

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

March 18, 2019

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS

Zoning Board Members Present: Joseph Wanat, Chair
Andrew Freilich, Vice-Chair
Jordan Berg Powers
George Cortes
Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member

Absent: -

Staff Present: Stephen R. Rolle, Division of Planning & Regulatory Services
Michelle M. Smith, Division of Planning & Regulatory Services
David Horne, Department of Inspectional Services

Approval of the Minutes

January 14, 2019 & February 25, 2019 – Held to April 8, 2019.

Requests for Continuances, Extensions, Postponements, and Withdrawals

1. 53 Housatonic Street (MBL 36-002-00149) (ZB-2019-009)

Special Permit or Variance: To exceed the maximum size (footprint or SF) limitation for a detached garage (Article IV, Section 8)

Variance: For relief from the maximum height dimensional requirement for an accessory structure in a residential district (Article IV, Section 8)

Petitioner: Mark Boisseau

Present Use: A single-family dwelling with a detached garage

Zone Designation: RS-7 (Residence, Single-Family) zoning district and within the Water Resource Protection Overlay District (WR(GP-3))

Petition Purpose: To demolish the existing garage and construct a 6-car detached garage.

Public Hearing Deadline: 4/4/19

Constructive Grant Deadline: 5/9/19

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the Special Permit and Variance application to the April 29, 2019 Zoning Board of Appeals meeting and to extend the constructive grant deadline to May 21, 2019.

2. 334 Grafton Street (MBL 04-029-00002) (ZB-2019-011)

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

Petitioner: Jean Skaff

Present Use: An automobile refueling station with a convenience store, along with associated site improvements.

Zone Designation: The property is split zoned, located within both an RG-5 (Residence, General) and a BL-1.0 (Business, Limited) zoning district and partially within the Commercial Corridors Overlay District (CCOD-E)

Petition Purpose: To construct a ~300 SF addition to expand the existing structure and to conduct related site work.

Public Hearing Deadline: 4/8/19

Constructive Grant Deadline: TBD

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the Special Permit to the April 8, 2019 Zoning Board of Appeals meeting.

New Business

3. 133 Granite Street (MBL 44-019-00001) (ZB-2019-008)

Special Permit: To allow multi-family low-rise structures in an RL-7 zone (Article IV, Section 2, Table 4.1, Residential Use #11)

Petitioner: Acquisition Trust, LLC

Present Use: Multiple buildings, used for religious and charitable uses, along with associated site improvements

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

Petition Purpose: To demolish the existing site improvements and construct four multi-family low-rise dwellings (total of 48 units), an associated driveway network, and related surface parking areas and to conduct related site work.

Public Hearing Deadline: 3/28/19

Constructive Grant Deadline: TBD

Kathy Garrahan and Mark Borenstein of Bowditch & Dewey, as well as representatives of Acquisition Trust LLC, appeared upon behalf of the application.

Mr. Garrahan reviewed the proposal, the history of the project, and responses to staff comments. Dave LaPointe from Beals and Thomas reviewed the stormwater management proposed for the site.

The Board requested that the applicant respond to staff comments noting that the proposal appears to eliminate an existing bus turn-around. Ms. Garrahan stated that the property owner is discussing a resolution with the WRTA.

Mr. Wanat asked if the applicant would be amenable to a condition requiring 25 percent of spaces in the lots be compact. Ms. Garrahan stated that they would prefer to work that through with the Planning Board, but will take the guidance of the Zoning Board on the matter.

The Board asked the applicant to discuss what measures were considered to reduce impervious areas (e.g. use of permeable pavers, a green or blue roof, etc.) and whether imperviousness areas be decreased to result in no net increase. Ms. Garrahan stated that they could review that item with the Planning Board.

Mr. Wanat stated that his concern was the termination of the sidewalk on Lot 4, Building D. Mr. LaPointe stated that the sidewalk is terminated at that point due to the requirements of the Massachusetts Architectural Board. Mr. Horne stated that the applicant may need to look into a variance if a ramp is needed.

Mr. Freilich asked the applicant to reviewing the phasing of the project. Ms. Garrahan reviewed phasing of the lots.

Phil Anas expressed concern about potential for increased traffic and congestion.

Mr. Rolle stated that the traffic study provided by the applicant showed that the level of traffic will be at an acceptable level.

James Morocco expressed concern about water runoff and presented photos of the water problem at the site.

Mr. LaPointe reviewed the stormwater management design for the site and how it will reduce the amount of runoff.

The Board and staff reviewed lighting for the site.

