

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

**May 14, 2018**

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

**Zoning Board Members Present:** Joseph Wanat, Vice-Chair  
Andrew Freilich  
Robert Haddon, Alternate Member  
Russell Karlstad, Alternate Member

**Members Absent:** Vadim Michajlow, Chair

**Staff Present:** Stephen S. Rolle, Division of Planning & Regulatory Services-  
Joined meeting at 7:00 p.m.  
Domenica Tatasciore, Division of Planning & Regulatory Services  
Michael Antonellis, Division of Planning & Regulatory Services  
David Horne, Department of Inspectional Services

**Call to Order** – The meeting was called to order at 5:30 pm.

**Approval of the Minutes**

Upon a motion by Mr. Karlstad and seconded by Mr. Freilich the Board voted 4-0 to approve the minutes of April 23, 2018.

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

**1. 37 Fruit Street & 59 William Street (ZB-2018-003)**

- Special Permit:** To allow a multi-family residence in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #5)
- Special Permit:** To allow a lodging house in an BO-1.0 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- 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 parking requirements (Article IV, Section 7, Table 4.4)
- Variance:** For relief from the minimum frontage dimensional requirements (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum front-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum side-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum rear-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum exterior side-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum lot area dimensional requirements (Article IV, Section 4, Table 4.2)

**Petitioner:** Hampton Properties, LLC

**Present Use:** Presently on the premises at 37 Fruit Street & 59 William Street are two residential/professional office structures.

**Zone Designation:** 37 Fruit Street - BO-1.0 (Business, Office) zoning district & 59 William Street - RL-7 (Residence, Limited) zoning district

**Petition Purpose:** The applicant seeks to convert the existing structure at 37 Fruit Street into a lodging house with a total of 12 dwelling units along with office space and to convert the existing structure at 59 William Street into a multi-family low-rise dwelling, with a total of 6 dwelling units, along with related exterior changes for egress, and to re-configure and expand the parking areas to be used in association therewith, along with related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to continue the hearing to the June 25, 2018 Zoning Board of Appeals Meeting and to extend the constructive grant approval to July 30, 2018.

**2. 436 Shrewsbury Street (ZB-2018-026)**

**Special Permit Amend:** To allow a professional office use in an RG-5 Zone (Article IV, Section 2, Table 4.1, Business Use #19)

**Variance:** For relief from the rear yard setback dimensional requirement in an RG-5 & BG-3.0 Zone (Article IV, Section 4, Table 4.2)

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

**Petitioner:** Jagjit Walia

**Present Use:** Presently on the premises is an existing three-family detached dwelling and associated site improvements.

**Zone Designation:** BG-3.0 (Business, General), RG-5 (Residence, General) zoning district, and the Commercial Corridors Overlay District (CCOD-S)

**Petition Purpose:** The applicant seeks to amend the previously granted Special Permit by providing a single-floor office building with parking below and maintaining the existing three-family dwelling as residential use, along with related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the hearing to the June 25, 2018 Zoning Board of Appeals meeting and to extend the constructive approval date to July 30, 2018.

**3. 87 Kenberma Road (ZB-2018-032)**

- 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:** Matthew Ward
- Present Use:** Presently on the premises is a vacant lot
- Zone Designation:** RL-7 (Residence, Limited)) zoning district
- Petition Purpose:** The applicant seeks to construct a single-family detached dwelling, along with related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the hearing to the June 25, 2018 Zoning Board of Appeals meeting and to extend the constructive approval date to July 30, 2018.

**4. 118 (aka Lot 1 & 2) Commonwealth Avenue (ZB-2018-033)**

*Lot 1 (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 side-yard setback dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum front-yard setback dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)

*Lot 2 (proposed):*

- Variance:** For relief from the minimum frontage dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the lot regularity factor (Article IV, Section 4, Table 4.2)
- Petitioner:** Gold Star Builders, Inc.
- Present Use:** Presently on the premises on Lot 1 is an existing single-family dwelling with associated site improvements and Lot 2 is a vacant lot.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to divide the existing lot into two, and to construct a single-family detached dwelling on Lot 2, along with related site work, and with no changes proposed to the existing dwelling on Lot 1.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the hearing to the June 25, 2018 Zoning Board of Appeals meeting and to extend the constructive approval date to July 30, 2018.

