



**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
September 18, 2023**

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
<https://cityofworchester.webex.com/meet/zoningboardofappealswebex> and
call-in number 1-844-621-3956 (Access Code: 2630 362 4924).

Zoning Board Members Present: Russell Karlstad, Chair
 Jordan Berg Powers, Vice-Chair – *Participated Remotely*
 George Cortes
 Eric Torkornoo – *Participated Remotely*
 Anthony Dell’Aera – *Participated Remotely*

Zoning Board Members Absent: Nathan Sabo – *Alternate*
 Shannon Campaniello – *Alternate*

Staff Participating: Michelle Smith, *Division of Planning & Regulatory Services*
 Andreaana Brenner, *Division of Planning & Regulatory Services*
 David Horne, *Inspectional Services Department*

Call to Order:

Mr. Karlstad called the meeting to order at 5:35PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- Item 1. 11 (aka 8) Earle Terrace (ZB-2023-005) Special Permit Application**
Request to Continue the Public Meeting to October 16, 2023
Extend the Constructive Grant Deadline to November 7, 2023
- Item 2: 2 Milton Street (ZB-2023-009) Special Permit & Variance Application**
Request to Continue the Public Meeting to October 16, 2023
Extend the Constructive Grant Deadline to November 7, 2023
- Item 3: 784 (aka 790) & 796 Salisbury Street (a.k.a. Salisbury Green), 101-304 Greenwich Court, 401-610 Browning Lane, 701-808 Kittering Way, 3501-3903 Knightsbridge Close, 4001-4012 Brompton Circle, Kingston Common, and Shirringham Lane (ZB-2023-043) Special Permit & Variance Application**
Request to Continue the Public Meeting to October 16, 2023
Extend the Constructive Grant Deadline to November 7, 2023
- Item 4: 224 Shrewsbury Street (ZB-2023-056) Special Permit & Variance Application**
Request to Continue the Public Meeting to October 16, 2023
Extend the Constructive Grant Deadline to November 7, 2023

Item 6. 2 Northboro Street (aka 298 Plantation Street) (ZB-2023-036) Special Permit & Variance Application

Request to Postpone the Public Meeting to October 16, 2023
Extend the Constructive Grant Deadline to November 7, 2023

Item 7. 309 Shrewsbury Street (ZB-2023-055) Special Permit Application

Request to Postpone the Public Meeting to November 6, 2023
Extend the Constructive Grant Deadline to November 28, 2023

Item 8: 77 Amherst Street (ZB-2023-071) Variance Application

Request to Postpone the Public Meeting to October 16, 2023
Extend the Constructive Grant Deadline to November 7, 2023

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to grant the postponements.
Old Business – Public Hearings**

5. 4 Barrows Road (ZB-2023-069) (MBL 50-019-0005B)

Lot 1:

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

Lot 2:

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

Petitioner: Cleb, LLC

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

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

Petition Purpose: The petitioner seeks to demolish the existing single-family dwelling, divide the property into two lots, construct a single-family detached dwelling on each lot and to conduct associated site improvements.

Testimony Date: 8/7/2023 **Constructive Grant Deadline** 10/17/2023

Mr. Don O’Neil, representative, gave an overview of the project, he stated this item was first heard at the previous meeting where Board members wanted to know about a rodent issue.

Mr. O’Neil stated the seller has arranged for treatments of the property and current treatments are ongoing.

Mr. O’Neil stated that the driveways have now been shifted away from the streetlight, which was a previous concern of the Board’s, as it was close to a utility pole. He stated the driveway width was also reduced, no trees will be removed along the property line, 2 trees will be added on each lot, a patio will be added, and the bulkheads will be moved off the rear of the property and to the sides.

Mr. O’Neil stated the height of the building will not exceed the height restriction outlined in the Zoning Ordinance and that roof-runoff will be recharged on the site as requested by staff.

Mr. O’Neil accepted the waivers.

Ms. Brenner gave an overview of the project stating that the exterminator was going to start services at the end of August and staff has requested that exterminator services continue after the property has been sold.

