Christine Rafferty Morway, petitioner, presented the petition. Ms. Morway stated she is seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure to convert a three-family dwelling to create a fourth dwelling unit. She said she would like to convert a six-room apartment into two one-bedroom apartments because she feels one-bedroom apartments are more marketable. Mr. George questioned where the parking spaces were located in relation to the lot line and also the dimensions of the spaces. He also stated his opposition to backing out onto the street. Ms. Morway said she is awaiting a decision from the Fire Department and Code Enforcement Division as to whether or not she must install sprinklers. Mr. Kelly stated the two departments would determine if sprinklers are necessary. He added that if the cost to install sprinklers exceeds the cost of the renovations by a large amount, the installation is not feasible, but the petitioner could use an alternative means of construction. Mr. Kelly indicated that it was in the petitioner’s best interest to get feedback from the Fire Department and Code Enforcement Division. Mr. George requested that Mr. Kelly provide the Board with a list of the triggers for installation of sprinklers. Upon a motion by Andrew Freilich and seconded by David George, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to continue the hearing to January 28, 2008.
5. **13, 17, 19, 21, 22, 23 & 27 Kilby Street/216-218 Beacon Street (Z-07-133) – Variance:** Attorney Todd Rodman and J. Stephen Teasdale, representatives for the petitioner, Main South Community Development Corporation, presented the petition. Mr. Rodman said the petitioner proposes to construct fourteen dwelling units in three sets of single-family attached buildings and one two-family building with each building having two stories and a habitable attic. The Zoning Ordinance limits the maximum height to two stories with a non-habitable

attic thus necessitating the request for a Variance for relief from the maximum height requirement. Chair Ciuffredo asked how common it was to have a three level single-family dwelling and Mr. Kelly responded that it was a common occurrence in single-family detached dwellings. Mr. Teasdale indicated that the dwellings will be 1200 square feet with the attic space and 900 square feet if the attic space were non-habitable. He also said that eleven of the units would be restricted to low and moderate income families and three units would be unrestricted. Mr. Freilich was concerned about egress should there be a fire and thought the attic spaces should have some sort of escape mechanism from the windows. Mr. Kelly said the Code Enforcement Division does not endorse that type of escape mechanism. Mr. Teasdale said twelve of the fourteen dwellings were required to have sprinklers and the duplex units were not. He did say, however, he was willing to install sprinklers in the duplex units. Upon a motion by David George and seconded by Lawrence Abramoff, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to approve the following:

- **Variance: Relief from the maximum height requirement**

The Variance was approved with the following conditions:

- **Construction must be in accordance with the rendering submitted.**
- **Approval is subject to the most recently amended Definitive Site Plan approved by the Planning Board on November 14, 2007.**

6. **4-6 May Street (Z-07-134) – Special Permit:** John Riel, representative of the petitioner, presented the petition. He said the owner is seeking a Special Permit for expansion or change of a pre-existing nonconforming use/structure for the purpose of converting the existing 4,000 square foot building to retail use. Chair Ciuffredo asked if there were any tenants yet and Mr. Riel responded no. Mr. George stated he would like to see a parking plan and what effect it will have on the neighborhood. Upon a motion by David George and seconded by Andrew Freilich, it was voted 5-0 by Leonard Ciuffredo, David George, Andrew Freilich, Lawrence Abramoff and Brian Murphy to close the hearing. Upon a motion by Lawrence Abramoff and seconded by Andrew Freilich, it was voted 4-1 by Leonard Ciuffredo, Andrew Freilich, Lawrence Abramoff and Brian Murphy (David George voted no) to approve the following:

- **Special Permit: Expansion or change of a pre-existing nonconforming use/structure**

The Special Permit was approved with the following conditions:

- **Tree buffer along the side of 6 May Street remain intact.**
- **Plan approved is for parking and vegetation according to the plan dated May 31, 2007 and is subject to Parking Plan Approval from the Planning Board.**

7. **19 Buckingham Street (Z-07-135 & 136) – Variance and Special Permit: See #2.**

OTHER BUSINESS

New Board Members: There was a brief discussion about how vacations, illnesses and family emergencies are all difficulties that may conflict with the demands of having to attend every meeting due to the lack of a full seven member Board. Chair Ciuffredo said the appointment of the new member has not eased the problem. The Board reiterated its request that its concerns be communicated to the City Manager.

ADJOURNMENT: Chair Ciuffredo adjourned the meeting at 7:45 PM.