



The City of
WORCESTER

Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
George Cortes
Anthony Dell'Aera
Eric Torkornoo
Nathan Sabo, Alternate
Shannon Campaniello, Alternate

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
May 15, 2023**

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
<https://cow.webex.com/meet/planningboardwebex> and
call-in number 415-655-0001 (Access Code: 160 884 7670).

Zoning Board Members Present: Russell Karlstad, Chair
George Cortes
Nathan Sabo
Shannon Campaniello
Anthony Dell'Aera- *Participated Remotely*
Jordan Berg Powers- *Participated Remotely*
Eric Torkornoo - *Participated Remotely*

Zoning Board Members Absent:

Staff Participating: Michelle Smith, *Division of Planning & Regulatory Services*
Rose Russell, *Division of Planning & Regulatory Services*
Paul Dell'Aquila, *Division of Planning & Regulatory Services*
David Horne, *Inspectional Services Department*

Call to Order:

Mr. Karlstad called the meeting to order at 5:32PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Item 1: 2 Milton Street (ZB-2023-009) Special Permit & Variances

Request to Postpone the Public Meeting to June 5, 2023

Extend the Constructive Grant Deadline to June 27, 2023

Item 2: 8 (aka 11) Earle Terrace (ZB-2023-005) Special Permit

Request to Postpone the Public Meeting to June 5, 2023

Extend the Constructive Grant Deadline to June 27, 2023

Item 6: 25 Eskow Street (ZB-2023-023) Special Permit

Request to Postpone the Public Meeting to June 5, 2023

Extend the Constructive Grant Deadline to June 27, 2023

Item 7: 2 Northboro Street (aka 298 Plantation Street (ZB-2023-036) Special Permit

Request to Postpone the Public Meeting to June 5, 2023

Extend the Constructive Grant Deadline to June 27, 2023

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to grant the postponements.

New Business – Public Hearings

3. 365 Shrewsbury Street (ZB-2023-006) (MBL 16-022-00010)

- Special Permit:** To allow a non-residential use (Business Use #26 – Retail sales) in the MG-2.0 zoning district (Article IV, Section 2, Table 4.1)
- Petitioner:** DJR Properties LLC
- Present Use:** Presently on the premises at 365 Shrewsbury Street is a two-story office building with three (3) off street parking spaces.
- Zone Designation:** MG-2.0 (Manufacturing, General) zoning district, CCOD-S (Commercial Corridors Overlay District – Shrewsbury Street Parking Subarea), and USOD (Union Station View Corridor Sign Overlay District).
- Petition Purpose:** The applicant seeks to change the use from business- only to retail (1st floor) and associated office (2nd floor).
- Public Hearing Deadline:** 7/1/2023 **Constructive Grant Deadline:** N/A

Matthew Eckel, attorney for the petitioner described the petition to allow retail sales use on the first floor of the subject property. Mr. Eckel described the existing site conditions, use and the proposed conditions and proposed use to operate a jewelry store. Mr. Eckel described hours of operation and addressed staff recommendations.

Mr. Dell’Aquila gave a brief description of the proposal, described the location of the property within the CCOD, the required parking. and listed the staff conditions of approval.

Ms. Smith stated that after discussion with Building Commissioner Horne, the proposed handicap spaces does not meet the requirements for handicap parking spaces and suggested the applicant maintain the site as employee parking only.

Board Discussion

Mr. Karlstad asked for confirmation on whether the applicant owned both properties; Mr. Smith confirmed and described the petition as the City understands it. Mr. Karlstad stated he is worried about the potential of the parking lease not happy.

Mr. Cortes asked what would happen if the purchase of the lot to develop a parking lot fell through; Mr. Eckel answered.

Mr. Karlstad asked the City to clarify whether there is a bus stop; Mr. Dell’Aquila confirmed.

Mr. Berg Powers stated he is unhappy with the parking arrangement and restaurants that have less parking in the area than this

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief, with modification to condition 2 to read “Prior to the issuance of a Building Permit, a parking agreement demonstrating compliance with the parking requirements of the City of Worcester Zoning Ordinance and Article IX, Section 7.G of the Worcester Zoning Ordinance must be provided to the Division of Planning & Regulatory Services.”, and with the waivers as requested.