**5. 1385 Main Street (ZB-2018-034)**

- Special Permit** To allow a motor-vehicle/trailer/boat sales and/or rental use in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #15)
- Special Permit** To allow a motor-vehicle service, repair, garage, display use in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #16)
- Petitioner:** JNC, LLC
- Present Use:** Presently on the premises is a residential structure, with associated site improvements.
- Zone Designation:** BL-1.0 (Business, Limited) zoning district
- Petition Purpose:** The applicant seeks to use portion of the premises for motor vehicle sales and display purposes, along with associated site work.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the hearing to the June 25, 2018 Zoning Board of Appeals meeting and to extend the constructive approval date to July 30, 2018.

**6. 33 Dominion Road (ZB-2018-035)**

- Special Permit:** To allow a multi-family low-rise dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #11)
- 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:** Silvertree Realty, LLC
- Present Use:** Presently on the premises is a vacant lot.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct a multi-family dwelling (for a total of 12 dwelling units), along with associated site work and parking.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the hearing to the June 25, 2018 Zoning Board of Appeals meeting and to extend the constructive grant deadline to July 30, 2018.

**7. 259 Lake Avenue North (ZB-2018-036)**

**Special Permit:** To allow a single-family attached dwelling in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)

**Petitioner:** Silvertree Realty, LLC

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

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

**Petition Purpose:** The applicant seeks to demolish the existing structure and construct a new single-family attached dwelling (for a total of 3 dwelling units), along with associated site work.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the hearing to the June 25, 2018 Zoning Board of Appeals meeting and to extend the constructive grant deadline until July 30, 2018.

**8. 34 (aka Lot 1 & 2) Holden Street (ZB-2018-037)**

*Proposed Lot 2:*

**Variance:** For relief from the lot regularity factor (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum frontage dimensional requirement in an RS-10 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum side-yard setback dimensional requirement in an RS-10 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Maritza Cruz

**Present Use:** Presently on the premises is an existing single-family detached dwelling and associated site improvements.

**Zone Designation:** RS-10 (Residence, Single-Family) zoning district

**Petition Purpose:** The applicant seeks to divide the existing lot into two, and to construct a single-family detached dwelling on Lot 2, along with related site work, and with no changes proposed to the existing dwelling on Lot 1.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the hearing to the June 25, 2018 Zoning Board of Appeals meeting and to extend the constructive approval date to July 30, 2018.

**9. 65 Elliot Street (ZB-2018-038)**

**Special Permit:** To modify the dimensional standards for a Residential Conversion in an RG-5 Zone (Article IV, Section 9)

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

**Petitioner:** Reisnardele Chaveiro

**Present Use:** Presently on the premises is an existing three-family detached dwelling and associated site improvements

Zone Designation: RG-5 (Residence, General) zoning district  
Petition Purpose: The applicant seeks to convert the existing structure into a multi-family low-rise dwelling by adding an additional dwelling unit (for a total of four units), along with related site work.

Upon a motion by Mr. Freilich and second by Mr. Karlstad the Board voted 4-0 to postpone the hearing to the June 25, 2018 Zoning Board of Appeals and to extend the constructive approval date to July 30, 2018.

### **New Business**

#### **10. 30 Windsor Street (ZB-2018-028)**

**Special Permit:** To modify the dimensional standards for a Residential Conversion in an RG-5 Zone (Article IV, Section 9)  
Petitioner: Debora Moreira  
Present Use: Presently on the premises is an existing single-family detached dwelling.  
Zone Designation: RG-5 (Residence, general) zoning district  
Petition Purpose: The applicant seeks to convert the structure into a two-family detached dwelling, along with associated site work.

Deborah Moreira appeared upon behalf of her application and stated that she would to convert the single-family structure into a two-family detached dwelling. Ms. Moreira stated that she does not plan to make any changes to the exterior of the structure.

Elizabeth Noone stated that she is an abutter to the property and expressed concern about the parking and runoff onto her property and stated she had concern about the utility pole located on the property.

Ms. Moreira stated that she could call National Grid about the utility pole.

Mr. Haddon stated that he like to add a condition that there be no runoff onto the neighbor's property.

Mr. Wanat asked if any landscaping could be done. Ms. Moreira stated that she could call a landscaping company to see what could be done to handle runoff.

