



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

**March 21, 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 Present:** Russell Karlstad, Chair  
George Cortes

**Members Participating Remotely:** Jordan Berg Powers, Vice-Chair  
Anthony Dell'Aera  
Eric Torkornoo  
Nathan Sabo, Alternate Member

**Staff Participating:** Stephen Rolle, Division of Planning & Regulatory Services  
Rose Russell, Division of Planning & Regulatory Services

**Staff Participated Remotely:** Michelle Smith, Division of Planning & Regulatory Services  
John Kelly, Inspectional Services  
Jodie Kennedy Valade, Inspectional Services

**Call to Order – 5:31 PM**

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

**10) 9 Dalton Street (ZB-2022-006) - Special Permits**

*Request to Postpone the Public Hearing to April 11, 2022 and extend the Constructive Grant  
Deadline to May 3, 2022.*

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

**New Business – Public Hearing**

- 1) 43 Lancaster Street (MBL 02-043-00094) (ZB-2021-038)**
- Special Permit:** To modify dimensional standards for a Residential Conversion (article IV, Section 9)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A. 2)
- Variance:** For relief from the minimum parking requirements for residential use (Article IV, Section 7, Table 4.4)
- Petitioner:** Gregory Lavelle
- Present Use:** A low-rise residential building with 3 units and associated off-street parking.
- Zone Designation:** RG-5 (Resident, General) zoning district
- Petition Purpose:** To convert a portion of the existing building into one (1) additional dwelling unit (for a total of 4 dwelling units), and to conduct associated site work.
- Hearing Deadline:** 3/21/2022      **Constructive Grant Deadline:** 4/12/2022

Attorney Jonathon Finkelstein representing the applicant Gregory Lavalle, came before the board to request special permits and a variance to add a fourth unit with no physical expansion to 43 Lancaster Street. Instead of 2 parking spaces per unit, they are providing 1.5 spaces. The applicant is complying with staff landscaping requests.

**Board Discussion**

Mr. Torkornoo asked the applicant if he had spoken to an abutter, a dental practice who is worried about the parking situation prior to an added unit. The applicant confirmed he had not spoken to this abutter, and added that there is a municipal lot across the street his tenants could park in, and he has informed them parking in the dental office parking lot is not permitted.

Mr. Karlstad asked the applicant to provide a bollard front of Staircase to prevent plows from running into it. He also requested extra planting between the driveway and the dentist office to prevent cars from going on their grass.

Mr. Cortes asked for clarification on a storage area and where the trash is located. The Applicant responded that a new storage area had recently been constructed, and there is an existing trash storage behind a fence.

*No public comment*

*Inspectional Services had no comment*

**A motion to close Powers, seconded by Mr. Cortes 5-0 hearing to close.**

**On a motion made by Mr. Powers, seconded by Mr. Cortes, the board voted 5-0 to grant the special permits and variances with waivers and added landscaping to prevent residents from driving or parking**

on abutter's property, a second shade tree, and a ball in front of stairs to prevent snow plows from hitting it.

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- 3) 34 Elbridge Street (MBL 02-037-00043) (ZB-2022-010)**
- Special Permit:** To modify dimensional standards for a Residential Conversion (Article IV, Section 9)
- Variance:** For relief from the minimum parking requirements for a residential use (Article IV, Section 7, Table 4.4)
- Petitioner:** The Vahram A. Uluhogian Estate
- Present Use:** A non-conforming two-family detached dwelling and associated site improvements.
- Zone Designation:** RG-5 (Residence, General)
- Petition Purpose:** The applicant seeks to convert the structure into a three-family detached dwelling and conduct associated site work.
- Public Hearing Deadline:** 5/6/2022      **Constructive Grant Deadline:** 5/10/2022

Donald O'Neil spoke on behalf of applicant who was seeking a special permit and variance to convert their structure into a three-family detached dwelling and complete associated site-work.

Board Discussion

Mr. Karlstad asked for physical barrier on the driveway side to prevent cars parking on the grass.  
Mr. Rolle stated that the planning staff would prefer to keep the tree and give a parking variance rather than increase impervious surface, noting the high walkability of this neighborhood and proximity to WPI.

