

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

**January 8, 2018**

**WORCESTER CITY HALL, 455 MAIN STREET, ESTHER HOWLAND CHAMBERS  
CHAMBER**

**Zoning Board Members Present:** Joseph Wanat, Vice-Chair  
Andrew Freilich  
Robert Haddon, Alternate Member  
Russell Karlstad, Alternate Member

**Zoning Board Members Absent:** Vadim Michajlow, Chair

**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. Freilich and seconded by Mr. Haddon the Board voted 3-0 to approve the minutes of November 27, 2017.

**Requests for Continuances, Extensions of Time, Postponements, Withdrawals**

**1. 496 Hamilton Street (ZB-2017-063)**

**Special Permit:** To allow single-family attached dwellings in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)

**Petitioner:** Edward Kooyomjiam

**Present Use:** Presently on the premises is a single-family detached dwelling, with associated site improvements.

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

**Petition Purpose:** The applicant seeks to demolish the existing structure and construct a development, consisting of 10 single-family attached dwelling units, along with related grading, paving, drainage, and site work.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to continue the Special Permit application to the January 22, 2018 Zoning Board of Appeals Meeting.

**2. Lot 2 – 36 Mountain Street West (ZB-2017-054)**

**Variance:** For relief from the minimum frontage dimensional requirement in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Lorne Johnson

**Present Use:** Presently on the premises is a partially paved lot.

**Zone Designation:** BL-1.0 (Business, Limited)

**Petition Purpose:** The applicant seeks to construct a two-family detached dwelling along with related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to postpone the Variance application to the January 22, 2018 Zoning Board of Appeals Meeting and to extend the constructive grant deadline to February 28, 2018.

**3. 249, 261 & 265 Lake Avenue (ZB-2017-058)**

**Special Permit:** To allow single-family attached dwellings in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)

**Petitioner:** Cherele Gentile, Trustee of Manor Real Estate Trust

**Present Use:** Presently on the premises at 249 Lake Avenue is a restaurant and at 261 & 265 Lake Avenue are residential structures with related site improvements.

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

**Petition Purpose:** The applicant seeks demolish the existing structures and construct 2 single-family attached structures, for a total of 7 dwelling units, along with associated parking and related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to postpone the Special Permit application to the January 22, 2018 Zoning Board of Appeals meeting.

**4. 384 Southwest Cutoff (ZB-2017-065)**

**Special Permit:** To allow filling and/or excavating of earth (Article IV, Section 5)

**Petitioner:** Joseph F. Shay, Jr.

**Present Use:** Presently on the premises is a vacant lot with an existing driveway and stormwater features servicing the abutting property, at 330 Southwest Cutoff.

**Zone Designation:** ML-0.5 (Manufacturing, Limited) zoning district

**Petition Purpose:** The applicant seeks to conduct granite quarrying operations at the site, along with related grading, drainage, and site work.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to postpone the Special Permit Application to the January 22, 2018 Zoning Board of Appeals meeting.

**5. 5 Trowbridge Road (ZB-2017-066)**

- Special Permit:** To allow a fraternity/sorority/cooperative residence in an RG-5 Zone (Article IV, Housing Corporation-Zeta Zeta (Worcester Polytechnic University), LLC Section 2, Table 4.1, Residential Use #5)
- Petitioner: AGD Fraternity
- Present Use: Presently on the premises is a single-family detached dwelling, with associated site improvements
- Zone Designation: RG-5 (Residence, General) zoning district
- Petition Purpose: The applicant seeks to convert the existing structure into a sorority house and to construct a parking area to be used in association therewith, along with related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to postpone the Special Permit application to the January 22, 2018 Zoning Board of Appeals meeting.

**6. 11 Nathaniel Court (aka 80 Southwest Cutoff) (ZB-2018-002)**

- Special Permit:** To allow for a change of a privileged non-conforming use to a use of a similar nature (Article XVI, Section 4)
- Petitioner: David M. Abramo
- Present Use: Presently on the premises is a vacant partially paved lot, previously used with a privileged non-conforming commercial use.
- Zone Designation: RL-7 (Residence, Limited) zoning district
- Petition Purpose: The applicant seeks to construct a commercial structure, to be used an association with a motor-vehicle/trailer/boat sales/rental and/or motor vehicle service, repair, garage, and/or display use, & to conduct associated site work.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to postpone the Special Permit application to the January 22, 2018 Zoning Board of Appeals meeting.

