

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

June 17, 2013

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM

Zoning Board Members Present: Lawrence Abramoff
Vadim Michajlow
William Bilotta
Joseph Wanat
Timothy Loew
Robert Haddon

Zoning Board Members Absent: None

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Marlyn Feliciano, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

Board Site Views

CALL TO ORDER

Chair Abramoff called the meeting to order at 5:32 p.m.

REQUESTS FOR CONTINUANCES, POSTPONEMENTS, WITHDRAWALS

1. 525 Lincoln Street (aka 525-545) Lincoln Street (ZB-2012-049)

Special Permit: To convert both faces of the non-accessory freestanding billboard sign to a digital sign

Petitioner: Clear Channel Outdoor

Present Use: Commercial shopping center

Zone Designation: BG-4 (Business, General), RS-7 (Residential, Single-Family) and WR (GP-3) (Water Resource Protection Overlay District)

Petition Purpose: Convert existing two-sided non-accessory freestanding billboard (672 SF per side) facing I-290 highway to a digital sign with same dimensions

Public Hearing Deadline: ~~4/8/13~~, 6/17/13

Mr. Fontane stated that the applicant submitted a request to postpone to the September 9, 2013 meeting. Upon a motion by Mr. Bilotta and seconded by Mr. Wanat, the Board voted 5-0 (Alternate Timothy Loew identified to vote) to postpone the item to September 9, 2013.

List of Exhibits.

- Exhibit A: Special Permit Application; received July 23, 2012; prepared by Clear Channel Outdoor, including the following attachments:
- i. Lease Agreement between the applicant and the owner; dated November 30, 1999
 - ii. Lincoln Plaza Building Key Plan; dated August 8, 2005
 - iii. Two photographs of the existing billboard sign
 - iv. Digital billboard structural plan; prepared by Yesco Electronics; undated; received July 23, 2012.
- Exhibit B: Digital Display Installation Plan; prepared by Dana F. Perkins, Inc. of Consulting Engineers & Land Surveyors; dated July 5, 2012.
- Exhibit C: Structural Plan; prepared by GRC Engineering, Inc. and Quantum Structure & Design; dated September 21, 2011.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 525 (aka 525-545) Lincoln Street (ZB-2012-049); dated August 24, 2012, revised September 14, 2012 and September 19, 2012, and December 11, 2012.
- Exhibit E: Postponement requests: to 10/15/2012 (dated 9/24/2012); to 11/19/2012 (dated 10/9/2012); to 12/17/2012 (dated 10/26/2012); to January 28, 2013 (dated December 11, 2012); to March 25, 2013 (dated January 23, 2013); to June 17, 2013 (dated March 29, 2013); to September 9, 2013 (dated June 13, 2013).

2. 28 Garden Street (ZB-2013-005)

- Special Permit: Convert both sides of a static face of the non-accessory freestanding billboard sign to a digital sign
- Petitioner: Clear Channel Outdoor
- Present Use: Railroad tracks next to I-290 and a non-accessory freestanding billboard with two static sides
- Zone Designation: MG-2.0 (Manufacturing, General)
- Petition Purpose: Convert both sides of the existing 672 SF static face of the non-accessory freestanding billboard sign to a digital sign

Public Hearing Deadline: ~~4/25/13~~, 6/17/13

Mr. Fontane stated that staff received a request for a Leave to Withdraw Without Prejudice from the applicant. Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 5-0 (Alternate Robert Haddon identified to vote) to grant the Leave to Withdraw.

List of Exhibits.

- Exhibit A: Special Permit Application; received February 19, 2013; prepared by Clear Channel Outdoor.

- Exhibit B: Billboard Location Plan; undated.
- Exhibit C: Digital Display Installation Plan; dated December 14, 2012; prepared by Dana F. Perkins, Inc.
- Exhibit D: Engineering Plans of the proposed billboard; dated December 19, 2012; prepared by Quantum Structure & Design and GRC Engineering, Inc.
- Exhibit E: Structural and electrical plans; undated; prepared by Yesco Electronics.
- Exhibit F: Photographs of the billboard; undated.
- Exhibit G: Request for postponement to April 29, 2013; dated March 29, 2013.
- Exhibit H: Request for postponement to June 17, 2013; dated April 23, 2013.
- Exhibit I: Request to Leave to Withdraw Without Prejudice; dated June 13, 2013.

3. 184 Highland Street (ZB-2013-014)

- Special Permit: To allow a Lodging House in a RG-5 (Residence, General) zoning district
- Petitioner: D&E Realty LLC
- Present Use: Single-family dwelling
- Zone Designation: RG-5 (Residential, General)
- Petition Purpose: Convert the dwelling to a Lodging House for 10 occupants with five (5) off-street parking spaces

Public Hearing Deadline: ~~5/30/13~~, 6/17/13

The applicant requested a postponement of the hearing (and Public Hearing extension) to July 8, 2013 in writing. Upon a motion by Mr. Wanat and seconded by Mr. Bilotta, the Board voted 5-0 (Alternate Timothy Loew identified to vote) to postpone the item to July 8, 2013.

List of Exhibits.

- Exhibit A: Special Permit Application; received March 26, 2013; prepared by D & E Realty LLC.
- Exhibit B: Special Permit Plan; dated February 28, 2013, last revised; prepared by Land Planning, Inc.
- Exhibit C: Floor Plans; dated 1/4/2013; prepared by R. C. Searles, Associates.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 184 Highland Street (ZB-2013-014); dated May 17, 2013.
- Exhibit E: Postponement request to June 17, 2013; dated May 20, 2013.
- Exhibit F: Postponement and Public Hearing Extension request to July 8, 2013; received June 13, 2013.

4. 0 Tory Fort Lane (aka 30 Tory Fort Lane) (ZB-2013-021)

Special Permit: To allow a Personal Wireless Service Facility in the RS-7 (Residence, Single-Family) zoning district

Petitioner: Massachusetts Electric Company d/b/a National Grid

Present Use: Existing Cooks Pond Electric Substation

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: Install, operate, and maintain 1 WiMAX mounted antenna located on a 10' mast extension attached to a new 80' lattice tower that would replace the existing 55' wooden pole; Install co-axial cables from antennas to the a ground mounted concrete pad, and a radio/transceiver unit

The applicant requested a postponement to July 8, 2013 in writing. Upon a motion by Mr. Bilotta and seconded by Mr. Michajlow, the Board voted 5-0 (Alternate Robert Haddon identified to vote) to postpone the item to July 8, 2013.