4. 112 Rodney Street (ZB-2023-007) (MBL 16-003-00002)

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, A, 2)

Variance: For relief from the minimum side-yard setback in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum frontage requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the parking requirements in an RG-5 Zone (Article IV, Section 4, Table 4.4)

Petitioner: Grandx Property Management, LLC

Present Use: Presently on the premises of 112 Rodney Street is a non-conforming three-family dwelling.

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

Petition Purpose: The applicant seeks to install a driveway and conduct associated site improvements.

Petition Hearing Deadline: 5/15/2023 **Constructive Grant Deadline:** 6/6/2023

5. 116 Rodney Street (ZB-2023-007) (16-003-00003)

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, A, 2)

Variance: For relief from the minimum frontage requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum side-yard setback requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Grandx Property Management, LLC

Present Use: Presently on the premises of 116 Rodney Street is a vacant property.

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

Petition Purpose: The applicant seeks to construct a three-family detached dwelling and conduct associated site improvements.

Public Hearing Deadline: 5/15/2023 **Constructive Grant Deadline:** 6/6/2023

Tony Diaz, on behalf of the applicant Samuel Esan, described the application for 112 and 116 Rodney Street to the Board. Mr. Diaz described the steep slope from front of property to the back on both properties; described the existing structure; the proposed three-family; parking arrangements for both properties; the proposed retaining wall and porous pavement to be used in construction.

Mr. Diaz described the individual relief requested for each property. Mr. Karlstad asked the applicant if they had requested waivers; Mr. Diaz confirmed.

Ms. Russell stated there was an error in the agenda, but the abutters and legal notice had been correctly advertised. Ms. Russell described the existing site conditions; the proposed construction; the status of the properties under common ownership; recommended conditions of approval; noted this application will also require Planning Board review; and asked the applicant to describe the unit breakdown.

Ms. Smith addressed a comment from the applicant and confirmed the Law department had advised the lots are merged.

Mr. Diaz stated they are proposing two-bedroom units, with a total of six bedrooms.

Board Discussion

Mr. Berg Powers thinks this is a good location for triple-deckers

Mr. Karlstad stated this is a project he likes to see in the City.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief with the and recommended conditions of approval and for waivers as requested.

8. 173 Lake Avenue North (ZB-2023-037) (MBL 46-009-00317)

Lot 1L (Proposed):

Variance: For relief from the minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)

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

Lot 1R (Proposed):

Variance: For relief from the minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)

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

Lot 2L (Proposed):

Variance: For relief from the minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)

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

Lot 2R (Proposed):

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

Present Use: Presently on the premises is a single-family detached dwelling.

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

Petition Purpose: The applicant seeks to demolish the existing dwelling and divide the property into four (4) individual lots and construct two (2) semi-detached single-family dwellings (4 units total).

Public Hearing Deadline: 6/18/2023 Constructive Grant Deadline: 7/23/23

Zac Couture, on behalf of the applicant, described the application before the Board. Mr. Couture described the proposed development; existing site conditions; and removal of trees on site. Mr. Couture stated that application meets the height and story requirements and requested the waivers as suggested.

Mr. Dell’Aquila summarized the relief requested and asked the applicant to respond to staff concerns about common driveways and listed the staff conditions of approval. Mr. Dell’Aquila also stated that this project will be required to go through Site Plan Approval and filling with the Conservation Commission.

Board Discussion

Mr. Karlstad asked to see a limit of construction plan; Mr. Couture described. Mr. Karlstad stated that he would prefer to see two common driveways rather than four individual driveways. Ronald Searles, on behalf of the applicant, stated they prefer to have a four-driveway configuration.

Abutter Comments

Rozanne, an abutter, stated she originally was approached by the owner to obtain 10 feet of her property and asked the applicant to describe some on-site conditions. Mr. Couture stated that are 9 to 10 feet of a setback between the proposed structure and the abutters property line. Ms. Rozanne stated she would prefer to see the tree removed.

Mr. Cortes asked for clarification on the type of fence proposed; Mr. Searles stated it will be a vinyl fence.

Farren Davis, abutter to the rear, asked for clarification around the safety of having four driveways on a busy roadway. Mr. Davis also expressed concern about clear cutting and asked for a fence to be installed. Mr. Couture stated four trees are proposed in the rear of the property, stated the height complied with Zoning Requirements and stated no fencing is currently proposed. Mr. Searles stated the building will not exceed 35' maximum.

Mr. Karlstad stated he would prefer to see fencing in the rear to accommodate the abutter.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief, with an additional condition to be added for installation of an in-kind white vinyl fence to run the length of the property in the rear, and with the waivers as requested.

