

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

SEPTEMBER 18, 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
Andrew Freilich, Alternate Member

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

Approval of the Minutes

Upon a motion by Mr. Haddon and seconded by Mr. Michajlow the Board voted 5-0 to approve the minutes of August 28, 2017.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 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 5-0 to allow for Leave to Withdraw for the Variances.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 5-0 to grant a Fee Refund for the petition.

2. 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 5-0 to postpone the item to the October 16, 2017 Zoning Board of Appeals meeting to extend the Constructive Grant Deadline to November 30, 2017.

3. 287 Grove Street & 35 Park Avenue ZB-2017-046)

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)
Petitioner: Galaxy Grove, LLC
Present Use: Presently on the premises is a partially paved vacant lot.
Zone Designation: BG-3.0 (Business, General) zoning district.
Petition Purpose: The applicant seeks to construct four commercial structures, one of which will be for a food-service use with a proposed drive-thru, along with associated parking areas and related site work.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 5-0 to postpone the item to the October 16, 2017 Zoning Board of Appeals meeting to extend the Constructive Grant Deadline to November 30, 2017

Unfinished Business

New Business

4. 429 Burncoat Street & Lot 2 Hartford Road (ZB-2017-039)

429 Burncoat Street

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)

Lot 2 Hartford Road

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.

Kevin Quinn from Quinn Engineering and Christopher DeSantis appeared upon behalf of the application. Mr. Quinn stated that Mr. DeSantis wishes to build a single family home at Lot 2. Mr. Quinn stated that Lot 2 has been a buildable lot since 1940 but nothing has ever been constructed on it and there is a need in the city for additional housing and presented a rendering of the house to be built and stated that it would fit in the neighborhood. Mr. Quinn reviewed the parking that would be on site.

Ms. Tatasciore stated that they had received three letters of support for the application.

Chris Simpson, 6 Brigham Road, abutter to the property, stated that the zoning since the 1940's has changed and this will have a negative effect on the neighborhood as the houses in neighborhood are all capes and ranches and asked the Board to deny the request.

Greg Marcotte, abutter to the property, stated that he spoke with Mr. DeSantis several months ago who told him that he planned to build a house for his grandmother on the site but parking and snow removal is going to be a problem and presented photos of the site and stated that he appreciates the owner wants to build a home for his grandmother but future owners could change property to a rental unit. Mr. Marcotte presented a petition of neighbors and a letter from a neighbor who could not attend the meeting but were in opposition to the application.

David Smith, abutter to the property, spoke in opposition to the application based on the size of the lot, rendering and parking issues this new home would bring to the area as well as the lot being too small to build on.

Annalies Codelis, 435 Burncoat Street, abutter to the property, spoke in opposition to the application and asked the Board to deny the application.

Christopher Hayes, 427 Burncoat Street, abutter to the property, stated that his concern is character of neighborhood would change as it would change from homeowners to renters and would like the character of the neighborhood to remain. Mr. Abramoff stated that all homes could have the potential to be rented out if the owners chose to and that 2-family residential is not an allowed use in this zoning district.

Peter Deamies, 12 Hartford Road, abutter to the property, expressed concerns about how the road would be cut into for utilities. Mr. Rolle stated that would be under DPW's purview.

Mr. Quinn stated that neighbors have legitimate concerns but are subjective and does not believe the house would be detrimental to the neighbor and with the construction of two car garage that would address any parking issues.

Mr. Freilich asked what the size of the house would be. Mr. Quinn stated that it would be 40 wide. Mr. Freilich stated that based on the rendering that he believed that this would appreciate the value of the neighborhood by adding a brand new house and appears to fit into the neighborhood and they could put some conditions so he doesn't believe it an unreasonable project to propose. Mr. Abramoff stated that he would agree.

Mr. Smith asked if this house would take up the entire lot and asked if only one tree proposed. Mr. Abramoff responded that only one tree is required by the city.

