

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER**

**December 2, 2013
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

Zoning Board Members Present: Lawrence Abramoff, Chairman
Vadim Michajlow, Vice Chairman
Timothy Loew
Joseph Wanat
Robert Haddon

Zoning Board Members Absent: None

Staff Present: Luba Zhaurova, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
John Kelly, Inspectional Services Division

CALL TO ORDER

Chair Lawrence Abramoff called the meeting to order at 5:30 p.m.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS**

1. Tory Fort Lane (aka 30 Tory Fort Lane) (ZB-2013-021)

Special Permit: To allow a Personal Wireless Service Facility in the RS-7 (Residence, Single-Family) zoning district

Petitioner: Massachusetts Electric Company d/b/a National Grid

Present Use: Existing Cooks Pond Electric Substation

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: Install, operate, and maintain 3 WiMAX mounted antenna and 2 microwave antennas located on a 10' mast extension attached to a new 80' lattice tower that would replace the existing 55' wooden pole; Install signal cables from antennas to the a ground mounted equipment frame, and a radio/transceiver battery unit enclosure

Public Hearing Deadline: ~~6/20/13, 7/8/13, 7/29/13, 9/9/13, 9/30/13, 10/21/13, 12/2/13~~

Luba Zhaurova reported that the petitioner, National Grid, submitted a written request for a postponement to the January 13, 2014 meeting and to extend the public hearing deadline to January 13, 2014.

Upon a motion by Mr. Loew and seconded by Mr. Wanat, the Board voted 5-0 in favor to postpone this item and extend the public hearing to the January 13, 2014 meeting.

List of Exhibits:

Exhibit A: Special Permit Application; received April 16, 2013; prepared by Massachusetts Electric Company d/b/a national Grid that includes:

- 1. Location Map
- 2. Site Plan
- 3. Elevations
- 4. Existing conditions photographs
- 5. Equipment Brochure

Exhibit B: Postponement request to June 17, 2013; dated May 17, 2013; and to July 8, 2013; dated June 12, 2013; and to July 29, 2013; dated July 8, 2013; and to September 30, 2013; dated September 9, 2013; and to October 21, 2013; dated September 30, 2013; and to December 2, 2013; dated October 16, 2013; dated December 2, 2013.

2. 597 Mill Street (ZB-2013-044)

Special Permit: To allow a Personal Wireless Service Facility (PWSF) (per FCC regulation – Jobs Act, § 6409, a)

Variance: Relief of the height dimensional requirement (40-ft max.) and ‘fall zone’ setback for ground-mounted PWSF (Article IV, § 12, C, 3, e & f)

Petitioner: Massachusetts Electric Company d/b/a National Grid

Present Use: Tatnuck Electric Substation

Zone Designation: BL-1.0 (Business, General)

Petition Purpose: Install a 90-ft tall ground-mounted PWSF facility (monopole) with three (3) Worldwide Interoperability for Microwave Access (WiMAX) antennas and two (2) microwave antennas at 597 Mill Street transmission structure as part of National Grid’s Smart Grid Pilot Program. As part of the proposal, the applicant is also proposing signal cables from the antennas to a ground mounted equipment frame, where radio/transceiver and battery unit enclosures will be installed on a 35 SF concrete pad

Public Hearing Deadline: ~~11/7/13~~, 12/2/13

Constructive Grant Deadline: 12/12/13

Mr. Abramoff reported that the petitioner, National Grid, also requested the postponement of 597 Mill Street (ZB-2013-044) to the meeting on January 13, 2014.

Upon a motion by Mr. Loew and seconded by Mr. Wanat, the Board voted 5-0 in favor to postpone this item to the January 13, 2014 meeting and extend the public hearing deadline to January 13, 2014.

