

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

**June 25, 2018**

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

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

**Staff Present:** Stephen S. Rolle, Division of Planning & Regulatory Services  
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 5-0 to approve the minutes of June 25, 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. Wanat and seconded by Mr. Haddon the Board voted 5-0 to continue the hearing to the July 16, 2018 meeting and to extend the constructive approval date to August 30, 2018.

**2. 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. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to postpone the hearing to the July 16, 2018 meeting and to extend the constructive approval date to August 30, 2018.

### 3. 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. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to postpone the hearing to the July 16, 2018 meeting and to extend the constructive approval dated to August 30, 2018.

### 4. 7 (aka 9) & 17A North Street (ZB-2018-048)

- Special Permit:** To allow a bank, credit union with drive-thru in a MG-2.0 Zone (Article IV, Section 2, Table 4.1, Business Use #4)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Petitioner:** Domar Realty Group, Inc.
- Present Use:** Presently on the premises at 7 (aka 9) North Street is a vacant structure, with associated site improvements, and at 17A North Street is an existing parking lot.
- Zone Designation:** MG-2.0 (Manufacturing, General) zoning district
- Petition Purpose:** The applicant seeks to demolish the existing structure and construct a new structure, to be used as office, food-service, retail, and bank with drive-thru.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to postpone the hearing to the July 16, 2018 meeting and to extend the constructive approval date to August 30, 2018.

## New Business

### 5. 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.

David Sadowski along with Jagjit Walia appeared upon behalf of the application. Mr. Sadowski stated that 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 for residential use.

Mr. Sadowski presented the Board with new plan revisions and renderings, which were identified as Exhibit D.

Mr. Antonellis asked if the applicant had considered petitioning City Council to extend the BG zone and the CCOD overlay to encompass the entire parcel. Mr. Sadowski stated that paperwork has been put together and will be filed shortly.

Mr. Michajilow stated his concern that the applicant is extending into the required setbacks and that some neighbors then want to do the same.

Abutter Frank Fechner stated that they were here before the Zoning Board of Appeals a few months ago when the Special Permit was granted to the applicant and was looking forward to the renovation of the property. These new plans show that the proposal has been switched around and this changes the proposal and the changes are not in keeping with the neighborhood and he wants to make sure the development is good for Shrewsbury Street.

Mr. Karlstad stated he had issue whether the cultec could handle the run off and asked what was the capacity of the cultec unit. Mr. Sadowski stated that he did not know at this time. Mr. Karlstad also pointed out that the elevations and the plans do not match the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to continue the hearing to the July 16, 2018 meeting.

*List of Exhibits:*

Exhibit A: Special Permit Application; received March 21, 2018; prepared by Jagjit Walia

Exhibit B: Site Plan; dated March 20, 2018 and revised through to June 19, 2018; prepared by Sadowski Engineering.

Exhibit C: Renderings and floor plans; dated April 15, 2018; prepared by MR.

Exhibit D: Revised rendering & floorplan.

**6. 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.

Attorney Jonathan Finkelstein appeared upon behalf of the applicant, Matthew Ward and stated that applicant seeks to construct a single-family detached dwelling and reviewed the plans for the site.

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 to not labels abutters to abutters on the plan.

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

*List of Exhibits:*

- Exhibit A:** Variance Application; received April 4, 2018; prepared by the applicant.
- Exhibit B:** Variance Plan of Land; dated April 2, 2018; prepared by B&R Survey, Inc.
- Exhibit C:** Rendering; received April 4, 2018; dated January 2018; prepared by Shane Structures.

**7. 604 Burncoat Street (ZB-2018-041)**

- Special Permit:** To modify the dimensional standards for a Residential Conversion in an RL-7 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:** Sarah Yeboah
- Present Use:** Presently on the premises is an existing single family dwelling, with associated site improvements.
- Zone Designation:** RL-7 (Residence, Limited) zoning district & Water Resource Protection (WR(GP-3)) overlay district
- Petition Purpose:** The applicant seeks to convert the existing structure into a two-family detached dwelling.

Sarah Yeboah & Freddie Nkenshal appeared upon behalf of the application. Ms. Yeboah stated that she is seeking to convert the single-family structure into a two-family dwelling with the additional living space in the basement.

