



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

**February 28, 2022**

Worcester City Hall – Levi Lincoln Chamber,  
with remote participation options available via Webex online at  
<https://cow.webex.com/meet/planningboardwebex> and  
call-in number 415-655-0001 (Access Code: 1601714991).

Zoning Board Members  
Participating In-Person:                      Russell Karlstad, Vice Chair  
George Cortes

Zoning Board Members  
Participating Remotely                      Joseph Wanat, Chair  
Jordan Berg Powers  
Eric Torkornoo  
Nathan Sabo, Alternate Member

Staff Participating In-Person:              Stephen Rolle, Division of Planning & Regulatory Services  
Stephen Cary, Division of Planning & Regulatory Services

**Call to Order** – 5:30 PM

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

**Item 1: 43 Lancaster Street (SP)**

Request to Postpone the Public Hearing to March 21, 2022  
Extend the Constructive Grant Deadline to April 12, 2022

**On a motion by Mr. Karlstad, seconded by Mr. Powers, the Board voted 5-0 to postpone.**

**Item 2: 9 Dalton Street (SP)**

Request to Postpone the Public Hearing to March 21, 2022  
Extend the Constructive Grant Deadline to April 12, 2022

**On a motion by Mr. Karlstad, seconded by Mr. Powers, the Board voted 5-0 to postpone.**

**New Business – Public Hearing**

- 1)                      75 Quinsigamond Avenue (MBL 05-023-00093) (ZB-2021-061)**
- Special Permit:** To allow an automobile refueling station in a BG-3.9 Zone (Article IV, Section 2, Table 4.1, Business Use #17)
- Special Permit:** To allow an food service use with drive-thru in a BG-3/.0 Zone (Article IV, Section 2, Table 4.1, Business Use #6)

Petitioner: Neon Marketplace Operating I, LLC  
Present Use: Vacant Lot  
Zone Designation: RG-5 (Resident, General) zoning district  
Petition Purpose: The applicant seeks to construct a +/- 5,785 SF convenience store with a food-service drive-thru component, a +/- 5,000 SF fueling canopy for a proposed gas station, and related surface parking and to conduct associated site work.  
Hearing Deadline: 2/28/2022 Constructive Grant Deadline: TBD

Mark Donahue, attorney on behalf of applicant; described company; described proposed development; discussed trends in use of electric vehicles; states that applicant is addressing motoring publics need for the future; described vehicle charging stations offered; introduced promotional video to be played.

Promotional video played which displayed set-up of the inside of the convenience store.

Mr. Donahue described Tesla's proprietary charging stations and their aims for the future of electric vehicles.

Tesla Northeast Design Manager, Edward Noseworthy called in to describe why 75 Quinsigamond is an ideal location and that Neon Marketplace would provide a good customer experience. He added they have another site with fast charging the Auburn Mall, which sees a few thousand fast charges a month. The proposed site at 75 Quinsigamond will relieve some of the congestion so consumers are no longer have to wait to charge their vehicle.

Attorney Donahue described why this location was better than past gas station applications that the Board denied and described the positive impact this development would have on the surrounding area. It would satisfy demand for electrical vehicles, and Mr. Donahue summarized how it meets the requirements of the special permit.

Randy Miron with Bohler Engineering described the permitting process that the development will go through, along with the site layout and entry/egress. Mr. Miron stated that applicant was amenable to eliminating a driveway onto Harding Street, he described drive-thru and loading spaces, stated the applicant was amenable to adding barrier separation between drive-through and loading area. Mr. Miron described the planned storm water management and stated that there would be decrease in impervious area which would decrease runoff rates and meet MA SW standards. He also described new plantings on site and addressed City comments on Quinsigamond Ave curb cuts and the elevation of the transformer.

Mr. Rolle summarized the relief being applied for and where gas stations are allowed in the city by special permit. He described amendments to staff-recommended conditions of approval, and staff comments on Quinsigamond Ave curb cuts and the need to slow down vehicular speed. He discussed possibilities for barrier between loading area and drive-through lane.

