

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
January 27, 2021**

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 730323290#), which was publicized on the posted meeting agenda and during the video broadcast.

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

Zoning Board Members Not
Participating:

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
David Horne, Department of Inspectional Services

Call to Order – 5:30 PM

Mr. Berg Powers was not present on call for minutes or Item #1

Requests for Continuances, Extensions, Postponements & Withdrawals

Old Business

Item #1 **1193 (aka 1239) & 1243 (aka 1241) Millbury Street (MBL 46-006-00180) (ZB-2020-011)**

Special Permit: To allow open lot storage of more than one (1) unregistered automobile in excess of seven (7) days (Article IV, Section 2, Table 4.1, General Use #13)

Special Permit To allow open lot storage and/or salvage recycling operations (Article IV, Section 2, Table 4.1, Manufacturing Use #8)

Petitioner: Boakye Osei Bonsu

Present Use: At 1243 (aka 1241) Millbury Street are two buildings – a +/-1,319 SF commercial building, formerly used as convenience store, and a +/- 3,480 SF commercial building, formerly used for retail food sales – each with associated surface parking and at 1193 (aka 1239) Millbury Street is a parking lot used for open lot storage.

Zone Designation: MG-1.0 (Manufacturing, General) zoning district and the Blackstone River Parkway Sign Overlay District (BSOD)

Petition Purpose: To allow open lot storage of vehicles on both lots, to convert the existing +/- 3,480 SF commercial building into a garage to be used for dismantling of vehicles.

Hearing Opened: 10/5/2020 Constructive Grant Deadline: TBD

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted 4-0 to postpone the Special Permit applications to the February 11, 2021 Zoning Board of Appeals Hearing and to extend the Constructive Grant Deadline to March 16, 2021.

Meeting was held several minutes while waiting for Mr. Berg Powers to join.

New Business

Item #2 **54 Cedar Street (MBL 02-048-00012) (ZB-2020-062)**
 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 parking requirements for a residential use (Article IV, Section 7, Table 4.4)
 Petitioner: Hampton Properties LLC
 Present Use: A +/- 15,470 SF residential structure, most recently used as a dormitory, with associated off-street parking.
 Zone Designation: RL-7 (Residence, Limited) zoning district
 Petition Purpose: To renovate and convert the existing structure into a multi-family low-rise dwelling (total of 5 units) and conduct associated site work.
 Public Hearing Deadline: 3/3/2021 Constructive Grant Deadline: 4/7/2021

Attorney Mark Borenstein appeared on behalf of the applicant, Hampton Properties LLC, along with Russ Haims from Hampton Properties and the engineer for the project.

Mr. Borenstein gave a review of the scope of the project.

The Board and the applicant discussed the parking for the site.

Mr. Borenstein stated that they were fine with Conditions of Approval of recommended by staff with minor modifications and they are requesting Waivers suggested by staff.

Ms. Molina Dumas stated that staff had no comments.

Public Comment

No Public Comment

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted 4-0 to Close the Public Hearing. Mr. Berg Powers stated that he felt he needed to recuse himself from the item.

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted 4-0 to approve the Special Permits with the following conditions of approval; Prior to the issuance of a Building Permit, provide one (1) full-size, to-scale, stamped/sealed original of a final revised definitive site plan-set and complete architectural plans for both structures, and a PDF file of the same, to the Division of Planning & Regulatory Services reflecting the addition of the proposed bike rack on the plans. Approval of the Waivers requested and the Perpetual Conditions as follows:

- All exterior lighting shall be dark-sky compliant and of a warmer light temperature (3,000K or less).
- That the parking variance specifically applies only to the proposed multi-family use, and not to a change in use or expansion of such use. Any change in use shall meet applicable parking requirements or receive the necessary relief from said requirements.
- That parking and/or paved areas be limited to those areas depicted on the approved plan and other areas shall remain permeable.
- All parking spaces shall be striped in accordance with the plans.
- Snow storage shall not be located within any required parking spaces or landscaped buffers and shall not impede visibility. Once designated snow storage areas exceed capacity, snow shall be removed from the site.
- Provided that the project shall be constructed in substantial accordance with the findings of fact and all final revised site plans on file with the City of Worcester and in accordance with all applicable governmental codes.

Mr. Berg Powers recused himself from item #3

Item #3 **64 (aka 66) Cedar Street (MBL 02-048-00002) (ZB-2020-063)**
 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)

- 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)
- Variance: For relief from the minimum lot area dimensional requirement for a multi-family low-rise dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum frontage dimensional requirement for a multi-family low-rise dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum parking requirements for a residential use (Article IV, Section 7, Table 4.4)

Petitioner: Hampton Properties LLC

Present Use: A +/- 11,348 SF structure, formerly used as a dormitory, with associated off-street parking.