List of Exhibits.

Exhibit A: Special Permit Application; received April 16, 2013; prepared by Massachusetts Electric Company d/b/a national Grid that includes:

1. Location Map
2. Site Plan
3. Elevations
4. Existing conditions photographs
5. Equipment Brochure

Exhibit B: Postponement request to June 17, 2013; dated May 17, 2013; and to July 8, 2013; dated June 12, 2013.

5. 284 Franklin Street (AKA 5 & 7 Arctic Street), 25, 26 & 45 Arctic Street, 14 & 23 Hygeia Street (aka 8 & 10 Hygeia Street and FKA 10 Plastics Street) (ZB-2013-010)

Amendment to Special Permit: Extension, Alteration or Change of a Privileged Pre-Existing Nonconforming Use (Article XVI, Section 4)

Special Permit: To modify the parking lot with respect to the buffers and setbacks (Article IV, Section 7, Table 4.4 Note 5)

Petitioner: 45 Arctic Street LOC

Present Use: Vacant warehouse buildings

Zone Designation: BG-3.0 (Business, General), BCPOD (Blackstone Canal Parking Overlay District)

Petition Purpose: This public hearing is for the purpose of reconsidering and rescinding the Board's approval of April 29, 2013 and re-hearing the following applicaiton item anew.

Amend original 2007 Special Permit to:

- Redevelop existing buildings into residential units (at 45 Arctic St) and commercial/retail units and parking for two sites at 14 Hygeia St (formerly 10 Plastics St)
- Convert vacant warehouses to create a total of 160 residential units for the following properties: 5-7 Arctic St (284 Franklin St) into 16 units; 25 Arctic St into 32 units; 45 Arctic St into 48 units; 14 Hygeia St into 64 units
- Provide a total of 200 parking spaces at 284 Franklin, 26 & 38 Arctic and 23 Hygeia streets
- Seek relief from 5-ft landscape buffer for the 71 space associated parking area at 26 Arctic St

Mr. Fontane stated that this item was initially postponed at the meeting of April 29, 2013 and then the Board reconsidered the postponement and took up the item. During that few minutes between the postponement and the reconsideration there were abutters that left the meeting that were interested in the item. To ensure this item is properly heard the Board must make a motion to reconsider the matter, a motion to rescind the approval, and a motion to reconsider the matter anew.

Upon a motion by Mr. Bilotta and seconded by Mr. Michajlow, the Board voted 4-0 (Joseph Wanat and Robert Haddon were not on the Board on April 29, 2013) to reconsider the Board's vote of April 29, 2013.

Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 4-0 to rescind the Board's approval.

Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 4-0 to reopen the hearing on this matter.

Ed Escobar stated that they have expanded the scope of the project of redevelopment. He stated that is the reason they are asking for a Leave to Withdraw so that they can present a complete application that correctly depicts what will occur.

Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted 4-0 to approve the Leave to Withdraw without Prejudice.

List of Exhibits.

- Exhibit A: Special Permit Amendment Application; received March 5, 2013; prepared by 45 Arctic Street LOC.
- Exhibit B: Proposed Conditions Plan; dated March 5, 2013; prepared by JH Engineering Group, LLC.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 284 Franklin St (AKA 5 & 7 Arctic St), 25, 26 & 45 Arctic St, 14 & 23 Hygeia St (AKA 8 & 10 Hygeia St and FKA 10 Plastics St); dated April 26, 2013.

6. 290 Franklin Street, 5 & 7 Arctic Street (aka 284 Franklin Street), 25, 26, 38, 45 Arctic Street, 14 & 23 Hygeia Street (ZB-2013-030)

Amendment to Special Permit: Extension, Alteration or Change of a Privileged Pre-Existing Nonconforming Structure (Article XVI, Section 4)

Variance: Relief of 15.33-Ft of the 200-ft frontage requirement at 14 Hygeia St (184.67-ft is proposed)

Variance: Relief of 17.3-ft of the 200-ft frontage requirement at 5-7 Arctic St, 23 Hygeia St and 290 Franklin St (182.70-ft proposed)

Variance: Relief of 1:1 Floor to Area Ratio (FAR) from the 3:1 FAR dimensional maximum in the BG-3.0 (Business, General) and BCPOD (Blackstone Canal Parking Overlay District) zone at 38 Arctic St (4.9:1 proposed)

Variance: Relief of 2.3:1 FAR from the 3:1 FAR dim. max in the BG-1.0 (Business, General) and the BCPOD zones at 25 Arctic St (2.6:1 proposed)

Variance: Relief of 1.9:1 FAR from the 3:1 FAR dim. max. in BG-1.0 & the BCPOD at 14 Hygeia St (4.9:1 proposed)

Variance: Relief of 1.2:1 FAR from the 3:1 FAR dim. max in BG-1.0 & BCPOD at 5 & 7 Arctic, 290 Franklin & 23 Hygeia streets (4.2:1 proposed)

Variance: Relief of 2:1 FAR from 3:1 FAR dim. max in BG-1.0 & BCPOD at 26 Arctic St (5.0:1 proposed)

Petitioner: 45 Arctic Street LLC

Present Use: Vacant warehouse buildings

Zone Designation: BG-3.0 (Business, General), BCPOD (Blackstone Canal Parking Overlay District)

Petition Purpose: Amend the original 2007 Special Permit to redevelop the existing buildings into a total of 358 dwelling units and 527 associated off-street parking. The petitioner seeks to:

- Raze existing 2-story warehouse at 5-7 Arctic St (aka 284 Franklin St) to construct a 5-story building with 40 residential units
- Add one floor onto existing 4-story warehouse at 25 Arctic St to create a total of 40 residential units
- Construct new 6-story building for 75 residential units (upper five floors for residential and first floor for 40 associated off-street parking spaces) at 26 Arctic St
- Demolish existing one story block garage to construct a new 6-story building for 75 residential units (upper five floors for residential and first floor for 47 associated off-street parking spaces) at 38 Arctic St
- Provide 48 residential units in the existing 4-story building at 45 Arctic St
- Add two floors to an existing 3-story building to provide 80 residential units at 14 Hygeia St

- Raze existing 2-story building and construct a 5-story parking garage with 440 associated off-street parking spaces at 290 Franklin St, 23 Hygeia St and a portion of 5-7 Arctic St

Public Hearing Deadline: 8/1/13

Constructive Grant Deadline (Variance): 9/5/2013

Mr. Fontane stated that the applicant submitted a request to postpone this item to July 29, 2013. Upon a motion by Mr. Michajlow and seconded by Mr. Loew (Tim Loew identified to vote), the Board voted 5-0 to postpone the item to July 29, 2013.