Alternate Mr. Karlstad did not vote on item.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to close the public hearing

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Special Permit with conditions outlined in the staff memo, removing conditions 1a and 1g, and modifying condition 1b to extend the proposed sidewalk on Granite Street, following an alignment acceptable to the DPW&P, to the northerly side of the southern driveway.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the requested the waiver from the application requirement to label abutters and abutters thereto within 300 feet on the plan, and to accept the Findings of Fact as proposed by the applicant and modified by staff.

List of Exhibits:

- Exhibit A: Special Permit Application Materials; received January 22, 2019; prepared by Bowditch & Dewey, LLP.
- Exhibit B: 133 Granite Street Plan; dated January 18, 2019, revised January 31, 2019; prepared by Beals & Thomas, Inc.
- Exhibit C: Site Photos; submitted by James Morocco on March 18, 2019.

4. 185 Madison Street (MBL 05-008-00010) (ZB-2019-010)

- Special Permit: To allow placing, filling, dumping, and/or excavation of earth (Article IV, Section 5)
- Petitioner: Worcester Building Systems, Inc.
- Present Use: An automobile refueling station with a convenience store, a carwash, and a donut-shop with drive-thru, along with associated site improvements
- Zone Designation: BG-3.0 (Business, General) zoning district and within the Commercial Corridors Overlay District (CCOD-C) and the Downtown/Blackstone Canal Sign Overlay District (DSOD)
- Petition Purpose: To place fill at the site and conduct related grading and site work.
- Public Hearing Deadline: 4/6/19
- Constructive Grant Deadline: TBD

Patrick Healy of Thompson & Liston Associates appeared upon behalf of the applicant, Worcester Building Systems Inc. The petitioner proposes to place fill on the rear, undeveloped portion of the property along Lamartine Street.

Mr. Healy reviewed the project timeline, the volume of fill, and how the fill will be stabilized at the site. Mr. Healy stated that the fill is to be used to regrade the site for future redevelopment.

Mr. Rolle reviewed the conditions of approval proposed for the site. To avoid conflicts with upcoming road construction projects, staff requested that fill placement be setback 20 feet from Harding Street and 10 feet from Lamartine Street.

Brian Shorten expressed concern about the stockpiling on the site in relation to traffic visibility.

Robert Largess, representing the Hotel Vernon, expressed concern that water is managed appropriately for the site.

Alternate Mr. Haddon did not vote on item.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board 5-0 to approve the Special Permit with conditions outlined in the staff memo, modifying conditions 1a and 2 as discussed, and to approve the requested the waiver from the application requirement to label abutters and abutters thereto within 300 feet on the plan.

List of Exhibits:

Exhibit A: Special Permit Application; received January 31, 2019; prepared by Matthew Doyle

Exhibit B: Plan; dated January 21, 2019; prepared by Thompson-Liston Associates, Inc.

5. 48 Ward Street (MBL 05-020-00008) (ZB-2019-012)

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

Variance: For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)

Petitioner: Michelle Santiago Cronin

Present Use: Two structures and associated parking. To the north is a two-family detached dwelling and to the south is a mixed-use structure consisting of 3 residential dwelling units and 1 vacant unit, historically used for retail.

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

Petition Purpose: To convert the vacant first floor unit of the southerly structure into one additional residential dwelling unit (for a total of 6 dwelling units).

Public Hearing Deadline: 4/18/19

Constructive Grant Deadline: 5/23/19

Attorney Craig O’Neill appeared upon behalf of the applicant, Michelle Santiago Cronin. The petitioner seeks to convert the vacant first floor unit of the southerly structure into one additional residential dwelling unit, for a total of 6 dwelling units.

Mr. O’Neill gave an overview of the proposal.

Mr. Cortes asked if there would be any changes to the façade of the building. Mr. O’Neill stated it would remain the same.

Mr. Freilich expressed concern about the parking for the site, noting that it is a tight lot.

Alternate Mr. Karlstad did not vote on item.

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to close the public hearing.

Upon motion by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Special Permit and Variance with conditions outline in the staff memo.

List of Exhibits:

Exhibit A: Variance & Special Permit Application; received February 13, 2019; prepared by Michelle Santiago Cronin.

Exhibit B: Fire Comments; dated March 11, 2019.

The Board took a five-minute recess.

6. 37 Fruit Street & 59 William Street (MBL 02-046-00036) (ZB-2019-013)

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

Petitioner: Hampton Properties LLC

Present Use: At 37 Fruit Street is a structure formerly used for residential purposes; At 59 William Street is a structure formerly used for residential and office purposes.

