

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

**October 21, 2010
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

Zoning Board Members Present:

David George, Chair
Lawrence Abramoff
Timothy Loew
Kola Akindele

Staff Present:

Joel Fontane, Division of Planning & Regulatory Services
Ruth Gentile, Division of Planning & Regulatory Services

SPECIAL MEETING (6:00 PM)

CALL TO ORDER

Chair George called the meeting to order at 6:00 PM.

NEW BUSINESS

- 1. Proposed Amendment to the Zoning Board of Appeals Rules and Regulations – Section 5 of Article II related to consultant fees.** Mr. Fontane presented the amendment to the rules and regulations of the Zoning Board of Appeals to employ provisions available under Mass General Laws that allow the Board to hire a consultant at an applicant's expense when appropriate. He stated that, for example, neither the City nor the Board has the capacity to independently verify claims regarding identified "coverage gaps" related to special permits for wireless facilities, and that the expertise of a consultant would be needed to do so. He also stated that it should be used sparingly and only where technical expertise is needed regarding a matter.

He stated that for consistency, the Rules and Regulation changes would be applicable to all types of special permit considerations, and that they are being proposed for both the Planning Board and the Zoning Board of Appeals. Mr. Abramoff asked for clarification if this meeting was just to consider advertising the Rules and Regulations change. Mr. Fontane said yes, this meeting was only to review the change and request the Board to vote to advertise it for formal consideration.

Mr. Abramoff asked what would happen if the applicant does not agree to pay for a consultant. Mr. Fontane said that they would be denied and that there is an appeal process to the City Council regarding these matters. Mr. Abramoff said that he was in favor of the concept and for holding a public hearing on the proposal. The Board agreed to advertising for the hearing on the change to the Rules and Regulations. Upon a motion by Lawrence Abramoff and seconded by Timothy Loew, it was voted 4-0 by David George, Lawrence Abramoff, Timothy Loew and Kola Akindele to advertise to hold a public hearing on the

Proposed Amendment to the Zoning Board of Appeals Rules and Regulations – Section 5 of Article II related to consultant fees on November 8, 2010.

Exhibit A – DPRS Staff memo to Zoning Board of Appeals dated 10/19/10

Exhibit B – Rules and Regulations of Zoning Board of Appeals – Amendment dated 10/19/10.

Exhibit C – Law Department Legal Opinion dated 3/6/10.

Exhibit D – Law Department Legal Opinion dated 12/31/09.

Exhibit E – Federal Communications Decision dated 11/19/09.

Other Business:

Decisions: The Board signed decisions.

Adjournment

Chair George adjourned the meeting at 6:15 pm.