- 9. 12 & 12½ Benefit Street (ZB-2023-040) (MBL 06-030-00001; 00002)**
- Variance:** For relief from the minimum off-street parking requirements (Article IV, Section 7, Table 4.4)
- Special Permit:** To modify dimensional standards for a Residential Conversion (Article IV, Section 9).
- Petitioner:** Stephen Boiquaye
- Present Use:** Presently on the premises of 12 Benefit Street is a three-family detached dwelling and on the premises on 12.5 Benefit Street is a two-family detached dwelling.
- Zone Designation:** RG-5 (Residence, General) zoning district.
- Petition Purpose:** The applicant seeks to renovate the interior of the structure to add three (3) dwelling units to convert the structure at 12 Benefit Street to a low-rise multi-family dwelling.
- Public Hearing Deadline:** 7/1/2023 **Constructive Grant Deadline** 8/5/2023

Charles Boiquaye and Tim Callahan introduced themselves to the Board. Mr. Callahan described the proposal to add three dwelling units to the subject property; the parking provided on site; and the relief requested to convert the property.

Ms. Russell described the existing properties as held under common ownership, but work is only proposed to 12 Benefit Street. Ms. Russell described the relief requested, the existing parking on site; the limited site availability for additional parking; historical features of the structure and detailed the staff recommended conditions of approval, including an access easement to be held in perpetuity between the properties.

Board Discussion:

Mr. Cortes noted the proximity of this property to Main Street and expressed concern for lack of adequate on-site parking. Mr. Callahan stated that the applicant had approached the neighboring church, but they will not sign a formal agreement for parking. Mr. Cortes suggested other options to reduce the number of units, providing more parking and asked for clarification on bedroom count. Mr. Boiquaye clarified that some of the units are studios.

Ms. Smith noted there will be an overall reduction in number of bedrooms. Mr. Boiquaye stated the bedroom count will stay the same.

Mr. Berg Powers stated he feels there is adequate parking on Benefit Street.

No public comments.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close approve the application with the recommended conditions of approval and waivers as requested.

10. 39 & 41 Whitmarsh Avenue, 5 Leeds Street, and 47 King Philips Road (ZB-2023-041) (MBL 12-009-00019; 00006; 0005A)

Special Permit: To allow a temporary shelter in an RG-5 zoning district. (Article IV, Section 2, Table 4.1, Residential Use #15 – Temporary Shelter)

Special Permit: To allow a professional office use in an RG-5 zoning district. Article IV, Section 2, Table 4.1, Business Use #19 – Office, Professional)

Special Permit: To allow a social hall with accessory food services activities in an RG-5 zoning district.(Article IV, Section 2, Table 4.1, General Use #18 Recreational/service facility (non-profit))

Petitioner: Worcester Community Housing Resources, Inc

Present Use: Presently on the premises is a church campus consisting of two separate structures. The main structure operates as a church and the secondary structure operates as a single-family detached dwelling (parsonage). On 5 Leeds Street and 47 King Phillips Road is an associated surface parking lot.

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

Petition Purpose: The applicant seeks to continue to operate a church and renovate the main structure to provide offices, a six (6) unit temporary shelter, and a community social hall with an accessory kitchen use. The applicant intends to continue to use the parking at 5 Leeds Street and 47 King Philips Road for the variety of uses at 39 and 41 Whitmarsh Avenue.

Public Hearing Deadline: 7/1/2023 Constructive Grant Deadline N/A

James Vevone, on behalf of the applicant and Andy Howarth of Community Resource house appeared before the Board. Mr. Vevone described the current site conditions, a church with a community hall, kitchen, parsonage etc.; along with proposed site conditions to construct an on-site shelter, no exterior changes and upgrades to the community hall and kitchen. Mr. Vevone stated the shelter is operated by Friendly House, and mainly focused to women and children.

Mr. Dell’Aquila described the proposal, the existing site conditions and the staff recommended conditions of approval.

Board Discussion

Mr. Berg Powers stated he feels that a church is an appropriate place for unhoused people.

Mr. Cortes asked if the church conducts any outdoor activities; Mr. Howarth stated that since Church attendance is declining, the option to open a shelter was motivated by declining patronage and is not aware of any outdoor activities conducted by the church.

Mr. Karlstad stated he would prefer to see fencing on either side of the church.