Chair Wanat stated that he was pleased to see addition of trees to the site, and agreed with staff comments with regard to making curb cuts, and asked Mr. Rolle to clarify with regard to Arwick Avenue plans. Mr. Rolle clarified that the City is open to making it one-way street, and Mr. Wanat stated that he thinks two-way makes sense.

Mr. Berg Powers stated that he was opposed to development but appreciated effort made by applicant, he asked City rhetorically whether they wanted to cater to gas station or be a City. He stated that Worcester does not need another gas station, comparing Worcester's number of gas stations (52) to Boston's (12). Mr. Berg

Powers cited past actions taken by the Zoning Board in relation to limiting development and housing; stated that the City can do better for the site.

Mr. Torkornoo asked the applicant how many superchargers they were planning to implement. He also asked whether Worcester had any superchargers at this point. Mr. Noseworthy, the representative of Tesla stated that they did not currently have any supercharges in Worcester, but have plans to grow their network. Mr. Torkornoo asked whether more would come. Attorney Donahue stated that the goal is to eventually convert this project to even more electric vehicle chargers.

Mr. Karlstad asked whether Tesla chargers charged other brands of Electric Vehicles. The Tesla representative Mr. Noseworthy stated that they were currently proprietary for Tesla. Mr. Karlstad followed up, asking whether Tesla had plans to allow charging for other brands. Attorney Donahue discussed the ever-developing Electric Vehicle charging market, and Mr. Noseworthy stated that they would welcome third-party charging but does not have a timeline on when and how it will happen. Mr. Karlstad stated that he would be swayed by the addition of third party chargers to the proposed site. Mr. Noseworthy noted that the investment for the chargers would have to come from another Electric Vehicle company, and Mr. Donahue notes this is something they can reassess later on if another Electric Vehicle company show interest in installing a charger at this site.

Mr. Sabo stated that this was a former brownfield site and asked staff about the history of the site. Mr. Rolle stated that the brownfield has been remediated and capped. Mr. Sabo stated that this proposal would essentially create another brownfield, after the city had spent \$400,000 to remediate it previously. Mr. Sabo discussed the neighborhood context and stated the proposal would be a negative impact on the surrounding housing; emphasized environmental hazard posed by the gas station and spillage, particularly within the floodplain.

Mr. Donahue committed to installing one third party charging station, and possibly a second later on.

Mr. Cortes asked about the food service, if the store would offer sit-down or take-out food; Attorney Donahue clarified there is indoor and outdoor seating. GC asked about signage, Attorney Donahue clarified that signage was not included in the site plan and Mr. Roller stated the signage would be subject to ordinance and reviewed by the PB. Mr. Cortes stated that he was pleased with the proposal and that he thought it was a good project. He stated that gas stations are not appropriate in some areas but thought it was appropriate here.

Mr. Torkornoo asked the applicant to clarify whether this would be the first supercharger in the City, Attorney Donahue clarified that it would be.

Mr. Berg Powers reminded Board that Worcester (52) has significantly more gas stations than Boston (12), Framingham (est. 13), and Springfield (17) already.

### Public Comment

Oliver Chadwick, Worcester resident asked to comment. Mr. Chadwick stated his opposition to the project. He agreed Mr. Karlstad that he would like to see more third party chargers and was skeptical that Tesla would open up their network. He stated that he was concerned about impact of project on an environmental justice block, and the abutting multi-family housing tenants. He noted the irony of having a Tesla supercharger in their backyard while Tesla vehicles are more expensive than the average family in that area can afford and stated his doubt about Tesla's environmental concerns.

Ralph Crowley, 11 Massachusetts Avenue, Worcester MA, President and CEO of Polar Beverages asked to comment. Mr. Crowley described the impact of this proposed development as a gateway to Polar Park; stated that as an investor he would like to see this development move forward.