List of Exhibits:

- Exhibit A: Special Permit Application; received 9/3/2013; prepared by Massachusetts Electric Company.
- Exhibit B: National Grid Tatnuck Substation Plan; dated 8/2/2013; prepared by National Grid.
- Exhibit C: Division of Planning and Regulatory Services Memorandum, re: 597 Mill Street; dated October 16, 2013; revised December 2, 2013.
- Exhibit D: Emails from Elizabeth Mason, Attorney for National Grid, re: 597 Mill Street; dated November
- Exhibit E: Postponement letter from National Grid, re: 597 Mill Street; dated October 21, 2013; dated December 2, 2013.

3. 28 Wigwam Avenue, Tracts 1 & 2 (ZB-2013-054)

- Variance: Relief of 3000-sf from the 8000-sf lot area dimensional requirement for a proposed two-family detached dwelling (Tract 1)
- Variance: Relief of 20-ft from the 70-ft frontage dimensional requirement for a proposed two-family detached dwelling (Tract 1)
- Variance: Relief of 3000-ft from the 8000-ft lot area dimensional requirement for an existing two-family detached dwelling (Tract 2)
- Variance: Relief of 15-ft from the 20-ft rear yard setback dimensional requirement for an existing two-family detached dwelling (Tract 2)
- Petitioner: Marco V. Charamella
- Present Use: Tract 1 – vacant lot; Tract 2 – two-family residential structure
- Zone Designation: RL-7 (Residence, Limited)
- Petition Purpose: Construct a two-family detached dwelling with 2 attached garages at 28 Wigwam Avenue – Tract 1

Public Hearing Deadline: 1/2/2014

Constructive Grant Deadline: 2/6/2014

Ms. Zhaurova reported that the petitioner submitted a written request for postponement to the January 13, 2014 meeting.

Upon a motion by Mr. Loew and seconded by Mr. Wanat, the Board voted 5-0 to postpone this item to the January 13, 2014 meeting and extend the public hearing deadline to January 13, 2014.

List of Exhibits:

- Exhibit A: Variance Application; prepared by Marco V. Charamella; received October 29, 2013
- Exhibit B: Proposed Two Family Plan; prepared by Charamella design inc.; undated; received October 29, 2013.
- Exhibit C: Rendering, Proposed Two Family Concept; prepared by Charamella design, Inc.; dated October 24, 2013; received October 29, 2013.

- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 28 Wigwam Avenue; dated November 27, 2013.
- Exhibit E: Letter with Deed and Plot Plans from Marco Charamella to the Zoning Board of Appeals; RE: Waiver Request; dated October 26, 2013; received October 29, 2013.
- Exhibit F: Project Review Sheet from Fire – John P. Powers, District Chief; RE: 28 Wigwam Avenue; undated.
- Exhibit G: Postponement letter from Marco V. Charmella, re: 28 Wigwam Avenue; dated December 2, 2013.

NEW BUSINESS

4. 184 Highland Street (ZB 2013-044)

- Special Permit: To allow a Lodging House
- Special Permit: To allow Extension, Alteration or Change of a Privileged Pre-existing Nonconforming Structure (Article XVI, Section 4)
- Petitioner: DE Realty LLC
- Present Use: Single-family dwelling
- Zone Designation: RG-5 (Residential, General)
- Petition Purpose: Convert the dwelling to a Lodging House for 10 occupants with five (5) off-street parking spaces; two parking spaces will be provided in the existing garage off of Highland Street and three parking spaces will be provided in a parking area off of Einhorn Road.

Public Hearing Deadline: ~~11/21/13~~, 12/2/13

Norman Hill, representing the petitioner, reported their intention to ask for two special permits: one to allow an alteration of a Pre-existing Nonconforming Structure and another for a lodging house. He described the existing property with 5 parking spaces. The parking will be upgraded to provide “turn-around” areas with pavers, sand, and screening. He said they wanted to make the 5 existing parking spaces safer. In reference to their request for a special permit, he described the neighborhood with multi-family homes, college dorms and other college related facilities. He said the proposed use is compatible and not detrimental to the neighborhood. He added that the property is currently undergoing substantial improvements and argued that less than 20% of the neighborhood is single family. Finally, he added that the site will provide needed additional housing for college students and it will be taxable property that will greatly improve the look of the neighborhood.

