

**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
AUGUST 9, 2021**

Worcester City Hall - Levi Lincoln Chamber, with remote participation options available via Webex online at <https://cow.webex.com/meet/planningboardwebex> and call-in number 415-655-0001 (Access Code: 1601714991).

Zoning Board Members Participating: Joseph Wanat, Chair  
Russell Karlstad, Vice Chair (remote)  
Jordan Berg Powers (remote)  
Nathan Sabo, Alternate Member

Zoning Board Members Not Participating: George Cortes  
Robert Haddon, Alternate Member

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services  
Amanda Molina Dumas, Division of Planning & Regulatory Services  
David Horne (remote)  
Joseph Sansoucy (remote)

**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 Dates:** 10/5/2020; Constructive Grant Deadline: TBD  
2/11/2021

Boakye Osei Bonsu participated remotely for the application.

Mr. Bonsu stated that he is looking to do automobile sales and dismantling, both of which involve open lot storage of vehicles. Proposed work includes converting the existing +/- 3,480 SF commercial building into a garage to be used for dismantling of vehicles and stated that this application has been before the Board for a long time.

Mr. Rolle reviewed the type of Special Permits and licenses the location currently has.

Joe Sansoucy, Building Inspector City of Worcester, stated that this location had a temporary Special Permit with similar conditions and from what he has heard from neighbors all the conditions have been violated and the owner is in violation of the setbacks and the property is currently in housing court with a cease and desist pending.

The Board asked for clarification of types of licenses that applicant currently had for the site. Mr. Rolle reviewed the Special Permits approved for the site and permits for the site. The Special Permit was only for a year and the applicant did not reapply and the Special Permit was only for automobile sales.

Public Comment

Richard Anderson, participating in person, stated that there are 50 to 60 vehicles in the fenced area and now containers are being brought in.

Gentleman (did not identify himself) from Deanglis Construction, participating in person. He stated that applicant is now selling food to go overseas and the owner has never sold one vehicle since the place has been in business.

Paul Green, participating in person, stated that oil is dripping from cars and it is a mess on that site and there has never been a car for sale on the site.

Monica St. Denis, participating remotely, stated that this site is an eyesore and you can smell the oils coming off the lot.

Jonathan Clark, participating remotely, stated that the applicant is also working on cars on the site.

Valerie Fleming, participating remotely, stated that she agrees with all the other people who have spoken and no cars have ever been sold from that site.

Bob Belsito, participating remotely, asked why since the city has cease on desist on property why is it still allowed to operate. Mr. Sansoucy stated that they are in operating in contempt of the court order.

Mr. Bonsu stated that some people are giving false testimony and that he doesn't dismantle cars on the site.

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 4-0 to close the Public Hearing.

Mr. Bonsu requested to withdraw the application.

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 4-0 to allow for Leave to Withdraw for the Special Permits.

**2. 116 Malvern Road (MBL 26-022-00003) (ZB-2021-030)**

**Variance:** For relief from the minimum lot area requirement for a three-family detached dwelling in an RL-7 zone (Article IV, Section 4, Table 4.2)

**Special Permit:** To allow a three-family detached dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)

**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:** Wilbert DeLaRosa

**Present Use:** A two-family detached dwelling with off-street parking

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

**Petition Purpose:** To construct an addition to convert the existing two-family detached dwelling into a three-family detached dwelling, with associated site improvements.

**Testimony Dates:** 7/19/2021                      **Constructive Grant Deadline:** 8/29/2021

David Sadowski, Richard Kubert and Wilbert DeLaRosa participated in person for the application.

Mr. Sadowski reviewed the changes made to the plans from the last meeting.

Ms. Molina Dumas reviewed the revised plans.

Wilbert DeLaRosa, participating in person, stated that he does not intend to enlarge the property.

Public Comment

Richard Fox, participating in person, expressed concern about the lack of parking for the project.

Leo Sullivan, participating in person, expressed concern about water runoff and concern that the home is going to be turned into a three family.

Stephen Fox, participating in person, read two letters, Angelia Valeski & Judith Warren speaking in opposition to the proposal and Mr. Fox also spoke in opposition to the proposal.

Sean Reidy, participating in person, expressed concern that property will become a three family and rather it be two family first and see how that goes first.

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Joe Sancoucy, participating remotely, reviewed the work done in the basement and stated no work has been done to convert to a three family yet.

Richard Kubert, participating in person, stated that he was the general contractor and stated that the third unit will only be for a single person and applicant is using basement space for extra income so it be one person with one car.

Russell Hernandez, participating remotely, stated that he was the designer for the project and they will only be submitting plans if applicant is approved for the third unit.

Mr. Sadowski asked Mr. Wanat to review the proposed conditions for the site. Mr. Sadwoski and Mr. DeLaRosa stated that they were fine with the conditions of approval suggested by staff and they would request the two waivers requested by staff.

The 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) was advertised erroneously and was withdrawn.

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

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 to approve the Variance for frontage, the Special Permit for three-family use and Special Permit to modify parking/landscaping; approved with requested waivers; approved with Conditions of Approval from staff memo which includes submission of final revised plans prior to issuance of Building Permit (confirm grades, setbacks, egress points; denote existing/proposed vegetation; provide floor plans that demonstrate a shared means of egress); tandem parking shall be dedicated by unit; Variance applies specifically to use as proposed; parking and/or paved areas limited to those on the approved plan; and that the project be built in substantial accordance with the plans submitted.

