

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

**October 15, 2018**

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

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

**Absent:** Andrew Freilich

**Staff Present:**  
Stephen Rolle, Division of Planning & Regulatory Services  
Domenica Tatasciore, Division of Planning & Regulatory Services  
Michael Antonellis, Division of Planning & Regulatory Services  
John Kelly, Department of Inspectional Services

Chairman Michajlow announced that the Domenica Tatasciore will be leaving for a new career opportunity and the Board wished her well.

**Approval of the Minutes** – October 1, 2018

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the minutes of October 15, 2018.

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

**1. 65 Elliot Street (ZB-2018-072)**

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

**Special Permit:** To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

**Petitioner:** Reissardele Chaveiro

**Present Use:** Presently on the property is a three-family dwelling, along with associated site improvements.

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

**Petition Purpose:** The applicant seeks to convert a portion of the existing structure into a fourth dwelling unit and to conduct related site improvements.

Public Hearing Deadline: 11/15/18

Constructive Grant Deadline – Variance: 12/20/18

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Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to postpone the Variance and Special Permit applications to the November 5, 2018 Zoning Board of Appeals meeting.

## 2. 33 John Street (ZB-2018-074)

**Administrative Appeal:** Of the use determination and cease and desist order issued by the Commissioner of the Department of Inspectional Services for operating a lodging house in an RG-5 zone without the requisite permits

Petitioner: Shaun Wallace

Present Use: Presently on the premises is a residential dwelling and associated surface parking.

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

Petition Purpose: The petitioner is appealing the determination issued by the Commissioner of the Department of Inspectional Services that a change in use to a lodging house occurred without the requisite permits, ordering a cease and desist thereof.

Public Hearing Deadline: 11/16/18

Constructive Grant Deadline: 12/21/18

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Mr. Rolle explained to the Board that the Administrative Appeal had been withdrawn by the Building Department so this application will not go forward before the Board and staff will refund the applicant's filing fee.

## 3. 71 Dana Avenue (ZB-2018-069)

**Variance:** For relief from the minimum rear-yard setback requirements in a RG-5 zoning district (Article IV, Section 4, Table 4.2)

Petitioner: Danielle Gallivan

Present Use: Presently on the property is an existing single-family attached dwelling, along with associated site improvements.

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

Petition Purpose: The applicant seeks approval for the construction of a deck.

Public Hearing Deadline: 10/24/18

Constructive Grant Deadline – Variance: 11/28/18

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Danielle Gallivan appeared upon behalf of the application. She stated that she was looking for retroactive relief for the construction of a deck. She stated that she thought her contractor had pulled the necessary permit to build the deck.

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

Upon a motion by Mr. Karlstad and seconded by Mr. Haddon the Board voted 5-0 to approve the following waivers:

- From providing a to-scale engineered plan of land;
- Labelling abutters and abutters thereto within 300 feet on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the Variance with conditions outlined in staff's memo.

***List of Exhibits:***

- Exhibit A: Variance Application; received August 20, 2018; prepared by the applicant.  
Exhibit B: Surveyed As-Built Foundation Plan; dated April 23, 2007; prepared by Robert O'Neil, PLS.  
Exhibit C: Hand Drawn Plan of Deck & Stairs; undated; provided by applicant.

**4. 210 Southwest Cutoff (ZB-2018-068)**

- Variance:** For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)  
**Petitioner:** St. James Realty, LLC  
**Present Use:** Presently on the property is a partially paved lot with an existing structure, along with associated site improvements.  
**Zone Designation:** MG-2.0 (Manufacturing, General) zoning district  
**Petition Purpose:** The applicant seeks to construct a 177,000 SF self-storage facility, with related surface parking areas, and conduct associated site work.  
**Public Hearing Deadline:** 10/18/18  
**Constructive Grant Deadline – Variance:** 11/22/18
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Attorney Donald O'Neil appeared upon behalf of the applicant, St. James Realty, LLC along with a representative of the Realty Company and Bob O'Neil.

Attorney O'Neil stated that the applicant seeks to construct a total of 177,000 SF in two buildings for a self-storage facility and reviewed the scope of the project.

The Board discussed with Attorney O'Neil the parking and amount of asphalt on site and asked that the greenspace on site be maximized.