*No Public Comments*

*Inspectional Services had no comment*

***Motion by Mr. Powers, seconded by Mr. Cortes, 5-0 to close the Public Hearing.***

***Motion by Mr. Powers, seconded by Mr. Cortes passed 5-0, to approve the special permit and variance with recommendations with additional parking barrier.***

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- 4) 26-28 Frank Street (MBL 17-010-61+013) (ZB-2022-013)**
- Existing #26 Frank Street (aka Lot 106):
- Variance:** For relief from the minimum lot area dimensions requirement for a two-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum frontage dimensional requirement for a two-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the side-yard setback dimensional requirements for a two-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

**Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7)

Proposed #28 Frank Street (aka Lot 105):

**Variance:** For Relief from the minimum lot area dimensional requirement for a two-family detached dwelling in an RL-7 Zone \*Article IV, section 4, Table 4.3)

**Variance:** For relief from the minimum frontage dimensional requirement for a two-family detached dwelling

**Special Permit:** To modify parking, loading requirements, dimensional requirements, layout and/or the number of required spaces and/or landscaping requirements. (Article IV, Section 7)

Petitioner: Marco Charamella, Agent for 26 Frank Street LLC

Present Use: A two-family detached dwelling

Zoning Designation: RL-7 (Residential, Limited)

Petition Purpose: The applicant seeks to construct a two-family detached dwelling on Lot 105, with the existing structure at #62 Frank Street LLC (Lot 106) to remain, and make related site improvements.

Donald O'Neil spoke on behalf of applicant who was seeking special permits and variances to construct the proposed two-family dwelling at #28 Frank Street (Lot 105). He noted that it was similar to surrounding neighborhood character of smaller lot sizes. He noted the amount of existing green space and the green space between driveways would be maintained.

Board discussion:

Mr. Karlstad inquires about narrowing the driveways to each dwelling to increase the strip of green space, and adding paving to the entrances. Mr. Rolle noted that there is already proposed pavement to the entrance, and they would recommend narrowing the driveways to increase green space by a few feet.

Mr. Karlstad mentioned that he would typically not be in favor of adding a second non-complying dwelling on a lot with an already complying dwelling, but the need for housing and the demonstrated the quality of construction based on the applicant's site plan and prior constructions he feels comfortable approving this plan.

Mr. Dell'Aera asked the Applicant about snow removal and what impact will snow removal have on the sidewalk, and how it will be achieved with such narrow driveways. Mr. O'Neil responded that since it's a two-family dwelling, the issues of snow removal aren't comparable to those of a larger apartment complex, and likely will be placed in the side yard. Mr. Rolle noted snow removal is not a concern for the planning staff.

*No Public Comments*

*Inspectional Services had no comments*

**Motion by Mr. Powers, seconded by Mr. Cortes, 5-0 to close the Public Hearing**

**Motion by Mr. Powers, seconded by Mr. Cortes, the Board approves 5-0 the special permits and variances with recommendations and expanded Landscape Island on lot 105 between the proposed driveways.**

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**5) 16 Roxbury Street (MBL 02-047-00032) (ZP-2022-015)**

**Special Permit:** To allow three-family detached dwelling in an RI-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)

**Variance:** For relief from the minimum lot area dimensional requirements for a three-family detached dwelling in an RI-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum frontage dimensional requirement for a two-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum parking requirements for a residential use detached dwelling in an RI-7 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Roxbury Row LLC

**Present Use:** A non-conforming three-story structure used for education purposes.

**Zoning Designation:** RL-7 (Residential, Limited)

**Petition Purpose:** The applicant seeks to convert the structure into a three-family detached dwelling.

**Public Hearing Deadline:** 5/7/2022      **Constructive Grant Deadline:** 6/11/2022

**6) 30 Roxbury Street (MBL 02-041-00030) (ZB-2022-016)**

**Special Permit:** To allow three-family detached dwelling in an RI-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)