Zone Designation: BO-1.0 (Business, Office) zoning district

Petition Purpose: To convert the existing structure at 37 Fruit Street into a 16-bed lodging house, to convert the existing structure at 59 William Street fully into offices and to re-configure and expand the on-site parking areas.

Public Hearing Deadline: 4/21/19; Constructive Grant Deadline – TBD

Attorney Robert Longden and Attorney Mark Borenstein of Bowditch & Dewey, Zac Couture of HS&T, and Russ Haims of Hampton Properties, LLC appeared upon behalf of the application. The petitioner seeks to convert the existing structure at 37 Fruit Street into a 16-bed lodging house, to convert the existing structure at 59 William Street fully into offices and to re-configure and expand the on-site parking areas.

Mr. Longden reviewed the proposal for the site and the parking to be provided. Mr. Longden stated that a letter had been received from an abutter expressing concern about the parking and he would have Mr. Haims address the abutters concerns.

Mr. Rolle stated that staff and the Board had not received a copy of the letter from the abutter, and requested that Mr. Longden provide a copy to the Board. Mr. Rolle read the abutter letter into the record.

Mr. Haims reviewed parking management and rules for the site.

Mr. Berg Powers expressed concern about parking in the area, particular in relation to Becker College.

Mr. Haims stated that he has a good relationship with Becker College, noting that they are good neighbors with regard to parking and snow removal for their sites.

Alternate Mr. Haddon did not vote on item.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad, the Board voted 4-1 (Jordan Berg Powers voting against) to approve the Special Permits with conditions outlined in the staff memo, including the house rules provided by the applicant and the requested waiver not to label abutters to abutters within 300 feet on the plan, and to accept the Findings of Facts as provided by the applicant and modified by staff.

List of Exhibits

- Exhibit A: Special Permit Application; received February 15, 2019; prepared by Bowditch & Dewey, LLP.
- Exhibit B: Special Permit Plan; February 15, 2019; prepared by HS&T Group, Inc.
- Exhibit C: Off-site Parking Plan; February 15, 2019; prepared by HS&T Group, Inc.
- Exhibit D: Fire comments; dated March 11, 2019.
- Exhibit E: Letter from Abutter; copy submitted by Bowditch & Dewey on March 18, 2019.

7. 235 (aka 235A) Shrewsbury Street (aka 11 Casco Street) (MBL 16-031-00020) (ZB-2019-014)

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

Petitioner: Enterprise Rent-a-Car Company of Boston, LLC

Present Use: A commercial structure and two parking lots used in association with an auto repair, sale, and display business and what was formerly a food-service use.

Zone Designation: MG-2.0 (Manufacturing, General) zoning district and within the Commercial Corridors Overlay District (CCOD-S) and the Union Station Sign Overlay District (USOD)

Petition Purpose: To convert the space previously used in association with a food-service establishment into a motor-vehicle rental and display use.

Public Hearing Deadline: 4/25/19; Constructive Grant Deadline: TBD

Becky Marcinkevich of Enterprise Rent-a-Car Company of Boston, LLC appeared upon behalf of the application and reviewed the proposal for the site. The petitioner seeks to convert the space previously used in association with a food-service establishment into a motor-vehicle rental and display use.

Ms. Marcinkevich reviewed the proposal.

Mr. Rolle reviewed zoning regulations in regard to the use of the proposal as well as conditions of approval proposed by staff.

Frank Santa Maria, owner of the property, reviewed the entrances and exits for the property and the parking for the site.

Mr. Freilich asked if this was another location for Enterprises or if another site in Worcester is to be closed. Ms. Marcinkevich stated that their Belmont Street location will be relocated to this site.

The Board asked the applicant about existing signs and landscaping. Ms. Marcinkevich stated that they plan to re-do the faces of the signs and intend no changes existing landscaping.

Philip Palmieri, abutter to the property, expressed his support for the proposal.

Councilor Candy Mero-Carlson reviewed the history of the property and spoke in support of the project.

Alternate Mr. Karlstad did not vote on item.

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Special Permit with conditions outline in the staff memo, modifying condition 5, and the waiver of the application requirement to provide a site plan.

List of Exhibits:

- Exhibit A: Special Permit Application; received February 12, 2019; Enterprise Rent-a-Car Company of Boston, LLC.
- Exhibit B: Fire Comments; dated March 11, 2019.
- Exhibit C: E-mail response to staff questions – plan and rendering; from Enterprise Rent-a-Car Company, received March 15, 2019.

Other Business

8. Communications

9. Discussion of Board Policies and Procedures

10. Signing of Decisions from prior meetings

Adjournment

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon the Board voted 5-0 to adjourn the meeting at 8:22 PM.