**7. 118 Commonwealth Avenue (ZB-2017-067)**

- Special Permit:** To allow single-family attached dwellings in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)
- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)
- Petitioner: Goldstar Builders, Inc.
- Present Use: Presently on the premises is a single-family detached dwelling.
- Zone Designation: RL-7 (Residence, Limited) zoning district
- Petition Purpose: The applicant seeks to construct a two-dwelling residential unit addition to the existing structure, to be used as a 3-unit single-family attached dwelling.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to postpone the Special Permit application to the January 22, 2018 Zoning Board of Appeals meeting.

**8. 182 Southwest Cutoff (ZB-2018-004)**

- 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:** Sabatini Realty Trust/Dario Diesel, Inc.
- Present Use:** Presently on the premises is a structure that is under construction to be used for truck sales, maintenance, and repair.
- Zone Designation:** MG-2.0 (Manufacturing, General) zoning district
- Petition Purpose:** The applicant seeks to eliminate required landscaping.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to postpone the Special Permit application to the January 22, 2018 Zoning Board of Appeals meeting.

**9. 15 Decatur Street (ZB-2018-006)**

- Special Permit:** For relief of the dimensional requirements for a Residential Conversion in a RG-5 Zoning District (Article IV, Section 9)
- Petitioner:** Dariusz Pietron
- Present Use:** Presently on the premises is a pre-existing non-conforming three-family detached dwelling and associated site improvements.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to convert the existing structure to provide for an additional dwelling unit (for a total of 4 dwelling units), to be used as a multi-family low-rise, and to construct an associated off-street parking area, along with related site work.

Upon a motion the Commission voted 4-0 to postpone the Special Permit application to the January 22, 2018 Zoning Board of Appeals meeting.

**10. 120 & 126 Chandler Street (ZB-2017-068)**

- 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 (Article IV, Section 7, Table 4.4)
- Petitioner:** Worcester Common Ground, Inc.
- Present Use:** Presently on the premises at 120 Chandler Street is a vacant two-story office building and at 126 Chandler Street is a vacant commercial warehouse with an attached garage.
- Zone Designation:** 120 Chandler Street - BG-3.0 (Business, General) & RG-5 (Residence, General) zoning district and principally within the Commercial Corridors Overlay District (CCOD-E).

126 Chandler Street - BG-3.0 (Business, General) zoning district and principally within the Commercial Corridors Overlay District (CCOD-E)

Petition Purpose: The applicant seeks to demolish the existing structure at 120 Chandler Street and the attached garage at 126 Chandler street, to renovate the existing structure at 126 Chandler Street, and to construct an addition, to be used as a mixed-use structure comprised of a multi-family high-rise residence use (for a total of 31 dwelling units) and a commercial use, along with associated site work.

Yvette Dyson, Executive Director of Worcester Common Ground, appeared upon behalf of the application and stated that they are seeking to demolish the existing structure at 120 Chandler Street and the attached garage at 126 Chandler street, to renovate the existing structure at 126 Chandler Street, and to construct an addition, to be used as a mixed-use structure comprised of a multi-family high-rise residence use (for a total of 31 dwelling units) and a commercial use, along with associated site work.

Ms. Dyson stated that there is a need for more affordable housing in the area and this is why they are coming forward with this proposal.

Russ Spears, architect for the project, reviewed the plans for the site.

Mr. Rolle reviewed the parking requirements for the site.

Ms. Dyson stated that residents will be required to have a Worcester Common Ground parking sticker and currently at their other properties only 40% of residents have vehicles and with the one bedroom units being proposed many of the tenants will not have vehicles and use public transportation. Ms. Dyson stated that they feel that the parking that they are going to provide will be enough for staff, residents and visitor parking.