Mr. Freilich stated that he thinks they need to define what would be an impact to the neighbor.

Mr. Horne suggested that a swale be installed and that should alleviate the problem.

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

Upon a motion by Mr. Freilich, and seconded by Mr. Karlstad, the Board voted 4-0 to approve the waiver to not label abutters to abutters within 300 feet on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the Special Permit with conditions outlined in staff's memo and a new condition that the owner contract a professional landscaper to install a swale along the entire rear property line to handle any potential runoff to abutting properties.

#### *List of Exhibits:*

Exhibit A: Special Permit Application; received April 9, 2018; prepared by Debora Moreira.

Exhibit B: Plan of Land; dated August 28, 2015; prepared by Reney, Moran & Tivnan.

**11. 80 & 100 Wall Street and 38 Norfolk Street (ZB-2018-027)**

- Variance:** For relief from the minimum front-yard setback requirements for a residential use in RG-5 zoning district (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum rear-yard setback requirements for a residential use in RG-5 zoning district (Article IV, Section 4, Table 4.2)
- Variance:** For relief from both the minimum side-yard setback requirements for a residential use in RG-5 zoning district (Article IV, Section 4, Table 4.2)
- Petitioner:** Branded Realty Group, LLC
- Present Use:** Presently located on the premises are vacant lots.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The petitioner seeks to construct a multi-family high-rise dwelling with 72 units, along with associated site work and parking.

Engineer Alton Stone represented the application for petitioner Branded Realty Group, LLC. Mr. Stone stated that the applicant seeks to construct a multi-family high-rise dwelling with 72 units and reviewed the plans for the site. He stated that the building will be a four story high building, 22,000 square feet and they will have in excess of 144 parking spaces and reviewed where the retaining walls would be on the site and how they would handle the removal of graffiti from the walls.

Mr. Wanat stated he was glad they changed the parking to pull in parking but noted that the count on the parking plan doesn't add up so the engineer should review that.

Mr. Wanat expressed concern about the facility sign and whether it impedes site of view for traffic. Mr. Stone stated that they could move the sign back. Mr. Antonellis stated that they could discuss that issue with DPW.

Mr. Freilich asked Mr. Stone to review on the plans were the snow storage would be. Mr. Stone stated that the snow will be trucked off the property.

Mr. Freilich asked once the approvals are received will this project begin soon. Mr. Stone stated yes as the design of the wall is being designed now and they are waiting for their approvals to start.

Mike Ritacco, Shale Street, asked if the retaining wall would have a fence on top. Mr. Stone stated that there would be.

Lynn Ritacco, Shale Street, expressed concern about the vibration coming from the construction site and stated that one of her neighbors has cracks in her foundation from that work being done.

Mr. Stone stated that the crushers are leaving the property tomorrow.

Mr. Horne stated that a complaint can be lodged with Inspectional Services regarding the crack foundation and it can be looked into.

Upon a motion by Mr. Karlstad and seconded by Mr. Freilich the Board voted 4-0 to take a five minute recess.

Board returned to session.

Stu Loosemore, Chamber of Commerce, spoke in support of the application and presented a letter of support from the Chamber.

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

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the waiver request to not label abutters to abutters within 300 feet on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the Variances with conditions outlined in staff's memo with amendments to Condition #5 as outlined by staff.

*List of Exhibits:*

- Exhibit A: Variance Application; received April 2, 2018; prepared by Robert Branca.
- Exhibit B: Definitive Site Plan; dated December 14, 2017 and revised through to May 2018; prepared by Alton Engineering.
- Exhibit C: Rendering with Elevations and Floorplans; dated August 1, 2017; prepared by AADesign.
- Exhibit D: Fire Department Comments; dated April 5, 2018.
- Exhibit E: Letter of Support from Worcester Regional Chamber of Commerce.

**12. 99 (aka 83 & 105) Crescent Street & 53 Harlow Street (ZB-2018-029)**

- Special Permit:** To allow open lot storage, underground storage, salvage recycling operations, refuse transfer station facility (includes flammable liquids/gas) in a MG-2.0 Zone (Article IV, Section 2, Table 4.1, Manufacturing Use #8)
- Petitioner:** Santo Crescent, LLC
- Present Use:** Presently on the premises is an existing structure, with associated site improvements and surface parking.
- Zone Designation:** MG-2.0 (Manufacturing, General) zoning district
- Petition Purpose:** The applicant seeks to use the site for bulk oil storage and re-fueling purposes, including the installation of fueling stations and underground storage tanks and associated site work.

