

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
May 17, 2021**

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 730323290#), which was publicized on the posted meeting agenda and during the video broadcast.

Zoning Board Members Participating: Joseph Wanat, Chair
Jordan Berg Powers
George Cortes
Robert Haddon, Alternate Member
Nathan Sabo, Alternate Member
Russell Karlstad, Vice Chair

Zoning Board Members Not Participating:

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services

Call to Order – 5:30 PM

Old Business – Public Hearings

- 1. 1193 (aka 1239) & 1243 (aka 1241) Millbury Street (MBL 31-003-00011, -00005) (ZB-2020-036)**
- Special Permit:** To allow open lot storage of more than one (1) unregistered automobile in excess of seven (7) days (Article IV, Section 2, Table 4.1, General Use #13)
- Special Permit:** To allow open lot storage and/or salvage recycling operations (Article IV, Section 2, Table 4.1, Manufacturing Use #8)
- Petitioner:** Boakye Osei Bonsu
- Present Use:** At 1243 (aka 1241) Millbury Street are two buildings – a +/-1,319 SF commercial building, formerly used as convenience store, and a +/- 3,480 SF commercial building, formerly used for retail food sales – each with associated surface parking and at 1193 (aka 1239) Millbury Street is a parking lot used for open lot storage
- Zone Designation:** MG-1.0 (Manufacturing, General) zoning district and the Blackstone River Parkway Sign Overlay District (BSOD)
- Petition Purpose:** To allow open lot storage of vehicles on both lots, to convert the existing +/- 3,480 SF commercial building into a garage to be used for dismantling of vehicles.
- Testimony Date(s):** 10/5/2020; Constructive Grant Deadline: TBD
2/11/2021

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon & Mr. Sabo as alternates) the Board voted 5-0 to continue the Special Permit applications to the June 7, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline until July 20, 2021.

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- 2. 298 Plantation Street (aka 2 Northboro Street) (MBL 17-025-04+05) (ZB-2020-065)**
- Special Permit:** To allow the extension, alteration or change of a privileged pre-existing, nonconforming

structure and/or use in a RL-7 zone (Article XVI, Section 4)

- 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, A, 2)
- Variance:** For relief from the minimum front-yard setback dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum exterior side-yard setback dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the maximum floor area ratio (FAR) requirements for the RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner: Rodney Haddad of Remp Realty LLC
- Present Use: A +/- 2,979 SF non-conforming one-story commercial structure, formerly used as a dry cleaner, with associated off-street parking.
- Zone Designation: RL-7 (Residence, Limited) zoning district
- Petition Purpose: To renovate and convert the existing structure into a food service establishment (deli), construct a second story addition with two dwelling units, construct off-street parking, and conduct associated site work.
- Testimony Date(s): 2/11/2021 Constructive Grant Deadline: 6/8/2021

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon and Mr. Sabo as alternates) the Board voted 5-0 to allow for Leave to Withdraw for the Special Permit and Variance applications.

3. 15 Waban Avenue (MBL 38-023-40-43) (ZB-2021-020)

Lot 1L Waban Avenue (Proposed):

Variance: For relief from the minimum lot area dimensional requirement for a single-family semi-detached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

Lot 1R Waban Avenue (Proposed):

Variance: For relief from the minimum lot area dimensional requirement for a single-family semi-detached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

Lot 2L Waban Avenue (Proposed):

Variance: For relief from the minimum lot area dimensional requirement for a single-family semi-detached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Harry Avery

Present Use: A single-family detached dwelling and garage.

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

Petition Purpose: To demolish the existing site improvements, divide the lot into two, construct a single-family semi-detached (aka duplex) dwelling on each lot (total of 4 units), and conduct associated site work.

Testimony Dates(s): 4/26/2021 Constructive Grant Deadline: 7/17/2021

Harry Avery along with Zac Couture from H.S&T called in for the application.

Mr. Couture reviewed the changes made to the plan.

Ms. Molina Dumas reviewed the project and what relief on the plan had been changed.

Ms. Molinda Dumas asked if Mr. Couture could review the improvements to the 81G. Mr. Couture reviewed the changes.

Mr. Cortes stated that he is pleased with the project and this would be an improvement for this particular area of the City.

Public Comment

Abutter said that the project plan is too upscale for the neighborhood and expressed concern that it would be Section 8 housing.

Donna and John said this project will effect their property.

Michael Hayes expressed concern that project would be detriment to the neighborhood and stated that part of the appeal of neighborhood is green space so putting this building in will change the aesthetic.

Dave Fisher expressed concern that the work was being done on Porter St and not Waban Avenue.

Francis Smith asked how this project would affect his access to Perkins Farm. Mr. Wanat stated that it should not result in any result of a change to access but that would be Planning Board purview.

Mr. Wanat asked the applicant to review the drainage for the site. Mr. Couture reviewed the cul tec system that would be used for the site and stated that drainage will have to be provided for the roadway.

