



**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
June 26, 2023**

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*  
  *Nathan Sabo*  
  *Shannon Campaniello - Participated Remotely – left after the first item*  
  *est. 6.20pm*  
  *Jordan Berg Powers - Participated Remotely*  
  *Eric Torkornoo - Participated Remotely – joined at 7:25*  
  *Anthony Dell'Aera - Participated Remotely*

Zoning Board Members Absent:

Staff Participating:                        *Michelle Smith, Division of Planning & Regulatory Services*  
  *Rose Russell, Division of Planning & Regulatory Services*  
  *Paul Dell'Aquila, Division of Planning & Regulatory Services*  
  *David Horne, Inspectional Services Department*

**Call to Order:**

Mr. Karlstad called the meeting to order at 5:37PM.

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

- Item 1:                2 Milton Street (ZB-2023-009) Special Permit & Variance Application**  
Request to Postpone the Public Meeting to July 17, 2023  
Extend the Constructive Grant Deadline to August 8, 2023
- Item 5:                2 Northboro Street (aka 298 Plantation Street) (ZB-2023-036) Special Permit & Variance Application**  
Request to Postpone the Public Meeting to July 17, 2023  
Extend the Constructive Grant Deadline to August 8, 2023
- Item 8:                49 West Street (ZB-2023-036) Special Permit & Variance Application (Leave to Withdraw)**  
Request a Leave to Withdraw without Prejudice
- Item 9:                27 Edgeworth Street (ZB-2023-057) Special Permit & Variance Application**  
Request to Postpone the Public Meeting to July 17, 2023  
Extend the Constructive Grant Deadline to August 8, 2023
- Item 10:              36 Standish Street (ZB-2023-058) Special Permit Application**  
Request to Postpone the Public Meeting to July 17, 2023  
Extend the Constructive Grant Deadline to August 8, 2023

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to grant the postponements and Leave to Withdraw.**

**Old Business – Public Hearings**

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<b>2.</b>	<b>54 Elm Street (ZB-2023-052) (MBL 03-028-00007)</b>		
<b>Special Permit:</b>	To allow an extension, alteration, or change of a privileged pre-existing nonconforming structure and/or use (Article XVI, Section 4)		
<b>Special Permit:</b>	To allow a lodging house in a BO-1.0 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)		
<b>Special Permit:</b>	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)		
<b>Variance:</b>	For relief from the minimum off-street parking requirements (Article IV, Section 7, Table 4.4)		
<b>Petitioner:</b>	Hogg House LLC		
<b>Present Use:</b>	Presently on the premises is a former dormitory with associated site improvements.		
<b>Zone Designation:</b>	BO-1.0 (Business, Office)		
<b>Petition Purpose:</b>	The applicant seeks to convert the existing structure to a lodging house (with ±28 beds) and to conduct associated site work.		
<b>Public Hearing Deadline:</b>	7/23/2023	<b>Constructive Grant Deadline</b>	8/27/2023

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Attorney Brian Falk introduced himself to the Board. Mr. Falk described the neighborhood meeting that was held and stated a lot of positive neighborhood feedback was expressed. Mr. Falk stated there was concern over the management of the lodging house and described the process through the License Commission. Mr. Falk stated that he feels an added condition regarding snow storage is unnecessary and it’s a good place to store snow during the winter and will not impede access; described concerns about parking; bicycle storage; lighting and re-location of the dumpster.

Bob Michelle, a resident and Trustee of the neighboring Regency Condominium Association, described that dumpsters had been located on the property at 54 Elm Street for a number of years due to difficulty in trash removal services and the applicant is amenable to continuing this arrangement. Mr. Falk stated they are happy to keep the dumpsters on the property; and requested the waivers.

Mr. Dell’Aquila gave a brief description of the requested changes to the plan from the previous hearing; the approval from the Historical Commission; concerns regarding fire code in the dumpster placement and some alterations to the condition language.

**Abutter Comments**

Frank Callahan, 53 Elm Street, stated he is view activity from his property and is supportive of the renovations being made by the owners. Mr. Callahan stated he continues to have concerns regarding management of the lodging house.

Ellen Breckenridge, 58 Elm Street, stated she had questions regarding the bedroom count and interior renovations. Mr. Falk stated 24 bedrooms are proposed with a total occupancy of 28 persons.

Russ Haims, 5 Elm Street, described his property catalog and is willing to provide off-street parking if they need to address parking concerns and to help run the property using his experience with running a lodging house and history of historic preservation.

