



**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
Special Meeting – February 7, 2022**

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
Participating Remotely: Joseph Wanat, Chair
Russell Karlstad, Vice Chair
Jordan Berg Powers
George Cortes
Eric Torkornoo

Staff Participating Remotely: Stephen Rolle, Division of Planning & Regulatory Services
Stephen Cary, Division of Planning & Regulatory Services

Call to Order – 5:30 PM

Requests for Continuances, Extensions, Postponements, and Withdrawals

Item 4: 9 Dalton Street (SP)

Request to Postpone to February 28th, 2022
Extend the Constructive Grant Deadline to March 22nd, 2022

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 6-0 to postpone.

New Business – Public Hearings

- 1. 0, 9, & 19 Hemans Street, 7 Hemans Court, and 40R Milton Street (MBL 09-030-00005, -00009, -004-5, -007-2; & 09-031-00023) (ZB-2021-064)**
- Variance:** For relief from the minimum parking requirements for a multifamily dwelling in an RG-5 Zone (Article IV, Section 7, Table 4.4)
- Petitioner:** Boghos Properties, LLC
- Present Use:** Presently on the premises at 7 Hemans Court, 0 & 9 Hemans Street, and 40R Milton Street are vacant lots and at 19 Hemans Street is a single-family dwelling (slated for

demolition).
Zone RG-5 (Residence, General) zoning district
Designation:
Petition Purpose: The applicant seeks to construct a +/- 7 story multi-family dwelling, with a total of +/- 216 residential units, +/- 329 parking spaces (surface and garage), and related site improvements.

Chairperson Wanat summarized the application.

Donald O'Neil, an attorney on behalf of the Boghos properties, Eric Zachrison & Ray Boghos also on the line. Mr. O'Neil described the 5 acre parcel, summarized the proposed development, housing type breakdown, and explained why less parking is needed. Mr. O'Neil also noted other filings are needed.

Mr. Boghos introduced the team and gave an overview of the proposed development and site layout; described site topography and how it influenced parking garage design; detailed amenities; and finally the reasoning for the parking variance request.

Mr. Boghos referenced statistics that support the position that less parking is needed than the ordinance dictates, he discussed similar projects approved in the last 5-10 years that have offered less parking and discussed the by-right option.

Architect Zachrison explained how reduction in parking influences architectural design and makes for a better design.

Steve Rolle re-summarized the relief being requested from the Board and described neighborhood character.

Board Discussion:

Mr. Wanat pointed out a possible point of ADA-non-compliance on the sidewalk. Mr. Rolle stated that it could be resolved via Planning Board and through a petition to City Council. Mr. Wanat stated that he was satisfied with the truck turnaround, and asked the applicant about bicycle parking, Mr. Boghos responded that they have proposed +/- 60 bicycle parking spaces within the garage and are considering additional on surface parking. Mr. Wanat asked if the City would implement findings of TDM (traffic) study Mr. Rolle replied that Board could make compliance with the TDM program a condition of approval.

Mr. Cortes stated his concern about having enough available off-street parking given the neighborhood context. He expressed that he likes the project and asked the Board and applicant to consider growth that Worcester has undergone recently and asked applicant to discuss the by-right alternative. Mr. Boghos stated that he feels even with the variance it would be plenty of parking and that the trend among young people is away from vehicle use/ownership. Mr. Cortes asked the City whether it would be viable to excavate more to provide more parking than being requested but short of by-right. Mr. Rolle re-iterated that the applicant has proposed two option: with the variance and by-right. Mr. Cortes asked the applicant to have an open mind to other options, Mr. O'Neil affirmed that one-bedroom apartments do not need 2 parking spaces and that Board should consider the actual need for parking based on statistics.

Mr. Torkornoo asked Mr. Boghos who the target demographic is and whether parking spaces would be dedicated to each apartments. Mr. Boghos stated that residents would need to submit proof of vehicular ownership, and stated the target demographic is younger people (Millenials and Gen Z) and empty nesters. Mr. Torkornoo asked if there would be parking attendants. Mr. Boghos stated that there would be a secure gate and a sticker needed to pass.

