



**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
December 5, 2022**

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: 160 884 7670).

- Zoning Board Members Present: Russell Karlstad, Chair  
George Cortes  
Shannon Campaniello  
Eric Torkornoo - *Participated Remotely*  
Nathan Sabo - *Participated Remotely*
- Zoning Board Members Absent: Jordan Berg Powers  
Anthony Dell'Aera
- Staff Participating: Michelle Smith, Division of Planning & Regulatory Services  
Rose Russell, Division of Planning & Regulatory Services  
Paul Dell'Aquila, Division of Planning & Regulatory Services  
John Kelly, Building Commissioner - *Participated Remotely*

**Call to Order:**

Mr. Karlstad called the meeting to order at 5:33 PM.

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

- Item 2: 1 & 7 Brattle Street (ZB-2022-062) Special Permit & Variance**  
Request to Postpone the Public Meeting to January 5, 2023  
Extend the Constructive Grant Deadline to January 24, 2023
- Item 3: 119 May Street (ZB-2022-066) Special Permits**  
Request to Postpone the Public Meeting to January 5, 2023  
Extend the Constructive Grant Deadline to January 24, 2023
- Item 4: 11 Earle Terrace (ZB-2022-76) Administrative Appeal**  
Request to Postpone the Public Meeting to January 23, 2023  
Extend the Constructive Grant Deadline to February 14, 2023

**On a motion made by Mr. Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to postpone the applications.**

**New Business – Public Hearings**

**ITEM TAKEN OUT OF ORDER**

**6. 48 Houghton Street (MBL 04-031-00012) (ZB-2022-090)**

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

**Variance:** For relief from the minimum side-yard setback dimensional requirement for a three-family detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2).

**Variance:** For relief from the minimum parking requirements for residential use (Article IV, Section 7, Table 4.4).

**Petitioner:** Joseph Belgrad of Tabono Turtle Properties LLC

**Present Use:** Presently on the premises is a non-conforming two-family detached dwelling.

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

**Petition Purpose:** The applicant seeks to renovate the structure, adding a full third story and converting it into a three-family detached dwelling, and to conduct associated site improvements.

**Public Hearing Deadline:** 12/22/2022      **Constructive Grant Deadline:** 1/26/23

Ms. Campaniello recused herself from the public hearing.

Joseph Belgrad, applicant, described his proposal to convert the existing 2-unit building at 48 Houghton Street to 3-unit building. He noted that his plan is to put solar on roof, and that DPRS staff suggested gabled roof, which he's happy to acquiesce to. He noted that he has done two previous renovations and is currently doing one on Shrewsbury Street.

Ms. Smith described staff comments noting project requires 13 feet of frontage relief and 3.9 feet of side setback relief and that the Board does not need to take action on the parking variance. There are only two spaces on the site now, and the new unit requires two additional spaces for a total of four, which will be provided, although there are staff concerns about management of the tandem configuration. Ms. Smith recommended that condition 1c be revised for the existing tree in the front yard either be maintained or replaced with an ALB-resistant tree. Ms. Smith also noted DPRS staff recommendations on architecture per condition e.

**Board Comments**

Mr. Karlstad noted that the tree in front looks dead due to cars parking in front yard causing root compaction. He stated he would prefer to see the tree replaced rather than maintained and for the applicant to install a barrier/fence to prevent front yard parking.

There was discussion of architectural design options and potential resulting building height, although Mr. Karlstad noted that there were no architectural plans that could be reviewed.

Mr. Karlstad noted that he doesn't think that the applicant will be able to fully power the house with solar.

Ms. Smith clarified that a maximum height of 50 feet is allowed for a 3-family house.

Mr. Karlstad noted that he would prefer to see architectural elevations as a condition of approval.

Mr. Sabo asked how tandem parking would be managed. The applicant described the arrangement of the spaces and noted that some grass from the front yard would be taken, but that the site would stay under 50% impermeable surface. Mr. Karlstad noted that he wants to keep as much green as possible and suggested adding a fence/demarcation to prevent parking in back yard area.