Abutter Comments:

Kerri Boyd, 12 Leeds Street, stated her concerns with the abutter notification process, stating that the City notified deceased people and sent notices to property management companies rather than the people who live in the properties. Ms. Boyd stated she took a poll of the neighborhood, and her son (63 Whitmarsh) was not notified or in favor of this proposal. Ms. Smith described the process for abutter notifications.

Ms. Boyd stated that this intersection between Whitmarsh and Leeds Street is very dangerous and asked for a traffic safety study to be conducted. Ms. Smith stated Department of Mobility has no comments on the application and if the Board is amenable to getting further comments, she suggests the Board vote to continue the application.

Ms. Boyd asked the chair if there are other similar projects going on in the City; Mr. Karlstad suggested Ms. Boyd reach out to staff for an answer outside of this hearing. Ms. Boyd asked for clarification on the dumpster; Mr. Karlstad responded.

Tracy O'Connell Novick stated she is on the School Committee, and she is happy to see the limited role government will play in allowing this type of development. She continued and asked the Board to consider the safety children in the Worcester school system and the financial issues posed to families.

Wayne Hall, neighbor to the subject property stated he is having issues with the property at 39 Whitmarsh Avenue, with children going into his yard and pool, dangerous conditions with young children, and trash and litter on the property. He stated there is simply no room for children to play in this area. Mr. Karlstad stated that this is ultimately a Police and Inspectional Services issue and urged the abutter to reach out to the parties that can help.

Ariana Casasanta, Worcester County Action Board, stated she has personal experience being unhoused and urged the other speakers concerned about the unsafe conditions at the subject property to think about the safety risks posed when people are unhoused.

Gwen Walsh, 69 King Philip Road, stated that as someone who works from home and is often in the neighborhood stated the Church is a great neighbor and urged people to understand this is a temporary shelter rather than a permanent.

Jason stated his family didn't receive a letter notification of the proposal before the Zoning Board. He stated that his is concerned about the crime a shelter will bring to the neighborhood.

Donald Rushlow asked for a clarification around temporary housing. Mr. Karlstad stated the stay is temporary, but the establishment of a shelter is not temporary. He asked if anything would be in place to limit expansion of the temporary shelter; Ms. Smith stated they would need to be in substantial accordance with what has been provided in the application/plans.

Christine Rushlow stated this intersection is very busy and have often crashes/accidents in this area. She stated she believes as someone in childcare, that additional space needs to be provided for children growth. She stated that the church already poses issues to the neighbor. She stated her concerns about student-teacher ratio for this and consideration about a childcare Headstart programs being full.

Mr. Karlstad asked for information about the shelter at Blessed Sacrament on Pleasant Street; Mr. Horne described the separate temporary shelter. Mr. Karlstad stated that if they are children in the City, they will likely also in be attendance anyways. Mr. Horne described the other homeless shelter on Pleasant Street as a very different program designed for very low winter-temperatures.

Donna Colorio, City Councilor at large, stated her unhappiness for notification processes ahead of decisions being made surrounding topics such as shelters. She stated that this intersection is a dangerous busy intersection and asked the Board to continue this hearing to renotify abutters to allow a more open discussion between the neighbors and applicant

Serenity Jones stated that there is a housing crisis and limited options for city residents and stated she believed if shelters are put in place, they can really help people. She also stated they should be reserved for City residents.

Steven Larrabee of 28 Leeds Street stated he is a longtime resident and has seen the church go through up and down periods. He asked for clarification around parking requirements.

Lauren stated she is in support of the shelter and feels this is the best options, especially for families.

David of Whitmarsh Avenue asked for clarification if this is specifically a women and children shelter. He also asked what type of restrictions are there for residents of the shelter. He also asked if any information available for housing prices in accordance with housing shelters. Mr. Berg Powers stated there is no correlation between housing prices and shelters and encouraged the abutter to read studies on the topic. Mr. David asked if the applicant could touch on security.

Michael Brennan – 42 King Philip Road, asked the Board what benefit this project will have to his family. He stated there is a criminal aspect and has concerns about foot traffic, safety of his children, about out of state unhoused people and around the abutter notification process. He is stated he is concerned about this project and urges the Board to deny it.

Sherri Klein of Summerhill Avenue asked the Board to notify more neighbors about the hearing.

Wayne Hall asked how long the temporary housing would be and stated he was informed it was 8-12 months.

Esmer Silver stated she is in support of the special permit because not only is it the compassionate thing to do, it's also a right of the church to operate a temporary shelter. She urged neighbors to take their own security measures if they are concerned, she stated public streets are for public parking.