Ms. Zhaurova reported that this particular item was advertised in error as a Variance item. This was later corrected for a Special Permit. She reported that the footprint of the building is not increasing so the pre-existing non-conformity status will not be impacted. She reminded that in past years the Board considered Lodging House rules as a practice for many years, but lately the determination was by the City’s Law Department that these items are now the purview of the

License Commission and not the Zoning Board of Appeals. She reminded the group about her submission of the supplemental materials, including a map showing all the parcels surrounding the subject property with their respective uses. She stated that these uses include multi-family, institutional, and single family uses. In terms of parking, there's a small increase in parking surfaces to comply with the requirement of no parking out in the street. The landscaping remains and it is the staff's opinion that it buffers. Also, Ms. Zhaurova reported that an analysis shows that the density is somewhere in the middle compared to other surrounding streets.

Attorney Jonathan Finkelstein appeared on behalf of Mr. and Ms. Quinn, who live diagonally across the street from the subject property. Attorney Finkelstein reminded the Board about the submission of a letter expressing their opposition to this proposal. He also expressed confusion over the requested Special Permit for an Alteration of a Nonconforming Use. He said that the reason why a Special Permit was submitted is because the petitioner is adding another 386 square feet, making the structure more nonconforming. He added that the neighborhood is primarily single family and two-family structures and the proposed use will increase the number of occupants allowed in a single family property and is not appropriate for the neighborhood. He noted that the home could support six unrelated residents by-right, not ten. He added that in these types of situations the applicant has to prove that the benefits have to outweigh the negative impacts and that the petitioner had failed to show any benefits to the neighborhood. He pointed out that the Special Permit for a sorority house will only allow students, but a Special Permit for a lodging house will house not just students.

Bill Krikorian, resident of 206 Highland Street, a two-family home said he has been using the property as a one-family home. Stated he objected for this special permit to be issued and that this proposal was a major de-characterization of the neighborhood. He also expressed his concerns if this permit is allowed and 10 new people move in to the area and that there would be little to no room for them to recreate. He also expressed concerns about traffic and access to the property – he noted that the green space has been taken away to make room for a turn-around and it is not be appealing visually from Highland Street.

George Kertzey appeared before the Board representing Leo Chirchigno, owner of the Bonardi's, directly across the street from the subject property. He reminded the Board of the letter he submitted on behalf of his client stating their opposition to the two Special Permit applications. He said he would like to elaborate on what Attorney Finkelstein said in connection with this project. He pointed out the consistent neighborhood opposition throughout this entire process as the petitioner has submitted applications for the use of the property, including a Boarding House, Dormitory, and now back to a Boarding House, and that every time the opposition for these uses has been consistent. He mentioned the petitioner's recent purchase of another property next door and predicted a similar use for this new property to maximize its use and serve as a detriment to the neighborhood.

Julie O'Shea of 5 Trowbridge Road expressed her opposition for 10 people to move into her closely knit neighborhood. She mentioned that the people that are most likely going be moving into this property are not the kind of people that the neighborhood wants to attract to the area.

Greg Doerschler, 5 Einhorn Road, appeared to speak on the matter also on behalf of Robert Hagearty who is the owner of the property. He said he doesn't mind diversity of the neighborhood but questioned the cumulative effects of these types of rooming houses that are

popping up everywhere in the neighborhood. He expressed that the residents of Einhorn Road will be most directly impacted by this new rooming house. He specified that traffic will increase as residents would come in and out from the Einhorn Street egress and not Highland Street. He noted the existing bright blue lighting and that the neighborhood was already feeling the impacts. He also expressed concerns with the representation of properties, specifically 1 Einhorn Road, on the assessing land use map Ms. Zhaurova had provided.