Mr. Karlstad noted that prior projects that applicant referenced were located in walkable and transit accessible areas, while this project is not as accessible without a vehicle. Mr. Karlstad stated his concern about the scale of the project and that abutters need to be heard, he also stated his concern about increase in vehicle trips and overall impact of a development this large. Mr. Karlstad also addressed the vegetation regrowth that will need to occur since the site is being clear cut.

Mr. Sabo stated his agreement with Mr. Karlstad about abutter concerns needing to be addresses, and stated his agreement with Chairperson Wanat on the amount of parking being appropriate based on statistics.

Mr. Berg Powers stated that he thinks parking reduction is a non-issue and that size is right for the city, but expressed his concern for road conditions and vehicular trips generated. He also addressed abutter comments about the disruption to the neighborhood the construction will cause to the residents and specifically the already poorly maintained private roads.

Public Comment

Gail LaGoy, an abutter, asked to comment. She expressed concern about where visitors/service providers and staff will park and the lack of overflow parking. Ms. LaGoy also expressed concern for winter driving in the neighborhood and fire access to the development.

Mr. Boghos explained that even at 1.5 spaces per unit it would be over-parked and there would be staff parking provided.

Mr. Wanat asked the City planning staff if Fire had weighed in about site access. Mr. Rolle stated that they had and that these concerns can also be addressed during site plan review with the Planning Board. Mr. Rolle also discussed the potential to add residential permitting on Hemans Street to prevent overflow parking.

Ms. LaGoy reiterated that in her experience as a landlord, overflow parking is needed.

Mr. Cortes suggested dedicated visitor parking, Mr. Wanat suggested that this could be handled through Planning Board site plan review. Mr. Boghos stated that surface parking exterior to building could be made visitor parking, and Mr. Wanat suggested conditioning a parking management plan.

Mr. Torkornoo asked the applicant whether there would be handicap parking, and Mr. Wanat responded that this would be required by site plan review.

Mr. Rolle suggested conditions of approval including implementation of TDM and providing options for visitor parking.

Mr. Sabo asked who would carry out parking enforcement, and Mr. Rolle responded that it would be the Building Commissioner in official capacity by Planning Department would play a role. Mr. Sabo stated that because the by-right option can move forward, they ought to improve the site as much as possible through their approval, Mr. Wanat agreed.

Mr. Karlstad reiterated that a loss of amenities in the by-right option would be the developer's choice, not the City's.

Mr. Wanat suggested that the Board do a straw poll, and stated his support with the discussed conditions. Mr. Berg Powers stated that he was relatively in favor and that his concerns can be addressed through the Planning Board and Conservation Commission. Mr. Rolle reiterated that site plan review with the Planning Board will cover more and Mr. Boghos stated his intention to provide a construction management plan.

On a motion by Mr. Berg Powers, seconded by Mr. Karlstad, 5-0 to close the Public Hearing.

Mr. Berg Powers made a motion to approve the variance with findings and fact as stated with recommendations described in memo, with waivers requested, and with addendums added in discussion; a TDM plan including a section on visitor parking options; formal designation of visitor parking spaces; consideration of bicycles. The motion was seconded by Mr. Karlstad, and the application was denied 3-2 (Mr. Karlstad; no, Mr. Cortes; no, Mr. Berg Powers; yes, Mr. Torkornoo; yes, Mr. Wanat; yes)

2. 16 Fremont Street (MBL 27-019-00006) (ZB-2022-001)

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

Petitioner: Diana Altamirano

Present Use: Presently on the premises is a non-conforming single-family detached dwelling and associated site improvements

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

Designation:

Petition Purpose: The applicant seeks to convert the single-family detached dwelling into a two-family detached dwelling and to conduct associated site work.

Edgar Luna spoke on behalf of the applicant as a translator. He summarized the proposal to turn the single-family detached dwelling into a two-family detached dwelling. Mr. Luna stated four parking spaces will be provided and pave the driveway and parking lot that will be created with an area for vehicles to turn around so they will not be backing out into the street. He also described the three mature trees and shed that will be removed to make room for the parking lot. Additionally Mr. Luna explained a fence will be constructed to prevent vehicles from hitting the abutting home behind the proposed parking lot, and as noted by Mr. Cary to prevent headlights from shining on the abutting home.