Mr. Freilich asked who the retail space would be rented to. Ms. Dyson stated that they would try to find someone that is retail-oriented.

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

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the waiver requesting to not show abutters to abutters on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the following relief:

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), specifically:

- Increase the number of allowable compact parking spaces from 25% to 44% (increase from 5 spaces to 10 spaces);
- Relief of 1 loading space;
- Relief from the 5-foot landscaped setback and required landscaping from parking spaces located along the easterly and southerly property lines.

Variance for relief of 45 spaces from the minimum parking requirements (Article IV, Section 7, Table 4.4)

***List of Exhibits***

- Exhibit A: Special Permit & Variance Application; received November 2, 2017; prepared by Joel Feinberg of Worcester Common Ground, Inc.
- Exhibit B: Site Plan; dated October 31, 2017; prepared by Davis Square Architects
- Exhibit C: Renderings with elevations and floorplans; dated October 31, 2017; prepared by Davis Square Architects
- Exhibit D: Fire Department comments; received December 6, 2017.
- Exhibit E: MACRIS Listing for 126 Chandler Street.

**11. 37 Fruit Street & 52 William Street (ZB-2018-003)**

- Special Permit:** To allow a multi-family residence in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #5)
- Special Permit:** To allow a lodging house in an BO-1.0 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)
- Variance:** For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)
- Variance:** For relief from the minimum front-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum side-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum rear-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum lot area dimensional requirements (Article IV, Section 4, Table 4.2)
- Petitioner:** Hampton Properties, LLC
- Present Use:** Presently on the premises at 37 Fruit Street & 59 William Street are two residential/professional office structures.
- Zone Designation:** 37 Fruit Street - BO-1.0 (Business, Office) zoning district & 59 William Street - RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to convert the existing structure at 37 Fruit Street into a lodging house with a total of 12 dwelling units along with office space and to convert the existing structure at 59 William Street into a multi-family low-rise dwelling, with a total of 6 dwelling units, along with related exterior changes for egress, and to re-configure and expand the parking areas to be used in association therewith, along with related site work.

Russell Haims from Hampton Properties LLC along with Patrick Burke from H.S. & T. Group, Inc. appeared on behalf of the application. Mr. Haims stated that he is seeking to convert the existing structure at 37 Fruit Street into a lodging house with a total of 12 bedrooms along with office space, and to convert the existing structure, known as the former carriage house, at 59 William Street into a multi-family low-rise dwelling, with a total of 6 dwelling units. Mr. Haims reviewed what his plans were for the site and the proposed parking for the site. Mr. Haims stated that he does not have concerns about parking as he rents to graduate students who do not have cars.

Nicole DiCello spoke in support of the application but expressed concern about the windows on the property and whether a higher fence would be considered as the previous owner used to throw trash out the windows. Mr. Haims stated that they would have a dumpster on the property and he does not tolerate parties on the site and the windows would be replaced.

Kunisunde Cigan spoke in support of the application and asked where the dumpster would be located. Mr. Haims addressed his question and stated that the dumpster would be fenced in with a gate.

Mr. Haims stated that he had an open house so neighbors could see the property and tell him their concerns.

Abutter Claude Dorman spoke in support of the application.

Attorney Mark Bobrowski, representing the West Side Corporation, who owns the nursing home abutting the property, stated that the parcel is too small for what is being proposed and the relief requested does not meet the criteria.

Shaun Kelly, a traffic engineer for Vanasse Associates, presented a parking demand analysis done by his firm. Mr. Kelly stated that this project does not have enough parking and does not meet the city guidelines.

Mr. Kelly stated that parking was prohibited on William Street. There was disagreement between the parties whether this is the case. Mr. Rolle stated that he would have to review the Parking Schedule to confirm.

Mr. Haims stated that his parking needs for the site will not exceed what he is providing and the problem seems to be that the nursing home doesn't have enough parking for their site.

The Board and the applicant discussed the parking situation in the area.

Mr. Wanat stated that based on staff's input and based on the proposed use, he is of the opinion that the parking proposed by the applicant is sufficient.

