

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

July 22, 2019

WORCESTER CITY HALL, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Joseph Wanat, Chair
Andrew Freilich, Vice-Chair
Jordan Berg Powers
George Cortes
Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member

Absent: –

Staff Present: Stephen R. Rolle, Division of Planning & Regulatory Services
Michelle M. Smith, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services
David Horne, Department of Inspectional Services

Approval of the Minutes

January 14, 2019; February 25, 2019; March 18, 2019; April 8, 2019; April 29, 2019, May 20, 2019, June 10, 2019, July 1, 2019 – Held.

Requests for Continuances, Extensions, Postponements, & Withdrawals

1. 33 Dominion Road (MBL 46-006-00180) (ZB-2019-017)

Special Permit: To allow a multi-family low-rise structure in an RL-7 zone (Article IV, Section 2, Table 4.1, Residential Use #11)
Petitioner: Silver Tree Realty, LLC
Present Use: A vacant lot
Zone Designation: RL-7 (Residence, Limited)
Petition Purpose: To construct a multi-family low-rise dwelling with 7 dwelling units and associated parking.
Hearing Opened: 4/29/19; Constructive Grant Deadline: TBD

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted 4-0 to postpone the Special Permit application to the August 12, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to September 10, 2019.

2. 3 Newton Avenue (MBL 11-013-00004) (ZB-2019-021)

3 (aka Lot 1) Newton Avenue (Existing):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Lot 2 Newton Avenue (Proposed):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Guri Dura and Marjeta Skenderi

Present Use: At 3 Newton Avenue (aka Lot 1) is a two-family dwelling & on proposed Lot 2 is a detached garage.

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

Petition Purpose: To convert the garage into a single-family dwelling.

Hearing Opened: 6/10/19; Constructive Grant Deadline: 7/23/19

Upon a motion by Mr. Freilich and seconded by Mr. Haddon, the Board voted 4-0 to postpone the Variance applications to the August 12, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to September 10, 2019.

3. 92 Grand Street (MBL 07-004-00012) (ZB-2019-034)

Variance: For relief from the minimum parking requirements in a RG-5 Zone (Article IV, Section 7, Table 4.4)

Petitioner: 92 Grand Street Commons, LLC

Present Use: A vacant, partially paved lot.

Zone Designation: RG-5 (Residence, General) zoning district and within an Adaptive Re-use Overlay District (AROD)

Petition Purpose: To construct a mixed-use development, consisting of 48 residential dwelling units and commercial/retail space, and to conduct associated site work.

Public Hearing Deadline: 8/22/19; Constructive Grant Deadline: 9/26/19

Steve Teasdale of Main South Community Development Corporation and other project representatives appeared upon behalf of the petition. The petitioner seeks to construct a mixed-use development, consisting of 48 residential dwelling units and commercial/retail space, along with associated grading, paving drainage, and site work.

Attorney James Vevone provided an overview of the proposal. Attorney Vevone also noted that the item has previously been approved by the Board, but the decision had expired, as the project is dependent on Federal funding.

Upon a motion by Mr. Freilich and seconded by Mr. Cortes, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Cortes, the Board voted 5-0 to approve the Variance with conditions outlined in the staff memo, as well as an additional condition that the two (2) accessible spaces be relocated to the northeasterly portion of the site, adjacent to the commercial area.

List of Exhibits:

- Exhibit A: Variance Application; received June 18, 2019; prepared by Attorney Todd Rodman.
- Exhibit B: Site Plan of Proposed Parking Layout; dated October 15, 2017; revised December 20, 2018; prepared by Samiotes Consultants Inc.

Old Business

4. 31 Greendale Avenue (MBL 2-018-00006) (ZB-2019-026)

31 (aka Lot 30) Greendale Avenue (Existing):

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum front-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum setback dimensional requirement for an accessory structure in a residential zoning district (Article IV, Section 8)

Lot 29 Greendale Avenue (Proposed):

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Petitioner: Yuliya J. Hirnyk
- Present Use: At 31 Greendale Avenue (aka Lot 30) is an existing non-conforming single-family detached dwelling and an accessory structure; Lot 29 is vacant.
- Zone Designation: RL-7 (Residence, Limited) zoning district
- Petition Purpose: The applicant seeks to divide the lot into two and construct a single-family detached dwelling on Lot 29.
- Hearing Opened: 6/10/19; Constructive Grant Deadline: 7/25/19

Attorney Donald O’Neil appeared upon behalf of the petition. The petitioner seeks to divide the existing lot into two, to re-establish historic lot lines, and to construct a single-family detached dwelling on Lot 29.