Board Discussion

Mr. Wanat inquired about the tree removal, Mr. Luna responded that three mature trees are going to be removed. Mr. Wanat further asked if the applicant would be willing to add a friendly amendment avoiding tree removal and a 1-to-1 tree replacement if removed.

Mr. Cortes asked if the rear entrance steps could be moved out of the way of vehicles for safety purposes. Through Mr. Luna, the applicant said they are planning to remove the stairs and reduce the size of the deck in the rear.

Public Comment

Gregg Migridchian, an abutter asked to comment. Mr. Migridchian expressed his concern about potential overflow parking. Mr. Wanat explained that a potential fifth vehicle could fit in case of visitors in the parking lot, and that parking requirements are being met. Mr. Migridchian continued, stating he's worried about the possibility of residents of the proposed two-family parking on his property. He asked for clarification on the two sets of entrance/egress. Mr. Cary explained that the proposal does have two sets of entrance/egress. Mr. Migridchian voiced his opposition to trees and the leaves falling on his property. Mr. Wanat assured there would be a buffer between new trees and abutter property lines. Mr. Migridchian asked if proposal would be owner occupied. Through Mr. Luna, the applicant confirmed she would be living there.

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers to close, 5-0.

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers to approve 5-0 with conditions of approval, with waivers requested, and an amendment to require 1-to-1 tree replacement, with language stating if possible to keep the existing trees.

3. 40 Hooper Street (MBL 16-004-00018) (ZB-2022-004)

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 setback dimensional requirement for an accessory structure in a residential zone (Article IV, Section 8, B.10.)

Petitioner: Daniel Yarnie

Zone: RG-5 (Residential, General) zoning district

Designation:

Present Use: Presently on the premises is a vacant lot.

Petition Purpose: The applicant seeks to construct a +/-3-story multi-family low-rise dwelling, with a total of +/-12 units, +/-24 parking spaces (surface and garage), a series of retaining walls, and related site improvements

John Grenier described proposal, a 12-unit residential on a steep vacant lot. He described parking would be located at street-level underneath the building. Mr. Grenier described a retaining wall that would be constructed, along with the rear foundation of the parking garage would also act as a retaining wall. Mr. Grenier said the applicant is amenable to all the staff recommendations such as striping parking spots and extending the sidewalk along the entire frontage of the property.

Mr. Cary gave a short description of all the planning staff recommendations.

Board comment

Mr. Karlstad asked the applicant if they had considered putting in compact spaces near the dumpster for better maneuverability of larger trash pickup trucks. Mr. Rolled stated they would need an additional relief to add more compact spaces and the city feels comfortable as the plan is outlined.

Mr. Cortes asked where lighting would be on site, Mr. Grenier stated that it would be wall-mounted with lighting at egress doors and will be discussed further during site plan review at Planning Board.

Mr. Karlstad asked the applicant about parking feasibility of tight parking underneath; Mr. Grenier agreed it would be tight but stated that they can make it work and have flexibility by reducing size of stairwell. Mr. Karlstad stated he was not pleased with the dumpster location relative to the handicap ramp, and that it is inequitable access for handicap residents.

Mr. Wanat asked the planning staff to address space in the front yard setback. Mr. Rolle stated that with landscape buffer it is setback nearly 17' from the edge of the roadway.

Mr. Karlstad stated his concern about the president of approving the conversion of vegetated lot to hardscape.

No Public Comment.

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers; 5-0 to close.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes to approve with recommendations and waivers; approved 4-1 (Mr. Karlstad; no)

5. 563 Salisbury Street (MBL 25-051-00017) (ZB-2022-007)

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)

Petitioner: Alan A. Dyrmi and Erjona I. Mehillas
Zone RS-10 (Residential, Single-Family) zoning district
Designation:
Present Use: Presently on the premises is a single-family detached dwelling.
Petition Purpose: The applicant seeks retroactive approval in order to pave a portion of the front yard for vehicular use.

Donald O’Neil spoke on behalf of the applicant. He stated his client was unaware of provision against front yard setback paving limitations. The code department received a complaint about the applicant paving 78% of their yard and stated that they have proposed to remove pavement such that 42% would remain paved. Mr. O’Neil stated that applicant would like to keep turnaround as other houses on the street have, given the dangerous traffic condition. He stated that applicant has an elderly tenant who is handicapped, and that applicant paid to have it paved and would like to keep some it.