*No public comment*

Mr. Karlstad detailed the additions and amendments to the DPRS suggested condition of approval 1c for existing tree shall remain or be replaced with one minimum 3" caliper shade tree of a non-Asian Longhorn Beetle

susceptible species and condition for either a fence or landscaping such as shrubbery in the front yard adjacent to and at the termination of the driveway to prevent vehicles from parking on the lawn.

Mr. Belgrad also agreed to accept the recommended waivers for distances from adjacent buildings, percentage of the lot covered by the principal and accessory buildings, and topographical plans.

Ms. Smith clarified that the requested variance for relief from parking requirements should be formally requested by the applicant and that can be voted on by the Board as part of the decision.

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to approve the requested relief including condition 1c amended to read that existing tree shall remain or be replaced with one minimum 3” caliper shade tree of a non-Asian Longhorn Beetle susceptible species; condition 1f added for either a fence or landscaping such as shrubbery in the front yard adjacent to and at the termination of the driveway to prevent vehicles from parking on the lawn; requested waivers; and the withdrawal of the Variance request on minimum parking requirements.**

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#### ITEM TAKEN OUT OF ORDER

**2. 16 Valmor Street (MBL 34-010-00006) (ZB-2022-096)**

**Variance:** For relief from the minimum front yard setback dimensional requirement for a single-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

And/or

**Special Permit:** To expand, alter, or change a privileged non-conforming use/structure (Article XVI, Section 4)

Petitioner: JAE Worc LLC

Present Use: Presently on the premises is a non-conforming single-family detached dwelling

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

Petition Purpose: The applicant seeks to renovate the structure and construct a front porch.

Public Hearing Deadline: 1/21/2023 Constructive Grant Deadline: N/A

Attorney Don O’Neil appeared on behalf of the applicant, JAE Worc LLC, who wants to replace the existing vestibule on the front of the existing residence with a new farmers porch. The existing residence is pre-existing non-conforming with regard to the front setback and the proposed new porch will be no closer than existing conditions and will improve aesthetics.

Mr. O’Neil stated that the advertised variance was not needed, and that the DPRS suggested conditions of approval and two waivers identified are amenable.

#### Board Comments

Mr. Karlstad asked if there is enough space for a 20’-wide driveway, which was confirmed by Mr. O’Neil, although it would be tight.

Mr. Sabo noted that he thought it would be an improvement to the property.

*No public comment*

Ms. Smith clarified that since no variance was requested and was advertised in error, the applicant does not need to ask the Board for a formal withdrawal and only a vote on the Special Permit was needed.

**On a motion by Mr. Sabo, seconded by Mr. Torkornoo, the Board voted 4-0 to close the public hearing.**

**On a motion by Mr. Sabo, seconded by Mr. Torkornoo, the Board voted 4-0 to approve the requested relief with the recommended conditions (applicant to provide plan reflecting one minimum 3"-caliper non-ALB/EAB species and maximum 20'-wide driveway for two vehicles, and that the project is constructed in substantial accordance with final revised plans) and waivers (plan showing distances from adjacent buildings and the percentage of the lot covered by the principal and accessory buildings).**

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**ITEM TAKEN OUT OF ORDER**

**9. 1 (aka 3) Brussels Street (MBL 07-051-00007) (ZB-2022-095)**

*Amendment to*

**Special Permit:** To allow a self-storage use in a ML-2.0 zone (Article IV, Section 2, Table 4.1, Business Use #39)

**Petitioner:** Valk Properties Two, LLC

**Present Use:** Presently on the premises is a four-story warehouse building used partially for self-storage and partially for wholesale storage, along with associated surface parking.

**Zone Designation:** ML-2.0 (Manufacturing, Limited) zoning district

**Petition Purpose:** The applicant seeks to amend the previously granted special permit to allow self-storage in order to extend the self-storage use to the entirety of structure.

**Public Hearing Deadline:** 1/21/2023    **Constructive Grant Deadline:** N/A

Attorney Donald J. O'Neil spoke on behalf of the applicant and detailed the history of the site including a previous special permit for the use granted this past summer. He stated the previous approval permitted only about three-quarters of the building for the storage use. Mr. O'Neil stated the zoning has now been changed to allow self-storage within the entire building. He described the difficulties any other type of development would pose with the minimal amount of parking. Required planter containers have not yet been installed yet due to time of year, but he expects they will be installed in the spring. The previous conditions of approval and requests waivers suggested by DPRS are agreeable.