Mr. Kelly asked if there was full kitchen and bathroom in the basement now. Mr. Nkenshal stated no and that they just had submitted the plans to Inspectional Services showing what they want to do and it was recommended that they come before the Zoning Board of Appeals.

The Board asked the applicant to confirm the amount of parking relief requested. Mr. Nkenshal stated that he is seeking a Variance for 2 parking spaces and to his understanding there no parking restrictions on Burncoat Street unless during winter parking ban.

Mr. Freilich asked if the basement was going to be a rental unit. Mr. Nkenshal stated no and that it is for family use.

Mr. Freilich asked if they could condition that the use be just for family use. Mr. Rolle stated no.

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 Special Permit and Variance requests with conditions outlined in staff's memo.

*List of Exhibits:*

Exhibit A: Variance & Special Permit Application; received April 30 2018; prepared by the applicant.

*Mr. Karlstad recused himself from the 118 (aka Lot 1 & 2) Commonwealth Avenue application hearing and left the meeting room.*

**8. 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 two-family dwelling on Lot 2, along with related site work, and with no changes proposed to the existing dwelling on Lot 1.

Attorney Donald O'Neil represented the applicant Tony Nguyen from Gold Star Builders, Inc.

Attorney O'Neil stated that the applicant seeks to divide the existing lot into two, and to construct a two-family detached dwelling on Lot 2, along with related site work, and with no changes proposed to the existing dwelling on Lot 1 and reviewed the plans for the site.

Attorney O'Neil stated that with regard to the vacant lot, they were able to revise the plan so they no longer need the Variance from the lot regulatory factor which was for lot 2 and they would ask to withdraw that portion of the petition.

Attorney O'Neil stated that he had a rendering of the proposed project that he provided to the Board and was identified as Exhibit D.

Attorney O'Neil stated that they meet the density and parking requirements for the site.

Mr. Antonellis asked if the applicant had considered providing a shared driveway to serve both properties rather than adding a second curb cut. Attorney O'Neil stated that there would be a shared driveway for the two-family but there would be a separate driveway for the stand alone house.

Abutter Susan Alfred asked what would abut Lot #2. The Board provided Ms. Alfred with a copy of the proposal. Ms. Alfred asked follow up question as to whether all the wooded area would disappear that is behind her area. Attorney O'Neil stated that his client just plans to clear for the house. Ms. Alfred stated that she like the trees cleared as they are leaning toward her house. Attorney O'Neil stated his client could take down additional trees if that would make the neighbor happy. Mr. Rolle reminded the Board that any of healthy trees should remain. Attorney O'Neil stated that if there are any trees that are threatening the neighbor's property they could remove them.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 4-0 to approve the waiver request to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 4-0 to approve the Variances requested with conditions outlined in staff's memo.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 4-0 to allow Leave to Withdraw for the lot regulatory factor variance.

*List of Exhibits:*

Exhibit A: Variance Application; received April 10, 2018 and revised on June 19, 2018; prepared by Gold Star Builders, Inc.

Exhibit B: Variance Plan of Land; prepared by H. S. & T Group, Inc.; dated June 5, 2018.

Exhibit C: Fire Department comments; dated April 18, 2018.

Exhibit D: Rendering.

*Mr. Karlstad returned to the meeting room*

**9. 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.

Engineer Andy Baum appeared upon behalf of the applicant Silvertree Realty, LLC, and stated that his applicant seeks to demolish the existing structure and construct a new single-family attached dwelling (for a total of 3 dwelling units) and reviewed the plans for the site.

Ms. Tatasciore explained that a zoning ordinance amendment petition to exclude single family attached (townhouses) and multi-family low-rise uses in the RL-7 zoning district was referred to the Planning Board on February 27, 2018 and the first publication of the public hearing was on March 28, 2018. This Special Permit application for 259 Lake Avenue North was submitted on April 10, 2018 and would be subject to said zoning ordinance amendment if ordained by the City Council. If the ZBA grants approval of this petition, the petitioner should be aware that any approvals received may become void depending upon the City Council's vote on the petition.

Ms. Tatasciore also stated that if the applicant is unable to reduce the width of the paved area in front of the proposed residences to at least 15-20 feet then recommended condition of approval 1.e. would need to be stricken.

Abutter Richard Nascarelli stated that he was trying to figure out where this project is as this located.

