



**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
July 11, 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: 160 884 7670).

Zoning Board Members Present: Russell Karlstad, Chair  
George Cortes  
Anthony Dell'Aera – *Participated Remotely (Joined at 6PM)*  
Eric Torkornoo - *Participated Remotely*  
Nathan Sabo – *Participated Remotely*

Zoning Board Members Absent: Shannon Campaniello  
Jordan Berg Powers, Vice Chair

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services  
Rose Russell, Division of Planning & Regulatory Services  
Jody Kennedy Valade, Inspectional Services  
John Kelly, Building Commissioner

**Call to Order –**

Chair Karlstad called the meeting to order at 5:30 PM.

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

**Item 2: 44 Esther Street (ZB-2022-035) Special Permit & Variance**  
Request to Postpone the Public Meeting to August 1, 2022  
Extend the Constructive Grant Deadline to August 23, 2022

**Item 4: 16-18 Taunton Street (ZB-2022-037) Special Permit & Variance**  
Request to Postpone the Public Meeting to August 1, 2022  
Extend the Constructive Grant Deadline to August 23, 2022

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 4-0 to postpone.**

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**Old Business: ITEM HEARD THIRD OUT OF ORDER (Mr. Torkornoo did not participate due to quorum)**

**1. 21 Ascension Street (MBL 19-013-00003) (ZB-2022-022)**  
**Special Permit:** To allow placing, filling, dumping, and/or excavation of earth (Article IV, Section 5)  
**Petitioner:** Fabio and Iraima Passos

Present Use: Presently on the premises is a non-conforming three-family dwelling and related site improvements.

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

Petition Purpose: The applicant seeks to retroactively permit work conducted to place fill and to conduct remedial excavation of most of the placed fill in order to regrade the property and stabilize slopes.

Jose Moreira came before the board with the applicant to describe the work that had been completed at the Board's request. He stated the applicant plans to remove the fill and regrade the property as close to the previous grades as possible. Mr. Moreira stated the applicant had been given permission from the neighboring affected properties to enter the property and perform remedial work.

#### Board Discussion

Mr. Karlstad asked what the grade of the slope will be after the work is completed. Mr. Rolle described the slopes and the preferred stabilization methods for the property; erosion control mats rated for slopes up to 2-1 to be used and grass seed/plantings to be planted after stabilization.

Mr. Karlstad suggested that Inspectional Services could come out and inspect every 3 months, and stated he preferred stabilization mats as an erosion control method.

Mr. Moreira stated that the applicant is not opposed to that, but stated the engineer for the application felt wood chips and bark mulch would be sufficient for stabilization, but ultimately would be amenable to the Board's wishes.

Mr. Karlstad stated he did not support wood chips as stabilization.

Mr. Rolle suggested hydro seeding as an alternative due to the steep slope. Mr. Karlstad stated he would be amenable to hydro seeding.

Mr. Moreira asked if a building permit would be issued, and would be inspected by ISD due to the on-going court case. Mr. Horne stated the court case would remain open until the slope is stabilized.

*No public comment*

*Inspectional services had no comment.*

**On a motion by Mr. Cortes, seconded by Mr. Dell'Aera, 4-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Dell'Aera; 4-0 to approve the Special Permit with the added condition the applicant install either an erosion control mat rated for sloped up to 2-1 or hydro seed to stabilize the slope.**

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#### **New Business: ITEM TAKEN FIRST OUT OF ORDER**

**3. 1 & 3 Naples Road (MBL 23-015-00002) (ZB-2022-031)**

**1 Naples Road**

**Variance:** For relief from the lot area dimensional requirement for a single-family semi-

detached dwelling in an BL-1.0 Zone (Article IV, Section 4, Table 4.2)

3 Naples Road

**Variance:** For relief from the lot area dimensional requirement for a single-family semi-detached dwelling in an BL-1.0 Zone (Article IV, Section 4, Table 4.2)

Petitioner:

Present Use: Presently on the premises is ongoing construction for a two-family detached dwelling.

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

Petition Purpose: The applicant seeks to convert the proposed structure into a single-family semi-detached dwelling (duplex) and divide the existing lot into two, with one half of the proposed structure to be located on either lot (1 unit/lot).

Public Hearing Deadline: 8/27/2022 Constructive Grant Deadline: 10/01/2022

Julieann Lamy described the application before the Board to describe her application. She stated the property was subdivided through an ANR previously and was unaware of the restrictions of the minimum lot area required in a BL-1.0 district. Ms. Lamy stated a building permit has already been acquired for a two-family detached dwelling, and the only reason for the application is to allow for the units to be sold separately with a 0-lot line.