Karen Shelby, a parent of a future student and resident of this property stated the students have a code of conduct applied to them through WPI; have experience living in a neighborhood association; and have an appreciation for historic properties.

Joe Boynton, 53 Elm Street, stated that while he feels this is positive use of the property but is concerned with the management of a lodging house by undergraduate students; potential strain on on-street parking.

Mr. Karlstad stated he feels the youth can take this opportunity in a positive direction and doesn't see it as an issue.

Alex Heye, a resident of 56 Elm, asked for further clarification on trash removal.

**Board Discussion**

Mr. Karlstad asked for a clarification on where the snow storage area is located in relation to the staff condition of approval; Mr. Falk described; Ms. Smith described a potential modification to alter condition 1d to read "Remove snow storage from the pervious pavers given this is the walkway into the building and revise pervious paver detail to provide adequate drainage substrate to assure recharge."

Mr. Cortes asked for clarification on if it will only be students renting the lodging house and how they plan to restrict occupants. Mr. Falk stated they have fourteen WPI students currently and while they have to comply with fair housing laws, that this type of establishments often operate via word of mouth and will likely not be widely advertised. Mr. Cortes asked for clarification if the residents will need to have background checks, and if they will be leased; Mr. Falk described.

**Public Comment**

Russ Haims described his operation of the Clairmont house for graduate students for WPI as a self-selecting process and that often people searching for housing will often not want to live in a house full of students and stated he has never turned someone away.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close the public hearing (Ms. Campaniello as alternate).**

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the petition (Ms. Campaniello as alternate.) with DPRS conditions of approval, waivers requested and modification to condition 1d, 5 and 8.**

**New Business – Public Hearings – Shannon Campaniello left the meeting**

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<b>3.</b>	<b>11 (aka 8) Earle Terrace (ZB-2023-005) (MBL 01-026-0014A)</b>		
<b>Special Permit:</b>	To operate a motor vehicle/trailer/boat sales use in a BL-1.0 zone (Article IV, Section 2, Table 4.1, Business Use #15)		
<b>Special Permit:</b>	To operate a motor vehicle service/repair/garage/display use in a BL-1.0 zone (Article IV, Section 2, Table 4.1, Business Use #16)		
<b>Petitioner:</b>	Steven Christopher		
<b>Present Use:</b>	Presently on the premises is a 1-story building being used for motor vehicle repair/garage/sales and a surface display lot		
<b>Zone Designation:</b>	BL-1.0 (Business, Limited) zoning district		
<b>Petition Purpose:</b>	The applicant seeks to retroactively permit operations of a motor vehicle service repair/garage/display and sales use on the property with a maximum of eight vehicles allowed on site (Article IV, Section 2, Table 4.1, Business Use #15 & #16).		
<b>Public Hearing Deadline:</b>	7/1/2023	<b>Constructive Grant Deadline</b>	N/A

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Donald J. O'Neil introduced himself to the Board along with the sister of the applicant, Tina. Mr. O'Neil described the petition to operate a motor vehicle sale and repair use at the property, clarifying that repair will only be required for vehicles for sale and not a general repair garage.

Mr. O'Neil described before the Board some history to this parcel and stated the applicant had been approved for a license from the WFD, which was approved through the office of Inspectional Services. He stated the applicant had received a cease and desist from ISD after renewing his license for four years; noted WPD licenses for a Class 2 license for sale of motor vehicles; a prior variance obtained in 1975; and prior operation of the site. Mr. O'Neil requested the Board approve the use to operate motor vehicle sale and repair in a BL-1.0 zone without regulating the number of vehicles on site.

Ms. Smith described the petition before the Board, whether the use of vehicle sales and repair is appropriate on this site and the criteria the Board should consider. Ms. Smith stated that staff had recommended the postpone to received additional information regarding operation of the site; what type of traffic generation will occur; where vehicles be stored versus parking for employees or customers; proposed screening; what the building will be used for and if repair will be confined to the structure.

Ms. Smith described the historic use of the property; ownership history; and prior variance given for the use to repair vehicles which has now expired; the zoning history; WPD licenses and ultimately what the Board is considering. Ms. Smith described the conditions of approval and urged the Board to discuss any changes to conditions and allow the applicant to respond.

#### **Abutter Comments**

No public comments.

#### **Board Discussion**

Mr. Karlstad stated he is in favor of postponing this application and shared concerns about drainage at the site.