Larry Quinn, 3 Einhorn Road, expressed his opposition about this project and the various problems it will bring to the neighborhood, including snow removal and parking ban issues. He also stated he had concerns with management and noted examples of calls he has placed to the Worcester Police Department about other lodging houses in the area.

Mr. Hill responded to the claim that the proposed building was going to be overcrowded. He added that each student would have their own bedroom. It was a large house and overall a high standard of living for its occupants. He stated they were not going to be maximizing the property's use by "cramming" students into the building and noted the structure was over 3,500 SF. Regarding the addition of square footage to the property, he stated that this addition will involve a second story to be built on top of an existing structure; therefore, the footprint of the building will not be altered. These improvements will be consistent with the building's historical identity. He stated that this property was severely deteriorated and could not comprehend how these improvements are going to be detrimental to the neighborhood particularly when the architecture would be in character with the neighborhood. He added the building was an eyesore and would be a beautiful building. He mentioned the need for more student-housing and that this project will help address that need. Regarding parking, he said that he has never had issues parking his own car on the street for the past 8 months. He pointed out that college students have a lot to risk and are not likely to break into other people's homes.

John Kelly noted that the Memorandum to the Board stated that there were 21 lodging houses in the WPI area but that the majority of these were sororities and fraternities.

Mr. Abramoff asked about the investment in money into the property and if this investment would bring everything up to code.

Mr. Hill responded that approximately \$340,000 is being spent on the property.

Mr. Abramoff asked how the property would be managed.

David Baputer, one of the owners of the subject property, mentioned that a property management company will be managing the property and that they could be reached around the clock. He said that this property will be managed just like all the other rooming houses around the city, adhering to the rules governing how rooming houses should be managed. He reminded the Board that one of the tenants would also be the manager for the house and would also be reachable. He noted that they had installed the floodlights to protect the residents of the abutting property and that they anticipated having 6 month leases.

Mr. Abramoff asked what the applicant would do if the petition was not approved.

Mr. Baputer said that if the petition was not granted approval, they will likely sell the property

Ms. Zhaurova explained the applicant's options for other uses and stated a two-family would be by-right but it would require a Special Permit for an extension, alteration or change of an existing nonconforming structure (SPECNA) and a three family would require a variance for the minimum lot size and a SPECNA as well as six parking spaces.

Vadim Michajlow commented on how he did not see how the benefits of the proposed project, outweighs his perceived negative impact on the neighborhood given the neighbors arguments.

Mr. Hill stated that his impression of the neighborhood was that many students and children live there already and that such other uses would not allow for the controls as a lodging house would – where there are hardwired fire alarms, sprinklers, etc. versus some of the homes where student live and can just take down the fire alarms, etc. He expressed his desire to help the city and its housing stock grow.

Mr. Michajlow reiterated his concerns that the benefits did not outweigh the detriment to the neighborhood.

Robert Haddon asked if tenancy could be restricted to students.

Ms. Zhaurova stated that that would be a violation of the Fair Housing Act and that the applicant could not discriminate based on the student status of potential residents.

Joseph Wanat stated that one of the ten residents would be the manager.

Mr. Abramoff stated that the License Commission would be the body which could govern the lodging house rules and that the Board could not add rules to those.

Mr. Kelly stated that the Board could not require additional rules for the Lodging House.

Mr. Abramoff asked about the rules that govern group homes.

Ms. Zhaurova stated that the use was different than that of a lodging house and that group homes were exempt from some of the City's laws and that the definition states that they are operated by the Commonwealth.

Mr. Abramoff asked staff for recommended conditions of approval.

