

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

November 27, 2017

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
Joseph Wanat, Member
Robert Haddon, Alternate Member
Andrew Freilich, Alternate Member

Staff Present: Stephen S. Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
Michael Antonellis, Division of Planning & Regulatory Services
John Kelley, Department of Inspectional Services
David Horne, Department of Inspectional Services

Former Board Members - Certificates of Service

Mr. Abramoff presented a certificate of appreciation from the City Manager to former board member Thomas Dillon and thanked him for his dedicated service.

Mr. Freilich thanked Mr. Abramoff for his ten years of volunteer service on the Zoning Board of Appeals and Mr. Michajlow presented Mr. Abramoff with a certificate of appreciation from the City Manager.

Approval of the Minutes

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 5-0 to approve the minutes of November 6, 2017.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. Lot 2 – 36 Mountain Street West (ZB-2017-054)

Variance: For relief from the minimum frontage dimensional requirement in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Lorne Johnson

Present Use: Presently on the premises is a partially paved lot.

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: The applicant seeks to construct a two-family detached dwelling along with related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 5-0 to postpone the Variance request to the December 11, 2017 Zoning Board of Appeals meeting and to extend the constructive grant deadline to January 30, 2018

Unfinished Business

2. 1059 Millbury Street (ZB-2017-048)

Special Permit: To allow open lot storage of more than one unregistered automobile in excess of 7 days (General Use #13) in each a BL-1.0, ML-0.5 & MG-0.5 District (Article IV, Section 2, Table 4.1)

Petitioner: South Works V.F.W. Post 3657

Present Use: Presently on the premises is a facility known as South Works V.F.W. Post 3657, and associated parking as well as a personal wireless service facility and associated improvements.

Zone Designation: BL-1.0 (Business, Limited), ML-0.5 (Manufacturing, Limited) & MG-0.5 (Manufacturing, General) zoning districts and located within the Blackstone River Parkway Sign Overlay District (BSOD)

Petition Purpose: The applicant seeks to allow open lot storage for unregistered motor vehicles on the premises along with related site work.

Keith Jackson appeared upon behalf of the application and stated that the request was to allow for open lot storage of more than one unregistered automobile in excess of 7 days. Mr. Jackson stated that they would store the cars in the back of the property and would consider screening and fencing in addition to hours being 8:30 a.m. to 5:00 p.m. Monday thru Friday and an occasional Saturday. Mr. Jackson stated the reason they are doing this is to supplemental income for the Post and stated that the storage will not conflict with existing parking and no storage will be allowed inside.

The Board discussed with the applicant the storing of the cars on the property.

Mr. Abramoff suggested that the Special Permit should only go with the V.F.W. Post and if the building was sold, the Special Permit would lapse.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Freilich the Board voted 5-0 to approve the Special Permit with all the conditions outlined in staff's memo as well as condition that the sale or transfer of the property, the Special Permit would lapse.

List of Exhibits

Exhibit A: Special Permit Application; received August 14, 2017; prepared by South Works V.F.W. Post 3657

Exhibit B: Plot Plan; dated August 1, 2017; prepared by B&R Survey, Inc.

Exhibit C: Enforcement letter issued by ISD; dated November 21, 2016.

Exhibit D: Fire Department comments; dated September 20, 2017.

Exhibit E: Letters dated October 11, 2017; Addressed to Quartermaster Genduso and Commander Hogan; from Eric Segundo, Commander, Department of Mass. VFW.

3. 185 Sunderland Road (ZB-2017-041)

Variance: For relief from the minimum frontage dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Ahmad Shishesaz

Present Use: Presently on the premises is a vacant lot.

Zone Designation: RL-7 (Residence, Limited) zoning district

Petition Purpose: The applicant seeks to construct a single-family detached dwelling along with associated site work.

YZ Tet from H.S. & T. Group appeared upon behalf of the applicant, Ahmad Shishesaz, and stated that the applicant seeks to construct a single-family detached dwelling and the Board had requested at the last meeting to provide a rendering of the property which has now been provided.

Ms. Tatasciore reviewed the changes to the revised plan to the Board and Mr. Rolle reviewed the landscaping and screening for the property.

Mr. Freilich stated that he did not like the design, as presented and feels like it something being put on a property that does not belong.

Upon a motion by Mr. Michajlow 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. Haddon the Board voted 5-0 to approve the waiver request to label abutters to abutters.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 4-1 (Mr. Freilich voting against) to approve the Variance for 21.10 feet of frontage with conditions outlined in staff's memo with additional conditions that additional plantings be planted along the length of the driveway.

List of Exhibits

- Exhibit A: Variance Application; received July 18, 2017; prepared by Ahmad Shishesaz.
- Exhibit B: Variance Plan of Land; dated June 27, 2017 and revised through to November 20, 2017; prepared by HS&T Group, Inc.
- Exhibit C: Fire Department Comments; dated July 20, 2017.
- Exhibit D: Rendering with elevations and floorplans; dated November 16, 2017; preparer unknown.