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

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver of the application requirement to label abutters and abutters thereto within 300 ft. on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the Variance with conditions outlined in staff's memo as well as additional conditions:

Item #8 – That the Fire Department would be required to have access to the gated portion of the lot and;  
Item #9 – That the Variance is tied directly to the self storage use and no other use will be allowed.

***List of Exhibits:***

- Exhibit A: Variance Application; received August 14, 2018; prepared by applicant.
- Exhibit B: Site Plan; dated August 13, 2018; revised October 4, 2018; prepared by Robert O’Neil & Joseph Graham.
- Exhibit C: Rendering with elevations & floorplans; received October 11, 2018; prepared by Acropolis Design Consultants.

**New Business**

**5. 25 & 25A Boston Avenue (ZB-2018-070)**

*25 (aka Lot 1) Boston Avenue (Existing)*

- Variance:** For relief from the minimum frontage dimensional requirement in an RL-7 zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)

*25A (aka Lot 2) Boston Avenue (Proposed):*

- Variance:** For relief from the minimum frontage dimensional requirement in an RL-7 zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** David Cole DiRoberto
- Present Use:** Presently on the premises at 25 Boston Avenue (aka Lot 1) is an existing two-family dwelling and on 25A Boston Avenue (aka Lot 2) is a vacant lot.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct a single-family detached dwelling at 25A Boston Avenue (aka Lot 2) and to conduct associated site work.

**Public Hearing Deadline:** 10/26/18

**Constructive Grant Deadline – Variance:** 11/30/18

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Kevin Quinn from Quinn Engineering appeared upon behalf of the applicant, David Cole DiRoberto.

Mr. Quinn stated that the applicant seeks to construct a single-family detached dwelling at 25A Boston Avenue.

Mr. Antonellis asked if the stockade fence along the Boston Avenue property line obstructs the access and functionality of the parking spaces on Lot 1. Mr. Quinn stated that the fence will be removed.

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

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver of the application requirement to label abutters and abutters thereto within 300 ft. on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the Variances with conditions outlined in staff's memo.

***List of Exhibits:***

Exhibit A: Variance Application; received August 22, 2018; prepared by the applicant.

Exhibit B: Variance Plan of Land; prepared by Quinn Engineering.; dated August 13, 2018.

Exhibit C: Rendering of proposed structure; undated; preparer unknown.

Exhibit D: Letter of support from Joseph Mitchell; received October 4, 2018.

**6. 26 (aka 32) Cambridge Street (ZB-2018-071)**

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

**Petitioner:** Ellen Coffie

**Present Use:** Presently on the premises is an existing commercial warehouse with associated site improvements.

**Zone Designation:** ML-2.0 (Manufacturing, Limited) & MG-2.0 (Manufacturing, General) zoning districts

**Petition Purpose:** The applicant seeks to convert a portion of the structure into a grocery store.

**Public Hearing Deadline:** 11/15/18

**Constructive Grant Deadline – Variance:** 12/20/18

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Attorney Donald O'Neil appeared upon behalf of the applicant, Michelle Campbell, and requested that the item be postponed.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to postpone the Special Permit application to the November 5, 2018 Zoning Board of Appeals meeting.

**7. 250 Webster Street (ZB-2018-073)**

**Special Permit:** To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

**Petitioner:** Michelle Campbell

**Present Use:** Presently on the property is a mixed-use structure with two residential dwelling units and surface parking.

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

**Petition Purpose:** The applicant seeks to convert a portion of the existing structure into a third dwelling unit and to conduct related site improvements.

David Sadowski appeared upon behalf of the applicant, Michelle Campbell.

Mr. Sadowski stated that the applicant seeks to convert a portion of the existing structure into a third dwelling unit.

Ms. Tatasciore had the following questions regarding the application,

1. If the exterior of the structure will remain unchanged. Mr. Sadowski stated that the exterior will remain the same.
2. How does the applicant intend to sign and designate the 6 required residential parking spaces and the 2 personal service spaces? Mr. Sadowski stated that striping of the lot could be done and signage could be designated for each use.
3. How snow storage would be handled onsite. Mr. Sadowski reviewed how the snow has been handled on the site currently.