Attorney O’Neil stated that they would request that the single-family setback portion of the application be withdrawn.

Attorney O’Neil reviewed the scope of the proposal, noting that the applicant is requesting relief relative to a single-family home, after previously having requested relief for a two-family dwelling. Attorney O’Neil noted that trees would be planted on each of the proposed lots in consideration of the loss of street trees.

Attorney O’Neil stated that the applicant is open to the Board placing a condition that the lots remain single family lots to prevent future increase in density. Mr. Haddon stated that he appreciated the gesture but did not feel comfortable adding that as a condition.

Karen Allard asked for clarification about the rendering and whether the trees in the back of the lot would be removed. Attorney O’Neil stated that the trees would not be removed.

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

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the request to withdraw the Variance request for the 1.1 feet frontage dimensional requirement for Lot #30, and to approve the other requested Variances with conditions outlined in the staff memo, amending condition 4 to state “One tree, of species not susceptible to either Asian Longhorned Beetle or Emerald Ash Borer, of 3.5 inch or greater caliper, shall be planted on each lot,” as well as the following waivers requested by the applicant:

1. The requirement to provide the percentage of the lot covered by the principal and accessory structures.
2. To provide the distances to adjacent buildings on the plan.

List of Exhibits:

Exhibit A: Variance Application; received 4/16/19; prepared by Attorney Donald J. O’Neil.

- Exhibit B: Proposed Variance Plan; dated 3/21/19; received 5/7/19; prepared by Levesque Geomatics, Inc.
- Exhibit C: Rendering of Proposed Structure received 5/16/19; prepared by Igor's Construction LLC.
- Exhibit D: Letter of concerns; from Richard & Janice Herman; received May 16, 2019.
- Exhibit E: Letter of concerns; from Karen Allard; received May 20, 2019.
- Exhibit F: Revised Variance Application (Single-Family Dwelling); received June 17, 2019; prepared by Attorney Donald J. O'Neil.
- Exhibit G: Letter of concerns; from Denleigh Grniet; received June 19, 2019.
- Exhibit H: Revised Variance Plan (Single-Family Dwelling); received June 26, 2019; prepared by Levesque Geomatics, Inc.
- Exhibit I: Letter of concerns; from Karne Allard; received June 26, 2019.
- Exhibit J: Letter of concerns; from Denleigh Grniet; received June 30, 2019.
- Exhibit K: Comment Letter from Nick Lyford, Assistant Engineer, Worcester Public Works & Parks; received July 10, 2019.

5. 128 Chandler Street & 75 Piedmont Street (MBL 06-17D-00030 & 06-016-00033) (ZB-2019-031)

- 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)
- Variance: For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)
- Petitioner: Stamp Factory Lofts, LLC
- Present Use: At 128 Chandler Street is an existing warehouse, with associated surface parking, and at 75 Piedmont Street is a surface parking lot.
- Zone Designation: BG-3.0 (Business, General) zoning district and within the Commercial Corridor Overlay District (CCOD-E)
- Petition Purpose: To convert the existing warehouse into a multi-family use with +/- 47 dwelling units and to conduct associated site work.
- Hearing Opened: 7/1/19; Constructive Grant Deadline: 9/5/19

Zac Couture from HS&T and representatives of Stamp Factory Lofts, LLC appeared upon behalf of the petition. The petitioner seeks to convert the existing warehouse into a multi-family use with +/- 47 dwelling units and to conduct associated site work.

Mr. Couture passed out revised plans to the Board.

Mr. Couture stated that the dumpster has been moved up to the property line to make room for the bicycle rack, and discussed the ornamental fencing and the lighting proposed for the property.

John Kelly expressed concern about the size of the dumpster relative to issues of illegal dumping. The applicant stated that there will be video cameras on the site to monitor the situation.

Mr. Berg Powers asked the applicant to review stabilization of the retaining wall, and Mr. Karlstad asked the applicant to review the lighting plan. Mr. Karlstad provided comments and recommendations on the proposed lighting.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted 5-0 to approve the Special Permit and the Variance, the petitioner's Findings of Fact as modified by staff, and with conditions outlined in the staff memo, with the additional condition to incorporate measures such as low height lighting fixtures (e.g. – bollard lights) to limit spillover affecting neighboring buildings, and that fencing of a solid variety and a detail therefor, shall be provided along the eastern lot line of 128 Chandler Street where parking abuts the residential property

at #24 Jaques Avenue and the southern lot line of 75 Piedmont Street where parking abuts the residential property at #69 Piedmont Street.