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 to not label abutters to abutters 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.e. from the conditions.

*List of Exhibits:*

- Exhibit A:** Special Permit Application; received April 10, 2018; prepared by Andrew Baum.
- Exhibit B:** Special Permit Plan of Land; dated April 10, 2018 and revised on June 18, 2018; prepared by Summit Engineering & Survey, Inc.
- Exhibit C:** Rendering with elevation; undated; preparer unknown.
- Exhibit D:** Fire Department comments; dated April 13, 2018.



**10. 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.

Attorney Donald O’Neil appeared upon behalf of the applicant, Maritza Cruz and stated that 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. He provided a rendering to the Board that was identified as Exhibit D.

Attorney O’Neil reviewed the plans for the site and stated that the surveyor had informed him that they do not require the variance relief for the lot regulatory factor and he is requesting a Leave to Withdraw for that requested relief.

Mr. Rolle asked if the driveway was gravel or paved. Ms. Cruz stated paved and new driveway will be paved.

Abutter Susan Loring stated that she came to this meeting tonight and she does understand why anyone would want to build a home on this site as it will impact the neighborhood so she opposes the application as this property is on the lake and will impact the wildlife. She stated that are several vacant properties in the area and they should be stabilized before new homes are built.

Abutter Mark Loring stated that approving this application will set a precedent and others neighbors will start doing the same thing and it will be the beginning of the end.

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 request to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 4-1 (Mr. Freilich voting against) to approve the Variances requested with conditions outlined in staff’s memo with modification to l.c. as it pertains to the width of the driveway and a Leave to Withdraw for the Lot Regulatory Factor.

*List of Exhibits:*

- Exhibit A:** Variance Application; received April 10, 2018; prepared by Attorney Donald O’Neil.

- Exhibit B: Variance Plan of Land; dated April 10, 2018; prepared by New England Land Survey, Inc.
- Exhibit C: Fire Department Comments; dated April 13, 2018.
- Exhibit D: Rendering.

**11. 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:** Reinardele 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.

Attorney Donald O’Neil appeared upon behalf of the applicant, Reinardele Chaverio. Attorney O’Neil stated that the applicant seeks to convert the existing 3-family structure into a multi-family low-rise dwelling by adding an additional dwelling unit (for a total of four units) and the basement would be added as a one bedroom apartment and they are seeking full relief of the parking requirements.

Mr. Michajlow stated that he did a site visit and there was not a lot of parking and probably be even less when the winter parking ban is in effect.

Mr. Haddon stated that he would be against this as he viewed the site as well and the on street parking situatin is bad.

Mr. Freilich stated that they just can’t keep adding apartments to the neighborhoods without parking.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the board voted 5-0 to allow for Leave to Withdraw for the Special Permit and the Variance requests.

*List of Exhibits:*

- Exhibit A: Variance Application; received April 10, 2018; prepared by Attorney Donald J. O’Neil.
- Exhibit B: Variance Plan; dated April 2, 2018; prepared by Robert O’Neil.

*The board took a five minute recess.*

**12. 1 Davis Way (ZB-2018-044)**

- 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)
- Petitioner:** John Grant
- Present Use:** Presently on the premises is a detached garage.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct a single-family detached dwelling and conduct associated site work.

John Grenier and John Grant appeared upon behalf of the application. Mr. Grenier stated that the applicant seeks to construct a single-family detached dwelling. Mr. Grenier stated that the existing house on the site burned down and was demolished and Mr. Grant would like to replace the burnt down structure and reviewed the plans for the site.

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 waiver request to not show abutters to abutters on the plan.

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

*List of Exhibits:*

- Exhibit A:** Variance Application; received May 21, 2018; prepared by the applicant.
- Exhibit B:** Layout Plan; dated May 18, 2018; prepared by J.M. Grenier Associates, Inc.

**13. 26 McKinley Road (ZB-2018-039)**

*26 (aka Lot 1) McKinley Road (Existing):*

- Variance:** For relief from the front-yard setback dimensional requirements for a two-family dwelling in an RG-5 zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the side-yard setback dimensional requirements for a two-family dwelling in an RG-5 zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the lot area dimensional requirement for a two-family dwelling in an RG-5 zone (Article IV, Section 7, Table 4.2)

*Lot 2B (Proposed):*

- Variance:** For relief from the frontage dimensional requirement for a single-family semi-detached dwelling in an RG-5 zone (Article IV, Section 4, Table 4.2)
- Petitioner:** KLA Holdings, LLC

Present Use: Presently on the premises at 26 McKinley Road (aka Lot 1) is an existing non-conforming two-family detached structure along with associated site improvements and located on Lot 2 (A & B) is a vacant lot.