Mr. Rolle stated that the zoning ordinance allows offsite parking arrangements in close proximity under certain circumstances, which could be investigated by the applicant.

Frank Romano, principal of the nursing home, stated that they have operated the nursing home for 40 years and he needs the parking for his staff and residents. He doesn't feel that this development should be approved as it would impact the nursing home and it wouldn't be fair to them.

Mr. Freilich stated that he wants to protect the nursing home but Mr. Haims has a proven track record of enforcing the rules for his property and Mr. Haims is willing to make a concession so it will not impede the nursing home business.

Mr. Haims stated that he did reach out to the nursing home and there was a discussion about buying some of Mr. Haims property for parking but this fell through. Mr. Haims stated that it doesn't seem fair that a face to face meeting prior to the meeting didn't take place to see if they could work things out. Mr. Romano stated that there was some email communication but they didn't know what the final development was until tonight.

Mr. Freilich stated that an application for this address came before the Board a few years ago by the previous owner that was approved but the decision was never recorded. Now this new applicant, Mr. Haims, has come forward and now there is opposition from the nursing home that wasn't there a few years ago. Mr. Freilich questioned why this is the case. Mr. Romano stated that the parking in the area has become worse over the years and that why he is coming forward now.

Ken Cameron, a representative from Becker College, stated that they are excited about the proposal. He stated that he parks every day on the street and he has no problem finding a space. He also stated that Becker College would be willing to work with the Mr. Haims and the nursing home.

Mr. Haims stated that he would like to continue the application so he could work with the nursing home so they could come up with an amicable solution.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to continue the Special Permit and Variance applications to the January 22, 2018 Zoning Board of Appeals meeting.

### ***List of Exhibits***

Exhibit A: Special Permit & Variance Application; received December 5, 2017 and revised on January 4, 2018; prepared by Russell Haims of Hampton Properties, LLC.

Exhibit B: Site Plan; dated November 13, 2017; prepared by HS&T Group, Inc.

Exhibit C: Existing & Proposed Floorplans; undated; prepared by J. Gould.

Exhibit D: Fire Department comments; dated December 8, 2017.

Exhibit E: Historical Commission – Historic Building Demolition Waiver Determination; approved February 16, 2017.

Exhibit F: MACRIS Listing for 37 Fruit Street.

Exhibit G: Letter of Support from Pamela Davis & Richard Bickford; received January 8, 2018.

Exhibit H: Memorandum regarding Parking Demand Assessment; dated January 8, 2018; prepared by Shaun Kelly of Vanasse Associates.

## **12. 26 Hancock Street (ZB-2018-005)**

**Variance:** For relief from the minimum lot area dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Tom Ayers

**Present Use:** Presently on the premises at is a vacant lot.

**Zone Designation:** RG-5 (Residence, General) zoning district

**Petition Purpose:** The applicant seeks to construct a single-family detached dwelling, along with associated site work.

David Sadowski, Michael Ranniko and the applicant, Tom Ayers, appeared upon behalf of the application. Mr. Sadowski stated that Mr. Ayers seeks to construct a single family house and reviewed the proposal for the site and Mr. Sadowski stated that with regard to staff's comment relative to the chain link fence that the fence is pre-existing and divides the property currently there.

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



Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the waiver requesting to not show abutters to abutters on the plan.

Upon a motion by Mr. Freilich and seconded by the Board voted 4-0 to approve the Variance for 192 SF of the lot area dimensional requirement and to accept the Findings of Facts submitted by the applicant and modified by staff.

***List of Exhibits***

- Exhibit A: Variance Application; received December 6, 2017; prepared by Tom Ayers
- Exhibit B: Variance Plan; dated December 4, 2017; prepared by Sadowski Engineering.
- Exhibit C: Variance – Findings of Fact and Decision; signed February 12, 2007
- Exhibit D: Building permit; date issued June 22, 2017.
- Exhibit E: Rendering; undated; preparer unknown.

**Other Business**

**12. Communications**

**13. Signing of Decisions from prior meetings**

**Adjournment**

Upon a motion the Board voted 4-0 to adjourn the meeting at 7:32 p.m.