Mr. Rolle gave staff comments on the project and described the relief requested as unique to the large square footage requirement per dwelling unit in a Business district. Mr. Rolle stated in residential zoning districts, the lot area dimensional requirement is related to the number of units, not a universal requirement as is in a BL-1.0 zone.

*No Board discussion.*

*No public comments.*

*Inspectional services had no comments.*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the board voted 4-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the board voted 4-0 to approve the requested relief.**

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**Item 5 and 6 were heard together.**

**5. 4 Lee Street (MBL 11-005-00005) (ZB-2022-041)**

**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 side yard setback dimensional requirements for other permitted uses in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Marie Nestelbaum 2008 Trust

Present Use: Presently on the premises of 4 Lee Street is a privileged pre-existing, non-conforming two-family detached dwelling.

Zone Designation: RS-7 (Residence, Single-Family) zoning district

Petition Purpose: The applicant seeks to adjust the lot lines in order to create a new buildable lot.

**6. 216 Park Avenue (MBL 11-005-00006) (ZB-2022-042)**

**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 side yard setback dimensional requirements for other permitted uses in an RS-7 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Marie Nestelbaum 2008 Trust

**Present Use:** Presently on the premises is a partially-vacant commercial structure and associated parking.

**Zone Designation:** RS-7 (Residence, Single-Family) zoning district

**Public Hearing Deadline:** 7/27/2022                      **Constructive Grant Deadline:** 8/31/2022

Donald J. O’Neil, the attorney representing the applicant, described the application before the Board. Mr. O’Neil gave a brief description of the two parcels, and the surrounding neighborhood; stated Lee Street is a one-way street going toward Park Avenue; and described the City’s concerns about locating a driveway for the proposed Lot B within 50ft of the intersection with Park Ave and the close proximity to a fire hydrant.

Mr. Karlstad asked what the timeline for the project is expected to be; Mr. O’Neil answered. Mr. Karlstad expressed concerns about the loss of green space and vegetation in this area.

Mr. Rolle described the application and the concerns about vehicles backing out in close proximity to the intersection.

Mr. Cortes asked what is proposed on the new lot. Mr. O’Neil stated the proposal is for a single-family house. Mr. Cortes asked how the Board can ensure the new driveway will be safe in relation to the intersection. Mr. Rolle stated after speaking with DPW, he feels comfortable conditioning the approval to prevent the driveway from being located within 50ft of the intersection.

*No public comment.*

Board Discussion

*Inspectional Services had no comments.*

**On a motion by Mr. Cortes, seconded by Mr. Sabo, 5-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Sabo, 5-0 to approve the requested relief for 4 Lee Street and 216 Park Avenue with all conditions of approval.**

**7.                                      858 Main Street (MBL 19-013-00003) (ZB-2022-043)**

**Variance:** For relief from the minimum rear yard setback dimensional requirements for an accessory structure in an BL-1.0 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** George Haddad

**Present Use:** A non-conforming three-family dwelling and related site improvements

**Zone Designation:** BL-1.0 (Business, Limited) zoning district and CCOD-E (Commercial Corridors Overlay District - Elsewhere)

**Petition Purpose:** The applicant seeks retroactive relief to construct an addition off of the rear of an existing garage/storage building.

George Haddad, the petitioner, described his application before the Board. He stated he was unaware of the setback requirement when he built the shed.

Mr. Rolle described the petition briefly. Mr. Karlstad asked if there was an enforcement order. Mr. Haddad stated when he applied for a building permit he found out the shed encroached into the setback.

*No public comment.*

**On a motion by Mr. Cortes, seconded by Mr. Sabo, 5-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Sabo, 5-0 to approve the requested relief.**

**8. 39 Sunrise Avenue (MBL 37-23A-00006) (ZB-2022-044)**

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

Petitioner: Rasim Ahmadov

Present Use: Presently on the premises 39 Sunrise Avenue is a single-family detached dwelling

Zone Designation: RS-7 (Residence, Single-Family)

Petition Purpose: The applicant seeks retroactive relief for construction of a front porch/deck and stair addition.

Public Hearing Deadline: 9/04/2022

Constructive Grant Deadline 10/09/2022

Rasim Ahmadov described his application to the Board. Mr. Ahmadov explained that during bad weather it's difficult to go up the existing stairs. He stated the only addition is the stairs in the front of the house.

Mr. Rolle clarified that while it appears the home was built non-conforming to the Zoning Ordinance, and the variance will cure the non-conformity.

*No board comment*

*No public comment*

**On a motion by Mr. Cortes, seconded by Mr. Sabo, 5-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Sabo, 5-0 to approve the requested relief.**

**9. 781 & 783 Grove Street & 94 Parkton Avenue (MBL 33-043-00003 & 33-030-00111) (ZB-2022-047)**

*Amendment to*

**Variance:** For relief from the maximum height dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

*Amendment to*

**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)

Petitioner: Goddard/Homestead Inc.