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

Petition Purpose: The applicant seeks to construct a single-family semi-detached dwelling (duplex) on the undeveloped lot (Lots 2A & 2B), along with associated parking and site improvements, with no changes proposed to the existing two-family structure located at 26 (aka Lot 1) McKinley Road other than associated parking and site improvements.

Attorney Donald O’Neil appeared upon behalf of the applicant, KLA Holdings, LLC and stated that the applicant seeks to extend the April 24, 2017 approval for a period of six-months to October 25, 2018 in order to construct a single-family semi-detached dwelling (duplex) on the undeveloped lot (Lots 2A & 2B), along with associated parking and site improvements, with no changes proposed to the existing two-family structure located at 26 (aka Lot 1) McKinley Road other than associated parking and site improvements.

Mr. Antonellis asked if the six months would be enough time to complete the project and whether this is a proposed one family or two family structure. Attorney O’Neil stated that six months will be adequate and it is a two-family.

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 waiver to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to extend the Variance approvals an additional 6 months to October 25, 2018

*List of Exhibits:*

Exhibit A: Variance Application; prepared by Donald J. O’Neil, representative; received April 23, 2018.

Exhibit B: Variance Plan of land; prepared by New England Land Survey.

Exhibit C: Variance Decision and Findings of Fact; 26 McKinley Road; City Clerk stamped April 25, 2017.

**14. 41 Mason Street (ZB-2018-040)**

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

Petitioner: Sho Sho Investments, LLC

Present Use: Presently on the premises is an existing warehouse structure, with associated site improvements and surface parking.

Zone Designation: MG-1.0 (Manufacturing, General) zoning district

Petition Purpose: The applicant seeks to construct a building storage addition and a loading dock, and associated site improvements.

Engineer Michael Burke appeared upon behalf of the applicant, Sho Sho Investments, LLC and stated that the applicant is seeking to construct a building storage addition and a loading dock.

Mr. Rolle stated that if access for the loading dock is off of Bancroft Street, staff would not recommend that and instead recommends that access only be provided from Bluff Street. Mr. Burke stated that that they would have no objections that a stipulation that Bluff Street be the entrance to the property.

Mr. Antonellis stated that an updated plan showing that would need to be provided to staff.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver request to not label abutters to abutters 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 outline in staff's memo with change of #2 to read "Bancroft Street" and to include six copies of the revised elevation showing entrance on Bluff Street.

*List of Exhibits:*

- Exhibit A: Special Permit Application; received April 29, 2018; prepared by the applicant.
- Exhibit B: Plan of Land; dated April 11, 2018; prepared by Burke Engineering.
- Exhibit C: Fire Department comments; received May 7, 2018.

**15. 0 Arnold Road (ZB-2018-042)**

- Variance:** For relief from the minimum frontage dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Real Estate Alternatives, Inc.
- Present Use:** Presently on the premises is a vacant lot.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to construct a single-family attached structure (for a total of 4 dwelling units) and conduct related site work.

Attorney Donald O'Neil and Nick Grande appeared upon behalf of the applicant, Real Estate Alternatives, Inc. and stated that the applicant seeks to construct a single-family attached structure (for a total of 4 dwelling units) and reviewed the plans for the site including how the stormwater for the site would be handled.

Abutter Sheryl Farnam stated that she was speaking on behalf of her mother who abuts the property and the concern is about the accessing of the location and this seems like a small lot for what is being proposed.

The Board and the applicant discussed the fence on the property. Attorney O'Neil stated that they could take the current old fence down and put a new one up to provide screening for the neighbor.

Mr. Grande stated that they will have garage to handle the parking for the site.

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 requested to not label abutters to abutters on the plan.