4. 21 Ayrshire Road (ZB-2017-055)

- Variance:** For relief from the minimum frontage dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Ling Yi Ju
- Present Use:** Presently on the premises is a pre-existing non-conforming single-family detached dwelling, with associated site improvements.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to subdivide the land and construct a second single-family detached dwelling to the northeast of the existing structure.

Attorney Don O'Neil appeared upon behalf of the applicant, Ling Yi Ju, and stated that at the last meeting the Board suggested that the applicant meet with staff and that has been done and they have now updated their plan to reflect neighborhood concerns.

Ms. Tatasciore requested and Attorney O'Neil provided a review of the stormwater and the status of the fencing for the site.

Attorney Gary Brackett stated that he had been hired by the neighbors and their major concern is consistency of the house placement with the other homes in the neighborhood. He stated that this has now been addressed by the recent plan revisions and thanked Attorney O'Neil and the applicant for negotiating with the neighbors.

Don DiLeo, Lake Avenue, expressed concerns about increased traffic with this proposal.

Lilly Tomiello, expressed concern about removal of snow and stated that this proposal is breaking down the neighborhood.

Andrew Noonan asked what would be the intent for the property and Attorney O'Neil stated that the plan would be to sell the property.

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

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to approve the waiver request to not show abutters to abutters on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to approve the Variance for 10 feet of frontage subject conditions outlined in staff's memo as well as condition that the Code Department inspects the pool at the site for safety and that no access be provided to the lot from Ohtello Road.

List of Exhibits

- Exhibit A:** Variance Application; received September 26, 2017; prepared by Attorney Donald O'Neil.
- Exhibit B:** Definitive Subdivision Plan; dated August 22, 2017; prepared by Jarvis Land Survey, Inc.

New Business

5. 249, 261 & 265 Lake Avenue (ZB-2017-058)

- Special Permit:** To allow single-family attached dwellings in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)
- Petitioner:** Cherele Gentile, Trustee of Manor Real Estate Trust
- Present Use:** Presently on the premises at 249 Lake Avenue is a restaurant and at 261 & 265 Lake Avenue are residential structures with related site improvements.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks demolish the existing structures and construct 2 single-family attached structures, for a total of 7 dwelling units, along with associated parking and related site work.

Zac Couture from H.S. & T. Group appeared upon behalf of the application and requested to postpone the hearing.

Upon a motion by and seconded by the Board voted 5-0 to postpone the Special Permit application to the January 8, 2018 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline until January 30, 2018.

List of Exhibits:

- Exhibit A:** Special Permit Application; received September, 2017; prepared by Zac Couture of HS&T Group, on behalf of the property owner.
- Exhibit B:** Special Permit Site Plan; dated September 26, 2017 and revised on November 17, 2017; prepared by HS&T Group, Inc

6. 92 Grand Street (ZB-2017-062)

- Variance:** For relief from the minimum parking requirements in a RG-5 Zone (Article IV, Section 7, Table 4.4)
- Petitioner:** Main South Community Development Corporation
- Present Use:** Presently on the premises is a vacant, partially paved lot.
- Zone Designation:** RG-5 (Residence, General) zoning district and Adaptive Re-use Overlay District (AROD)
- Petition Purpose:** The applicant seeks to construct a mixed use development, consisting of 48 residential dwelling units and commercial/retail space, along with associated grading, paving drainage, and site work.

Attorney Mark Bornstein appeared upon behalf of the applicant, Main South Community Development Corporation, and stated that the applicant seeks to construct a mixed use development, consisting of 48 residential dwelling units and 68 parking spaces will be provided.

Mr. Abramoff requested that Mr. Borstein review the mixed use development portion of the site. Attorney Borstein reviewed what was being proposed.

Steve Teasdale, Main South CDC, reviewed where the green space would be proposed on the site and feels that the parking being proposed is adequate.

Mr. Wanat requested a review of the proposed dumpster and screening and Samiotes engineer Andrew Truman provided an overview of where the dumpster would be located and how it would be screened.

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

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to approve the waiver request to not show abutters to abutters on the plan.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 5-0 to approve the Variance for 34 parking spaces with conditions outlined in staff's memo.

List of Exhibits

Exhibit A: Variance Application; received October 16, 2017; prepared by Attorney Mark Borenstein.

Exhibit B: Site Plan; dated October 5, 2017; prepared by Samiotes Consultants, Inc.

Exhibit C: Renderings with elevations and floor plans; October 6, 2017; prepared by DHK Architects

7. 496 Hamilton Street (ZB-2017-063)

Special Permit: To allow single-family attached dwellings in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)

Petitioner: Edward Kooyomjiam

Present Use: Presently on the premises is a single-family detached dwelling, with associated site improvements.

Zone Designation: RL-7 (Residence, Limited) zoning district

Petition Purpose: The applicant seeks to demolish the existing structure and construct a development, consisting of 10 single-family attached dwelling units, along with related grading, paving, drainage, and site work.