Ms. Zhaurova said there were no conditions identified by the staff, however, she pointed out that the original plans submitted by the applicant showed 11 bedrooms while it has been stated that only 10 bedrooms are being proposed. In light of this, the plans will need to be revised to reflect this change and submitted to the Division of Planning and Regulatory Services (DPRS). She stated that the Planning Board could address lighting, parking and snow storage issues when the item comes for a Parking Plan.

Mr. Abramoff asked the petitioner if they were set on 10 bedrooms or if 8 bedrooms would be feasible.

Mr. Hill said that a Special Permit for 8 bedrooms would be acceptable and that they had considered not adding the addition.

Mr. Wanat noted that if the Board went with 8 occupants versus 10 it would increase the space for landscaped area and decrease the parking requirement and traffic

Mr. Abramoff stated that it would only require four spaces so they could keep one for overflow or just have more green space and he noted that lighting can be directed down.

Mr. Haddon stated that this would likely eliminate the need for the proposed addition.

Mr. Hill confirmed that it would.

Mr. Abramoff stated that this would decrease income from tenants but it would also decrease the cost to the applicant.

Upon a motion by Timothy Loew the Board voted to close the public hearing.

Mr. Abramoff asked how the Board felt about 8 occupants.

Mr. Abramoff stated that he could support eight and noted that he values the desire to have a family oriented neighborhood but that by-right the applicants could lease to six unrelated individuals with essentially no controls. He stated that the Board had not seen any bad lodging houses, only poor operators which were dealt with by the License Commission.

Mr. Wanat stated that this would mean 7 residents and one resident house manager.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon, the Board voted 4-1, with Mr. Michajlow voting against, to approve the petition with a friendly amendment to update the plans without the proposed ~384 square foot addition, to show only eight bedrooms, and with the condition that only eight occupants would be allowed at 184 Highland Street and with the conditions stated in the Memorandum from Ms. Zhaurova dated November 27, 2013.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon, the Board voted 4-1, with Mr. Michajlow voting against, to accept the findings of fact as presented by the petitioner and modified by staff.

List of Exhibits

- Exhibit A: Special Permit Application; received September 17, 2013; prepared by D & E Realty LLC.
- Exhibit B: Site Plan & Rendering; dated June 27, 2013; prepared by Land Planning, Inc.
- Exhibit C: Floor Plans for 184 Highland Street; dated 1/4/2013; prepared by R. C. Searles, Associates.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 184 Highland Street (ZB-2013-049); dated October 16, 2013.

- Exhibit E: Letter from Jonathan Finkelstein; re: 184 Highland Street; dated October 20, 2013; received October 21, 2013.
- Exhibit F: Memorandum in Opposition to Special Permit Application and Variance Application; submitted by George Kiritsy for Highland Street, LLC; received October 21, 2013.
- Exhibit G: Postponement Request to December 2, 2013; submitted by Norman Hill; received October 21, 2013.
- Exhibit H: Memorandum from Joel Fontane to the Zoning Board of Appeals; re: Important Advisory Regarding Lodging House Considerations; dated July 5th, 2013.

5. 539 Cambridge Street (ZB-2013-053)

- Special Permit: To allow a residential conversion from a two-family to three-family dwelling (Article IV, § 9)
- Petitioner: Efran Candelaria
- Present Use: Two-family dwelling
- Zone Designation: RG-5
- Petition Purpose: Convert the structure at 539 Cambridge Street from a two-family detached dwelling to a three family dwelling. The building is currently non-conforming with respect to the frontage and side yard setback dimensional requirements.

Public Hearing Deadline: 12/20/2013

Hussein Haghanizadeh, HS&T Group, appeared representing the property owner to request the conversion of the two-family dwelling to a three-family dwelling. He expressed that the required number of off-street parking spaces, which is 6, will be provided. He noted that they have addressed the existing code violations on the property. He also reminded the board no alterations to the footprint will be made.