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

Petition Purpose: To renovate and convert the existing structure into a multi-family low-rise dwelling (total of 9 units), construct related parking, and conduct associated site work.

Public Hearing Deadline: 3/3/2021 Constructive Grant Deadline: 4/7/2021

Attorney Mark Borenstein along with Russ Haims from Hampton Properties LLC, and the engineer for the project called in for the application.

Mr. Borenstein reviewed the scope of the project.

Mr. Borenstein stated that they were requesting waivers requested by staff and were in agreement with Conditions of Approval suggested by staff.

Ms. Molina Dumas reviews the staff comments for the project.

The Board and the applicant discussed the parking for the location and the handicapped accessibility for the building.

Public Comment

No Public comment

Upon a motion by Mr. Haddon 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. Karlstad, the Board voted 4-0 to approve the Special Permit and Variance applications with the following Conditions of Approval; Prior to the issuance of a building permit or commencement of site work (whichever occurs first), Provide one (1) full-size, to-scale, stamped/sealed original of a final revised definitive site plan-set and complete architectural plans for both structures, updated parking memo, and drainage memorandum, and a PDF file of each the same, to the Division of Planning & Regulatory Services reflecting the following:

- A copy of the existing conditions base map, prepared by a Professional Licensed Surveyor (PLS) in accordance with 250 CMR 5.01.
- Revised references to existing parking as providing 5 existing spaces and proposed parking as 9 spaces.
- Provide one additional (minimum 3.5") caliper shade tree in the front-yard. All shade tree species shall be non-Asian Longhorned Beetle or Emerald Ash Borer susceptible and consist of at least two different species.
- The three parking stalls located in the rear to be oriented to the south, facing Cedar Street, shifting the proposed arborvitae hedge to the southerly, and providing a 22' aisle to the rear of the stalls.
- Provide location of proposed bike rack on plans and the following Perpetual Conditions of approval;
- All exterior lighting shall be dark-sky compliant and of a warmer light temperature (3,000K or less).
- The dumpster shall be screened with a solid style (non-chain-link) fence enclosure.

- That the parking variance specifically applies only to the proposed multi-family use, and not to a change in use or expansion of such use. Any change in use shall meet applicable parking requirements or receive the necessary relief from said requirements.
- That parking and/or paved areas be limited to those areas depicted on the approved plan and other areas shall remain permeable.
- All parking spaces shall be striped in accordance with the plans.
- Snow storage shall not be located within any required parking spaces or landscaped buffers and shall not impede visibility. Once designated snow storage areas exceed capacity, snow shall be removed from the site.
- Provided that the project shall be constructed in substantial accordance with the findings of fact and all final revised site plans and operation and maintenance plans on file with the City of Worcester and in accordance with all applicable governmental codes.

Item #4	61 South Ludlow Street (MBL 28-023-00001) (ZB-2021-002)
Special Permit:	To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)
Petitioner:	SA Partners, Inc.
Present Use:	A privileged, non-conforming automobile refueling station and convenience store with associated site improvements.
Zone Designation:	RS-7 (Residence, Single Family) zoning district
Petition Purpose:	To maintain the existing uses and add a package store (sale of alcoholic beverages) use within the existing building.
Public Hearing Deadline:	2/26/2021
	Constructive Grant Deadline: TBD

Attorney Wayne LeBlanc appeared on behalf of the applicants, SA Partners, Inc. Mr. LeBlanc stated that the applicant is looking to add beer and wine sales to the location. Mr. LeBlanc reviewed the hours of operation for the site and when deliveries were made to the location.

Mr. LeBlanc requested the waivers requested by staff and was in agreement with the Conditions of Approval suggested by staff.

Ms. Molina Dumas stated that staff had no comments.

Public Comment

No Public comment.

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted 5-0 to approve the Special Permit application with the following conditions of approval; Provided that the project shall be constructed in substantial accordance with the findings of fact and all final revised site plans on file with the City of Worcester and in accordance with all applicable governmental code and approval of the waivers requested by the applicant.

Other Business

5. Communications
6. Discussion of Board Policies and Procedures
7. Approval of Minutes

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted to approve the minutes of May 11, 2020. June 15, 2020 and June 27, 2020.

Adjournment

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted to adjourn the meeting at 6:38 p.m.