

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

August 12, 2019

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS

Zoning Board Members Present:

Joseph Wanat, Chair
George Cortes
Jordan Berg Powers
Russell Karlstad, Alternate Member

Absent:

Andrew Freilich, Vice Chair
Robert Haddon, Alternate Member

Staff Present:

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 - 1/14/19, 2/25/19, 3/18/19, 4/8/19, 4/29/19, 5/20/19, 6/10/19, 7/1/19 & 7/22/19-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: The applicant seeks 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. Berg Powers and seconded by Mr. Karlstad the Board voted 4-0 to continue the Special Permit application to the September 9, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 8, 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: 9/10/19
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Upon a motion by Mr. Cortes and seconded by Mr. Karlstad the Board voted 4-0 to continue the Variance application to the September 9, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 8, 2019.

3. 17 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: 9/10/19

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 4-0 to continue the Variance applications to the September 9, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 8, 2019.

4. 67 West Boylston Street (MBL 20-023-0001A) (ZB-2019-036)

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 food-service drive-thru (Business Use #6) in a BG-3.0 District (Article IV, Section 2, Table 4.1)

Special Permit: To allow an automobile refueling station (Business Use #17) in a BG-3.0 District (Article IV, Section 2, Table 4.1)

Special Permit: To modify parking, loading, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7)

Petitioner: HTK8 Yankee LLC

Present Use: Presently on the premises is an automobile refueling station, a convenience store and food-service with a drive-thru, with associated off-street parking spaces.

Zone Designation: The property is split zoned, located within both BG-3.0 (Business, General) and RL-7 (Residential, Limited) zoning districts

Petition Purpose: The applicant seeks to construct an escape lane and re-configure the existing drive-thru lane and expand the parking area to add three (3) additional parking spaces, and conduct associated site work.

Public Hearing Deadline: 9/5/19; Constructive Grant Deadline: TBD

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Commission voted 4-0 to postpone the Special Permit applications to the September 9, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant deadline to October 8, 2019.

5. 11 Forest Hill Drive (MBL 25-52A-00004) (ZB-2019-037)

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

Petitioner: Benjamin and Celeste Straight

Present Use: Presently on the premises is a single-family detached dwelling with an attached two-car garage.

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

Petition Purpose: The applicant seeks to convert the existing garage into living space, construct a two-story addition and a carport, and conduct associated site work.

Public Hearing Deadline: 9/11/19; Constructive Grant Deadline: TBD

Upon a motion by Mr. Cortes and seconded by Mr. Berg Powers the Commission voted 4-0 to approve the request for Leave to Withdraw for the Special Permit application.

New Business

6. 56 (aka 62) Millbrook Street (MBL 13-031-00002) (ZB-2019-038)

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 rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Suns Mass II, LLC

Present Use: Presently on the premises is a pre-existing non-conforming structure, formerly used as an automotive garage, with associated surface parking.

Zone Designation: MG-2.0 (Manufacturing, General) zoning district

Petition Purpose: The applicant seeks to renovate the existing structure and conduct associated site work for use as an adult-use marijuana establishment - storefront retailer.

Public Hearing Deadline: 9/13/19; Constructive Grant Deadline: 10/18/19

Attorney Joshua Lee Smith appeared upon behalf of the applicant, Suns Mass II, LLC.

The applicant seeks to renovate the existing structure and conduct associated site work for use as an adult-use marijuana establishment – storefront retailer

Mr. Lee stated that this item has been approved by the Planning Board.

Mr. Lee reviewed the scope of work and the parking proposed for the site. The Board and Mr. Lee discussed the configuration of the parking on the site and the traffic generation for this establishment.

Mr. Berg Powers asked Mr. Lee to review the fencing and where the dumpster would be located and how it would be enclosed.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 4-0 to approve the Special Permit and Variance applications with conditions outlined in staff's memo as well as accepting the Findings of Facts as proposed by the applicant and modified by staff and the requested waiver from the requirement from labeling distances from adjacent buildings on the plan.

List of Exhibits

- Exhibit A: Special Permit Application; received July 10, 2019; prepared by Joshua Lee Smith.
- Exhibit B: Site Plan; dated June 11, 2019; prepared by Bohler Engineering.
- Exhibit C: Variance Application; received July 26, 2019; prepared by Joshua Lee Smith

7. 34 (aka Lot 1 & 2) Holden Street (MBL 33-002-00004) (ZB-2019-039)

Extension of Time:

- Variance:** For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Petitioner:** Maritza Cruz
- Present Use:** Presently on the premises is a single-family detached dwelling with associated site improvements.
- Zone Designation:** RS-10 (Residence, Single Family) zoning district
- Petition Purpose:** The applicant seeks to divide the existing lot into two, and construct a single-family detached dwelling on Lot 2, along with related site work, with no changes proposed to the existing dwelling on Lot 1.

Public Hearing Deadline: N/A; **Constructive Grant Deadline:** N/A

Attorney Donald O’Neil appeared upon behalf of the applicant, Maritza Cruz.

The applicant seeks a six (6) month extension (through January 17, 2020) for the relief (i.e. frontage variance) that was previously approved by the Board (final action on July 17, 2018; ZB-2018-037).

The applicant seeks to divide the existing lot into two, and construct a single-family detached dwelling on Lot 2, along with related site work, with no changes proposed to the existing dwelling (aka the Thure Larsson House) on Lot 1.

Mr. O’Neil stated that they are just looking for an extension of time as Ms. Cruz needed some additional time to work on the financing for the project. He stated that there is no change to what was previously approved by the Board.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad the Board voted 4-0 to allow for a six month extension of time for the Variance application with conditions outlined in staff’s memo including 1E.

List of Exhibits

- Exhibit A: Variance Application; received July 11, 2019; prepared by Attorney Donald J. O’Neil.
- Exhibit B: Variance Plan of Land; dated June 25, 2018; prepared by New England Land Survey, Inc.

Other Business

8. Communications

9. Discussion of Board Policies and Procedures

11. Signing of Decisions (from prior meetings)

Adjournment

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad the Board voted 4-0 to adjourn the meeting at 6:06 p.m.