List of Exhibits

- Exhibit A: Variance Application; received May 28, 2019; revised June 18, 2019; further revisions received July 22, 2019 prepared by HS&T Group, Inc.
- Exhibit B: Site Plans Showing Existing and Proposed Conditions; dated May 28, 2019; revised June 2019; revised July 15, 2019; prepared by HS&T Group, Inc.
- Exhibit C: 128 Chandler Street Elevations; dated May 15, 2019; prepared by Ganek Architects Inc.
- Exhibit D: Revised Site Plans; submitted at the July 22, 2019 Zoning Board of Approvals meeting.

The Board took a five-minute recess.

6. 7 Mattson Avenue (MBL 13-005-0026A) (ZB-2019-032)

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Petitioner: Artan Ametaj
- Present Use: Presently on the premises is an existing, non-conforming two-family detached dwelling.
- Zone Designation: RG-5 (Residence, General) zoning district
- Petition Purpose: The applicant seeks to construct an addition in order to convert the existing two-family detached dwelling into a three-family detached dwelling and to conduct associated site work.
- Hearing Opened: 7/1/19; Constructive Grant Deadline: 9/5/19

Zac Couture of HS&T Group and Artan Ametaj, petitioner, appeared upon behalf of the petition. The petitioner seeks to construct an addition in order to convert the existing two-family detached dwelling into a three-family detached dwelling and to conduct associated site work and the item had been continued at the last meeting.

Mr. Couture reviewed the parking area, noting a shift in location, as well as the infiltration system and gutters proposed for the site.

Charles Wilmont, project contractor, reviewed the height of the roof.

Mr. Karlstad stated his opposition to the proposal, explaining that cost of replacing a roof does not provide justification for the granting of a Variance.

Jim Sullivan expressed concern about the height of the roof and parking.

The Board and the applicant discussed different options on the height of the roof.

Mr. Berg Powers expressed concern that the Board has different standards for large projects versus small projects. Mr. Karlstad stated that this is a different type of project.

Mr. Wanat stated that the Board must consider maneuverability within the parking, as well as the height of the roof, noting that the rendering provided does not show the proposed height.

Mr. Couture stated that they would request to continue the item in order to provide more information to the Board.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad, the Board voted 5-0 to continue the Variance application to the August 12, 2019 Zoning Board of Appeals meeting and to extend the constructive grant deadline to September 10, 2019.

Staff requested that any revisions be provided to staff at least two weeks prior to the next meeting in order that staff and Board has time to review.

List of Exhibits

- Exhibit A: Variance Application; received May 28, 2019; revised June 13, 2019 & July 12, 2019; prepared by HS&T Group, Inc.
- Exhibit B: Site Plan Showing Existing and Proposed Conditions; dated May 28, 2019; revised June 13, 2019 & July 12, 2019 prepared by H.S. & T. Group, Inc.
- Exhibit C: Rendering; received June 20, 2019; revised July 12, 2019; prepared by Exclusive Construction LLC.

New Business

7. 104 Moreland Street (MBL 25-040-00041) (ZB-2019-035)

- Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
- Petitioner: Bonnie Courtemanche
- Present Use: A single-family detached dwelling with an attached one-car garage.
- Zone Designation: RS-10 (Residence, Single Family) zoning district
- Petition Purpose: The applicant seeks to demolish the existing garage, construct an attached two-car garage, and conduct associated site work.
- Public Hearing Deadline: 8/24/19; Constructive Grant Deadline: 9/28/19

Bonnie Courtemanche appeared upon behalf of the petition. She stated that she would like to demolish the existing garage and construct an attached two-car garage.

Ms. Courtemanche stated that one tree was removed due to damage, but the other trees on the property will not be removed.

The Board and the petitioner discussed the width of the curb cut.

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Cortes, the Board voted 5-0 to approve the Variance with conditions of approval outlined in the staff memo, as well as the petitioner's Findings of Fact as modified by staff.

List of Exhibits

- Exhibit A: Variance Application; received June 20, 2019; prepared by Cole Contracting, Inc.
- Exhibit B: Site Plan Showing Existing and Proposed Conditions; dated December 22, 2016; prepared by Jarvis Land Survey, Inc.
- Exhibit C: Architectural Plans; dated June 13, 2019.

Other Business

8. Communications

9. Discussion of Board Policies and Procedures

10. Signing of Decisions (from prior meetings)

Adjournment

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad, the Board voted 5-0 to adjourn the meeting at 7:38 PM.