List of Exhibits.

- Exhibit A: Special Permit Amendment Application; received May 28, 2013; prepared by 45 Arctic Street LLC.
- Exhibit B: Proposed Conditions Plan; dated May 24, 2013; prepared by JH Engineering Group, LLC.
- Exhibit C: Landscaping Plan; dated May 24, 2013; prepared by JH Engineering Group, LLC and EarthDesign Landscape Architecture.
- Exhibit D: Letter from JH Engineering Group; re: Amendment to Special Permit.... (ZB-2013-030) (Response to Fire Department Comments); dated June 5, 2013.
- Exhibit E: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 290 Franklin Street, 5 & 7 Arctic Street (aka 284 Franklin Street), 25, 26, 38, 45 Arctic Street, 14 & 23 Hygeia Street (ZB-2013-030); dated June 14, 2013.

7. 37 Fruit Street and 59 William Street (ZB-2012-076)

Amendment to Special Permit: Extension, Alteration or Change of a Privileged Pre-Existing Nonconforming Use and Structure (Article XVI, Section 4)

Petitioners: Christopher and Marjorie Bruce

Present Use: Residential and commercial

Zone Designation: BO-1.0 (Business, Office) (37 Fruit St) and RL-7 (Residential, Limited) (59 William St)

Petition Purpose: Amendment to the Special Permit granted by the Zoning Board in January 2012 to remove the condition (condition #15) that the Special Permit expires within one year

Public Hearing Deadline: 2/27/13

Timothy Loew recused himself and left the room. Mr. Fontane stated that the Board needs a simple majority, or three members, to vote on the request for a Leave to Withdraw Without Prejudice. Mr. Abramoff explained that this was a previous item before the Board and therefore the new members could not participate in the matter.

Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 3-0 to approve the Leave to Withdraw Without Prejudice.

List of Exhibits.

- Exhibit A: Special Permit/Variance Application – 37 Fruit Street; 59 William St; received December 24, 2012 prepared by Christopher Bruce. (ZB-2012-076)
- Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 37 Fruit Street, 59 William Street dated January 23, 2013, revised May 17, 2013 and June 14, 2013.
- Exhibit C: Two Enforcement Orders from Amanda Wilson, Director of Housing/Health Inspections- Inspectional Services to Christopher Bruce, owner for 37 Fruit Street dated December 12, 2011.
- 1.) Two Enforcement Orders from Amanda Wilson, Director of Housing/Health Inspections- Inspectional Services to Christopher Bruce, owner for 59 William Street dated December 12, 2011
 - 2.) Two Enforcement Orders from John Kelly, Building Commissioner to Christopher Bruce, owner, 37 Fruit Street and 59 William Street dated December 16, 2011.
- Exhibit D: Special Permit and Variance – Findings of Fact and Decision for 7 Fruit Street & 59 William Street (MBL 02-046-00036).
- Exhibit E: Letter from Nancy Tran, Division of Planning & Regulatory Services to Christopher Bruce, dated December 3, 2012.
- Exhibit F: Email from Amanda Wilson, Director of Housing/Health Inspections- Inspectional Services to Nancy Tran, Division of Planning & Regulatory Services, dated January 10, 2012.
- Exhibit G: Email from Katie Donovan, Division of Inspectional Services to Abby McCabe, Division of Planning & Regulatory Services, dated January 23, 2013.
- Exhibit H: Postponement Request Form dated January 28, 2012 to the Zoning Board of Appeals.
- Exhibit I: Letter & Plans from Carl Hultgren, Quinn Engineering, Inc. to Planning & Regulatory Services; Re: 37 Fruit Street / 59 William Street.
- Exhibit J: Request for Leave to Withdraw Without Prejudice; submitted by Christopher Bruce; dated May 29, 2013; received June 11, 2013.
- Exhibit K: Special Permit Application; prepared by Christopher Bruce; received June 11, 2013. (ZB-2013-031)
- Exhibit L: Proposed Amendment to a Definitive Parking Plan & More than (1) Building on a Lot Plan for 37 Fruit Street & 59 William Street; prepared by Quinn Engineering, Inc.; dated February 20, 2012, revised March 18, 2013 and April 25, 2013; received June 11, 2013.
- Exhibit M: Planning Board's Amendment to Definitive Site Plan; dated May 9, 2013.

8. 37 Fruit Street and 59 William Street (ZB-2013-031)

Amendment to Special Permit: Extension, Alteration or Change of a Privileged Pre-Existing Nonconforming Use and Structure (Article XVI, Section 4)

Petitioners: Christopher and Marjorie Bruce

Present Use: Residential and commercial

Zone Designation: BO-1.0 (Business, Office) (37 Fruit St) and RL-7 (Residential, Limited) (59 William St)

Petition Purpose: Amendment to the Special Permit granted by the Zoning Board in January 2012 to remove the condition (condition #15) that the Special Permit expires within one year

Public Hearing Deadline: 8/2/13

Mr. Abramoff stated that the new members could vote on this item because this item had been re-advertised and re-notified. Mr. Loew recused himself and left the room.

Carl Hultgren, Quinn Engineering, introduced the applicant, Christopher Bruce. Mr. Hultgren stated that there are two buildings on the site, both used for residential and commercial uses. Back in January 2012, the Board granted relief for 11 parking spaces and placed a condition that all the work listed as conditions of approval must be completed within one year. They submitted an application in December 2012 to extend the time provided but in May 2013 they encountered issues with quorum as a member reached his term and another one had recused himself. That prompted the need to request a Leave to Withdraw the previous application and resubmit a new one where the new members would be able to participate.

Mr. Hultgren stated that the request was to extend the deadline for an additional year. As of that afternoon, the majority of all the condition have been met. The pavement has been installed, the striping has occurred, and the landscaping is in place.