Mr. O'Neil described operation of repair on the site and stated his willingness to describe operations for the Board but prefer not to provide an engineered plan. Mr. Karlstad stated he sympathizes with the applicant and is in favor of keeping it to eight vehicles.

Mr. Cortes stated he sympathizes with the situation but going through the permitting process should be done the right way and would like to get a better understanding on operations on site and concerns about drainage of motor vehicle fluids.

Mr. Berg Powers stated that since the applicant operated in good faith, that the Board should allow a minimum of eight vehicles.

Mr. Dell'Aera stated he feels eight spaces is reasonable.

Mr. Sabo stated this would typically not be approved by the Board but given the circumstances he would be okay with it.

Mr. O'Neil asked for a change to the hours noted in the staff memo; Mr. Karlstad stated they can reconcile the limits on condition to match the WPD license.

Mr. Cortes asked for clarification on site operations; Mr. Karlstad described. Ms. Smith described the process for approval either through the Planning Board or administratively depending on the size of the lot.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to take a five-minute recess.**

Mr. O’Neil requested a continuance to the Board’s next meeting on July 17<sup>th</sup>. Ms. Smith asked the Board to explicitly state what they would like the applicant/staff explore as conditions. Mr. Berg Powers stated he would like to see a reduction in hours for vehicle delivery in addition to other ways to minimize impacts. Mr. Cortes stated he was happy to see a continuation for additional information.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to continue this application to July 17, 2023 and extend the constructive grant deadline to August 8, 2023.**

**4. 25 Eskow Road (ZB-2023-023) (MBL 34-032-0004A)**

**Special Permit:** To allow a motor freight terminal (Manufacturing Use #7) in a ML-0.5 Zone. (Article IV, Section 2, Table 4.1)

**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:** Wesfer Freight

**Present Use:** Presently on the premises is a shed, several concrete block-wall storage areas, and associated site improvements

**Zone Designation:** The property is split-zoned RS-7 (Residence, General), ML-0.5 (Manufacturing, Limited), and MG-2.0 (Manufacturing, General) zoning districts.

**Petition Purpose:** The applicant seeks to reconfigure access to the site, construct a nine (9) bay freight terminal, and conduct associated site improvements.

<b>Public Hearing Deadline:</b>	6/26/2023	<b>Constructive Grant Deadline</b>	N/A
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Barry Yaceshyn, acting on behalf of the applicant described the split zoning on site, the operations of the site as trucking and storage, and prior use of the site. Mr. Yaceshyn described the recent

Fernando Cardoso described the easement more in-depth for the use of the easement by the City for a turnaround and utilities but has ever been utilized.

Mr. Dell’Aquila described the requested relief, a special permit for the use and a special permit for relief from the landscaping requirements. Mr. Dell’Aquila described the potential change in layout to allow for 10 bays received late that afternoon; asked the applicant to address what rights the applicant have for property where the easement was released; and asked the applicant if it’s possible to add windows.

Mr. Yaceshyn stated they are proposing to extend the sewer lines through Eskow Road.

**Public Comment**

Sue, a daughter of an abutter stated that the property looks nothing like it had previously been and that the site has begun operation. She expressed concerns regarding potential damage to the abutting wetlands from oil leaking at the site, abutter notification process, construction already in progress ahead of approval and her concern about the impact of a trucking operation adjacent to a residential zone. Mr. Karlstad asked for clarification; Ms. Sue clarified. She also stated that often deliveries of trucks happen during off-hours whenever the vehicles arrive rather than typical delivery hours.

Marilyn Satriol, stated a trailer truck terminals don’t hold regular hours and expressed concerns about noise, traffic, and the smell of diesel.

Dominic Murgo, 22 Eskow Road, stated he owns the rental bays abutting this property and stated that he is in favor of this petition and the applicants will clean up the property since the City doesn't in this area due to it being a private road.

Fernando Cardoso apologized to any abutter that may not have been notified, stated they had tried to clean up the site as best as possible. Mr. Cardoso stated Consideration Commissioners had visited the site and it will also go in front of Planning Board and described the hours of operations. Mr. Karlstad asked for a clarification around the locked gates. Mr. Yaceshyn stated the tank described by the abutter as belonging to the previous owner.

Tracey x asked the applicant where the truck drivers plan to sleep and expressed concerns about the amount of traffic and large truck traffic along Route 20.