Ms. Brenner stated that staff recommends not conditioning on the rodents based off of information provided by the Inspectional Services Department.

Ms. Brenner stated that the driveway area has been reduced, roof runoff will be recharged and is shown on the updated plan, and that the bulkhead which was protruding into the rear-yard setback will be moved to the side of the building.

Ms. Smith stated that staff received invoices from the exterminator company as proof of ongoing service.

Mr. Karlstad asked if the city went to the property to see if there was a rodent infestation.

Mr. Horne confirmed they visited the site and there were no rats onsite during his visit.

Public Comment

William Eddie, 3 Barrows Road, stated that he hopes the city will continue to look at the rodent situation and oversee things before demolition is allowed.

Mr. Horne stated that Inspectional Services will ensure rodent control continues with the new owner.

Mr. Karlstad stated that the applicant has a qualified service provider.

Mr. O’Neil stated that he has the invoices, and that staff has received them as well and the applicant is willing to cooperate.

Mr. Karlstad stated that the Board will not condition on the rodents.

Diane Mitchell, 11 Casteen Street, is the list agent for the property and stated that she’s been mowing the lawn and sees traps but has never seen any rats while mowing the lawn. She stated that two treatments were done on August 31st and September 14th, David Horne was sent copies of invoices, and she would like everyone to move forward with this information.

Ms. Smith stated staff received written comments from a resident regarding concerns for a septic tank, but city records are old.

Mr. Karlstad stated that there was another abutter comment, but all of their issues have been addressed.

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 application with all waivers and conditions.

9. 26 and 0 (aka 24) Hermitage Lane (ZB-2023-075) (16-002-0031 & 031-1)

Extension of Time:

26 Hermitage Lane (Lot 1)

Variance: For relief from the minimum frontage dimensional requirements in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum off off-street parking requirements (Article IV, Section 7 Table 4.4)

Extension of Time:

0 (aka 24) Hermitage Lane (Lot 2)

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

Petitioner: Eric M. Figuerido

Present Use: Presently on the premises of 26 Hermitage Lane is a privileged, non-conforming two-family detached dwelling, and 0 Hermitage Lane is a vacant lot.

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

Petition Purpose: The applicant seeks an extension of time of previously granted approvals to allow construct a two-family detached dwelling at 24 Hermitage Lane.

Public Hearing Deadline: 9/20/2023 **Constructive Grant Deadline** 9/20/2023

10. 0 (aka 24) Hermitage Lane (ZB-2023-076) (16-002-0031 & 031-1)

Extension of Time:

Variance: For relief from the 2+ story maximum height dimensional requirement for a two-family detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Eric M. Figuerido

Present Use: Presently on the premises of 26 Hermitage Lane is a privileged, non-conforming two-family detached dwelling, and 0 (aka 24) Hermitage Lane is a vacant lot.

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

Petition Purpose: The applicant seeks an extension of time of previously granted approval to construct a two-family detached dwelling at 0 (aka 24) Hermitage Lane.

Public Hearing Deadline: 9/20/2023 **Constructive Grant Deadline** 9/20/2023

Mr. O’Neil gave an overview of the project stating that approval was already granted but they had to come back to the Zoning Board a second time because the plans were updated to reflect the attic as a habitable floor.

Mr. O’Neil stated that the applicant is looking for a 6-month extension of time for both of the applications due to sewer connection issues.

Ms. Smith stated that the applications were consolidated because they’re the same project, but the applications would each have two separate extension dates and two separate decisions if approved.

No public comment.

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 six-month extension of time for both of the applications with all previously approved conditions.