Mr. Kelly stated that as of Friday afternoon he had seen the dumpster enclosure and the paving but not the striping or the landscaping. Mr. Hultgren stated that the striping and the landscaping were done that afternoon. Mr. Abramoff asked the applicant how much more is left to be completed. Mr. Hultgren stated that the majority of the work is done. Mr. Abramoff asked if there was really a need for an additional 12 months. Mr. Hultgren stated that twelve months was not necessary. Mr. Abramoff asked if the applicant was amenable to continuing the item until September 9, 2013 and the applicant responded that would supply him with sufficient time to comply with all the conditions of approval.

Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 5-0 to continue the item to September 9, 2013 to allow the applicant sufficient time to finalize the project.

List of Exhibits.

Exhibit A: Special Permit/Variance Application – 37 Fruit Street; 59 William St; received December 24, 2012 prepared by Christopher Bruce. (ZB-2012-076)

Exhibit B: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 37 Fruit Street, 59 William Street dated January 23, 2013, revised May 17, 2013 and June 14, 2013.

Exhibit C: Two Enforcement Orders from Amanda Wilson, Director of Housing/Health Inspections- Inspectional Services to Christopher Bruce, owner for 37 Fruit Street dated December 12, 2011.

- 1.) Two Enforcement Orders from Amanda Wilson, Director of Housing/Health Inspections- Inspectional Services to Christopher Bruce, owner for 59 William Street dated December 12, 2011
- 2.) Two Enforcement Orders from John Kelly, Building Commissioner to Christopher Bruce, owner, 37 Fruit Street and 59 William Street dated December 16, 2011.

- Exhibit D: Special Permit and Variance – Findings of Fact and Decision for 7 Fruit Street & 59 William Street (MBL 02-046-00036).
- Exhibit E: Letter from Nancy Tran, Division of Planning & Regulatory Services to Christopher Bruce, dated December 3, 2012.
- Exhibit F: Email from Amanda Wilson, Director of Housing/Health Inspections-Inspectional Services to Nancy Tran, Division of Planning & Regulatory Services, dated January 10, 2012.
- Exhibit G: Email from Katie Donovan, Division of Inspectional Services to Abby McCabe, Division of Planning & Regulatory Services, dated January 23, 2013.
- Exhibit H: Postponement Request Form dated January 28, 2012 to the Zoning Board of Appeals.
- Exhibit I: Letter & Plans from Carl Hultgren, Quinn Engineering, Inc. to Planning & Regulatory Services; Re: 37 Fruit Street / 59 William Street.
- Exhibit J: Request for Leave to Withdraw Without Prejudice; submitted by Christopher Bruce; dated May 29, 2013; received June 11, 2013.
- Exhibit K: Special Permit Application; prepared by Christopher Bruce; received June 11, 2013. (ZB-2013-031)
- Exhibit L: Proposed Amendment to a Definitive Parking Plan & More than (1) Building on a Lot Plan for 37 Fruit Street & 59 William Street; prepared by Quinn Engineering, Inc.; dated February 20, 2012, revised March 18, 2013 and April 25, 2013; received June 11, 2013.
- Exhibit M: Planning Board’s Amendment to Definitive Site Plan; dated May 9, 2013.

UNFINISHED BUSINESS

9. 10 Gloucester Road and 245 Vernon Street (aka 233 Vernon Street) (ZB-2013-020)

- Special Permit: To allow a Personal Wireless Service Facility in the BG-2.0 (Business, General) zoning district
- Petitioner: Massachusetts Electric Company d/b/a National Grid
- Present Use: Existing Vernon Hill No. 8 Electric Substation
- Zone Designation: BL-1.0 (Business, Limited)
- Petition Purpose: Install, operate, and maintain 3 WiMAX antenna and 2 microwave antennas on a 10’ extension to the existing 54’ tall transmission structure; Install signal cables from antennas to a ground mounted equipment frame, and a radio/transceiver and battery enclosure unit

Public Hearing Deadline: 6/20/13

Timothy Loew rejoined the meeting. William Bilotta recused himself and left the room.

Elizabeth Mason, attorney with Andersen and Krieger representing Mass Electric dba National Grid, stated that items had to be re-advertised due to error in the original public notice.

Mr. Fontane stated that staff had advertised one WiMAX antenna and one microwave antenna and during the course of the hearing the applicant indicated that they are looking to install 3 WiMAX antennas and 2 microwave antennas. The application wasn't clear on the matter and therefore the matter needed to be re-advertised to show the correct number. All other information remains the same.

Ms. Mason stated that the plans showed the correct number of antennas but the application materials did not.

John Provost, 4 Castle Street, stated that he was concerned with the Radio Frequency (RF) emissions. He believes he will be adversely affected by low level frequencies.

Mr. Abramoff stated that as long as they can prove that they are compliant with what is allowed by the FCC, they are allowed to have these antennas. It is also part of the Board's standard conditions of approval that they must have a post-installation RFP measurement before they are operational to ensure that they are complying with federal law.

Mr. Michajlow asked the applicant if any tests have been done on any of these antennas that would arouse any safety concerns since this is a pilot program. Mr. Steve Coast, RF Engineer, stated that the technology that this system consists of is used all over the world. The communication gear itself is not new, how they are using it is new. Ms. Mason stated that the levels they are expecting are less than 0.1% than the acceptable limit.

Jo Hart, Worcester resident, stated that this technology will be installed in order to operate the Smart Grid project and once they install them they are going to want to use it even if people opt out of it.

John Dick, 61 Tory Fort Lane, stated he was also concerned over safety. He stated that the Smart Grid system is presently in 16 states in the United States and it has been rejected by Illinois, Connecticut, and Michigan. Maine, who after accepting it is now reconsidering its stance because it found out that it's causing almost 4 times the frequencies that they were expecting. Mr. Dick stated that there are people that have become sensitive to the microwave radiation and have developed health issues. He stated that the system works two ways: the tower and the Smart meter in your home are constantly talking to each other. He stated it was necessary for the measurement to occur not just at the site of these antennas but in the neighborhoods where these meters are installed.

Mr. Abramoff asked the applicant if the meters would be talking to the towers or if the towers are just meant to communicate to the central base. Ms. Mason stated that while other states have not accepted the proposal for Smart Grid, Massachusetts did put National Grid through its paces through separate rounds of applications until the Department of Public Utilities and the Attorney General believed they got it right. Part of that process was including an opt out provision to ensure that people don't have Smart meters installed in their homes if they don't want to participate.