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

*List of Exhibits:*

- Exhibit A: Variance Application; received May 21, 2018; prepared by Attorney Donald O'Neil.
- Exhibit B: Variance Plan of Land; dated April 26, 2018; prepared by H. S. & T. Group.
- Exhibit C: Rendering; undated; preparer unknown.
- Exhibit D: Fire Department comments; dated May 7, 2018.

**16. 71, 73, 75, 77, 79, & 81 West Chester Street (ZB-2018-043)**

*Lot 1, 2 & 3:*

**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 1:*

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

**Petitioner:** Joyce Burman

**Present Use:** Presently on the premises are three two-family dwellings (for a total of 6 dwelling units) located on one lot.

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

**Petition Purpose:** The applicant seeks to divide the property with a two-family residential structure on each separate lot.

Attorney Donald O'Neil appeared upon behalf of the applicant, Joyce Burman and stated that the applicant seeks to divide the property with a two-family residential structure on each separate lot and reviewed the plans for the site.

Mr. Freilich asked why after 30 years the owner is concerned about the lot lines and asked about the applicant's intent for the property. Attorney O'Neil stated the applicant wants the ability to sell the lots as separate parcels.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to close the public hearing. Upon motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver requested to not label abutters to abutters on the plan.

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

*List of Exhibits:*

- Exhibit A: Variance & Special Permit Application; received May 1, 2018, updated June 13, 2018; prepared by Attorney Donald O'Neil.
- Exhibit B: Variance Plan of Land; dated April 27, 2018; prepared by HS&T Group, Inc.

**17. 79 & 81 Gold Star Boulevard (ZB-2018-045)**

- Variance:** For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)
- Petitioner:** Lisciotti Development Corporation
- Present Use:** Presently on the premises are two commercial office buildings with associated site improvements and surface parking.
- Zone Designation:** BG-3.0 (Business, General) zoning district
- Petition Purpose:** The applicant seeks to demolish the existing structures and to construct a commercial structure, to be used for retail and clinic uses, along with related surface parking and site improvements.

John Scriber along with engineer Austin Turner appeared upon behalf of the applicant, Lisciotti Development Corporation. Mr. Scriber stated that the applicant seeks to demolish the existing structures and to construct a commercial structure, to be used for retail and a clinic.

Mr. Turner gave a brief overview of the plan which including the parking and the landscaping for the site and stated that the urgent care portion on site would be open 8:00 a.m. to 8:00 p.m. seven days a week and the retail component would be similar hours.

Mr. Freilich stated that Gold Star Boulevard is getting busier and the engineering department should look at the increased traffic being added to the area.

Mr. Wanat stated that maybe a traffic study could be done and that could be presented to the Planning Board.

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 requested to not label abutters to abutters on the plan.

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

*List of Exhibits:*

- Exhibit A:** Variance Application; received May 22, 2018; prepared by the applicant.
- Exhibit B:** Variance Plan of Land; dated May 22, 2018; prepared by Bohler Engineering.
- Exhibit C:** Rendering with elevations; dated May 21, 2018; prepared by BKA Architects.

**18. 123 Lake Avenue (ZB-2018-046)**

- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)
- Petitioner:** Richard A. Pascarelli
- Present Use:** Presently on the premises is a single-family detached dwelling with associated site improvements.
- Zone Designation:** RL-7 (Residence, Limited) zoning district

Petition Purpose: The applicant seeks to construct a second story addition, within the footprint of the existing structure, and to conduct related site work.

Applicant Richard Pascarelli appeared upon behalf of the application and stated that he is seeking to construct a second story addition within the footprint of the existing structure.

Upon a motion by Mr. Karlstad and seconded by Mr. Wanat the Board voted 5-0 to approve the waiver request to not label abutters to abutters on the plan.

Upon a motion by Mr. Karlstad and seconded by Mr. Wanat the Board voted 5-0 to approve the Special Permit application with conditions outlined in staff's memo and find that the changes proposed is not substantially detrimental to the neighborhood.

*List of Exhibits:*

Exhibit A: Special Permit Application; received May 22, 2018; prepared by Richard A. Pascarelli

Exhibit B: Survey Plan; dated July 4, 2011; prepared by New England Land Survey.

Exhibit C: Rendering; dated April 21, 2018; preparer unknown.

**Other Business**

**19. Communications**

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

**Adjournment**

Upon a motion the Board voted 5-0 to adjourn the meeting at 8:45 p.m.