Board Comments

Mr. Sabo asked for clarification on the previous approval and why planters have not yet been installed.

Ms. Russell noted that the previous approval was granted on July 11, 2022.

Mr. O'Neil noted that the operation is not up and running yet and has one year to comply with those conditions of approval, specifically noting the planted will be installed.

*No public comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to approve the requested relief with the recommended conditions of approval.**

## New Business – Public Hearings

### ITEM TAKEN OUT OF ORDER

**5. 382 Chandler Street (MBL 14-031-00002) (ZB-2022-088)**

**Variance:** For relief from the minimum front-yard dimensional requirement in a BL-1.0 zone (Article IV, Section 4, Table 4.2)

**Special Permit:** To expand, alter, or change a privileged non-conforming use/structure (Article XVI, Section 4)

**Petitioner:** Carolyn Parker

**Present Use:** Presently on the premises is a non-conforming automobile refueling station and motor vehicle service/repair/garage/display/sales use.

**Zone Designation:** BL-1.0 (Business, Limited) zoning district

**Petition Purpose:** The applicant seeks to construct a canopy structure over existing fuel dispensers.

**Public Hearing Deadline:** 12/29/2022    **Constructive Grant Deadline:** 2/2/2023

Carolyn Parker, described her petition before the Board. She described a new tenant wants to lease the property and install an overhead canopy over fuel pumps, and any future self-service use would require additional permitting.

Mr. Karlstad asked Ms. Parker about the DPRS suggested conditions of approval. Ms. Parker says applicant doesn't want to narrow existing curb cuts given small size of the lot. There are 11-12 parking spaces on site and patrons only drop cars off for service, usually drive-in/drive-out.

Mr. Karlstad suggested an L-shaped screening fence be installed at retaining wall at rear of the site.

Ms. Parker did not think a tree was appropriate but was amenable to landscaping buffers.

Ms. Parker formally requested the DPRS recommended waivers on plan requirements.

### Board Comments

Mr. Cortes expressed a safety concern about parking on eastern lot line next to existing residence on Chandler Street and wants a rail/barrier as opposed to a wheel chock. Ms. Parker is amenable.

Ms. Campaniello asked a question about DPRS rationale for requesting narrowed curb cuts. Ms. Smith noted preference is to enhance pedestrian corridor and landscaping will also help.

Ms. Parker also described the need to maintain access for fuel delivery trucks given existing configuration.

Mr. Kelly asked about the number of cars on site and the use of the non-garage space, which is used as an office, not retail. Mr. Asmar, the station owner, noted that the picture shown is unusual and that there are usually only 5 or 6 cars on the site, plus employee parking and stated only basic service is offered.

*No public comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to approve the requested relief with modifications to conditions of approval to include stike condition b. and to add a condition to install appropriate guardrail adjacent to residence on eastern lot line and a 6' stockade fence to shield neighbors, and landscaping on east and west sides.**

## New Business – Public Hearings

### **7. 525 Lincoln Street (MBL 39-030-00050) (ZB-2022-091)**

**Special Permit:** To allow a food service establishment with a drive-thru use in a BG-4.0 zoning district (Article IV, Section 2, Table 4.1, Business Use #6)

**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:** The Parikh Network

**Present Use:** Presently on the subject portion of the premises is a vacant, single-story commercial building, previously used as a restaurant, in a multi-tenant commercial plaza with five buildings.

**Zone Designation:** BG-4.0 (Business, General) zoning district and Water Resource Protection Overlay District (WR(GP-3))

**Petition Purpose:** The applicant seeks to demolish the existing structure, construct a new food-service establishment with a drive-thru, and conduct associated site improvements.

