

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

AUGUST 28, 2017

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
Joseph Wanat
Robert Haddon, Alternate Member

Staff Present: Stephen S. Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
Michael Antonellis, Division of Planning & Regulatory Services
John Kelley, Department of Inspectional Services
David Horne, Department of Inspectional Services

Approval of the Minutes

Upon a motion by Mr. Haddon and seconded by Mr. Michajlow the Board voted 4-0 to approve the minutes of July 17, 2017.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 3 & 7 Palisades Street (ZB-2017-033)

Variance: For relief from the lot area dimensional requirement for a single-family dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2) for 3 Palisades Street (aka Lot 2)

Petitioner: Nicholas Osowski

Present Use: Presently on the premises at 3 Palisades Street is a non-conforming single-family dwelling with a non-conforming accessory structure and on the premises at 7 Palisades Street is a non-conforming single-family dwelling and two non-conforming accessory structures, each with associated site improvements

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

Petition Purpose: The applicant seeks to re-configure the property lines thus necessitating the requested relief.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 4-0 to allow a Leave to Withdraw Without Prejudice for the application.

2. 429 Burncoat Street & Lot 2 Hartford Road (ZB-2017-039)

- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)
- Variance:** For relief from the lot area dimensional requirement for a single-family dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Christopher DeSantis
- Present Use:** Presently on the premises at 429 Burncoat Street is a non-conforming single-family detached dwelling, with associated site improvements, and on the premises at Lot 2 Hartford Road is a vacant parcel.
- Zone Designation:** RS-7 (Residence, Single-Family) zoning district
- Petition Purpose:** The applicant seeks to construct a single-family detached dwelling at Lot 2 Hartford Road, along with associated parking and site improvements, with no changes proposed to the existing structure located at 429 Burncoat Street.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 4-0 to postpone the item to the September 18, 2017 Zoning Board of Appeals meeting and to extend the constructive grant deadline until October 30, 2017.

3. 185 Sunderland Road (ZB-2017-041)

- Variance:** For relief from the minimum frontage dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Ahmad Shishesaz
- Present Use:** Presently on the premises is a vacant lot.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct a single-family detached dwelling along with associated site work.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 4-0 to postpone the item to the September 18, 2017 Zoning Board of Appeals meeting and to extend the constructive grant deadline until October 30, 2017

4. 90 Barber Avenue (ZB-2017-042)

- Variance:** For relief from the parking requirements for a warehousing/storage use (Article IV, Section 7, Table 4.4)
- Petitioner:** Worcester Storage Partners, LLC
- Present Use:** Presently on the premises is a vacant lot.
- Zone Designation:** BG-3.0 (Business, General) zoning district
- Petition Purpose:** The applicant seeks to construct a ~165,000 SF warehouse to be used as a storage facility along with an associated parking area, and related site work.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 4-0 to postpone the item to the September 18, 2017 Zoning Board of Appeals meeting and to extend the constructive grant deadline until October 30, 2017.

5. 25 Bourne Street (ZB-2017-045)

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)
Petitioner: Patricia A. Lavoie
Present Use: Presently on the premises is a single-family detached dwelling.
Zone Designation: RG-5 (Residence, Limited) zoning district
Petition Purpose: The applicant seeks to construct an attached garage and room above, along with related site work.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 4-0 to allow for Leave to Withdraw without Prejudice for the application.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 4-0 to approve a fee refund for the application.

6. 5 Reeves Street (ZB-2017-034)

Variance: For relief from the frontage dimensional requirement for a single-family semi-detached dwelling in an RL-7 & BL-1.0 Zone (Article IV, Section 4, Table 4.2)
Variance: For relief from the lot area dimensional requirement for a single-family semi-detached dwelling in an RL-7 & BL-1.0 Zone (Article IV, Section 4, Table 4.2)
Petitioner: Michelle M. Hutchins & David D. Hutchins, Sr.
Present Use: Presently on the premises is a partially paved vacant lot.
Zone Designation: RL-7 zone (Residence, Single Family), BL-1.0 zone (Business, Limited), and Commercial Corridors Overlay District (CCOD-E)
Petition Purpose: The applicant seeks to construct a single-family semi-detached dwelling with associated off-street parking, along with related site work.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 4-0 to postpone the application to the September 18, 2017 Zoning Board of Appeals meeting and to extend the constructive grant deadline until October 30, 2017.