Present Use: Presently on the premises of 781 Grove Street is a vacant three-story +/-100,000 SF former school building and at 783 Grove Street is a two-story residential building.

Zone Designation: RS-7 (Residence, Single-Family)

Petition Purpose: The applicant seeks to demolish the existing school building at 781 Grove Street, with the existing structure at 783 Grove Street to remain, in order to construct a 154,387 SF, 3-story Continuing Care Retirement Community (CCRC) building (with a total of +/- 168 dwelling units and +/- 152 parking spaces), an associated driveway network and to conduct associated site work.

Public Hearing Deadline: 8/25/2022                      Constructive Grant Deadline 9/29/2022

Mark Borenstein along with other members of the project team described before the Board. Mr. Borenstein briefly described the previous approvals the project was given. He described the changes to the plan in the time that has passed since the project was given relief.

Mr. Borenstein asked that due to the nature of the abbreviated board, he requested the members conduct a straw poll to give the applicant an opportunity to revise the application prior to denying the project relief.

Kevin Dandrade described the amended plan and described the site layout for the Board; the traffic and daily number of expected trips; parking and circulation throughout the site; open space regulations for CCRCs; and showed some photos of the proposed architecture.

Mr. Cortes asked how the parking spaces would be marked. Mr. Dandrade answered.

Mr. Dell'Aera asked the applicant if they were requesting the waivers; Mr. Borenstein confirmed.

Mr. Dell'Aera asked if the city has any concerns about emergency access; Mr. Rolle stated the Fire Department felt they had adequate space for emergency access.

Mr. Torkornoo stated his approval for the project.

Public Comment

John K Atlas, an abutter asked to speak. Mr. Atlas asked if the applicant had any specific plans for the 94 Parkton Avenue property.

Mr. Borenstein stated no plans are currently proposed with respect to 94 Parkton Avenue.

Mr. Atlas also stated his concern about sediment being carried down from the site from construction during rainy weather; concerns about wildlife currently living in this area.

Mr. Cortes reminded the abutters of the limited scope of the Zoning Board of Appeals in relation to wildlife.

Mr. Borenstein stated the proposal would have to return for any further changes to the plan, but the proposal before the city reduces impervious surface and adds stormwater mitigation processes to the property.

Mr. Dandrade added that water won't be directed toward Parkton Avenue, and if any stormwater would run down the driveway toward Grove Street.

Mr. Atlas asked about dust mitigation; Mr. Dandrade responded to DPW comments about dust mitigation and construction operations.

Mr. Horne described DPW comments about construction.

**On a motion by Mr. Dell’Aera, seconded by Mr. Torkornoo; 4-0 (Mr. Karlstad, recused) to close the public hearing.**

**On a motion by Mr. Dell’Aera, seconded by Mr. Torkornoo; 4-0 (Mr. Karlstad, recused) to approve the requested amended relief.**

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**ITEM TAKEN SECOND OUT OF ORDER**

**10. 35, 37, & 39 Standish Street (MBL 18-028-10+39) (ZB-2022-048)**

Lot 1

**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)

Lot 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, A, 2)

Petitioner: Gold Star Builders, Inc.

Present Use: Presently on the premises is a single-family attached (townhouse) dwelling with a total of 3 units and associated site improvements.

Zone Designation: RG-5 (Residence, General)

Petition Purpose: The applicant seeks to configure vehicular access to each dwelling.

Public Hearing Deadline: 8/26/2022 Constructive Grant Deadline N/A

Donald J. O’Neil described the application before the Board. Mr. O’Neil described how the access to each dwelling that is being modified under the requested special permit. Mr. O’Neil requested the waivers, and stated the applicant is amenable to moving the street light as requested by DPW, and the remainder of the staff conditions of approval.

Mr. Rolle described the application and provided some history on the property. He stated DPW’s concerns associated with the location of the streetlight in relation to access and snowplowing.

*No Board discussion.*

*No public comments.*

**On a motion by Mr. Cortes, seconded by Mr. Sabo, 4-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Sabo, 4-0 to approve the request relief.**

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**11. 1 Brussels Street (MBL 07-051-00007) (ZB-2022-049)**

**Special Permit:** To allow a self-storage facility in a ML-2.0 zone (Article IV, Section 2, Table 4.1)

Petitioner: Valk Properties Two, Inc.

Present Use: Presently on the premises of 1 Brussels Street is a four-story commercial building with

a surface parking lot.

Zone Designation: The property is 75.26% located in a ML-2.0 (Manufacturing, Limited) zoning district, and the remaining 24.73% is located in a MG-2.0 (Manufacturing, General) zoning district.

Petition Purpose: The applicant seeks to operate a self-storage business in only the portion of the structure that is currently located within an ML-2.0 zone and to utilize the remaining space in the MG-2.0 zone for wholesale business storage.