Mr. Rolle explained paving ordinance and where applicant could keep parking; presented alternative plan that would reduce paving to 33% that City recommended, which would still be plenty of room for a turnaround.

Mr. Wanat stated he would not support 42% plan but would support 33%. He expressed sympathy for the applicant and stated that the city recommendations were generous.

Mr. Karlstad stated his would support City-recommended plan.

Mr. Cortes stated his support for alternative plan as well.

Mr. O’Neil stated that applicant would like to move forward with alternative plan and is amenable to conditions of approval. He also stated the applicant is requesting the waivers.

No Public Comment

RK asked how alternative plan should be conditioned; SR suggested they reference slide show.

On a motion by Mr. Karlstad, seconded by Mr. Cortes, 5-0 to close the public hearing

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, 4-1 (Mr. Karlstad; no) to approve the special permit following the city’s alternate plan of 33% pavement with recommendations and waivers requested.

6. 4 & 14 Velandar Street (MBL 16-005-00046 & -00047) (ZB-2022-008)
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)
Petitioner: Farnham Properties, c/o Mark Farnham
Zone RG-5 (Residential, General) zoning district
Designation:
Present Use: Vacant lot.
Petition Purpose: The applicant seeks to construct two single-family attached (townhouse style) structures with a total of 11 dwelling units and associated site improvements

Chris Keenan, representing the applicant, gave an overview of the two residential structures containing 11 townhouse style units, and the relief being requested. Mr. Rolle described site conditions and gave additional

details of the development. Mark Farnham stated that consideration has been given to each unit having a driveway and waterline. Mr. Rolle stated that staff is okay with curb cuts given that it is not a through street.

Mr. Wanat asked about slopes at rear of the property. Mr. Keenan clarified that it looks steeper on the site plan but a retaining wall isn't necessary.

Mr. Berg Powers asked about snow storage at western end of the property, and raised a previous abutter concern about property lines and snow storage with no/poor fencing. Mr. Farnham stated that they are intending to install a large fence at the back of the property. Mr. Keenan stated that fence would not affect snow storage. Mr. Berg Powers asked for clarification on runoff catchment. Mr. Keenan clarified the runoff is captured and routed through the runoff system.

Mr. Berg Powers asked for clarification on curb cuts and who would be responsible for maintenance of street. Mr. Keenan clarified that since it's not a through street, there won't be heavy traffic, and generally safe for how many curb cuts are planned. Mr. Berg Powers discussed neighborhood character and how single-family attached homes fits with it. Mr. Keenan clarified and discussed the impact of the development on the neighborhood. Mr. Farnham stated that scale was taken into consideration when they laid out the project.

Mr. Cortes stated his concern about encroachment on privacy of abutting properties. Mr. Keenan discussed existing vegetation screening. Mr. Cortes suggested a visual screening. Mr. Keenan and Mr. Farnham stated that other properties to the north are high enough in elevation that it would not make a difference. Mr. Cortes and Mr. Wanat both suggested more plantings along northern property lines.

Mr. Rolle cautioned the Board to stick to their purview. Mr. Karlstad agreed with Mr. Rolle's sentiment.

Public Comment

Meenakshi Garodia, an abutter asked to comment. Ms. Garodia expressed her concern about snow storage, and potential salt and water runoff onto her property.

Mr. Wanat suggested removing the snow storage area. Mr. Keenan suggested extending pavement on Velander Street and keep the snow storage on the pavement. Mr. Wanat wasn't satisfied with that, and asked to remove the snow storage and keep the storage between unit 6 and 7. Mr. Berg Powers preferred the snow storage be kept at an extension of Velander Street. Mr. Wanat stated that further snow storage concerns can be addressed through the site plan review process.

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, 5-0 to close the Public Hearing.

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, 5-0 to approve with staff conditions and requested waivers.

Other Business

9. Communications

No discussion

10. Discussion of Board Policies and Procedures

No discussion

11. Election of Office

Elections were postponed to the next meeting due to time constraints

12. Approval of Minutes – 1/10/2022

No discussion

Adjournment

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted unanimously to adjourn at 9:03PM.