New Business

7. 323 (aka 327) West Boylston Street (ZB-2017-036)

- Variance:** For relief from the rear yard setback dimensional requirement in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)
- Special Permit:** To allow motor vehicle/trailer/boat sales/rental (Business Use # 15) in a BL-1.0 District (Article IV, Section 2, Table 4.1)
- Special Permit:** To allow motor vehicle service, repair, garage and/or display (Business Use # 16) in a BL-1.0 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 landscaping requirements (Article IV, Section 7)
- Petitioner:** HANA-D, LLC
- Present Use:** Presently on the premises is a partially paved vacant lot.
- Zone Designation:** BL-1.0 (Business, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct motor-vehicle sales and repair garage and an associated parking area and display lot, along with related site work.

Attorney Joseph Head appeared upon behalf of the applicant, HANA-D, LLC. Attorney Head stated that the applicant would like to modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements specifically, from providing parking spaces setback 5-feet from the easterly property line and from providing the required 5-foot landscaped buffer from the easterly property line. He stated that this request is to allow for motor vehicle display/sales on site.

Mr. Abramoff asked if lighting for these types of projects are reviewed by Inspectional Services. Mr. Kelly stated yes.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 4-0 to allow for the waiver for showing abutters to abutters on the plan.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 4-0 to approve the Variance and Special Permits requested with conditions outlined in staff's memo.

List of Exhibits

- Exhibit A:** Special Permit Application; received June 19, 2017; prepared by HANA-D, LLC.
- Exhibit B:** Plan of Land; dated June 5, 2017; revised July 30, 2017; prepared by A.S. Engineering.

8. 90 Commercial Street (ZB-2017-037)

- Special Permit:** To modify the dimensional requirements of a permanent, accessory signs (Article IV, Section 6)
- Petitioner:** Niche Sports Concepts, Inc.
- Present Use:** Presently on the premises at is a non-conforming mixed-use structure, proposed to be used for food service and residential uses, with associated site improvements.
- Zone Designation:** BG-6.0 (Business, General) zoning district, the Downtown Subarea of the Commercial Corridors (CCOD-D) Overlay District, and the Downtown/Blackstone Canal Sign Overlay District (DSOD)
- Petition Purpose:** The applicant seeks to install three accessory projecting signs along with related improvements.

Attorney Mark Donahue along with Michael Covino and Cliff Rucker appeared upon behalf of the application for Niche Sports Concepts, Inc.

Attorney Donahue stated that the applicant seeks to install three accessory projecting signs along with related improvements and review the proposal for the sign and presented a proposal of what the sign would look like as well as the dimensions for the sign.

Mr. Rolle stated that condition #4 listed in staff's memo can be removed as applicant meets requirements for that condition.

Upon a motion by Mr. Wanat and seconded by Mr. Michajlow the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 4-0 to approve the Special Permit with conditions outlined in staff memo and to modify condition #2 so that the sign extending from the north face of the building (MLK Blvd. side) be limited to 8 ft. 4 inches in diameter and not extend further than 9 ft. 2 inches from the building and to also delete condition #4. The Board also voted 4-0 to approve the requested waiver from the application requirements to label abutters within 300 feet on the plan.

List of Exhibits

- Exhibit A:** Special Permit Application Form for Signs; received June 21, 2017; prepared by Michael Covino of Niche Sports Concepts, Inc.
- Exhibit B:** Rainers Tavern Signage Plan; dated April 27, 2017; prepared by SUNSHINEsign.
- Exhibit C:** Floorplans; dated November 25, 2016; prepared by Jordan O'Connor & Associates Architects.
- Exhibit D:** Comment memo from the Fire Department; dated June 29, 2017.
- Exhibit E:** Email correspondence with applicant's attorney; various dates.
- Exhibit F:** Sign proposal from Attorney Mark Donanue received at the August 28, 2017 Zoning Board of Appeals meeting.
- Exhibit G:** Waiver request from Attorney Mark Donahue

9. 7 (aka 9) Island Road (ZB-2017-038)

- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming use (Article XVI, Section 4)
- Petitioner:** Swedish Cemetery Corp. (d/b/a All Faith's Cemetery)
- Present Use:** Presently on the premises is a non-conforming cemetery, crematory, and associated offices, along with related site improvements
- Zone Designation:** RS-7 (Residence, Single-Family) zoning district
- Petition Purpose:** The applicant seeks to construct an addition for additional retorts and conduct associated site work.

