

**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
December 8, 2021**

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: 1601714991).

Zoning Board Members Participating: Joseph Wanat, Chair  
Russell Karlstad, Vice Chair  
Jordan Berg Powers  
George Cortes  
Robert Haddon, Alternate Member  
Nathan Sabo, Alternate Member

Zoning Board Members Not Participating:

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services  
Stephen Cary, Division of Planning & Regulatory Services

**Call to Order** – 5:30 PM

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

**Item 2: 43 Lancaster Street (SP)**

Request to Postpone the Public Hearing to January 10, 2022  
Extend the Constructive Grant Deadline to February 2, 2022

**On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to postpone.**

**Item 7: Hemans Street (V)**

Request to Postpone the Public Hearing to January 10, 2022  
Extend the Constructive Grant Deadline to February 2, 2022

**On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to postpone.**

**New Business – Public Hearings**

**1. 360 & 370 Park Avenue (MBL 06-021-00022 & 06-021-19-21) (ZB-2021-049)**  
Special Permit: To allow an automobile refueling station in a BG-4.0 Zone (Article IV, Section 2, Table 4.1, Business Use #17)  
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)  
Petitioner: Prayosha Realty Trust  
Present Use: At 360 Park Avenue is a vacant office building, and at 370 Park Avenue is an approximately +/-15,706 SF commercial building containing a liquor store, with associated off-street parking.  
Zone Designation: BG-4.0 (Business, General) zoning district and partially within the Floodplain Overlay District  
Petition Purpose: To demolish the existing, vacant office building at 360 Park Avenue in order to construct a new automobile refueling station and multi-bay carwash spanning both parcels, with the

existing retail building at 370 Park Avenue to be renovated to add a convenience store, and to conduct associated site work.

Hearing Opened: 9/20/2021 with Joseph Wanat, Russell Karlstad, George Cortes, Jordan Berg-Powers, and Nathan Sabo

Joshua Lee Smith, attorney on behalf of Prayosha Realty Trust, summarized the concerns of the Board when the item was opened and described how the applicant proposes to address those concerns; described proximity of other gas stations and stated that this is a result of competition; described results from a supply-demand study; discussed alternatives for the site and emphasized that site has remained vacant for a long time and the vacancy encourages littering, trespass, and other nuisance; described unfeasibility of other possible uses; described proposed improvements to stormwater treatment; cited findings of fact from a similar recent decision by the Zoning Board regarding a gas station and argued that the same logic should apply here.

Hussein Sevinchkin, civil engineer on the project, addressed concern of proximity of proposed gas station to Beaver Brook; described technology and safety measures against spills and vapors that would be installed.

Steve Rolle summarized changes to the plan since the hearing opened; applicant has added landscaping along Park Avenue and along Parker Street; stated that site circulation in regard to both pedestrians and automobiles would be improved over existing conditions; described process by which any service station is sited in the city, whereby a special permit through the Zoning Board is always required; described where in the City there are existing locations of gas stations relative to the proposed location.

Mr. Wanat asked if another tree along Parker could be added as a condition of approval and stated his concern about circulation; Mr. Rolle stated that a tree at that location would be possible and asked applicant to address one-way circulation; Mr. Lee Smith stated that one way circulation out of vacuum area is intentional so that only paying customers can access vacuums.

Mr. Berg Powers stated that he has read updated filing and was unconvinced; argued that distance to nearest gas station was over-emphasized and is in fact in the same neighborhood; argued that map of gas stations in the City shows City to be oversaturated with stations; stated that the "lived experience" of being in the neighborhood does not match the argument of the applicant.

Mr. Sabo stated his agreement with Mr. Berg Powers.

#### Public Comment

Natalie Turner, of Worcester MA, stated that she is the 8<sup>th</sup> generation of her family living in Worcester; read a statement on behalf of her mother; described her family's history in the neighborhood, its importance to them, and their opposition to the proposed gas station and its impacts.

Matthew Wally, of Worcester MA and current City Councilor for District 5, stated his support for the proposal as this has been a longtime eyesore; Mr. Cortes (Board member) asked Mr. Wally whether he had spoken to members of the District; Mr. Wally clarified that this was his own opinion but that he has frequently fielded questions about the site at various neighborhood meetings; Mr. Cortes stated that he felt there could be other commercial uses there; Mr. Wally stated that if there was a better use for this parcel then a developer would have proposed it and that it could take a long time for a "ideal" development.

Oliver Chadwick, Maple Tree Lane, Worcester, stated his opposition.

Etel Haxihaj, incoming District 5 City Councilor, stated her opposition, based on the possibility of gas leaks and the fact that the City has acknowledged a climate emergency; argued that families nearby would be put at risk; argued that there is no need for the gas station.

Natalie Turner stated that the parcels have been held for 20 years by the same land owner and that is why it has not been developed.

Tom Francis stated his skepticism about the traffic volume; stated his opposition based on the City's environmental goals.

Mr. Wanat stated that he needs to leave the meeting; Mr. Rolle stated that they need to vote before he leaves or continue the hearing.

Mr. Lee Smith requested Leave to Withdraw without Prejudice.

**On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to grant a Leave to Withdraw without Prejudice.**

Mr. Wanat signed off and handed chair duties to Mr. Karlstad.