Mr. Wanat asked what would be the configuration of the curb cut and driveway area leading into the garages. Mr. Quinn stated that they could narrow the curb cut so that car could still access the garage. Mr. Rolle stated that the driveway would need to be set back further if the Board plans to go with that condition.

Mr. Abramoff asked if the proposed house line up with the other houses in the area. Mr. Quinn stated that he was not sure.

Mr. Michajlow stated that he is having difficulty envisioning this and would rather see exact measurements for the site.

Mr. Quinn stated that they could center the house on the lot.

The Board and staff reviewed the setbacks required for the site.

Mr. Freilich suggested that the house be flipped so the driveway on opposite side to alleviate some of the neighbors' concerns. Mr. Kelly expressed concern about that proposal.

Mr. Abramoff asked if possible to get survey of proposal. Mr. Quinn stated that they could do that.

Mr. Want stated that he like to see the curb cut locations due to neighbor concerns.

Mr. Abramoff suggested continuing item to next meeting to have concerns addressed.

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 5-0 to continue the application to the October 16, 2017 meeting.

List of Exhibits

- Exhibit A: Special Permit & Variance Application; received June 27, 2017, Revised September 11, 2017; prepared by Christopher DeSantis.
- Exhibit B: Plan of Land; dated June 15, 2017 and revised on August 17, 2017; prepared by Quinn Engineering, Inc.
- Exhibit C: Rendering; dated August 8, 2017; Received September 11, 2017; prepared by Acropolis Design Consultants.
- Exhibit D: Letter of support; dated July 15, 2017; submitted by James Hayes.
- Exhibit E: Letter of support; dated July 13, 2017; submitted by Mike Vacca.
- Exhibit F: Letter of support; dated July 27, 2017; submitted by Peter DeFrancisco.
- Exhibit G: Photos taken by Greg Marcotte.
- Exhibit H: Neighborhood Petition of Opposition.
- Exhibit I: Letter from abutter Priscilla Underwood.
- Exhibit J: Letter from abutter Gregory Marcotte & Family.

5. 90 Barber Avenue (ZB-2017-042)

- Variance:** For relief of 34 spaces 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.

Attorney Donald O'Neil appeared upon behalf of the applicant, Worcester Storage Partners, LLC. He stated that the applicant is looking to construct a warehouse to be used a storage facility and reviewed the plans for the site.

Matt Bombaci from Bohler Engineering reviewed the lot lines and wetlands for the property.

Mr. Rolle stated that since this proposed warehouse will be a storage facility it doesn't require as much parking.

Mr. Abramoff asked how many employees and storage units will be provided. Attorney O'Neil stated two employees and about 1,000 storage units and there generally no more than one or two people coming to the site at any one time.

Attorney O'Neil stated that hours for the facility would be 6:00 a.m. to 10:00 p.m.

Mr. Haddon stated that he like the proposal to be conditioned that it be a storage facility in case someone comes along later on and tries to use site for something else.

Mr. Freilich asked when the facility first opened it will be very busy with people coming to the site and could the applicant use some spaces from Higgins Armory to allow for a temporary parking situation.

Ric Newman from Worcester Storage Partners stated that these facilities take 2-3 years to go to capacity and have more than enough spaces but they do have good relationship with Higgins Armory so doesn't foresee that being a problem.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Freilich the Board voted 5-0 to approve the waiver to not show abutters to abutters within 300 feet on the plan.

Upon a motion by Mr. Michajlow and seconded by Mr. Freilich the Board voted 5-0 to approve the 34 parking space Variance request with all the conditions outlined in staff's memo and added conditions that the facility must be used as a self-storage facility and items #1,#3 in the Fire Department memo.

List of Exhibits

- Exhibit A:** Variance Application; received July 18, 2017; prepared by Ric Newman of Worcester Storage Partners, LLC.
- Exhibit B:** Site Plan; dated July 18 2017 and revised through to August 23, 2017; prepared by Bohler Engineering.
- Exhibit C:** Fire Department comments; dated August 21, 2017.