**Public Hearing Deadline:** 1/29/2023      **Constructive Grant Deadline:** N/A

Christine Shea from DiPrete Engineering appeared virtually on behalf of the applicant. She described the site with the closed Five & Diner with 43 parking spaces, noted all parking space in the plaza are shared. Ms. Shea noted stated that the applicant is seeking a Special Permit for the drive through use and another Special Permit to reduce the queue length for the drive through, reflecting about 90 feet of relief. Ms. Shae stated the proposed Popeye’s will be 2,525 SF, although final architecture may modify that slightly; the redevelopment will also remove some existing impervious surface; parking is reduced from 43 to 27 spaces; proposed hours would be 11am-10pm; and the applicant is working with city on improving drainage at the site.

Mr. Karlstad asked if the applicant had questions about recommendations in the staff memo; Ms. Shea stated she is comfortable with most of them, including incorporating a bike rack and adding a white roof but uncertain about recommendation to reconfigure an existing traffic island and recommendation 1e to narrow driveway.

Ms. Smith gave a staff update and discussed modifications to recommended conditions based on conversations with applicant including striking 1c and 1e and adding a new condition to eliminate four parking spaces north of stop line northeast of the proposed drive-through in favor of a landscaped island with shade trees to promote traffic calming and eliminate potential conflicts.

Ms. Smith also discussed possibility of better-aligning pedestrian connectivity to rest of then plaza, but that will be discussed with the Planning Board.

Ms. Shea noted proposed conditions are acceptable and that the typical expected queue is 5-6 stacked vehicles and that such queues would still allow access to rest of plaza parking.

### Board Comments

Mr. Cortes asked the applicant to discuss trash collection area & snow storage area. Ms. Shea noted that there would be stockade fencing with gates at dumpster, so there would be no visual nuisance. Ms. Shea noted area at toe of existing slope would have enough area. Mr. Cortes noted dumpsters in area are locked to prevent dumping and Ms. Shea said she pass that information on to the franchisee.

*No public comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to approve the requested relief and to strike conditions 1c and 1e and add a new condition to eliminate four parking spaces north of stop line northeast of the proposed drive-through and install a landscaped island with shade trees instead.**

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Mr. Sabo left the meeting.

**8. 1103 Main Street (MBL 08-030-00002) (ZB-2022-093)**

**Special Permit:** To expand, alter, or change a privileged non-conforming use/structure (Article XVI, Section 4)

**Petitioner:** New York Capital Investment Group, LLC

**Present Use:** Presently on the premises is a non-conforming commercial structure that includes retail and motor vehicle service and sales uses.

**Zone Designation:** BG-2.0 (Business, General) zoning district and within the Commercial Corridors Overlay District (CCOD-E)

**Petition Purpose:** The applicant seeks to demolish the existing structure and construct a car wash with associated site improvements.

**Public Hearing Deadline:** 1/14/2023      **Constructive Grant Deadline:** N/A

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Hal Chouba was present on behalf of applicant and described the application to extend/alter a pre-existing nonconforming use in the BG-2.0 and CCOD overlay district. He described the existing 6,200 SF building with four businesses on site, two which are automotive service, which are not allowed uses in CCOD. Mr. Chouba stated there is no landscaping currently on the site, and the project will also need approvals from the Planning Board and Conservation Commission.

Mr. Chouba described access and circulation on the site; there would be two pay stations and 22 parking spaces proposed. He stated there is currently no stormwater control on site and the proposed improvements would collect and treat water per DEP requirements. Mr. Chouba showed architectural renderings and photos of similar site in Walpole.

Ms. Smith gave staff comments and noted that the special permit is needed to expand the privileged existing non-conforming uses in the CCOD. She described the intent of CCOD to allow for pedestrian oriented design and street activation, and the question for the Board is whether this proposed use is more detrimental given proposed landscaping and other proposed enhancements.

Ms. Smith noted a proposed condition was left of memo, an additional condition to narrow driveway on Main Street to 24 feet from 26 feet and revised condition 1c to reflect a 24-foot drive aisle behind all 90-degree parking spaces.

Ms. Smith asked about the hours of operation and DTM wants to know about how potential queuing impacts to Main Street would be addressed.

Mr. Chouba noted that he was amenable to the conditions and noted that there is space for 25 cars in the queue and that there would still be space for another four vehicles before any impacts to Main Street.