The Board, staff discussed with the applicant were the sewer connections were going to be located.

Mr. Berg Powers asked if Zoning Board was appropriate forum to discuss the sewer locations or would that be that be the Planning Board.

Mr. Wanat stated that it would be Planning Board.

Mr. Fisher asked how he would be notified when item would be before Planning Board. Mr. Rolle explained the abutter notification process and where the public could find agendas for the different city boards.

Mr. Berg Powers stated that this is not several large homes and he understands change is hard but thinks this would not change the neighborhood.

Mr. Cortes stated that he would echo Mr. Berg Powers' statement.

Mr. Sabo stated that he believe that this would have very negative impact on the neighborhood based on the plan presented.

Mr. Rolle stated that unfortunately it was just discovered that Mr. Cortes was not presented for the meeting last time this was heard so it is only a four member voting board tonight which means it would have to be a unanimous vote on the application so he would ask the applicant if he wish to continue to another meeting and the petition would need to be refreshed and if they did that all six members could vote.

Mr. Couture stated that this project would improve the site and the road in the area for the neighbors.

Mr. Rolle explained how the applicant would need to reapply.

Mr. Wanat stated that this would give time for the applicant to review the plan and see if he could address neighborhood concerns also.

Mr. Couture stated that he would like to withdraw the application.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon & Mr. Sabo as alternates) the Board voted 5-0 to allow for Leave to Withdraw for the Variance applications.

New Business – Public Hearings

- 4. 43 Oread Street (MBL 06-028-00016) (ZB-2020-061)**
- Special Permit:** To modify dimensional standards for a Residential Conversion (Article IV, Section 9)
- 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, A, 2)
- Variance:** For relief from the minimum parking requirements for a residential use (Article IV, Section 7, Table 4.4.)
- Petitioner:** Elvis Cruz of 43 Oread Street LLC
- Present Use:** A privileged, non-conforming three-family detached dwelling, with associated site improvements
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** To convert the existing three-family detached dwelling into a multi-family low-rise dwelling (with a total of 5 units), to expand and reconfigure the parking area, and to conduct

associated site work.

Public Hearing Deadline: 6/2/2021

Constructive Grant Deadline: 7/7/2021

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon and Mr. Sabo as alternates) to continue the Special Permit and Variance applicants to the June 7, 2021 Zoning Board of Appeals hearing and to extend the Constructive Grant Deadline to June 7, 2021.

5. 7 Svea Street and a portion of 195 Vernon Street (MBL 10-005-00026 & -00009) (ZB-2021-019)

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, A. 2)

Petitioner: Atourourke, LLC

Present Use: On the subject portion of the premises is vacant land.

Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: To construct a multi-family low-rise structure (with a total of 8 dwelling units) with associated off-street parking, and to conduct associated site work.

Public Hearing Deadline: 6/12/2021

Constructive Grant Deadline: TBD

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon & Mr. Sabo as alternates) the Board voted -0 to continue the Special Permit application to the June 7, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to July 20, 2021.

6. 158 Beacon Street (MBL 06-33A-00088) (ZB-2021-022)

Lot 1 Beacon Street (Proposed):

Variance: For relief from the minimum frontage requirement for a single-family semi-detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Lot 2 Beacon Street (Proposed):

Variance: For relief from the minimum frontage requirement for a single-family semi-detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: 158 Beacon Street, LLC

Present Use: A partially paved lot.

Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: To construct a single-family, semi-detached (aka duplex) dwelling (total of two units), and to conduct associated site work.

Public Hearing Deadline: 6/12/2021

Constructive Grant Deadline: 7/17/2021

Peter DiGirgero and Thomas Ayers called in for the application.

Mr. DiGirgerio provided overview of the project.

Ms. Molina Dumas stated that the applicant is looking to construct a single-family, semi-detached (aka duplex) dwelling, with a total of two units, and to conduct associated site work.

The proposed division of the lot provides 25.75 FT of frontage for each proposed lot, whereas 30 FT per lot is required for a single-family semi-detached dwelling in an RG-5 zone. The applicant seeks variances for frontage for each lot to cure these deficiencies.

Mr. DiGirgero requested the waivers suggested by staff and was fine with Conditions of Approval suggested by staff.

Public Comment

No public comment.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes the Board voted 5-0 (Mr. Haddon and Mr. Sabo as alternates) to approve the Variances with waivers requested by the applicant and Condition of Approvals from staff memo and that the project be built in substantial accordance with the plans submitted.

7. 73 (aka lots 69A and 69B) Eastern Avenue (MBL 16-012-5A-01) (ZB-2021-028)

Variance: For relief from the minimum lot area requirements for a two-family detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Kevin Kieler, of Permit Solutions Inc.

Present Use: A vacant lot.

Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: To construct a two-family detached dwelling, and to conduct associated site work.