**Petitioner:** Roxbury Row LLC

**Present Use:** A three-story structure used for educational purposes with associated site improvements.

**Zone Designation:** RL-7 (Residential, Limited)

**Petition Purpose:** The applicant seeks to convert the structure into a three-family detached dwelling

**Public Hearing Deadline:** 5/7/2022      **Constructive Grant Deadline:** TBD

**7) 36 Roxbury Street (MB 02-041-00101) ZB (2022-015)**

**Special Permit:** To allow three-family detached dwelling in an RI-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)

**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 lot area dimensional requirements for a three-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum frontage dimensional requirement for a three-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Roxbury Row LLC

**Present Use:** A non-conforming three-story structure used for educational purposes, a detached garage, and a surface parking lot

**Zone Designation:** RL-7 (Residential, Limited)

**Petition Purpose:** The applicant seeks to convert the structure into a three-family detached dwelling.

**Public Hearing Date:** 5/7/2022      **Constructive Grant Deadline:** 6/11/2022

**8) 40 Roxbury Street (MBL 02-041-00100) (ZB-2022-017)**

**Special Permit:** To allow three-family detached dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)

**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 lot area dimensional requirements for a three-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum frontage dimensional requirement for a three-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For Relief from the minimum parking requirements for a residential use (Article IV, Section 7, Table 4.4)

**Petitioner:** Roxbury Row LLC

**Present Use:** A non-conforming three-story structure used for educational purposes and a detached garage

**Zone Designation:** RL-7 (Residential, Limited)

**Petition Purpose:** The applicant seeks to convert the structure into a three-family detached dwelling.

**Public Hearing Date:** 5/7/2022      **Constructive Grant Deadline:** 6/11/2022

Mark Borenstein, an attorney representing the applicant Roxbury row LLC spoke on all four properties on Roxbury Street as a single item with a public hearing, and four separate board votes.

The existing structures were previously owned by Becker College, and Mr. Borenstein is proposing the “next stage of life” for these historic buildings. The applicant plans to return the building to their original usage, proposing three family-dwellings with two 3-bedroom units and one 2-bedroom unit in each building. Mr. Borenstein noted that there are many 3–family homes in the area and many of the Roxbury lots are larger than some other residential lots in the area.

The applicant is not looking to do any exterior changes and maintain the historic façade. Mr. Borenstein stated that in the plan, they have included bike racks and storage at 40 Roxbury Street, and noted the high walkability of this area and accessible public transportation.

### **16 Roxbury Street**

The Applicant is looking to offer two 3-bedroom and one 2-bedroom unit, and maintain the existing green space at 16 Roxbury Street. This lot currently has no driveway, but the Applicant is planning to assign parking on an as-needed basis at other neighboring parking lots/driveways. The applicant accepts the staff conditions of approval.

#### Board Discussion

Mr. Powers asked what is happening with the encroachment on 61 Sever Street. Mr. Borenstein clarifies that those are parking spaces acquired by the city and will have to be settled later with the city.

### **30 Roxbury Street**

The applicant is looking to maintain the historic prior three story residential building at 30 Roxbury Street, and offer two 3-family and one 2-family unit. There is a parking lot to the south of the building with eleven spaces, which is shared with 28 Roxbury Street which is owned by the city. A staff condition of approval is that the applicant grants the City an easement so they can access their portion of the parking lot. This is amenable to the applicant, along with the installation of a buffer to the west portion of the parking lot to add pervious surface to the streetscape.

#### Board Discussion

Mr. Cortes asked for clarification that extra parking at 30 Roxbury can be reassigned to 16 Roxbury to make up for that parking. Mr. Borenstein reaffirms that there are ample parking spaces, along with available resident permitted off-street parking.