Exhibit D: Architectural renderings with elevations; dated September 1, 2017; prepared by Arco Murray.

6. 206 May Street (ZB-2017-047)

- Special Permit Amend:** To allow a multi-family dwelling in an 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 (Article XVI, Section 4)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Variance:** For relief from the minimum parking requirements for a multi-family low-rise dwelling (Article IV, Section 7, Table 4.4)
- 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)
- Variance:** For relief from the minimum front-yard setback dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum side-yard setback dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Monroe Management, LLC
- Present Use:** Presently on the premises is a pre-existing non-conforming multi-family low-rise dwelling, along with related site improvements
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to convert the basement into an additional dwelling unit, along with related site work and parking area re-configuration.

Patrick Burke from H.S.&T. Group appeared upon behalf of the applicant, Monroe Management, LLC and stated that they are looking to convert a basement into an additional dwelling unit with proposed parking and reviewed the proposed plans for the site.

Adam Gaval stated that he has ownership in the property and he is helping to renovate the property for people with special needs and the group wants to see the property modernized before they finalize the lease.

Mr. Rolle stated that this an internal reconfiguration of the property and staff has reviewed proposal and some of the relief be requesting is not required, particularly the Variance requests pertaining to front-yard setback and side-yard setback, which should be withdrawn.

Mr. Freilich asked Mr. Gaval if he owned the property. Mr. Gaval stated that he did and he will lease it to the Genesis Club through the Bridge of Central Mass.

Mr. Abramoff asked how many bedrooms. Mr. Gaval stated mostly 1-bedroom with a few 2-bedrooms and stated that he had provided an updated floor plan.

Mr. Freilich asked what would happen if the lease fell through and the owner wanted to turn into a lodging house. Mr. Kelly stated that lodging houses not allowed in the zone.

Mr. Wanat asked how many parking spaces will be on site. Mr. Burke stated 8 spaces.

Mary Bejune, abutter to the property, stated that she happy to see the property rehabbed but has concern about additional parking being requested and how will be runoff be address and asked if a retaining wall would installed to help with any runoff. Ms. Bejune also asked what type of fencing would be proposed for the site and also asked what are the limitations of the clients, what are their ages and are any registered sex offenders. She stated that work is already being on site and asked if porta potties going to be provided for the workers.

Mr. Burke stated that there will be screening in the back and the parking spaces will be used by caretakers and they will put in porta potties when construction begins. Mr. Gaval stated that he can put the porta potties put in this week and a dumpster will be there just for construction period.

Mr. Abramoff stated that one is one dumpster for construction period and one will be placed in back permantly and could be screened.

Mr. Burke stated that if a retaining wall is needed it will be provided but does not believe one is needed.

Mr. Freilich asked who determines that. Mr. Burke stated that it determined by the city when they come and do a site visit.

Mr. Abramoff stated that they seem to be guessing what is going to be done but it be easier to evaluate the project if they had engineer document showing what will be done.

Mr. Bejune, abutter to the property, expressed concern about runoff that would occur.

The Board members all agreed that they would prefer to see topographic plans before making a decision.

Upon a motion by Mr. Michajlow and seconded by Mr. Freilich the Board voted 5-0 to continue the application to the October 16, 2017 meeting.

List of Exhibits

- Exhibit A: Variance & Special Permit Application; received August 8, 2017; prepared by Monroe Management, LLC.
- Exhibit B: Plan of Land dated August 8, 2017; prepared by H.S. & T. Group, Inc.
- Exhibit C: Floorplans; undated; prepared by Adam A. Gaval.
- Exhibit D: ZBA Special Permit Decision from 1985.

Other Business

7. Communications

8. Signing of Decisions from prior meetings

Adjournment - Upon a motion the Board voted 5-0 to adjourn the meeting at 7:26 p.m.