Yuri stated that home value will fall for 7-20% if a shelter is in your neighborhood. He stated that this area is already having issues and a shelter will only exacerbate the issue.

William Thomas stated that this area is simply not zoned for a temporary shelter and a more commercial area will better serve a shelter. He stated this is not the best location for food distribution and families and that downtown is more suited to it.

Brandon, Randall Street stated his support the application for proposed shelter. He stated that people aren't concerned about parking concerns associated with bars or restaurants and feels like neighbors are picking and choosing what to allow in the neighborhood for selfish reasons.

Michael Brennan, 42 King Philip stated that even if they are Worcester students, they wouldn't be accounted for in that district and described the drop in home value when a shelter is established.

Tracey O'Connell Novick stated students who are homeless are required by federal law to be bussed to their "home" school and are accounted for.

Don, Summerhill Ave, asked for a timeline on the project; Mr. Karlstad answered.

Mr. Sabo asked for clarification on a campus determination. Ms. Smith described.

Steven Larrabee stated he had petitioned multiple times for stop signs at this intersection.

Ariana Casasanta asked if information could be provided on why people become homeless. Mr. Howarth stated there are a number of reasons but primarily, this is a shelter to serve economic hardship situations, and this is not a drug rehabilitation. Ms. Casasanta stated that there are a lot of reasons that people become homeless.

Board Discussion

Mr. Sabo asked how the petitioner ensures this is how the property will function long-term; Mr. Howarth answered.

Mr. Cortes stated this is a difficult position as a Board member, stating the need for shelters but addressing the concerns of the neighbors. He stated that a lot of commentary has been provided on things that the Board has no purview over, but they are still listening to concerns. He stated a continuance would be appropriate to explore the notification process concerns and allow the applicant to meet with the neighbors. Mr. Karlstad asked the City to look into re-noticing the abutters; Ms. Smith described the statutory requirement have been met and staff is happy to look into any specific issues with the notification process.

Mr. Karlstad asked if the applicant is willing to perform a traffic study; the applicant stated they are willing but don't believe any substantial issues exist and noted they would be willing to install a stop sign. Ms. Smith stated she asked DTM to further comment or analyze the intersection between Leeds Street and Whitmarsh Avenue.

Donna Colorio stated that she is willing to expedite the item when it comes to committee.

Mr. Howarth described the typical operations on site; operations of the accessory kitchen; typical length of guest stay; stated 2-3 staff on site typically associated with the housing use, including an overnight staffer and a total of 10 employees.

Mr. Sabo asked if 24-hour staff already exists on site; Mr. Howarth stated that the church has no on-site staff/security 24/7.

Mr. Karlstad asked for plans regarding children's playgrounds; Mr. Howarth stated that unfortunately there will be no large play area for children, but they will provide benches or outdoor park equipment in addition to an indoor play area. Mr. Karlstad asked about security measures; Mr. Howarth answered.

Mr. Sabo stated that there are issues with the abutter notification process in the past; and noted the large number of residents that turned out as the highest in his time on the Board.

Mr. Howarth stated that they are hoping to obtain a building permit and begin construction in late fall and urged the Board to decide tonight, and stated they already had a community meeting with the neighbors.

Mr. Karlstad asked the applicant to meet again with neighbors and provide an updated plan showing the new location of the fence and dumpster. Mr. Cortes agreed with Mr. Karlstad's recommendation to meet with the neighbors.

Mr. Berg Powers states he is not in favor of continuing this item and urged residents to reach out to the City Counselor Colorio with their concerns around traffic/intersection at Whitmarsh and Leeds Street. Mr. Berg Powers stated once a wet shelter opened in his neighborhood, crime went down.

Mr. Sabo stated is not in favor of holding up a homeless shelter for location of a dumpster that can be reviewed by staff; Mr. Karlstad disagreed.

Mr. Howarth urged interested residents to reach out with specific concerns and are amenable to a continuance.

Mr. Cortes stated he is in favor.

Ms. Smith urged the Board to specifically describe concerns; Mr. Dell'Aera stated he is not in favor of a continuance.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes to continue the public hearing on this application to June 5, 2023.

11. Communications – *No discussion*

12. Approval of Minutes – On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the minutes from the April 3, 2023, meeting.

13. Discussion of Board Policies and Procedures – *No discussion*

Adjournment:

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted unanimously to adjourn at 9:01pm.