Ms. Zhaurova reported that the conversion of a 2-family to a 3-family in this RG-5 Zone is allowed by right but the building does not conform in terms of dimensional requirements, including frontage and the rear setback. However, based on the analysis other properties in the neighborhood have similar characteristics as those of the subject property. She recommended that as conditional approval there should not be any changes to the exterior appearance of the structure, no parking provided in the front yard setback, the front yard landscape is to remain the same, and the chain link fencing be replaced with wood-simulated fencing. In response, Mr. Agani said the petitioner will not have any problems with these recommended conditions.

Mr. Haghanizadeh stated that they were amenable to all of the conditions stated in the Memorandum.

Mr. Kelly asked if the driveway was proposed to be paved.

Mr. Haghanizadeh stated that a portion of the driveway was existing but that they would use pavers or gravel for the proposed extensions.

Upon a motion by Mr. Loew and seconded by Mr. Michajlow a motion passed to close the public hearing.

Upon a motion made by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to approve the findings of fact as modified by staff and approve a Special Permit to allow the conversion of a two-family dwelling to a three-family dwelling subject to the following conditions:

- That there be no changes to the external appearance of the structure except for new doors, windows, fire escapes, and / or stairways;
- That the structure and use are operated in substantial accordance with the final approved plan;
- That no parking will be provided in the front-yard setback (along Cambridge Street);
- That the front-yard setback remain landscaped and unpaved; and
- That the chain link fence at the front of the property be replaced with wood-simulated fencing.

List of Exhibits

Exhibit A: Special Permit Application; received October 16, 2013; prepared by Efran Candelaria.

Exhibit B: Certified Plot Plan; prepared by HS&T Group, Inc.; dated March 1, 2013; received October 16, 2013.

Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 539 Cambridge Street; dated November 27, 2013.

6. 2 & 6 Carver Street (ZB-2013-055)

Variance: Relief of 5'10" from the 40-ft height dimensional requirement for a 12 unit multi-family low-rise dwelling

Variance: Relief of 50-ft from the 200-ft frontage dimensional requirement for a 12 unit multi-family low-rise dwelling

Petitioner: William Dowell

Present Use: A partially paved vacant lot

Zone Designation: BL-1.0

Petition Purpose: Construct a 12 unit multi-family low-rise dwelling with 24 accessory off street parking spaces (18 surface spaces & 6 garage spaces)

Public Hearing Deadline: 1/3/2014

Constructive Grant Deadline: 2/7/2014

William A. Dowell, Jr., applicant, and Maureen Finlay, applicant's engineer, appeared before the Board.

Mr. Dowell described the project as a 12-unit green building, including architectural shingles and clapboard siding. He said needed two Variences, one for relief of 50 feet of frontage from the

200 feet of frontage required and a relief of 5'10" from the 40 foot height dimensional requirement. The height variance was to maintain the aesthetic appeal of the property because of the proposed high pitched roof. The building has been set to keep it as close as possible to Belmont Street to keep it closer to the commercial corridor and away from its nearest neighbor. He noted that the target residents would be for UMass Medical professionals.

Michelle Smith noted that the item had incorrectly advertised a Special Permit which was no longer required. She stated the lot was ~15,000 SF and the proposed structure was ~4,300 SF footprint with 24 parking spaces proposed in compliance with the Zoning Ordinance. She recommended the petitioner, as a condition of approval, plant 3 trees along the easterly lot line since the proposed parking area abuts a residential area and therefore requires additional screening. Also, she recommended the dumpster be relocated from the northwestern corner of the site to the alley on the north of the site in order to increase the curb appeal of the structure.

Mr. Dowell responded and stated, he had no issues with the recommendations.

Ms. Finlay reported that the new plans reflect all the recommendations and conditions made, including additional tree buffers, fencing, and the relocation of the dumpster.

Joseph Iaccarino, 7 Carver Street, expressed his concerns about the height of the building and the location of the parking. In terms of the parking, he wondered how the density of the number of proposed parking spaces did not require a Special Permit. He also wondered how the snow storage area would fit all of the snow. He also thought that the proposed density (12 units) was simply out of place in the neighborhood.