**Board Discussion**

Mr. Berg Powers stated he would like to see hours of operations in writing.

Mr. Karlstad stated he would also like clarification on the hours of operation and that no work should occur outside of those hours that were originally stated on the petitioner's application.

The applicant responded, saying he understood.

Ms. Smith described an additional comment for consideration by the Board to limit hours of operation and recommended alteration of condition 1d. She also asked the applicant to clarify if they intend to proceed with the alternate 10 bay plan and offered an additional recommendation of approval.

Mr. Berg Powers stated he is not in favor of the 10 bay plan.

Mr. Karlstad stated he is not in favor of restricting the rights of business owners.

Mr. Torkornoo stated he lives in the neighborhood and supports the petition.

Mr. Karlstad asked for clarification on the recommendations; Ms. Smith described.

Mr. Cortes asked if this type of business will require an environmental study; Ms. Smith described.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close the public hearing. (Mr. Sabo as alternate)**

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the petition with recommended conditions & waivers. (Mr. Sabo as alternate)**

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**6. 5 Clay Street (ZB-2023-045) (MBL 26-009-00006)**

**Special Permit:** To allow an extension, alteration, and/or change a pre-existing non-conforming structure/use (Article XVI, Section 4)

**Petitioner:** Walter Koza

**Present Use:** Presently on the premises is a single-family detached dwelling.

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

**Petition Purpose:** The applicant seeks to construct a second story addition and convert the existing structure to a two-family detached dwelling and conduct associated site improvements

**Public Hearing Deadline:** 8/12/2023      **Constructive Grant Deadline**      N/A

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Mike Conan, with Central Mass builders described the petition before the Board to construct an addition to change the property to a single family to a two-family detached dwelling; described the parking situation and proposed sit improvements.

Mr. Dell'Aquila gave an overview of the project and asked the applicant to confirm that the structure would not exceed 35ft, as well as describe how he plans to maintain the parking located in front.

Mr. Dell'Aquila also stated that staff would like to see less impervious surface towards the rear of the structure and two trees planted in the front.

Mr. Conan responded saying the house would be rented to college students, and there are 6 parking spaces as well as off-street parking. Mr. Conan also stated that the 6 parking spaces have been there since before the applicant obtained the property.

Mr. Dell'Aquila stated that staff request a condition of approval that states that the left and right portions of the parking area are saw-cut in order to meet parking setback requirements of 5 ft.

Mr. Karlstad agreed and stated that he would like to see the applicant remove some of the pavement and replace it with grass.

The applicant accepted the conditions and waivers.

**Abutter Comments**

No Public Comment.

**Board Discussion**

No Board discussion

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the petition with recommended conditions & waivers.**

**On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to take a five-minute recess.**

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**7. 9 Longmeadow Avenue (ZB-023-046) (MBL 36-023-00023)**

**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)

*Lot 22:*

**Variance:** For relief from the minimum frontage requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

*Lot 23:*

**Variance:** For relief from the minimum frontage requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Frede Matos

**Present Use:** Presently on the premises is a single-family dwelling.

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

**Petition Purpose:** The applicant seeks to divide the existing lot into two lots and construct a single-family dwelling on proposed Lot 22 and to conduct associated site improvements.

Zac Coutour on behalf of applicant; describes application. Just modification to lot around existing property. Area was originally a subdivision and this would be in keeping. App proposes to keep existing driveway but add another driveway to new; this will keep existing curb cut. Existing curb cut is 16.6 ft and would like to modify conditions accordingly. Two waivers requested.

Ms. Russell gave a staff report describing requested relief and suggested conditions.

### **Abutter Comments**

Cheryl Killoran, 15 Longmeadow Ave, stated that her property will be most affected; she has a pool in her backyard and asked about location of proposed house.

Paul Sedgewick is concerned about increase in density and property values and questions whether it is legal to give frontage relief. Wants to preserve the character of the neighborhood.

Ms. Smith described self-created hardship and noted the City's ordinance and statutory criteria listed in staff memo.

Tim Foley, 2 Longmeadow Ave, had question about Ms. Smith's description of criteria. Chari Karlstad read 4 statutory req for V. Would like to see only one non-conforming lot.

Karen Lions, 14 Longmeadow Ave, asked about size of the house; Zac responded stating it is around 2,400 sq ft.

Debbie Sedgewick, resident on Longmeadow, is concerned about the appearance and nature of the street; noted area lost trees, which is a hardship.