Mr. Rolle stated that the applicant for Item #4 has requested a postponement given the change of make-up of the Board.

Mr. Karlstad called for a 5-minute recess.

- 4. 75 Quinsigamond Avenue (MBL 05-023-00093) (ZB-2021-061)**
- Special Permit:** To allow an automobile refueling station in a BG-3.0 Zone (Article IV, Section 2, Table 4.1, Business Use #17)
- Special Permit:** To allow an food service use with drive-thru in a BG-3.0 Zone (Article IV, Section 2, Table 4.1, Business Use #6)
- Petitioner:** Neon Marketplace Operating I, LLC
- Present Use:** Vacant lot
- Zone Designation:** BG-3.0 (Business, General) zoning district & within the floodplain overlay district
- Petition Purpose:** The applicant seeks to construct a +/- 5,785 SF convenience store with a food-service drive-thru component, a +/- 5,000 SF fueling canopy for a proposed gas station, and related surface parking and to conduct associated site work
- Public Hearing Deadline:** 1/23/2022      **Constructive Grant Deadline:** TBD

Mark Donahue on behalf of the applicant in-person requested to postpone the hearing to January 10, 2022.

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

- 3. 1A Knapp Avenue (MBL 33-019-292-6) (ZB-2021-060)**
- Variance:** For relief from the minimum rear yard setback dimensional requirement for a single-

family detached dwelling in a RS-7 Zone (Article IV, Section 4, Table 4.2  
Petitioner: Seth Barlow  
Present Use: Existing single-family detached dwelling  
Zone Designation: RS-7 (Residence, Single-Family) zoning district  
Petition Purpose: The applicant seeks retroactive relief associated with the construction of a +/-400SF deck expansion located to the rear of property  
Public Hearing Deadline: 1/26/2022 Constructive Grant Deadline: 3/2/2022

Mr. Karlstad summarized the application.

Kevin Matthews, applicant appeared in-person, described how the deck (and non-conformity) came to be constructed and reiterated that he is asking for permission to keep the deck.

Mr. Cary provided further detail.

Mr. Matthews confirmed that a representative of the City has viewed the deck.

Mr. Cortes asked the applicant whether he was okay with City-recommended conditions of approval; Mr. Matthews confirmed that he was.

No public comment.

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to grant the Variance for relief from minimum rear yard setback.**

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**5. 926 West Boylston Street (MBL 32-051-0001A) (ZB-2021-062)**  
**Variance:** For relief from the minimum parking requirement for a clinic (Article IV, Section 7, Table 4.4)  
Petitioner: Worcester UC, LLC  
Present Use: Vacant commercial structure and associated surface parking  
Zone Designation: BL-1.0 (Business, Limited) zoning district; within the Water Resource Protection Overlay District (WR(GP-3))  
Petition Purpose: The applicant seeks to convert the existing building into a medical clinic, retaining the existing parking area and related site improvements  
Public Hearing Deadline: 1/23/2022 Constructive Grant Deadline: 2/27/2022

Mr. Karlstad summarized the application

Casey Burch, engineer on behalf of applicant appeared virtually, described the history of the building and parcel and gave additional detail on the proposed development and the need for the relief; described the proposed medical clinic operations and the anticipated need for parking.

Mr. Cary re-summarized application and asked applicant if they were amenable to staff-recommended conditions of application; Mr. Burch confirmed that they were.

No Board discussion.

Public Comment

Oliver Chadwick, Worcester MA, called in to express his support.

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to granted the Variance for relief from minimum parking requirements.**

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**6. 44 Hurtle Avenue (MBL 38-019-47-50) (ZB-2021-063)**  
**Variance:** For relief from the minimum side-yard setback dimensional requirement for a single-family detached dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2)  
**Petitioner:** Jessica Carpenter, Trustee of the Dell’Olio Family Trust  
**Present Use:** Existing single-family detached dwelling  
**Zone Designation:** RS-7 (Residence, Single-Family) zoning district  
**Petition Purpose:** The applicant seeks to construct a two-car garage addition to the existing structure  
**Public Hearing Deadline:** 1/23/2022      **Constructive Grant Deadline:** 2/27/2022

Mr. Karlstad summarized the application.

Donald O’Neil on behalf of the applicant appeared in-person, described the need of the applicants’ for the garage; stated that next door neighbor has no objection; described why alternatives are not feasible.

Mr. Cary provided more information about the proposed garage; asked applicant to comment on the screening between the proposed garage and neighboring property; Mr. O’Neil stated that there has been no request for screening as there is significant distance between garage and neighboring structure.

Mr. Karlstad asked if there would be rain gutters; applicant confirmed there would be; Mr. Karlstad asked that they be sited such that they do no drain on to neighboring property.

No public comment.

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to grant a Variance for relief from the minimum side-yard setback.**

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**Other Business**

**8. Communications**

a. Release Abatement Measure Completion & Permanent Solution Report (MassDEP RTN 2-21695) - 102 Highland Street; from Environmental & Construction Management Services, Inc.; received 11/18/2021

No discussion.

**9. Discussion of Board Policies and Procedures**

a. Elections of Officers

Mr. Rolle stated his appreciation for Mr. Haddon’s service as did other members of the Board.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to postpone the election.**

**10. Approval of Minutes – 11/8/2021**

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

**Adjournment**

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 7:40pm.