Attorney Amanda Risch appeared upon behalf of the applicant, Swedish Cemetery Corp. (d/b/a/ All Faith Cemetery).

Attorney Risch stated that the applicant seeks to construct an addition. She stated that the item has been before Massachusetts DEP as well the Worcester Conservation for their review of the proposal.

Mr. Michajlow stated that he has concern about impacts to the neighborhood as this proposal adds more smokestacks to this site. Attorney Risch stated that the smokestack construction has improved over the years and doesn't expect any impact to the neighbors.

Mr. Michajlow asked if there have ever been any neighbor complaints. Attorney Risch stated no.

Upon a motion by Mr. Haddon and seconded by Mr. Michajlow the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 4-0 to approve the Special Permit being that the extension, alteration or change itself complies with the current requirements of the Ordinance, that the use as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing nonconforming use and that in residential districts, the use as extended, altered or changed shall meet the off-street parking requirements of the Ordinance and with conditions outlined in staff's memo. The Board also voted 4-0 to approve the requested waiver from the application requirements to label abutters within 300 feet on the plan.

List of Exhibits

- Exhibit A:** Special Permit Application & Memorandum in Support of Application for Special Permit; received Jun 27, 2017; prepared by Dale Eck, President of the Swedish Cemetery Corp.
- Exhibit B:** Plot Plan; dated June 13, 2017; prepared by Land Planning, Inc.
- Exhibit C:** Elevations & Floorplans, entitled "Proposed Crematory Addition to All Faiths Cemetery"; dated March 8, 2017; prepared by Dimensions Architecture/Design.
- Exhibit D:** MASS DEP communication; dated July 27, 2017.

10. 640 Lincoln Street (ZB-2017-040)

- Special Permit:** To allow retail sales (Business Use # 26) in a ML-0.5 District (Article IV, Section 2, Table 4.1)
- Petitioner:** Habitat for Humanity MetroWest/Greater Worcester
- Present Use:** Presently on the premises is a warehouse building, with associated parking area.
- Zone Designation:** ML-0.5 (Manufacturing, Limited) zoning district and within a Water Resource (WR) Protection Overlay District (GP-3 & GP-2)
- Petition Purpose:** The applicant seeks to use a portion of an existing building for retail sales and conduct related site work.

Tim Firment and Debra Hoke from Habitat for Humanity appeared on behalf of the application. Mr. Firment stated that they seek to use a portion of an existing building for retail sales as they have outgrown their existing site.

Ms. Hoke reviewed the plans for the site. She stated that the new site will have 29,000 square feet and have additional parking and reviewed where it would be located and stated that this additional space and parking will help Habitat for Humanity with their mission.

Mr. Haddon asked if the lighting would be adequate. Ms. Hoke stated that she believed the lighting on site would be adequate for their use.

Upon a motion by Mr. Wanat and seconded by Mr. Michajlow the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Wanat, and seconded by Mr. Haddon, the Board voted 4-0 to approve the Special Permit with conditions outlined in staff's memo. The Board also voted 4-0 to approve the requested waiver from the application requirements to label abutters within 300 feet on the plan and from providing a to-scale plan.

List of Exhibits

Exhibit A: Special Permit Application; received June 27, 2017; prepared by Tim Ferment of Habitat for Humanity.

Exhibit B: Plot Plan; dated May 3, 2010; prepared by Thompson-Liston Associates.

11. 7 Somerset Street (ZB-2017-043)

- Variance:** For relief from the minimum lot area dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum frontage dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Special Permit:** To allow a three-family detached dwelling (Residential Use #16) in a RL-7 Zone (Article IV, Section 2, Table 4.1)
- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)
- Petitioner:** Eve Patterson

Present Use: Presently on the premises is an existing two-family dwelling.
Zone Designation: RL-7 (Residence, Limited) zoning district
Petition Purpose: The applicant seeks to convert the structure into a three-family dwelling, along with related site improvements.