11. 2 Vaughan Avenue (ZB-2022-074) (MBL 15-019-0019A)

- Variance:** For relief from the minimum lot area requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
 - Variance:** For relief from the minimum front yard requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
 - Variance:** For relief from the minimum side yard requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
 - Variance:** For relief from the minimum frontage requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
 - 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 three-family detached dwelling in an RL-7 zoning district. (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:** Monroe Management, LLC trustee of Two Vaughan Avenue Worcester Realty Trust
 - Present Use:** Presently on the premises of 2 Vaughan Avenue is a preexisting, non-conforming, three-3 family dwelling with two garages (both garages to be razed).
 - Zone Designation:** RL-7 (Residence, Limited) zoning district
 - Petition Purpose:** The petitioner seeks to subdivide existing property into two lots and to convert the three-family detached dwelling into a four (4) unit multi-family detached dwelling with associated parking area and landscaping.
 - Public Hearing Deadline:** 11/3/2023 **Constructive Grant Deadline:** 12/8/2023
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Mr. Garjan Gelko, representative, gave an overview of the proposal stating that the applicant is seeking special permits and variances in order to increase the number of units and provide associated parking.

Mr. Zac Couture stated that the property is privileged non-conforming structure with paved areas that will be removed.

Mr. Couture stated that the applicant will buy lot 2 and subdivide it in order to build a multifamily complex on lot 2 later on.

Mr. Couture stated that proposed unit in the main structure on lot 1 will be converted into a studio apartment with a new curb cut on Vaughan Avenue, and a proposed parking lot in the rear of the property.

Mr. Couture stated that staff would like to see the curb cut and isle width reduced, as well as relocation of the proposed EV spaces. He stated that lot 2 is conforming in all regards to the Ordinance and they will not be seeking relief for it.

Mr. Couture stated that they request the waivers and are amenable to most of the conditions.

Mr. Andrew Hall, a member of the project team, stated that they are proposing 2 bedrooms and 2 bathrooms per unit.

Mr. Karlstad asked if there are 3 floors with 3 bedrooms each in the building on lot 1; Mr. Hall confirmed.

Mr. Hall stated that the basement will be a studio with an entrance from the back and clarified that the current 2 bedrooms on the other floors will be converted into 4 bedrooms and 2 bathrooms. He stated that the architectural features will remain the same except for the vinyl and double windows added in the front.

Mr. Karlstad asked if there's an existing front porch and if so, if it will be closed in; Mr. Hall confirmed.

Mr. Karlstad stated that these are exterior changes and Mr. Hall confirmed.

Ms. Smith gave an overview stating the property is privileged nonconforming and that there are some areas that don't comply, including the landscape buffers. She stated that the driveway needs to be 20' for emergency vehicles, and they are only proposing 16', and that Special Permit is no longer needed so the applicant has requested withdraw that.

Ms. Smith stated that staff would like to know more about storm water management, see modifications to the driveway, to shift the EV spaces to line up with the drive aisle, additional plantings, and for the applicant to explain why they couldn't configure the drive isle as requested.

Public Comment

Mr. Sloth, 4 Vaughan Ave, described his concerns over snow storage. He stated that the snow gets pushed onto his driveway and the entrance to the parking and that there are liability issues with the increase of bedrooms.

John Wadsworth, 28 Grandview Avenue, stated he's been here for 23 years and has experienced a lot of water runoff onto his property and has 3 ft of water in his basement. Mr. Wadsworth asked to know what has been done in terms of drainage to minimize runoff on lot 2 because water goes onto the back of his property. He stated he does not like the pavement and wants more green space and requested the application to be postponed.

Board Comment

Mr. George Cortes stated that most developers are trying to reduce the number of bedrooms and wants to know what's the use of having 4 bedrooms.

Mr. Adam Gavel, managing partner, stated that there's a need for affordable housing, specifically 4-bedroom and 5-bedrooms for families and that he wants to get a 10-year affordable grant to do this.

Mr. Cortes asked if there's an intent for permanent rentals. Mr. Gavel stated that it will be affordable and that he chose a contemporary duplex design.

Mr. Cortes stated there's a concern about snow removal and trash removal and wants to know what the system for this is. Mr. Gavel stated that the neighbor has 4 garages, and the city plows the snow into their garages, but he will truck the snow off-site if it gets too high and a fence will be added. Ms. Smith stated that the Board can add a condition on the snow storage and removal to address the specific concerns, as it's a standard condition.