Tom Francis, Worcester Resident asked to comment. Mr. Francis echoed Mr. Chadwick's comments that this project was an environmental justice issue; stated that he is in favor of installing Tesla charging stations but chargers should be located closer to their owners

Mr. Cortes stated that he is versed in Environmental Justice issues and described his interpretation of Environmental Justice and gave an overview. Mr. Cortes asked Mr. Francis what the composition of this neighborhood is and why this is an Environmental Justice issue, and what harm it would cause?

Mr. Francis responded by posing the question that if a gas station like this was proposed in a wealthier area, do you think that residents would come to oppose, highlighting that the residents of Green Island have less political capital.

Kevin Ksen, Worcester resident, Carpenter's Union; described that there is regular flooding in the area, and fears the consequences of a gas station build in the 100-year floodplain. He stated that as a resident in the neighborhood he does not care whether this would be a good financial decision for Polar Park, we should be planning for the residents of this neighborhood/our city. He mentions that \$400,000 tax dollars that were invested via WBDC and does not want that to be spent on another gas station, stated that community deserves to have a voice as tax dollars were spent on it.

Mr. Berg Powers noted that this is a diverse neighborhood that is one of the poorest parts of the city and would qualify as a designated Environmental Justice area and the reason for his opposition is based on the mission of the ZBA.

Mr. Rolle stated he believed Mr. Berg Powers was significantly underestimating the amount of gas stations located in other communities, and in his own research, Worcester was comparable to Auburn and Framingham per capita.

Attorney Donahue summarized the decision before the Board and made a closing statement.

Chair Wanat asked applicant to request waivers; Attorney Donahue requested the the waivers to the requirement of labeling distances from adjacent buildings and labeling percentage of the lot covered by the principal and accessory buildings as reflected.

**On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 4-1 to close the Public Hearing (Mr. Berg Powers voting against)**

**On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 4-1 (Mr. Berg Powers voting against) to approve 75 Quinsigamond Avenue with staff conditions, modifying 1A to removal of the easterly driveway connection to be determined at Planning Board Meeting on site review. 1D; Label elevations of all EV charges and transformers and make sure they're in compliance with Massachusetts's building code as it pertains to the 100 year flood zone. 1 – 5; Add a barrier in the loading area to prevent customer parking. Add third party charging stations as decided on during the meeting.**

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## **Other Business**

#### **4. Communications**

a. Order on Plaintiffs Motion for Summary Judgement related to Johnson et. Al. v Zoning Board of Appeals of the City of Worcester and Michael Madulka (ZB-2013-003)

No Discussion

#### **5. Discussion of Board Policies and Procedures**

No Discussion

#### **6. Election of Officers**

Mr. Rolle thanked Chair Wanat for his service to the City, followed by Mr. Berg Powers thanked Chair Wanat for his service and the skill and thoughtfulness he has brought to the Board. Mr. Cortes echoed Mr. Berg Powers' sentiment and thanked Chair Wanat for this service. Mr. Wanat stated that serving the Zoning Board of Appeals has been an enriching experience, he thanked the staff and his fellow Board members.

**Mr. Cortes nominated Mr. Karlstad to the Chair, seconded by Mr. Wanat, passing 5-0 to elect Mr. Karlstad as the next chair of the Zoning Board of Appeals**

**On a motion by Mr. Karlstad, seconded by Mr. Wanat, passing 5-0 to elect Mr. Berg Powers as Vice Chair of the Zoning Board of Appeals.**

#### **7. Approval of the 2023 Meeting Schedule**

**On a motion by Mr. Wanat, seconded by Mr. Berg Powers, 5-0 to approve the 2023 Meeting Schedule**

#### **8. Approval of Minutes – 1/10/2022; 1/31/2022; 2/7/2022**

**On a motion by Mr. Wanat, seconded by Mr. Berg Powers 5-0 to approve the minutes from the Zoning Board of Appeals Meetings; 1/10/2022; 1/31/2022; 2/7/2022.**

#### **Adjournment**

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 7:21PM**