Mr. Coast stated that the towers will not talk directly to the home meters. They talk to a single collector that talks to the smart grids in the homes. There will be 20 of these collector units in Worcester to support the pilot.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the board voted 4-1 (Mr. Michajlow voting against) to approve the Personal Wireless Service Facility subject to the conditions in the DPRS memo revised on June 14, 2013 and the findings of fact as modified by staff.

Upon a motion by Mr. Loew and seconded by Mr. Michajlow, the Board voted 5-0 to approve the requested waivers.

List of Exhibits.

Exhibit A: Special Permit Application; received April 16, 2013; prepared by Massachusetts Electric Company d/b/a national Grid that includes:

1. Location Map
2. Site Plan
3. Elevations
4. Existing conditions photographs
5. Equipment Brochure

Exhibit B: Waiver Request; prepared by Anderson & Kreiger LLP; dated May 17, 2013.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 10 Gloucester Road and 245 Vernon Street (aka 233 Vernon Street) (ZB-2013-020); dated May 17, 2013.

10. 4 Naples Road (aka 6 Naples Road) (ZB-2013-022)

Special Permit: To allow a Personal Wireless Service Facility in the RS-7 (Residence, Single-Family) zoning district

Petitioner: Massachusetts Electric Company d/b/a National Grid

Present Use: Existing Greendale Electric Substation

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: Install, operate, and maintain 3 WiMAX antenna and 2 microwave antennas on at the site of the existing transmission substation; Install 3 WiMAX antenna and 2 microwave antennas with a 10' extension onto the existing 75' transmission structure, install signal cables from antennas to the a ground mounted equipment frame, and a radio/transceiver batter unit enclosure

Public Hearing Deadline: 6/20/13

William Bilotta recused himself from this item as well.

Elizabeth Mason, attorney with Andersen and Krieger representing Mass Electric dba National Grid, stated that the legal notice was incorrect therefore it needed to be re-advertised as well.

Mr. Fontane stated that this had the same advertising issue as the previous matter.

Mr. John Provost, 4 Castle Street, stated that while there is an opt out option if an individual lives in an apartment building and opts out they are still exposed to all the radiation since the rest of the building has the smart grid meters.

Jo Hart, Worcester resident, stated that she knows someone that stated that his condo building had these installed and he was never notified. She stated that this is a state and city issue and should really be decided at the state and city level, not at the Zoning Board level. She stated she believed these should be held until we have more information on the matter.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted 4-1 (Mr. Michajlow voting against) to approve the Personal Wireless Service Facility subject to the conditions in the DPRS memo revised on June 14, 2013 and the findings of fact as modified by staff. Mr. Loew made a friendly amendment to also approve the requested waivers.

List of Exhibits.

Exhibit A: Special Permit Application; received April 16, 2013; prepared by Massachusetts Electric Company d/b/a national Grid that includes:

1. Location Map
2. Site Plan
3. Elevations
4. Existing conditions photographs
5. Equipment Brochure

Exhibit B: Waiver Request; prepared by Anderson & Kreiger LLP; dated May 17, 2013.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 4 Naples Road (aka 6 Naples Road) (ZB-2013-022); dated May 17, 2013.

NEW BUSINESS

11. 7-11-15 Lancaster Street (ZB-2013-006)

Special Permit: To allow a dormitory use (Business, Office)

Petitioner: Massachusetts College of Pharmacy and Allied Health Sciences

Present Use: Multi-family residential

Zone Designation: B0-1.0 (Business, Office)

Petition Purpose: Renovate three low-rise existing buildings to construct a total of 18 residential dwelling units (36 total beds)

Public Hearing Deadline: ~~4/25/13, 5/20/13~~, 6/17/13

Mr. Bilotta rejoined the meeting.

Mark Donahue, on behalf of the Mass College of Pharmacy and Allied Health Sciences (MCPHS), stated that MCPHS owns three buildings located at 7 Lancaster Street. The buildings were built approximately 60 years ago and there used to be 17 one and two bedroom apartments.

The property has been neglected and was acquired by the program to support the growth of the graduate program. The school plans to renovate the buildings, without changing their current footprint, to make 18 two-bedroom units. Mr. Donahue stated that his client is requesting a special permit to convert these to dorms. The site is being renovated, not expanded, and the residents will be graduate students, which are on average 28 years of age. The buildings will be policed by the MCPHS Public Safety Department as part of their routine. The parking area is being updated and re-stripped but it will not be changed. The use is appropriate for the neighborhood and the capital investment will benefit the neighborhood.

Mr. Donahue stated that he received the DPRS memo and stated that he would be amenable to providing a landscaping plan with what was requested as a condition of approval and that the curb cuts are being changed to provide a landscaping buffer. Mr. Donahue stated that they have met with the neighborhood some time ago to explain what the plans were for the property.

Mr. Fontane stated that staff recommends approval with six (6) copies of revised plans including a landscaping plan (showing the number, size, and type of plantings) be submitted to DPRS prior to issuance of a Certificate of Occupancy addressing the following:

- Additional landscaping along the property's rear (westerly property line); and
- If any existing landscaping is removed, it shall be replaced and enhanced.

Mr. Donahue stated that they are limited with what they can do at the back of the property because it is very steep. They currently have a retaining wall with a 6ft high chainlink fence on top of it. The area behind the building is limited and in the past it has been used as a small outdoor area for the residents. If they were to install a five foot landscape buffer it would limit the space to where residents wouldn't be able to use it. They will come up with options that will satisfy the DPRS office as to what can be planted there that won't encroach over the open space.

Mr. Michajlow asked how they plan to accommodate all the residents parking there. Mr. Donahue stated that MCPHS has several parking facilities in properties that they own so they should be able to accommodate all of the residents that have vehicles.

Mr. Bilotta asked how the school's public safety will handle security at this location. Mr. Donahue stated that the school's Department of Public Safety will patrol the area routinely and the facility will have the call system that can be used in case of emergencies. Also all exterior doors will be coded so they will only open to those with the swipe card and each dorm room will also have a lock on it.

Mr. Kelly asked the applicant if they were putting in a handicapped unit and the applicant stated that they are. Mr. Kelly also asked about the handicapped ramp. Mr. Donahue responded that revised plans showing ADA accessibility for all three buildings were provide to the Code Department today and they will be complaint will all ADA requirements.