Public Hearing Deadline: 7/4/2021 **Constructive Grant Deadline:** 8/8/2021

Kevin Kieler of Permit Solutions, Inc. called in for the application.

Mr. Kieler stated that the application had come before the Board in 2018 and was approved but the project never went forward so they are back before the Board requesting approval again and would request waivers suggested by staff and was fine with Conditions of Approval suggested by staff.

Ms. Molina Dumas stated that the approval for this Variance had lapsed and that is why the application is back before the Board tonight.

Public Comment

No public comment.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon & Mr. Sabo as alternates) the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon & Mr. Sabo as alternates) the Board voted 5-0 to approve the Variance for the lot area with waivers requested by the applicant, approved with Conditions of Approval from staff memo, that the applicant will submit final revised plan and that the plan be built in substantial accordance with plans submitted.

8. 12 Circuit Avenue East (MBL 14-016-00026) (ZB-2021-029)

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming structure and/or use (Article XVI, Section 4)

Petitioner: Jerry Hughes

Present Use: A pre-existing, non-conforming, single-family detached dwelling.

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

Petition Purpose: To construct a deck to the rear and side of the dwelling, and to conduct associated site work.

Public Hearing Deadline: 7/4/2021 **Constructive Grant Deadline:** TBD

David Sadowski and Jerry Hughes called in for the application.

Mr. Sadowski gave a review of the project and requested the waivers suggested by staff.

Ms. Molina Dumas stated that presently on the premises is a +/- 1,874 SF privileged non-conforming single-family detached dwelling, circa 1880 (per City Assessing records). The structure is presently non-conforming with respect to the rear-yard setback (20 feet required, 18.7 feet provided).

Ms. Molina Dumas stated that the applicant seeks to construct a deck to the rear and side of the dwelling, and to conduct associated site work. The proposed deck will further intensify the existing non-conformity, from 18.67 feet to 6.7 feet and the applicant seeks a special permit to extend the existing non-conforming rear-yard setback.

Mr. Cortes asked the applicant to review where the deck would be located.

Mr. Berg Powers stated that he was fine with what was being proposed.

Public Comment

Harry Miskian stated they had concern about the height of the deck and if deck was lower it wouldn't be an intrusion for their property.

Mr. Hughes stated that he is sure he could come to some type of amicable agreement with the neighbors.

Mr. Miskian stated he would also like to see a ramp down to the deck and stated that this would be an encroachment on their property.

Mr. Sadowski stated that this proposal would not be an encroachment on the neighbor's property.

The Board discussed the area of the deck and what type of plantings proposed for the property.

Mr. Berg Powers stated the application is to put up a deck and Board is extending beyond what should be required of the applicant.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon and Mr. Sabo as alternates) the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes (Mr. Haddon and Mr. Sabo as alternates) the Board voted 5-0 to approve the Special Permit with waivers requested by the applicant, approved with Conditions of Approval recommended by staff including submission of final revised plans and that the project be built in substantial accordance with the plans submitted.

9. 781 & 783 Grove Street & 94 Parkton Avenue (MBL 33-043-00003 & 33-030-00111) (ZB-2021-034)

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, A, 2)

Variance: For relief from the maximum height dimensional requirements (Article IV, Section 4, Table 4.2)

Petitioner: Goddard/Homestead, Inc.

Present Use: At 781 Grove Street is a vacant three-story +/-100,000 SF former school building and at 783 Grove Street is a two-story residential building.

Zone Designation: RS-7 (Residence, Single-Family) zoning district

Petition Purpose: To demolish the existing school building at 781 Grove Street, with the existing structure at 783 Grove Street to remain, in order to construct a 135,000 SF, 3-story Continuing Care Retirement Community (CCRC) building (with a total of +/- 145 dwelling units and +/- 136 parking spaces), an associated driveway network and to conduct associated site work.

Public Hearing Deadline: 7/4/2021 **Constructive Grant Deadline:** 8/8/2021

Attorney Mark Borstein along with representatives from Goddard/Homestead, Inc. called in for the application.

Mr. Bornstein stated that this is for a Continuing Care Retirement building and reviewed the scope of the project and stated that he would request the waivers suggested by staff.

Kevin Andre reviewed the plan for the site.

Mr. Rolle reviewed what is being requested.

Public Comment

No Public Comment.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes the Board voted 5-0 (Mr. Haddon & Mr. Sabo as alternates) to close the Public Hearing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes the Board voted 5-0 (Mr. Haddon & Mr. Sabo as alternates) to approve the Special Permit and Variance with waivers requested by the applicant, approved with Conditions of Approval suggested in staff memo, submission of final revised plans and that the project be built in substantial accordance with the plans submitted.

Other Business

13. Communications

14. Discussion of Board Policies and Procedures

15. Approval of Minutes – 8/3/2020; 2/22/2021-Held to June 7, 2021

Adjournment

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes the Board voted 5-0 to adjourn the meeting at 8:34 p.m.