Mr. Berg Powers asked if Vaughan Avenue will be updated as the road looks rough. Mr. Karlstad asked if the city has plans for Vaughan Ave to be updated. Ms. Smith stated that Vaughan Ave is a private street, and she does not know the status of it, but the city plows them for emergency purposes.

Mr. Berg Powers asked if there is any plan to update Vaughan Avenue since the applicant will already be doing paving onsite. Mr. Gaval stated that he is open to having a conversation with his neighbors but would pave it if some of the other neighbors were open to coordinating.

Mr. Karlstad stated that they are increasing the number of units and agrees they need this in the city, however, he wants to know where the children will play as the applicant is proposing a lot of pavement.

Mr. Gavel stated that there's a park down the road. Mr. Karlstad stated that he doesn't like that, the applicant is creating a self-created hardship, and that there's a lot of green space being lost. Mr. Karlstad asked why they aren't using Stearns Street as an entrance, and that their focus on maximizing lot 1 is creating their own hardship. Mr. Gavel stated that this was the decision on the proposal.

Mr. Karlstad stated he doesn't like that they're taking away green space and said if there's that many people in the house, they can't just defer them to the park down the street. He stated he likes what the applicant is doing but wants them to come back with better ideas and to focus on one lot at a time.

Mr. Gavel asked for suggestions. Mr. Karlstad stated that they would need to come up with a new design and that this plan is not a good architectural plan. He described the loss of the historic front porch, numerous issues with the loss of green space from parking, and snow removal issues.

Mr. Karlstad stated that he noticed flaws in the plan such as no closets in bedrooms, and overall he wants the applicants to come back with a better site plan. Mr. Couture stated that he understands wanting more green space but access from Stearns Street takes away frontage and makes the other lot not buildable without relief.

Mr. Couture stated that the parking configuration will be harder if the access to the lot is from Stearns Street.

Mr. Couture stated that the board doesn't like shared driveways and access to Stearns Street eliminates future development for lot 2, but would be great for the existing lot, just not lot 2. Mr. Karlstad stated that it's not shown on the plan so the board can't see that and said this needs to be presented as 1 application and not 2 applications, children need green space, and that they can make it work.

Mr. Couture stated that he would like to continue to application to the next meeting and come up with a design that shows the duplex and lot lines. He also stated that there might be more relief sought to get things reconfigured.

Mr. Karlstad stated that he agrees and wants one best project at a time and asked what the next available date would be.

Ms. Smith said there was another abutter comment.

Mr. Karlstad asked what the next available date would be. Ms. Smith said the next meeting is October 16th, with the following dates being November 6th or 27th. Mr. Karlstad stated that he recommends November. Mr. Couture stated that he agrees.

Mr. Karlstad stated that they can try for November 6th and continue the application again if needed. Mr. Smith asked if they want November 6th or 27th. Mr. Couture requested November 6th.

Mr. Berg Powers asked what the chair would like in terms of access to the lot because we're giving opposing info to the applicant. Mr. Berg Powers stated that he thinks it's important that we have more bedrooms and that if the tradeoff is less green space for affordable housing for families, then he's ok with that tradeoff.

Mr. Karlstad stated that every project is different but approves the 4-bedroom idea and affordability focus but wants it to be the best it can be because it will be around for years.

Mr. Cortes stated that he asked about the increase in bedrooms because he wanted to know about the number of residents and is in agreement that the petitioner should think about making changes and thinking about play areas for the children.

Mr. Anthony Dell'Aera stated that he likes the concept but believes improvements can be made.

Ms. Brenner stated that November 6th is the correct date and not the 16th.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to continue the public hearing to the November 6th meeting.

12. Communications – None

13. Approval of Minutes – On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 4-0 (Mr. Karlstad abstained) to approve the 8/07/2023 minutes and postpone voting on the 8/28/23 minutes to the next meeting.

14. Discussion of Board Policies and Procedures – None.

Adjournment:

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 6:49pm.