Bill Krikorian, 206 Highland Street, stated that he lives in close proximity to a sorority house and provisions were put in to limit the number of occupants with vehicles. He stated that it is something to consider for this location as well.

Mr. Donahue stated that there is parking permitted on the street and it is close to 10 Lincoln Street, a facility owned by MCPHS, that can accommodate excess student parking.

Mr. Abramoff identified Mr. Loew to vote on the matter. Upon a motion by Mr. Bilotta and seconded by Mr. Wanat, the Board voted 5-0 to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to approve the special permit subject to the conditions in the DPRS memo and the findings of fact as modified by staff.

List of Exhibits.

- Exhibit A: Special Permit Application; received February 19, 2013; prepared by Massachusetts College of Pharmacy, ATTN: Deborah A. O'Malley.
- Exhibit B: Existing Conditions Site Plan; dated February 3, 2013; prepared by B&R Survey, Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re:7, 11 & 15 Lancaster Street; dated May 17, 2013, Revised June 13, 2013.
- Exhibit D: Request for Postponement from Atty. Mark Donahue, representative for Massachusetts College of Pharmacy and Allied Health Sciences to the Zoning Board of Appeals; dated April 1, 2013; and postponed to May 20, 2013 dated April 24, 2013.
- Exhibit E: Supplemental Letter from Atty. Mark Donahue dated and received February 21, 2013.

12. 102 Highland Street (ZB-2013-024)

- Special Permit: To allow a motor vehicle sales and display (Business Use # 15 & 16, Table 4.1)
- Petitioner: Jorge Oliveira
- Present Use: Service station and 2-bay repair shop
- Zone Designation: BL-1.0 (Business, Limited)
- Petition Purpose: Sell nine (9) used motor vehicles and have four vehicles on display on the premises

Public Hearing Deadline: 6/21/13

Charles Grosvenor, owner of property at 102 Highland Street, stated that they are looking to own 9 used cars and display only 4 vehicles at a time at the property. He introduced Jorge Oliveira as the business owner.

Mr. Fontane stated that staff recommends the following conditions of approval:

- That the car display and customer parking spaces be striped as shown on the plan;
- That parking of vehicles for customers, display, sale or repair shall be not stored in undesignated spaces along Highland and Boynton streets;
- Provide six (6) revised plans drawn to scale showing:
 - A 5' landscape buffer and minimum 3" caliper tree along Highland Street near parking space #15;
 - Landscaping table with quantity and type of plantings proposed (trees shall be minimum 3" caliper, Asian Longhorned Beetle-resistant and planted 20-25' on center);

- Screening of the existing dumpster with a six foot stockade fence;
- Square feet of existing building and number of service/repair bays;
- That the landscaping be installed prior to commencing of vehicle sales and car display use;
- That no more than nine (9) spaces be on display for sale at one time; and
- The applicant applies for a motor vehicle sales license from the Worcester Police Department.

Mr. Michajlow asked if they will continue to do auto repairs. Mr. Grosvenor stated that they will and the pumps are still being used as well.

Mr. Abramoff asked the applicant if they were amenable to the conditions of approval. Mr. Grosvenor stated they were acceptable except for the landscaping because the entire lot is paved.

Mr. Fontane stated that the landscaping was notated on the plans. He stated that they are requesting a tree near parking space #15 and in the areas that were already proposed on the plans.

Mr. Jorge Oliveira stated that he put the landscaping on the plans because a 5' buffer is required.

Mr. Fontane clarified that although some of the vehicles might be in the process of being repaired and not in the display area, they are still for sale and that is why they should be approved for the entire amount they will have for sale on the premises at any one time.

Mr. Kelly stated that they also have 6 spaces that are required for the use of the service bays on the premises.

Mr. Bilotta referred to one of the pictures in the DPRS memo and asked if the tires, engine parts, etc. that are visible in the picture can be stored in the matter displayed on the picture. Mr. Kelly stated that those parts could be from that day's work but the applicant should be reasonable in keeping the place clean as there is no outdoor storage permitted.

Mr. Oliveira stated that he has a container specifically for tires and a tire company that comes to pick them up every week because the Fire Department is adamant in not storing anything outside.

Mr. Abramoff identified Mr. Haddon to vote on this matter.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 5-0 to approve the special permit with the conditions of approval in the DPRS memo.

List of Exhibits.

Exhibit A: Special Permit Application; received April 17, 2013; prepared by Jorge Oliveira.

Exhibit B: Plot Plan for 102 Highland Street; undated; prepared by the applicant; received March 7, 2013.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 102 Highland Street; dated June 14, 2013.

13. 453, 453A, 455 Lincoln Street (ZB-2013-026)

Special Permit: To allow a motor vehicle sales and display (Business Use # 15 & 16, Table 4.1)

Petitioner: Therich Besong and Wilmarc Charles

Present Use: 3,967 SF building used for a food service establishment and office space

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: Add motor vehicle sales office (Business Use # 26 – Retail Sales, Table 4.1) and outdoor display area for eight (8) motor vehicles

Public Hearing Deadline: 6/22/13

Wilmarc Charles, resident in Cohasset MA, and Therich Besong, resident of Shrewsbury MA, stated that they are seeking a special permit to allow motor vehicle sales and display for eight motor vehicles.

Mr. Loew was identified by the Chair to vote on the matter.

Mr. Fontane stated that there is a lot happening on this site. The current circulation doesn't look like it can support two-way traffic. In summary, the applicant was asking for too many display spaces given the existing uses onsite and parking lot layout and staff recommends a total of four display spaces. There is also an easement that provides a right-of-way to access the rear property, Rudy's Auto Service.

Mr. Charles stated that the pizza restaurant is mostly take-out.

Mr. Kelly stated that in the winter time it is difficult to move the snow from the site and asked where are they putting the snow.

Mr. Abramoff asked if repairs will be done onsite and Mr. Charles responded that they will not be repairing cars onsite.

Mr. Bilotta asked about the hours of operation. Mr. Charles stated that they will be onsite 7 days a week because they are also operating Mr. Besong's CPA firm and Mr. Charles' Real Estate office. Mr. Bilotta asked about trash generated by the business. Mr. Charles stated that they would use the three car garage under the building to clean the cars and ready them for sale, that's where they would keep all the trash.