Eve Patterson appeared upon behalf of the application. She stated that she would like to make her property a legal three family and she has had the city of Worcester inspectors three times at the site to review the property.

Ms. Patterson stated that there will be no alterations or changes to the exterior of the building and there is no occupant in the third floor space at the current time.

Mr. Michajlow asked how long Ms. Patterson owned the property. Ms. Patterson stated four years but the third floor space existed prior to her purchasing the property.

Attorney Robert Massarelli representing Kenneth Harling, an abutter to the property, stated that Mr. Harling concerns is about the garage located on the property and presented a letter requesting a condition to be placed on the garage portion of the property that no one inhabit the garage and that there be no increase in the height of the garage or improvements to the garage. Mr. Kelly stated that he had no problem with condition of anyone living in garage but the applicant should be able to improve the garage by adding siding or repairing/replace windows.

Ms. Patterson stated that her application is just for turning a two family into a three family and has nothing to do with the garage and she parks her in the garage and at some point she will need to do repairs to the garage and worried about a condition that wouldn't allow for that.

Mr. Michajlow stated that he would agree and that seems to be outside the Board's purview.

The Board stated that if the applicant wanted to change the garage into habitable space she would need to come back before the Board and does not feel comfortable placing a condition on something that is not before the Board tonight.

Patricia Glener Weiner stated that she lives across from the applicant and expressed concern about how many people would be living on the property and where the tenants would park.

Neil Ahluwalia of Williams Street, stated that he has significant concerns about the proposal and feels that this proposal will effect the single families in the home and that there will be an increase in the parking problems with additional tenants.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Michajlow seconded by Mr. Wanat the Board voted 4-0 to approve the Variances and Special Permits with conditions outlined in staff's memo. The Board also voted 4-0 to approve the requested waiver from the application requirements to label abutters within 300 feet on the plan.

List of Exhibits

Exhibit A: Special Permit Application; received July 18, 2017; prepared by Eve Patterson.

Exhibit B: Letter presented by Attorney Robert Massarelli at the August 28, 2017 Zoning Board of Appeals meeting.

12. 9 Breck Street (ZB-2017-044)

Variance: For relief from the minimum frontage dimensional requirement in a RG-5 Zone (Article IV, Section 4, Table 4.2)
Petitioner: Joe Goodman
Present Use: Presently located on the premises is a vacant lot.
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: The applicant seeks to construct two-family dwelling, along with related site work.
 Bob O’Neil appeared upon behalf of the applicant, Joe Goodman.

Mr. O’Neil stated that Mr. Goodman would like to build a 2,000 square foot dwelling on a 5,000 square foot lot and Mr. Goodman would like a variance for the five feet of frontage and reviewed the plans and changes made to the proposal to address staff comments.

Mr. Haddon asked if the front porch would be a continuous front porch. Mr. Goodman stated that it would be a continuous front porch but didn’t have time to change on the rendering.

Ms. Tatasciore stated that there was a concern about the impervious surface on the property and lack of green landscaping in the front and would recommend that whole front be landscaped, save the driveway, and that the porch be centrally located.

Mr. O’Neil stated that the applicant is amenable to increasing the green space.

Ms. Tatasciore stated that the applicant needs to request an administrative Leave to Withdraw for the lot area variance request as that will not be needed.

Upon a motion by Mr. Wanat and second by Mr. Michajlow the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 4-0 to approve the Variance with conditions outlined in staff’s memo, that the landscaped area in the front be extended and that the proposed porch be continuous along the front facade. The Board also voted 4-0 to approve the requested waiver from the application requirements to label abutters within 300 feet on the plan.

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon the Board voted 4-0 to allow Leave to Withdraw for the dimensional variance.

List of Exhibits:

- Exhibit A: 9 Breck Street – Variance Application; received July 20, 2017; prepared by Joe Goodman.
- Exhibit B: Plan of Land; dated June 26, 2017; prepared by Robert D. O’Neil, Jr.

Other Business

13. Communications

14. Signing of Decisions from prior meetings

Adjournment - Upon a motion the Commission voted 4-0 to adjourn the meeting at 7:10 p.m.