

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

August 6, 2018

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS

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

Zoning Board Members Absent: Andrew Freilich

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

Approval of the Minutes

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad the Board voted 4-0 to approve the minutes of July 16, 2018.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 4 Barnes Avenue (ZB-2018-053)

Special Permit: To allow a personal service shop in a RL-7 Zone (Article IV, Section 2, Table 4.1, Business Use #27)

Variance: For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)

Petitioner: John J. and Jeri J. Steele

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

Zone Designation: BG-3.0 (Business, General) and RL-7 (Residence, Limited) zoning districts

Petition Purpose: The applicant seeks to convert the first floor into an acupuncture practice with the second floor remaining as a residential dwelling unit.

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Special Permit and Variance application to the August 27, 2018 Zoning Board of Appeals meeting.

2. 649 Plantation Street (ZB-2018-052)

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| Variance - EOT: | For relief from the side-yard setback dimensional requirement in a RG-5 Zone (Article IV, Section 4, Table 4.2) |
| Petitioner: | FML Wealth, LLC |
| Present Use: | Presently on the property is an existing non-conforming single-family detached structure, along with associated site improvements |
| Zone Designation: | RG-5 (Residence, General) zoning district & Water Resources Protection Overlay District (WR(GP-2)) |
| Petition Purpose: | The applicant seeks a six-month extension of time from this previously approved Variance to construct a 3-story, five-unit addition to the existing structure, and to convert the structure to a multi-family low rise dwelling, for a total of 6 dwelling units, and to conduct related site improvements. |

Attorney Marshall Gould appeared upon behalf of the applicant, FML Wealth, LLC. Attorney Gould stated that the applicant seeks to extend the June 5, 2017 approval for a period of six-months to December 5, 2018 in order to construct a 3-story, five-unit addition to the existing structure, and to convert the structure to a multi-family low rise dwelling, for a total of 6 dwelling units.

Attorney Gould provided the Board with some photos showing the street view of the site.

Mr. Antonellis asked if a six month was going to be enough time to complete the project. Attorney Gould stated that he believed the work required could be done within the six month time period.

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

Upon a motion by Mr. Karlstad and seconded by Mr. Wanat the Board voted 4-0 to approve the requested a waiver of the following application requirements to label all abutters and abutters thereto within 300 ft. on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 4-0 to approve the EOT – Variance with conditions outlined in staff’s memo.

List of Exhibits:

- Exhibit A: Variance Extension of Time Application; prepared by Jordan Frazier; received June 26, 2018.
- Exhibit B: Definitive Site Plan; dated January 3, 2017; prepared by Bertin Engineering.
- Exhibit C: Multi-Family Dwelling Addition Plans; dated May 1, 2017; prepared by Bertin Engineering
- Exhibit D: Variance Decision and Findings of Fact – 2017. Included in application materials.
- Exhibit E: Site Photos; provided by Attorney Marshall Gould.

3. 7 (aka Lot 7A & 7B) Glade Street (ZB-2018-054)

Lot 7A Glade Street:

Variance: For relief from the minimum frontage dimensional requirement in an RG-5 zone (Article IV, Section 4, Table 4.2)

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

Lot 7B Glade Street:

Variance: For relief from the minimum frontage dimensional requirement in an RG-5 zone (Article IV, Section 4, Table 4.2)

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

Petitioner: KLA Holdings, LLC

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

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

Petition Purpose: The applicant seeks to construct a single-family semi-detached dwelling (i.e. a duplex) and to conduct associated site work.

Attorney Donald O’Neil appeared upon behalf of the applicant, KLA Holdings. Attorney O’Neil stated that the applicant seeks to construct a single-family semi-detached dwelling and reviewed the scope of the project.

Mr. Michajlow asked if there was a rendering for the project. Attorney O’Neil provided one to the Board.

Mr. Rolle reviewed with the Board the relief being requested by the applicant and stated that the duplex being requested is not the typical proposal for this neighborhood but this by right type development type.

Abutter Jim Bolivar stated that the lot is barely large enough for a single family home.

Abutter Aaron Baum asked how the land would be graded and also expressed concern that parking was being taken away from the street. Attorney O’Neil stated that there is a little bit of a slope but with regard to the drainage you cannot drain toward your abutters but if there was a grade issue they would look into a retaining wall.

Abutter Jean Seller stated that this will cause an undue hardship on the neighborhood as six parking spaces will be taken away and drainage issues will occur with this proposal.

Attorney O’Neil stated that they are meeting all of the off-street parking requirements for this proposal.

Mr. Haddon asked what the plan for the trees on the lot. Attorney O’Neil stated that if trees could be preserved or maintained that they would do that. Mr. Haddon stated that based on the rendering provided, the trees would need to be removed.

The Board and staff stated that there are trees near the retaining wall and they believe the trees would need to be kept in order to maintain the retaining wall.

Attorney O’Neil stated they do not intend to move any mature trees near the retaining wall.

Mr. Rolle asked if the applicant wanted time to review the options regarding the viability of keeping the trees near the retaining wall.

Attorney O’Neil stated that they would like to continue the item to further explore the issue regarding the trees, the retaining wall and maybe some screening.

Mr. Wanat asked also if the applicant would look at decreasing the width of the driveways.

Upon a motion by Mr. Haddon and seconded by Mr. Wanat the Board voted 4-0 to continue the Variance applications to the August 27, 2018 Zoning Board of Appeals meeting.

List of Exhibits:

Exhibit A: Variance Application; received June 27, 2018; prepared by Attorney Donald O'Neil.

Exhibit B: Proposed Variance Plan; dated June 25, 2018 and revised on July 2, 2018; prepared by Robert O'Neil.

Exhibit C: Building Rendering.

Other Business

4. Communications

5. Signing of Decisions from prior meetings

Adjournment

Upon a motion the Board voted 4-0 to adjourn the meeting at 6:47 p.m.