Rudy Granache, 25 Prudential Road, stated he owns the rear property at 455 Lincoln Street. He stated he has an easement that goes between the property before the Board and the Commerce Bank building and also another easement for placement of a 14' x 10' sign. He stated he has pictures of where the snow was plowed this past winter where it blocks the sign or entrance to his property. He also stated that the property at 453, 453A, 455 Lincoln Street is currently for sale and wants to know what will happen with this special permit once it gets sold.

Helen Granache, co-owner of Rudy's Auto Service, stated that they also have a used car business. She stated that their main entrance was that right-of-way and she has pictures of how when there is snow and cars are parked there is no way to make it into their property. She stated they get complains all the time from their customers and that the food delivery trucks for Golden Pizza and the rubbish removal trucks come through the Commerce Bank driveway. She also stated there are no handicapped parking spaces provided.

Mr. Kelly stated that this site requires 18 spaces for the existing businesses and 22 spaces total, which is why staff is recommending no more than four display spaces, if approved.

Howe Carney, branch manager of Commerce Bank at 451 Lincoln Street, stated he is concerned because if the right-of-way gets blocked and people use Marsh Street to exit then there is a safety issue because his two drive-thru lanes take a right hand turn onto Marsh Street to exit. He also stated that he is concerned for the parking spaces that are right against his building and to any damage that can be caused to that side of the wall.

Mr. Kelly stated that moving forward it would be preferable to have a certified plan drawn to scale showing the easement and all the correct measurements.

Mr. Charles stated that the easement is documented and that they would not block the right-of-way because it's the way for their customers to get in and out of the property as well. He stated that the striping that is there was there before they moved into the site and that there is good circulation on the site.

Mr. Bilotta stated that he could not approve this without more information.

Mr. Abramoff stated that he is requesting that certified plans by civil engineer drawn to scale that shows the right-of-way and lets them see if the site can handle the extra volume. He asked Mr. Charles if he would like to ask for a continuance.

Mr. Charles asked the Board for a continuance for July 8, 2013.

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to continue the matter to July 8, 2013.

List of Exhibits.

- Exhibit A: Special Permit Application for 453, 453A and 455 Lincoln Street; prepared by Wilmarc Charles and Therich Besong; received April 18, 2013.
- Exhibit B: Plan for 453-455 Lincoln Street; dated May 25, 2013; prepared by the applicant; received May 28, 2013
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 453, 453A and 455 Lincoln Street; dated June 14, 2013.

14. 139 Southwest Cutoff (aka 141 & 143 Southwest Cutoff) (ZB-2013-028)

- Special Permit: To allow retail sales (Business Uses # 26, Table 4.1)
- Petitioner: Thomas Spencer
- Present Use: Two buildings used for office, manufacturing and warehouse uses, 50 associated off-street parking spaces
- Zone Designation: BL-1.0 (Business, Limited)
- Petition Purpose: Use 2,200 SF of the existing 3,820 SF warehouse building for retail sales for a gardening and greenhouse business

Public Hearing Deadline: 7/17/13

Constructive Grant Deadline (Variance): N/A

Douglas Vogel, resident of Paxton MA, representing the owner, Frank Carrier, and the applicant, Thomas Spencer, stated that the applicant wants to use the 3,800 SF building to extend his wholesale operations into retail sales as well. Mr. Vogel stated that the property is large and there is no other activity onsite so it does not conflict with other businesses.

Chair Abramoff identified Robert Haddon to vote on the matter.

Ms. Feliciano stated that if approved, DPRS respectfully recommends the Board consider the following conditions of approval:

- That at least two trees and low lying shrubbery be planted along Southwest Cutoff in the island areas between the curb cuts in front of the proposed retail building.
- That the parking lot be striped to show designated parking as shown on the plan.

Mr. Abramoff asked if this was zoned BL-1.0 why it needed a special permit for retail sales, since that use is allowed by right in business zones. Mr. Kelly stated that there is typo in the agenda but the property is in a MG-2.0 (Manufacturing, General) zone.

Mr. Abramoff asked if we advertised it properly then. Ms. Feliciano confirmed that it was advertised correctly and was noted in the memo correctly.

Mr. Bilotta asked since the property borders a residential area if the applicant would be amenable to replacing the chainlink fence with a stockade fence as a sound barrier to the neighbors in the area.

Mr. Vogel stated that he was not empowered to make that decision on behalf of the applicant. He also stated that there is minimal traffic that accesses this site and they only expect 15-20 cars a day with the addition of the retail sales.

Mr. Bilotta stated that there was an abutter present at the meeting earlier that had to leave that asked him to bring it up. Mr. Bilotta asked if shrubs could be planted along the chainlink fence as a buffer.

Mr. Vogel was amenable to that.

Mr. Wanat asked if the handicapped spaces are proposed to be moved. Mr. Vogel stated that he did not believe there are any plans to move any handicapped parking. He stated that there is more than sufficient parking on the property and that it is currently underutilized and there is also land that could be paved if the need arose to create more.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted 5-0 to approve the findings of fact as modified by staff and the petition with the conditions in the DPRS memo and that shrubs be planted along the chainlink fence along Saybrook Road area.

List of Exhibits.

Exhibit A: Special Permit Application; received May 13, 2013; prepared by Thomas Spencer.

Exhibit B: Site Plan; undated; received May 28, 2013.

Exhibit C: Floor Plan for LiquidSun Gardening & Greenhouse Supplies; undated.

Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 139 Southwest Cutoff (aka 141 & 143 Southwest Cutoff) – Special Permit; dated June 17, 2013.

15. 102 Randolph Road (ZB-2013-029)

Special Permit: To allow a Nursing Home (General Use # 12, Table 4.1) in a RG-5 (Residence, General) zoning district)

Petitioners: KMRN Investment, LLC

Present Use: Vacant ~83,993 SF building

Zone Designation: RG-5 (Residence, General)

Petition Purpose: Demolish the existing the building to construct a new ~58,575 SF nursing home facility consisting of two buildings with 41 beds each and 36 associated off-street parking spaces; Other proposed associated site works includes installing new sidewalks, driveways, utilities and stormwater management improvements

Public Hearing Deadline: 7/18/13

Todd Rodman, representing KMRN Investment, LLC, introduced the principals of the company Micha Shalev and Ben Herlinger, architect Ruth Neman, and engineer Mike Andrade from Graves Engineering.