### **36 Roxbury Street**

The applicant is looking to maintain the historic prior three story residential building and offer two 3-bedroom and one 2-bedroom unit at 36 Roxbury Street. There is a parking lot to the south of the building with ten accessory parking spaces which will be striped and maintained. The staff recommends a buffer installed to improve the parking lot which is amenable, along with all other conditions to the applicant

#### Board Discussion

Mr. Cortes asked if the garages would be available to any of the tenants, and how would accessible parking spaces be assigned. Mr. Borenstein stated the garage would be used for bike and trash storage. Mr. Borenstein the applicant would be amenable to provide accessible parking and work with residents on an as-needed basis, and stated they will look into the grading of each lot and work with residents.

Mr. Rolle asked modification to a written condition that a shade tree was asked to be planted. Mr. Rolle stated that upon closer look, the area was too shallow, and suggested the applicant add low plantings in that area, and add a tree to the front yard.

### **40 Roxbury Street**

The applicant is looking to maintain the historic prior three story residential building and offer two 3-bedroom and one 2-bedroom unit at 40 Roxbury Street. There is a two parking spaces available in the driveway. The staff recommended the driveway expanded to add two additional parking spaces, and Mr. Borenstein asked for a special permit for only two spaces, instead of four going forward since they intend to add two. The applicant asked to strike the condition of adding pervious pavement for the added two parking spaces in lieu of adding rain garden planting to this area.

#### Board Discussion

Mr. Karlstad added the condition that all four proposed 3-unit buildings may not be subdivided any further. He also asked for more rainwater collection/plantings be added to prevent runoff being generated by expanding the driveway. Mr. Rolle commented that they have reached an appropriate solution with edging the driveway with seeding that have a high water absorption rate.

Mr. Cortes asked how vehicles will turnaround at 40 Roxbury Street due to the narrow driveway. Mr. Rolle replied that vehicles will have to back out, which can act as traffic combing. When vehicles have to back out slowly, this can increase safety because people tend to use more caution.

Mr. Powers commented that the abutters are very unhappy that these historic building were sold cheaply to a developer and not given local residents a chance to purchase them. He continues, noting this area was hot for gentrification and displacement for people who are already struggling to stay in this neighborhood by college students. As a Board member from this district, he strongly disapproves with this proposal, stating it is not in the interest in the local residents.

#### *No Public Comments*

*Inspectional Services had no comments*

On a motion proposed by Mr. Cortes, seconded by Mr. Dell'Aera, the Board voted 5-0 to close the public hearing.

#### 16 Roxbury Street

**Motion to approve by Mr. Cortes, seconded by Mr. Dell'Aero 4-1 (Mr. Powers; no) to approve with staff conditions of approval, and the amendment that this structure will be limited to use at a three-unit density.**

#### 30 Roxbury Street

**Motion to approve by Mr. Cortes, seconded by Mr. Dell'Aera 4-1 (Mr. Power; no) to approve with staff conditions and the amendment that this structure will be limited to use at a three-unit density.**

#### 36 Roxbury Street



**Motion to approve by Mr. Cortes, seconded by Mr. Dell’Aera 4-1 (Mr. Power; no) to approve with staff conditions and modify the condition of the expanded landscape buffer to allow for the shade tree to be planted in the front yard, along with the amendment that this structure will be limited to use at a three-unit density.**

40 Roxbury Street

**Motion to approve by Mr. Cortes, seconded by Mr. Dell’Aera 4-1 (Mr. Power; no) to approve with staff conditions, removing COA 1B and adding that curbing shall be removed along the edge of the driveway and a landscaping buffer installed along the southern side of the driveway shall be planted with rain-garden type planting. The variance request for relief from minimum parking requirements was reduced to two parking spaces, and the approval included amendment that this structure will be limited to use at a three-unit density.**

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**Other Business**

**9) Communications**

Mr. Rolle discussed the upcoming city wide master plan, Worcester Now | Next Citywide Plan. He noted it will take an estimated fifteen months and include surveys and other various forms of public participation.

**10) Approval of Minutes**

**Minutes from Zoning Board of Appeals 1/10/2022 was approved by a motion by Mr. Powers, seconded by Mr. Cortes, d 4-1 ( Dell’Area abstained)**

**11) Discussion of Board Policies**

No comments

**Adjournment**

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 7:33pm.**