Public Hearing Deadline: 8/26/2022                      Constructive Grant Deadline      N/A

Mr. O'Neil described the application before the Board. Mr. O'Neil described the historical nature of the property; the past uses of the property; the unique situation faced by a split-zoned structure and the on-going Zoning Map Amendment petition; the extensive improvements that have been done to the structure to prepare for reuse; and the plan for the structure to be wholly used for self-storage pending a Zone change.

Mr. O'Neil described the difficulty for re-use of the building for other uses due to the lack of parking.

Mr. Rolle gave city comments on the proposal; he described the allowed uses in MG-2.0 zones and the new regulations regarding self-storage; the historic façade and wish to protect the structure.

Jeff Thomas, from Valk Properties Two LLC spoke on the wish of the applicant to preserve the historic nature of the building

Mr. Cortes asked the applicant about landscaping around the building and referenced another self-storage facility that was required to add landscaping.

Mr. Thomas stated that due to plowing, landscaping around the building, adding landscaping would be difficult. Mr. Rolle added that landscaping would be difficult without blocking the drive aisle for parking and emergency access; Mr. O'Neil agreed and suggested planters.

Mr. Sabo stated he feels that the restriction on self-storage was instituted for a reason, and that this is not the best and highest use of the property. Mr. O'Neil stated that within the parking requirements, re-use of the building to residential wouldn't justify the expense for renovation. Mr. O'Neil stated there is a demand for self-storage and would provide customers to surrounding businesses.

Mr. Karlstad stated he was happy that this building has been saved and someone was able to renovate and improved the property to such an extent. Mr. Sabo agreed with the preservation of the building, but stated he would not be in favor of self-storage for this property. Mr. Dell'Aera agreed with Mr. Sabo that he doesn't feel it is the highest and best use of the property but stated he would still vote to approve the petition. Mr. Sabo stated he felt that this is an opportunity for the Board to choose that a better use exists; Mr. Karlstad disagreed.

Mr. O'Neil stated that the building was renovated at a high cost to the owner and wishes the investment to not be held against the owner, and that if there was a better use, they would have chosen an alternate route.

Mr. Cortes suggested the applicant add a mixed use retail element to enhance the value to the surrounding area; Mr. Rolle stated that is up to the applicant.

Mr. O'Neil stated that he is amenable to do more research and continue, but doesn't feel that another use is any more suitable and the owner has already found self-storage to be the best use at this time.

Mr. Karlstad conducted a straw poll to gauge how the Board feels. Mr. Torkornoo, Mr. Dell'Aera, Mr. Karlstad, Mr. Cortes in support, with Mr. Sabo opposed.

*No public comment.*



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

The discussion was reopened. Mr. Dell’Aera asked how signage was planned to be regulated. Mr. Thomas stated they would have to go through Historical Commission but has not been decided as of now. Mr. Rolle stated that while Historical Commission has oversight, but they do not have full control since the building is not located in a historical district, and suggested if the Board is concerned about signage, they can add a condition to maintain the historical façade. Mr. Dell’Aera asked to include the signage condition to preserve the historic façade.

Mr. Rolle stated that the Historical Commission can only rule on the appropriateness of signage in a local historic district or on a tax credit project and in this case, they would only have purview over how the sign is attached to the building.

Mr. Rolle suggested the condition to state “The exterior facade shall be retained in its present historically appropriate appearance, windows will remain uncovered, signage consistent with zoning requirements and sympathetic to the historic nature of the property is acceptable”.

Mr. O’Neil stated the applicant will have to come back to the Zoning Board to amend the Special Permit pending the ongoing rezoning process.

Mr. Karlstad stated he would like to add on to the condition to prohibit illuminated, backlit, and digital illuminated signs.

**On a motion by Mr. Dell’Aera, seconded by Mr. Torkornoo, the Board voted 5-0 to close the public hearing.**

**On a motion by Mr. Karlstad, seconded by Mr. Dell’Aera, the Board voted 4-1 (Mr. Sabo opposed) to approve the requested relief with the added conditions to add 8-10 planters to be placed and maintained at the applicants; any signage to be historically sympathetic to the building, prohibiting digital and illuminated signs, attachment method to be non-destructive to the building; and for windows to remain uncovered.**

**Other Business:**

**12. Communications**

a. Scrivener’s Error: Minutes 2/23/2022; 4/11/2022

**On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, the Board voted 5-0 to approve the revised minutes.**

**13. Approval of Minutes – 5/23/2022; 6/13/2022**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to approve the revised minutes.**

**14. Discussion of Board Policies and Procedures**

*No discussion*

**Adjournment**

**On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, the Board voted unanimously to adjourn at 8:53PM.**