Mr. Rodman stated that they are requesting a special permit for a nursing home use located at the vacant Odd Fellows property for the proposed Oasis at Dodge Park project. He stated they met with the neighborhood, specifically with the project abutters, on May 30, 2013. The level four rest home proposed will have 82 units, built in two 41 unit phases. The project is geared to being a state of the art residential facility for patients with dementia or memory impairments. The rest home will consist of two building approximately 30,000 SF each, offering 700 SF per resident and providing a total of 36 off street parking spaces. The total project cost will be approximately \$15 million and will create 78 full time jobs when the second phase is completed. This project will also need Planning Board and Conservation Commission approval.

Mr. Andrade stated that they are proposing to eliminate the easterly curb cut and remove that portion of the driveway and return to lawn.

Mr. Fontane asked if the existing loop driveway already exists why would they eliminate it.

Mr. Andrade stated that the grades do not allow for the second access. It is a very steep driveway now and since they are moving the new structure closer to the driveway it would not be a safe access point.

Mr. Fontane stated that six (6) copies of the final revised plans be submitted to DPRS noting the ZBA's relief and the following conditions of approval:

- All plantings shall be Asian Longhorned Beetle resistant;
- The emergency access to Wildey Avenue shall be for emergency access only as shown on the plans;

- Revise the landscaping plans to show the existing trees that will remain and trees planted 20 – 25 ft on center along the parking areas along Wildey Ave and the easterly property line;
- That the existing mature trees to be retained be marked on site for protection during construction;
- Any exterior building or site lighting shall be shielded and directed downward to minimize glare onto abutting properties; and
- That the project be constructed substantially in accordance with the final approved plans.

Mr. Wanat asked where the loading space will be located. Mr. Andrade stated that there will be a loading area for food deliveries and linen deliveries that will be built in the first building.

Mr. Michajlow asked if they had considered renovating and utilizing the existing building.

Mr. Rodman stated that they did explore all the options because it's a historic property but the layout of the facility they need doesn't work with the existing three story building. Also, everything from the construction materials in the original structure to the load bearing issues, all of the mechanical, electrical and other systems would have had to be completely redone but in the end the layout doesn't support this type of use.

Ruth Neman stated that they looked at 10-12 different versions of plans but that gutting the property and rehabbing it would have been almost impossible because they would have had to deal with structural issues, code laws, moving load bearing walls, and a number of issues that would have meant fighting the building every step of the way.

Chair Abramoff identified Timothy Loew to vote on this matter.

Jo Hart, Worcester resident, stated that this is a beautiful building and it was a shame that when applicants have neighborhood meetings that those meetings aren't advertised so that the rest of the city can be aware of what is happening. She stated that Worcester needed a landmark society to help protect these buildings. She stated that it was a shame that although the Historical Commission denied the demolition, most people don't know that there is an expiration date on that decision and then the owner can do whatever they want with the property.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Bilotta, the Board voted 4-1 (Mr. Michajlow voting against) to approve the petition with the conditions in the DPRS memo and the findings of fact as modified by staff.

List of Exhibits.

Exhibit A: Special Permit Application; received May 14, 2013; prepared by KMRN Investment, LLC.

Exhibit B: Definitive Site Plan – Oasis at Dodge Park; dated May 14, 2013; prepared by Graves Engineering; sheet C1.01 and sheet C2.01.

Exhibit C: Oasis at Dodge Park Permit Set Rendering & Site Plan; undated dated; received on May 31, 2013; prepared by Levi & Wong Design Associates; sheets 1 - 3.

- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: [subject heading]; dated [date], revised [date].
- Exhibit E: Memorandum from the City of Worcester Department of Public Works & Parks to the Zoning Board of Appeals; re: 102 Randolph Road ZB-2013-029 – Oasis at Dodge Park; dated June 13, 2013.
- Exhibit F: Letter from Graves Engineering to the Worcester Conservation Commission; re: Notice of Intent CC-2013-024, 102 Randolph Road – Supplemental Information; dated June 12, 2013.
- Exhibit G: MCRIS Form B for Worcester Odd Fellow’s Home
- Exhibit H: Planting Plan for Oasis at Dodge Park; dated May 14, 2013; prepared by Graves Engineering.
- Exhibit I: Historic Commission Building Demolition Delay; 102 Randolph Road; dated May 19, 2010.
- Exhibit J: Planning Board Definitive Site Plan Decision; voted January 13, 2010; dated February 4, 2010.
- Exhibit K: Planning Board Definitive More than One Building on a Lot; voted January 13, 2013; dated February 4, 2010.
- Exhibit L: Historic Commission Building Demolition Delay; 102 Randolph Road; dated October 30, 2009.

OTHER BUSINESS

16. Scrivener’s Error for 70 Elm Street & 46 Cottage Street (ZB-2013-009)

Ms. Feliciano stated that the original decision stated that the applicant was constructing a building approximately 20,000 SF in size but they had revised it and the approved plan only showed a building of approximately 12,000 SF. That is the only thing that is being changed in the decision. Upon a motion by Mr. Bilotta and seconded by Mr. Loew, the Board voted to approve the scrivener’s error.

17. Review and approval of the 2014 Board Meeting Schedule

Upon a motion by Mr. Wanat and seconded by Mr. Bilotta, the Board voted to accept the 2014 Board meeting schedule.

18. Notice of Appeal of Special Permit & Variance for 193 (aka 195 Lake Avenue) ZB-2013-003

Mr. Fontane stated that he just wanted to inform the Board that there is an appeal for this item but the item cannot be discussed in open meeting since it’s under litigation.

DECISIONS FROM PRIOR MEETINGS

The decisions for 61 Lafayette Street, 1413 Grafton Street, 428 Shrewsbury Street, 1098 West Boylston Street, 127 Piedmont Street, 29R Wigwam Avenue, and 394 Belmont Street were signed.

APPROVAL OF THE MINUTES

Upon a motion by Mr. Michajlow and seconded by Mr., Bilotta, the Board voted 6-0 to approve the minutes for 4/29/13 and 5/20/13 without any edits.

ADJOURNMENT

Upon a motion by Mr. Bilotta and seconded by Mr. Michajlow the Board voted 6-0 to adjourn the meeting at 7:55 p.m.