Ronan Drury, the owner of Prestige Carwashes, verified that the hours would be 7am-8pm in summer and 7am-7pm in winter. He further noted that the car wash machine can go faster if there is lots of traffic, but he hasn't run into this issue elsewhere.

Board Comments

Mr. Cortes expressed concerns about the safety of people walking by due to location of equipment. Mr. Drury noted that equipment could be mounted on wall. Mr. Cortes asked about the operations and Mr. Drury noted that the driver stays in car and staff does not take possession of the car. Mr. Cortes asked if they would also be selling retail products and Mr. Drury noted that it wasn't part of their business.

Ms. Smith noted siting of utilities is part of site plan review with the Planning Board and noted orientation to street for pedestrian access is appropriate for CCOD.

Mr. Torkornoo asked about wastewater collection and Mr. Drury noted that 75-80% of water per wash is recycled and only 3-4 gallons per car would go to sewer after final rinsing. Mr. Chouba described the recycling units and that there are traps before water gets to sewer and will comply with all local state and federal requirements. Mr. Torkornoo asked about how recycled water is used. Mr. Drury noted that recycled greywater stays on site and Mr. Torkornoo noted that he liked this approach and liked the appearance of building.

*No public comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to approve the requested relief, including an additional condition to narrow driveway on Main Street to 24 feet from 26 feet and revised condition 1c to reflect a 24-foot drive aisle behind all 90-degree parking spaces.**

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<b>1.</b>	<b>192 Norfolk Street (MBL 19-011-0030C) (ZB-2022-052)</b>		
<b>Variance:</b>	For relief from the minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)		
<b>Variance:</b>	For relief from the minimum frontage dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)		
Petitioner:	Francesca C. Vaccaro		
Present Use:	Presently on the premises is a vacant lot.		
Zone Designation:	RL-7 (Residential, Limited) zoning district		
Petition Purpose:	The applicant seeks to construct a single-family detached dwelling with associated site improvements.		
Petition Purpose:	The applicant seeks to demolish the existing structure and construct a car wash with associated site improvements.		
Public Hearing Deadline:	12/5/2022	Constructive Grant Deadline:	1/24/2022

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Worcester Attorney Don O’Neil was present on behalf of applicant Francesca Vaccaro. He noted that two variances are being sought and until recently, the land was held in common ownership (with 190 Norfolk St.) A single family home is proposed and will meet all setback & parking requirements with only minor relief needed. He noted that the area was intended for single family houses.

Mr. O’Neil stated that he agrees with DPRS conditions & suggested waivers and noted that the proposal would also require site plan approval from the Planning Board for the presence of 15% slopes.

Ms. Russell summarized DPRS staff comments and note a 4% reduction is being requested on the required lot area and a 5-foot (7%) reduction on frontage. She stated the lot was previously separated from #190, so one lot or the other would have had to been made non-conforming.

Ms. Russell noted existing trees on site and extent of clearing be shown and existing trees be retained to the extent possible, replace front yard trees, and that driveway width be kept to 22 feet.

*No Board discussion*



Public comments:

James Kalil, 23 Murray Lane in Shrewsbury, owner of 194 Norfolk Street, appeared before the Board. He requested that shrubbery or other physical screening could be placed by proposed retaining wall. Mr. O'Neil had no objection to such a requirement.

Ms. Smith noted that although they're cutting into hill, and the retaining wall should be hidden from view. Mr. Kalil noted that he is concerned about a sharp runoff drop off at wall and the impact on drainage. Mr. Karlstad noted that that the Planning Board will address that. Mr. Karlstad suggested a condition requiring fencing or vegetated screening shrubbery along eastern lot line adjacent to retaining wall that would be hashed out by the Planning Board as part of site plan review, which was amenable to Mr. O'Neil.

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to approve the requested relief, waivers and additional condition requiring fencing or vegetated screening shrubbery along eastern lot line adjacent to the retaining wall to be determined with Staff.**

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**14. Communications**

There will be a special meeting held on January 5, 2023.

**15. Approval of Minutes**

On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to approve the minutes from the 10/24/22 and 11/14/22 meetings.

**16. Discussion of Board Policies and Procedures**

No discussion.

**Adjournment:**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to adjourn the meeting at 7:35pm.**