Mr. Sedgewick asked for clarification of hardship; Ms. Smith responded.

Kathleen Foley, 18 Calumet Ave, (behind subject property) asked if abutters could have more time to look over the proposed plan and requested that the petition for 9 Longmeadow Ave be continued to the following Board meeting.

Mr. Karlstad stated that this may be a possibility to be discussed, at a later time.

### **Board Discussion**

Mr. Dell'Aera asked the applicant and staff to give more information on the merging of lots on the property.

Mr. Couture responded saying it was from a recorded plan in the Registry of Deeds, and that the Worcester GIS system shows nearby lots with similar configurations.

Mr. Karlstad stated that he is not in favor of the project as he feels too much is being squeezed in and doesn't like the shared driveway.

Mr. Berg Powers stated that he respectfully disagrees and believes that the property already has the foundation for what's being requested.

Mr. Sabo stated that agrees with Mr. Berg Powers and stated that there's a need for housing and notes "hole" in the map where property use to be.

Mr. Dell'Aera stated that he is not opposed to putting a house on lot; just this house on the lot.

Eric Torkornoo asked if something could be done with the driveway.

Mr. Couture noted that the proposal did have 2 driveways but altered it due to staff feedback. Mr. Couture also noted that there would be a recorded deed language, and he is willing to relocate driveways.

Mr. Couture asked for a straw poll for the driveway.



Mr. Karlstad accepted the request for a straw poll and stated that he is against the driveway.

Mr. Cortes stated that he doesn't like the driveway.

Mr. Dell'Aera stated that he doesn't like the driveway or the curb cuts.

Mr. Sabo stated that he is in favor of the driveway.

Mr. Couture asked for clarification on what issues need to be addressed, such as driveways and massing of the house, and asked for guidance.

Mr. Karlstad noted the driveway/easement issue, less square footage on the home, and more airspace with neighbors.

Mr. Cortes noted privacy issues, and suggested that the applicant meet with the neighbors.

Mr. Couture requested a continuance to the July 17, 2023 Board meeting with commensurate extension to August 8, 2023.

There were no Board questions or public comments.

**On a motion by Mr. Dell'Aera, seconded by Mr. Cortes, the Board voted 5-0 to continue the public hearing to the July 17, 2023 meeting with a commensurate extension of the constructive deadline to August 8, 2023.**

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**11. 88 June Street (ZB-2023-059) (MBL 11-033-0009A)**

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

**Variance:** For relief from the minimum frontage requirement in an RG-5 zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Loubella Realty, LLC

**Present Use:** Presently on the premises at 88 June Street is a single-family detached dwelling with an attached garage.

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

**Petition Purpose:** The applicant seeks retroactive relief to convert the structure into a two-family detached dwelling and to conduct associated site improvements

**Public Hearing Deadline:** 8/13/2023      **Constructive Grant Deadline** 9/17/2023

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Attorney Don O'Neil was present on behalf of the applicant and described the application. House wasn't eligible for residential conversion SP. Describes work being done and level of workmanship.

Mr. O'Neil went through staff recommendations and noted applicant's intent to make both units architecturally compatible.

Ms. Russell gave an overview of the staff report stating that it is not a historical building, however, the applicant is willing to comply with staff recommendations to maintain the historic features of the property.

**Abutter Comments**

*None*

**Board Discussion**

Mr. Karlstad asked why the issue wasn't picked up during building permit review.

Ms. Smith stated that staff were not sure and referred the question to Mr. O'Neil.

Mr. O'Neil responded stating that he himself was not involved in the permitting process, but that the applicant did obtain all of the permits required for the work already completed.

Mr. Karlstad asked if the Board could condition that the front unit remains a single-family; Ms. Smith cautioned against it saying that it may cause future issues and limitations if the zoning changes.

Mr. Karlstad noted that the original carriage house was more architecturally interesting; Mr. Berg Powers agreed that this should have been flagged.

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the petition with recommended conditions & waivers.**

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**12. Communications** – Variance fee return for 129 Eastern Avenue (ZB-2023-044); Ms. Russell noted that staff gave incorrect advice to applicant.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the refund for the Variance fee to the applicant of 129 Eastern Avenue.**

**14. Approval of Minutes** - 4/24/2023, 5/2/2023, 5/15/23

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the meeting minutes.**

**15. Discussion of Board Policies and Procedures** - None

**Adjournment:**

**On a motion by Mr. Sabo, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 9:15pm.**