

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

September 9, 2019

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS

Zoning Board Members Present:

Joseph Wanat, Chair
Andrew Freilich
Russell Karlstad, Alternate Member
Robert Haddon, Alternate Member

Absent:

Jordan Berg Powers
George Cortes

Staff Present:

Stephen Rolle, Division of Planning & Regulatory Services
Michelle M. Smith, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services
David Horne, Department of Inspectional Services

Call to Order – 5:30 pm

Approval of the Minutes - 1/14/19, 2/25/19, 3/18/19, 4/8/19, 4/29/19, 5/20/19, 6/10/19, 7/1/19, 7/22/19 & 8/12/19-Held.

Requests for Continuances, Extensions, Postponements, & Withdrawals

1. 33 Dominion Road (MBL 46-006-00180) (ZB-2019-017)

Special Permit:	To allow a multi-family low-rise structure in an RL-7 zone (Article IV, Section 2, Table 4.1, Residential Use #11)
Petitioner:	Silver Tree Realty, LLC
Present Use:	A vacant lot
Zone Designation:	RL-7 (Residence, Limited)
Petition Purpose:	The applicant seeks to construct a multi-family low-rise dwelling with 7 dwelling units and associated parking.
Hearing Opened:	4/29/19; Constructive Grant Deadline: TBD

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 4-0 to postpone the Special Permit application to the October 7, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 29, 2019.

2. 3 Newton Avenue (MBL 11-013-00004) (ZB-2019-021)

3 (aka Lot 1) Newton Avenue (Existing):

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

Lot 2 Newton Avenue (Proposed):

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
 - Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
 - Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
 - Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
 - Petitioner: Guri Dura and Marjeta Skenderi
 - Present Use: At 3 Newton Avenue (aka Lot 1) is a two-family dwelling & on proposed Lot 2 is a detached garage.
 - Zone Designation: RL-7 (Residence, Limited) zoning district
 - Petition Purpose: To convert the garage into a single-family dwelling.
 - Hearing Opened: 6/10/19; Constructive Grant Deadline: 10/8/19
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Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Variance applications to the October 7, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 29, 2019.

3. 17 Mattson Avenue (MBL 13-005-0026A) (ZB-2019-032)

- Variance:** For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Petitioner: Artan Ametaj
- Present Use: Presently on the premises is an existing, non-conforming two-family detached dwelling.
- Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: The applicant seeks to construct an addition in order to convert the existing two-family detached dwelling into a three-family detached dwelling and to conduct associated site work.

Hearing Opened: 7/1/19; Constructive Grant Deadline: 10/8/19

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Variance applications to the October 7, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 29, 2019.

4. 757 Salisbury Street (MBL 50-023-00001) (ZB-2019-041)

Variance: For relief from the maximum height dimensional requirements (Article IV, Section 4, Table 4.2)

Petitioner: HP Acquisitions, LLC

Present Use: Presently on the premises are vacant residential buildings.

Zone Designation: RS-10 (Residence, Single-Family) & RS-7 (Residence, Single-Family) zoning district

Petition Purpose: The applicant seeks to construct a Continuing Care Retirement Community consisting of three multi-family, low-rise buildings with a total of +/- 123 dwelling units, an associated driveway network, and related site work on approximately 17 acres of land (located off Salisbury Street).

Public Hearing Deadline: 10/7/19; Constructive Grant Deadline: 11/2/19

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Variance application to the October 7, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 29, 2019.

5. 20 (aka Lot 1 & 2) Sherer Trail (MBL 42-026-00005) (ZB-2019-043)

20 (aka Lot 1) Sherer Trail (Existing):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)

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

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

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

Lot 2 Sherer Trail (Proposed):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)

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

Petitioner: Nicholas Hoffman
Present Use: Presently on the premises at 20 Sherer Trail (aka Lot 1) is an existing, nonconforming single-family detached dwelling, and on proposed Lot 2 is a vacant lot.
Zone Designation: RS-7 (Residence, Single-Family) zoning district
Petition Purpose: The applicant seeks to divide the existing lot into two, and construct a single-family detached dwelling on proposed Lot 2, along with related site work.