Mr. Dowell responded that the building was a three-story building with a parking garage on the ground floor, which is mostly below grade. They were also successful at lowering the base level of the building so a Variance for only 5'10" was necessary rather than the initial requested relief of eight feet. To address the snow storage space issue, which would not be shared with the dumpster as it would remain on the north of the site, he expressed that, if need be, he will remove the snow from the site. He stated that at another property at 18-20 Williams Street he has done this in the past. He also noted that there are only 6 compact spaces which is 25% and is allowed by-right.

James Ciullo, 11 Carver Street, stated that Carver Street was a dead-end street. He said that the property next to the project site is a single family house. He thought the proposed structure was too large for the neighborhood and too dense a use.

Robert Bourn, 8 Carver Street, expressed his opposition for the project given its density. He also wondered how visitor parking will be handled. He stated he believes that this parking overflow would end upon the street. He added that he didn't want the dumpster to be placed in the snow storage area as this area is directly next to his house. He noted that the lights from the parking lot will abut his house.

Mr. Dowell said there will be a five foot landscape buffer, including trees, as well as fencing to screen the abutter from any vehicle lights. He stated that no lighting would be placed on that side of the parking lot, but instead on the other side of the lot, nearest the proposed building.

Mr. Joseph Wanat asked about the proposed storm water management system.

Ms. Finlay reported on an underground drainage system in the center of the parking lot for the treatment of water which would then be discharged to the City sewer. She also stated that catch basins will be installed around the garage area to treat the water before it runs off to the sewer system. She added that roof drains would also feed into this system.

Mr. Abramoff asked how the property management would be handled.

Mr. Dowell reported that while he would hold the building, the management will be handled by a property management company and that they would handle all the landscaping, drainage cleaning, etc. He noted he has specifically chosen clapboard siding and materials that are long-lasting so that the buildings condition does not deteriorate over time.

Mr. Ciullo expressed concerns about the size of the structure and the 12 units and that he has not seen compact car spaces used before.

Ms. Zhaurova stated that if the target audience for renting is UMass Medical then she would anticipate that many of the residents would choose not to have a vehicle and that she anticipated that not all 24 parking spaces would be occupied. She added that while the area is a residential area it is located in a BL-1.0 Zone which would allow far more intensive uses by-right and that the residential use is a buffer off of a major commercial corridor, Route 9. She stated that it would offer a visual buffer for the neighborhood.

Mr. Abramoff agreed that other uses could be much more intensive and stated the Board needed to consider alternative uses for the site. He also noted the height has been lowered already from the initial submission and asked if the height could be decreased.

Mr. Dowell responded and stated that the height was for the aesthetic purpose of keeping with the residential character with the 6 12 pitch. He stated he was not opposed to lowering the height, the idea had been to give the building a more residential feel – he noted that a 3 pitch would not allow you to see the ridge of the roof from the front of the building and that was not the type of look he was hoping to achieve.

Mr. Abramoff asked if a 5 pitch would lower the height.

Mr. Kelly stated that a 6 pitch and a 5 pitch are very similar so that would likely make no difference in the height.

Mr. Haddon asked if Mr. Dowell had thought about removing the dormers and removing fourth level of windows. He noted that many people feel that the building is larger than it is, thinking its four stories.

Mr. Dowell stated that initially he was not going to put them on for cost reasons but they are functional dormers and add light and give the third floor high, vaulted ceilings and the dormers help break up the large roof. He noted the dormers are on both sides of the building.

Mr. Abramoff agreed that the dormers added to the residential feel of the building

Mr. Iaccarino stated that there was one way to decrease the height, to have a eight unit building which would decrease the parking too.

Mr. Kelly asked if there would be laundry provided in the units. He noted that the ground floor units would need to be adaptable and handicapped accessible. He confirmed that the applicant would also be required to add sprinklers and other safety systems.