William Baird the engineer along with the applicant, Santo Crescent appeared upon behalf of the application. Mr. Baird stated that they are looking use the site for bulk oil storage and re-fueling purposes, including the installation of fueling stations and underground storage tanks and reviewed the plans, landscaping for the site and anticipated truck traffic.

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

Upon a motion by Mr. Freilich, and seconded by Mr. Karlstad, the Board voted 4-0 to approve the waiver to not label abutters to abutters within 300 feet on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the Special Permit with conditions outlined in staff's memo with amendment to 1C to reflect a low hedge instead of four trees.

*List of Exhibits:*

- Exhibit A: Special Permit Application; received April 10, 2018; prepared by George Fantacone.
- Exhibit B: Site Plan; dated April 3, 2018; prepared by Pennoni Associates.
- Exhibit C: Fire Department Comments; dated April 20, 2018.



**13. 287 Grove Street (ZB-2018-030)**

- Special Permit:** To modify the dimensional requirements for a freestanding sign (Article IV, Section 6)
- Petitioner:** Galaxy Grove, LLC
- Present Use:** The property has received approval for a commercial development.
- Zone Designation:** BG-3.0 (Business, General) zoning district
- Petition Purpose:** The applicant seeks install three permanent accessory freestanding signs, along with related site work.

Engineer Patrick Doherty appeared upon behalf of the applicant, Galaxy Grove, LLC. Mr. Doherty stated that the applicant seeks to install three permanent accessory freestanding signs and reviewed on the plans where the signs would be located on the site and the height of the signs.

Stu Loosemore, Chamber of Commerce, spoke in support of the application.

The Board discussed the various heights of the signs and what they would prefer to see for height and location of signs.

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

Upon a motion by Mr. Freilich, and seconded by Mr. Karlstad, the Board voted 4-0 to approve the waiver to not label abutters to abutters within 300 feet on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the Special Permit with conditions outlined in staff’s memo.

*List of Exhibits:*

- Exhibit A:** Special Permit Application for Signs; received April 9, 2018; prepared by Galaxy Grove, LLC.
- Exhibit B:** The Trolley Yard ZBA Sign Special Permit Plan; dated April 9, 2018; prepared by MidPoint Engineering.
- Exhibit C:** Schematic & Proposed Elevations; undated; prepared unknown.
- Exhibit D:** Comment memo from the Fire Department; dated April 13, 2018
- Exhibit E:** Letter of Support from Worcester Regional Chamber of Commerce.

**14. 5 (aka Lot 3A & 3B) Havana Road (ZB-2018-031)**

Lot 3A:

- Variance:** For relief from the minimum frontage dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum lot area dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum side-yard setback dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

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

**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)

Lot 3B:

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

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

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

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

**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: Kristiana Mako

Present Use: Presently on the premises is a pre-existing non-conforming two-family detached dwelling, with associated site improvements

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

Petition Purpose: The applicant seeks to divide the property to create a single-family semi-detached dwelling, along with associated site work.

Attorney Jonathan Finkelstein appeared with the applicant Kristiana Mako, and presented the application.

Attorney Finkelstein stated that Ms. Mako seeks to divide the property to create a single-family semi-detached dwelling and stated that the applicant will also need to go through Planning Board approval.

Upon a motion by Mr. Freilich, and seconded by Mr. Karlstad, the Board voted 4-0 to approve the waiver to not label abutters to abutters within 300 feet on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the Variances and the Special Permits with conditions outlined in staff's memo as well as language included in memo from Inspectional Services.

*List of Exhibits:*

Exhibit A: Special Permit & Variance Application; received April 10, 2018; prepared by Jonathan Finkelstein.

Exhibit B: Variance Plan of Land; dated April 6, 2018; prepared by Robert O'Neil.

## **Other Business**

### **15. Approval of the 2019 Meeting Schedule**

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to approve the 2019 Meeting Schedule.

### **16. Communications**

### **17. Signing of Decisions from prior meetings**

## **Adjournment**

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