Public Hearing Deadline: 10/10/19; Constructive Grant Deadline: 11/14/19

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Variance applications to the October 7, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 29, 2019.

6. 533 (aka 535-537) Cambridge Street (MBL 07-042-00044) (ZB-2019-045)

Special Permit: To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use (Article XVI, Section 4)

Petitioner: Van K. Nguyen

Present Use: Presently on the premises is an existing, nonconforming single-family detached dwelling with associated site improvements.

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

Petition Purpose: The applicant seeks to construct an addition, adding 2 new dwelling units, in order to convert the existing single-family detached dwelling into a single-family attached dwelling, with a total of 3 dwelling units, and to conduct associated site work.

Public Hearing Deadline: 10/12/19; Constructive Grant Deadline: TBD

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Special Permit application to the October 7, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 29, 2019.

New Business

7. 67 West Boylston Street (MBL 20-023-0001A) (ZB-2019-036)

Special Permit: To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use (Article XVI, Section 4)

Special Permit: To allow a food-service drive-thru in a BG-3.0 District (Article IV, Section 2, Table 4.1, Business Use #6)

Special Permit: To allow an automobile refueling station in a BG-3.0 District (Article IV, Section 2, Table 4.1, Business Use #17)

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

Petitioner: HTK8 Yankee LLC
Present Use: Presently on the premises is an automobile refueling station, a convenience store and food-service with a drive-thru, with associated off-street parking spaces.
Zone Designation: The property is split zoned, located within both BG-3.0 (Business, General) and RL-7 (Residential, Limited) zoning districts
Petition Purpose: The applicant seeks to construct an escape lane and re-configure the existing drive-thru lane and expand the parking area to add additional parking spaces, and conduct associated site work.

Public Hearing Deadline: 9/9/19; Constructive Grant Deadline: 10/8/19

Attorney Todd Rodman appeared upon behalf of the application and requested that the item be postponed.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Special Permit applications to the October 7, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant deadline to October 29, 2019.

8. 0 Stark Road (MBL 40-016-00053) (ZB-2019-042)

Special Permit: To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use (Article XVI, Section 4)
Variance: For relief from the minimum front-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
Petitioner: Neil S. Davis, Trustee
Present Use: Presently on the premises is an existing nonconforming single-family detached dwelling with associated site improvements.
Zone Designation: RS-7 (Residence, Single-Family) zoning district
Petition Purpose: The applicant seeks to construct a one-car, attached garage and to conduct associated site work.

Public Hearing Deadline: 10/10/19; Constructive Grant Deadline: 11/14/19

Attorney Robert Hennigan along with Neil S. Davis and Tim Fitzgerald appeared upon behalf of the application.

The applicant seeks to construct a one-car, attached garage and to conduct associated site work.

Mr. Hennigan gave an overview of how and where the garage would be built on the site.

Staff asked where the shed on the property would be located. Mr. Hennigan stated that the shed would be moved to the back of the property.

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. Haddon and seconded by Mr. Freilich the Board voted 4-0 to approve the Special Permit and Variance applications with conditions outlined in staff's memo as well as accepting the Findings of Facts as proposed by the applicant and modified by staff and the following waivers requested by the applicant.

- The requirement to provide the percentage of the lot covered by the principal and accessory structures.
- To provide the distances to adjacent buildings on the plan.

List of Exhibits:

Exhibit A: Special Permit & Variance Application; received 8/6/19; revised 8/16/19; prepared by Attorney Robert J. Hennigan, Jr.

Exhibit B: Proposed Special Permit & Variance Plan; dated 6/20/19; received 8/6/19; prepared by H.S. & T. Group, Inc.

Other Business

9. Communications

10. Discussion of Board Policies and Procedures

11. Signing of Decisions (from prior meetings)

Adjournment

Upon a motion by Mr. Karlstad and seconded by Mr. Haddon the Board voted 4-0 to adjourn the meeting at 5:58 p.m.