Mike Burke along with Robert Murphy appeared upon behalf of the applicant, Edward Kooyomjiam, and reviewed the proposal.

Mr. Abramoff asked if there was a rendering the project and Mr. Burke stated that he did have one and presented it.

Robert Murphy, Murphy Associates, gave an overview of the plan for the site and reviewed the stormwater and snow storage area planned for the location.

Mr. Michajlow stated that he viewed the site and is not convinced that this proposal is a good fit for the neighborhood.

Sharon Ryan, an abutter to the property, spoke in opposition to the project.

Kim Anders spoke in opposition to the project.

Peter DiLeo asked the item be postponed and that neighbors have chance to obtain an attorney.

Kathy Pinkham spoke in opposition to the project.

Tom Lane stated that this proposal will be non-confirming with the existing neighborhood.

Councilor Candy Mero-Carlson stated that this development does not fit in the neighborhood.

Unidentified resident spoke in opposition to the project.

Jo Hart stated that trees has already been cut on property and that shouldn't happen until approvals are in place.

Mr. Freilich asked ISD if a permit was needed to clear cut trees. Mr. Kelly responded no but he would notify Conservation Commission as they may have purview.

Roslyn Ronded stated that they are trying to preserve the neighborhood and they don't need over building in the neighborhood.

Mr. Abramoff stated that he would like to see more information from the applicant about how this would fit in neighborhood.

Mr. Freilich stated that he would also like the applicant to meet with the neighbors as there have been successful outcomes for all parties when that is done.

Chris Tully stated that he helped put project together and he thought someone had did reach out to neighbors but tonight they will obtain the names from people present and be happy to meet with them and requested to continue the item.

Upon a motion by Mr. Wanat and seconded by Mr. Michajlow the Board voted 5-0 to continue the Special Permit application to the January 8, 2018 Zoning Board of Appeals meeting.

List of Exhibits

Exhibit A: Special Permit Application; received October 17, 2017; prepared by Edward Kooyomjiam.

Exhibit B: Site Plan; dated October 10, 2017; prepared by Robert G. Murphy & Assoc., Inc.

Exhibit C: Article submitted by unidentified abutter.

8. 436 Shrewsbury Street (ZB-2017-064)

Special Permit: To allow a professional office use in an RG-5 Zone (Article IV, Section 2, Table 4.1, Business Use #19)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7)

Petitioner: Jagjit Walia

Present Use: Presently on the premises is an existing three-family detached dwelling and associated site improvements.

Zone Designation: RG-5 (Residence, General) zoning district, and the Commercial Corridors Overlay District – Shrewsbury Street Sub-area (CCOD-S)

Petition Purpose: The applicant seeks to convert the existing structure into a professional office use and to construct an associated off-street parking area.

David Sadowski from Sadowski Engineering appeared upon behalf of the applicant, Jagit Walia, and stated that the applicant seeks to convert the existing structure into a professional office use.

Mr. Antonellis stated that staff would request revisions be made to the proposed driveway and asked if the entrance on Shrewsbury Street would remain active. Mr. Sadowski stated that it would.

Staff and Mr. Sadowski reviewed options for the driveway and pedestrian access to the site.

Frank Fechner, abutter to the property, stated that he looking forward to the property being developed and does not see any problem with the parking lot as long as appropriate landscaping but did question what would happen with garage on site.

Mr. Sadowski stated that existing garage will be demolished and taken off site.

Upon a motion by Mr. Michajlow 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. Haddon the Board voted 5-0 to approve the waiver from showing abutters to abutters within 500 feet on the plan.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 5-0 to approve the Special Permits with conditions outlined in staff's memo with an amendment to condition E to modify the width to accommodate 1 vehicle width.

List of Exhibits

Exhibit A: Special Permit Application; received October 19, 2017; prepared by Jagjit Walia

Exhibit B: Site Plan; dated August 2, 2017 and revised on October 19, 2017; prepared by Sadowski Engineering.

Exhibit C: Renderings and floor plans; dated September 6, 2017; prepared by Acropolis Design Consultants.

Exhibit D: Revised Site Plan; dated November 24, 2017; prepared by Sadowski Engineering.

Other Business

9. Board Elections of Officers

The Board shall, by a majority vote, elect both a chairperson and a vice chairperson. Alternates may not participate in this annual election (ZBA Rules & Regulations, Section 3 - as amended 6-29-2009).

Upon a motion by Mr. Abramoff and seconded by Mr. Wanat the Board voted 3-0 to appoint Vadim Michajlow as Chair.

Upon a motion by Mr. Abramoff and seconded by Mr. Michajlow the Board voted 3-0 to appoint Mr. Wanat as Vice-Chair.

10. Communications

11. Signing of Decisions from prior meetings

Adjournment - Upon a motion the Board voted 5-0 to adjourn the meeting at 8:03 p.m.