Mr. Michajlow asked if the applicant would like to comment about the reduction in size to eight units.

Mr. Dowell stated that if he cannot provide twelve units then it did not make sense financially to go forward with the project. He noted that a substantial portion of the cost is for the site improvements and the construction of the superstructure – so removing one level does not decrease the overall cost. He noted the costs were not linear in that a decision to remove a third of the units would not decrease the cost by a third.

Mr. Michajlow asked about business or mixed use development.

Mr. Kelly stated that the traffic and impacts of the different uses would be similar in nature.

Upon a motion made by Mr. Michajlow and seconded by Mr. Wanat, the Board voted 5-0 to close the hearing.

Upon a motion made by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to approve the petition as findings of fact as modified by staff and a motion to approve a variance for 50 feet of relief of the 200 ft. frontage dimensional requirement for a multi-family dwelling and to amend the variance for relief of 8 feet of the height dimensional requirement for a multi-family dwelling to relief of 5 feet 10 inches and subject to the following conditions of approval:

- The structure be constructed in substantial accordance with the final approved site plan and with the submitted rendering prepared by John Ciccariello & Associates, dated 10/30/2013.
- The applicant re-locates the dumpster shown in the northwestern corner of the site to the alley along the north side of the building or to the area marked for snow storage in the southeastern corner. The applicant screens the proposed dumpster with a six foot tall stockade fence.
- The applicant extend the open space along the northerly side of the building by 5 feet to allow for 1500 SF of open space to be reached. Currently ~1483 SF are situated in the rear and side yard. All open space (at least 10% of lot) to be used for recreational purposes (1,500 SF) be clearly delineated on the revised site plan.
- The applicant plant three additional trees along the easterly lot line where the applicant's proposed parking area abuts the property owned by n/f Larson in compliance with the landscaping requirements.
- The applicant landscapes the area in the front of the building, along Carver Street, to provide additional open space for the residents and that the area not be paved. Staff recommends the applicant put a bench or seating in the space.
- The applicant labels areas to be paved on the plan.

- All proposed fencing be installed along the property line and be labeled on the plan as such.
- Light poles used to not exceed 20 ft. in height and use down-shades to prevent light spill-over.
- Six (6) copies of final revised plans be submitted to DPRS prior to the issuance of a building permit.

List of Exhibits:

- Exhibit A: 2&6 Carver Street Application; received 10/30/2013; prepared by William A Dowell, Jr.
- Exhibit B: 2&6 Carver Street Plan; dated 10/29/2013 revised 11/7/2013 and 11/20/2013; prepared by Summit Engineering & Survey, Inc.
- Exhibit C: Rendering; dated 10/30/2013; prepared by John Ciccariello & Associates, Inc.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 2&6 Carver Street; dated November 27, 2013.

OTHER BUSINESS

7. 21 Heywood Street (ZB-2013-043)

Upon a motion made by Mr. Loew and seconded by Mr. Michajlow, the board voted 5-0 to approve the application waivers for 21 Heywood Street.

APPROVAL OF THE MINUTES

Upon a motion by Mr. Loew and seconded by Mr. Wanat, the Board voted 5-0 to approve the minutes from November 4, 2013.

DECISIONS FROM PRIOR MEETINGS

The Board signed Decisions from the meeting on November 4th, 2013.

ELECTION OF OFFICERS

Mr. Michajlow made a motion to nominate Mr. Lawrence Abramoff as Chairman. The motion was seconded by Mr. Loew and the Board voted 5-0 to name Mr. Abramoff as Chair.

Mr. Abramoff made a motion to nominate Mr. Michajlow as Vice Chairman. The motion was seconded by Mr. Wanat and the Board voted 5-0 to name Mr. Michajlow as Vice Chair.

ADJOURNMENT

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to adjourn the meeting at 7:30 p.m.