The Board and Mr. Sadowski reviewed the parking layout and the fence on site and how it could be better designed.

Mr. Sadowski stated that staff had recommended some trees be planted to the northwest but the area is paved right now so they would have to jack hammer to put the trees in.

Mr. Kelly stated that the area is pre-existing.

The Board stated that they would be willing to strike that condition.

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

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver from the application requirement to label abutters and abutters thereto within 300 ft. on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the Special Permit with conditions outlined in staff's memo striking 1.c.

***List of Exhibits:***

Exhibit A: Special Permit Application; received September 11, 2018; prepared by Michelle Campbell.

Exhibit B: Plan of Land; dated September 5, 2018; prepared by Sadowski Engineering.

**8. 2 Andrews Avenue (aka 455A Lincoln Street) (ZB-2018-075)**

**Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming use to a use of a similar nature (Article XVI, Section 4)

**Petitioner:** Hancock Abington, LLC

Present Use: Presently on the premises is a commercial structure with associated site improvements.

Zone Designation: BL-1.0 (Business, Limited) & RS-7 (Residence, Single Family) zoning districts and Water Resource Protection Overlay District (WR(GP-3))

Petition Purpose: The applicant seeks to add additional uses including the parking of fleet/employee vehicles and storage of equipment and materials related to utility work, and to conduct related site work.

Public Hearing Deadline: 11/17/18

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Attorney Donald O'Neil appeared upon the applicant, Hancock Abington, LLC, along with Mike Sweeney who will be running the office operation for the site.

Mr. O'Neil stated that the applicant seeks to add additional uses including the parking of fleet/employee vehicles and storage of equipment and materials related to utility work and presented and reviewed revised plans that he presented to the Board.

Mr. Karlstad stated that seems like this proposal will increase traffic in the area which is a nightmare in the morning to get around. Mr. O'Neil stated that this is only 2-3 three crew trucks that will leave in a.m. and come back at night which would be less intense use then a repair garage and would be far less traffic.

Mr. Karlstad stated that he would like to keep traffic off of Marsh Avenue. Mr. Sweeney stated that they will not being use Marsh Avenue.

Mr. Haddon asked if any back hoes would on site. Mr. Sweeney stated that yes there maybe one on site.

James Crookshank (sp) expressed concern about the hours of operation, security and landscaping on the site.

Mr. Michajlow stated that Board votes on conditions that would address some of his concerns.

Mr. O'Neil stated that they could provide additional trees for screening to the neighboring properties and reviewed what fencing that could be provided on site. Mr. O'Neil stated that relative to security the applicant will have security cameras on the site.

Mike Bastardo expressed concern about how many parking spaces would be for equipment and if there were any plans to pave the lot. Mr. Sweeney stated that they hope to never have more than four trucks there and maybe one back hoe and as of right now they may pave the right front lot but not sure about the back.

Mr. Rolle asked if the applicant has investigated whether a Conservation Commission filing was necessary for this project. Mr. O'Neil stated they have not looked into that yet.

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

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the requested waiver from the requirement to label all abutters and abutters thereto within 300 ft. on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the Special Permit with conditions outlined in staff's memo as well as additional conditions which are as follows:

- Recommendation 1A be changed to say 10 feet on center
- Recommendation 4 be removed and that the existing fence would remain
- Item #10 would be added – Hours of Operation – 7:30 p.m. – 4:00 p.m. – Monday thru Friday with Saturday as needed.
- Item #11 would be added – That the storage of the stockpiling of materials be limited to the storage bins showed on the plans.

***List of Exhibits:***

- Exhibit A: Special Permit Application; received September 13, 2018; prepared by Attorney Donald O'Neil.
- Exhibit B: Plan of Land; prepared by Bouley Brothers Inc.; dated August 29, 1987 and revised on June 29, 1989.
- Exhibit C: Existing Conditions Plan; prepared by Kelly Engineering Group, Inc.; dated October 2, 2018.
- Exhibit D: Abutter Letter from James Cruickshank; dated October 4, 2018.

**Other Business**

**9. Communications**

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

**Adjournment**

Upon a motion the Commission voted 5-0 to adjourn the meeting at 7:36 p.m.