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### **New Business – Public Hearings**

#### **3. 49 Chilmark Street (MBL 16-019-00002) (ZB-2021-033)**

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

*Lot 2 Chilmark Street (Proposed):*

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

*Lot 3 Chilmark Street (Proposed):*

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

**Petitioner:** Harry Avery

**Present Use:** A vacant lot.

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

**Petition Purpose:** To construct a single-family attached dwelling (with a total of 4 units), and to conduct associated site work.

**Public Hearing Deadline:** 8/9/2021

**Constructive Grant Deadline:** 8/29/2021

Andy Baum and Harry Avery, participated in person, for the meeting.

Mr. Avery stated that he had emailed three letters of support for the project to planning staff.

Mr. Avery stated that he is trying to construct a single family dwelling with 4 units. Mr. Baum reviewed a plan of the site on power point slides.

Mr. Rolle stated that they had requested a postponement on the application as this is a difficult site but they have concerns with topography of the site and did receive revised plans that afternoon but there was not enough time to properly review them.

The Board asked Mr. Baum to review the retaining walls for the site.

Commissioner Berg Powers stated that he is not convinced that this proposal makes sense due to the size of the lot but he would be willing to go take a view of the lot with the applicant.

Mr. Avery stated that he would be willing to view the lot with any members of the Board.

Public Comment

No Public comment

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 to continue the Special Permit and Variance applications to the August 30, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to September 21, 2021.

**4. 43 Lancaster Street (MBL 02-043-00094) (ZB-2021-038)**

**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)

Petitioner: Gregory Lavelle

Present Use: A low-rise residential building with 3 units and associated off-street parking.

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

Petition Purpose: To convert a portion of the existing building into one (1) additional dwelling unit (for a total of 4 dwelling units), and to conduct associated site work.

Public Hearing Deadline: 8/9/2021 Constructive Grant Deadline: TBD

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 4-0 to postpone the Special Permit applications to the August 30, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to September 21, 2021.

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**5. 34 William Street (MBL 02-039-0039A) (ZB-2021-040)**

**Special Permit:** To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

**Variance:** For relief from the minimum parking requirements for a three-family detached dwelling in an RG-5 Zone (Article IV, Section 7, Table 4.4)

Petitioner: Eileen Milton

Present Use: A two-family detached dwelling.

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

Petition Purpose: To convert the existing two-family detached dwelling into a three-family detached dwelling, and to conduct associated site work.

Public Hearing Deadline: 8/9/2021 Constructive Grant Deadline: 8/29/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 4-0 to postpone the Special Permit and Variance applications to the August 30, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to September 21, 2021.

**6. 65 Cedar Street (MBL 02-048-00023) (ZB-2021-047)**

**Special Permit:** To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use (Article XVI, Section 4)

**Special Permit:** To allow a lodging house in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

**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: C&S Cedar Street Housing LLC

Present Use: A +/-2,943 SF privileged non-conforming structure, formerly used as a dormitory, with associated off-street parking.

Zone Designation: RL-7 (Residence, Limited) zoning district, pending ordainment of a zoning map amendment to be located within an RG-5 (Residence, General) zoning district

Petition Purpose: To renovate and convert the existing structure into a lodging house (with 21 beds total), to construct related parking, and to conduct associated site work.

Public Hearing Deadline: 9/29/2021                      Constructive Grant Deadline: TBD

Mr. Rolle stated that this item needs a zoning ordinance amendment that will be heard by the City Council tomorrow so would suggest item be heard tonight and if the zoning amendment is approved tomorrow the Board has a special zoning meeting scheduled for this coming Wednesday and could vote on item then.

Attorney Brian Faulk appeared in person to representative C&S Cedar Street Housing LLC.

He stated that this was former Becker Dormitory and will now be housing for the Worcester Railers.

Ms. Molina Dumas reviewed the scope of the project and conditions proposed if item is approved.

The project engineering, participating remotely, reviewed the landscaping for the project and fencing for the property.

Public Comment

Russ Haims, participating in person, spoke in support of the project.

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 to continue the application to the August 30, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to September 21, 2021.

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**7. 360 & 370 Park Avenue (MBL 06-021-00022 & 06-021-19-21) (ZB-2021-049)**

**Special Permit:** To allow an automobile refueling station in a BG-4.0 Zone (Article IV, Section 2, Table 4.1, Business Use #17)

**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: Prayosha Realty Trust

Present Use: At 360 Park Avenue is a vacant office building, and at 370 Park Avenue is an approximately +/-15,706 SF commercial building containing a liquor store, with associated off-street parking.

Zone Designation: BG-4.0 (Business, General) zoning district and partially within the Floodplain Overlay District

Petition Purpose: To demolish the existing, vacant office building at 360 Park Avenue in order to construct a new automobile refueling station and multi-bay carwash spanning both parcels, with the existing retail building at 370 Park Avenue to be renovated to add a convenience store, and to conduct associated site work.

Public Hearing Deadline: 9/29/2021                      Constructive Grant Deadline: TBD

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 4-0 to postpone the Special Permit applications to the August 30, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to September 21, 2021.

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#### **Other Business**

- 10. Communications**
- 11. Discussion of Board Policies and Procedures**
- 12. Approval of Minutes – 9/14/2020**

Upon a motion by Mr. Karlstad and seconded by Mr. Haddon the Board voted 4-0 to approve the minutes of September 14, 2020.

#### **Adjournment**

Upon a motion made by Mr. Karlstad and seconded by Mr. Haddon the Board voted 4-0 to adjourn the meeting at 8:05 p.m.