

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

July 7, 2014

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
Joseph Wanat
Timothy Loew
Robert Haddon

Staff Present: Stephen Rolle, Division of Planning and Regulatory Services
Michelle Smith, Division of Planning and Regulatory Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Lawrence Abramoff called the meeting to order at 5:30 PM.

REQUESTS FOR WITHDRAWALS, CONTINUANCES, AND TIME EXTENSIONS

1. 462 Grafton Street (ZB-2014-025)

Special Permit: To allow motor vehicle sales in a BL-1.0 (Business, Limited) zoning district (Article IV, Section 2, Table 4.1, Business Use #15)

Special Permit: To allow motor vehicle service, repair, garage, and display in a BL-1.0 (Business, Limited) zoning district (Article IV, Section 2, Table 4.1, Business Use #16)

Petitioner: Kamel Kamel

Present Use: A 6,540 SF building used for wholesale flower distribution

Zone Designation: BL-1.0 (Business, Limited)

Petition Purpose: To convert the existing building into an automotive repair shop and to conduct vehicle sales

Public Hearing Deadline: 7/11/14

Chair Abramoff stated that the applicant had submitted a request for a Leave to Withdraw Without Prejudice given that the property is located within the proposed Commercial Corridors Overlay District, a proposed Zoning Ordinance and Map Amendment which, if approved, would prohibit the proposed uses.

Ms. Smith affirmed Mr. Abramoff's summation and noted that if the Amendments are approved as proposed the proposed uses would be prohibited. She explained that the Amendments would be retroactive to the date of first advertisement, thus, if and when the Amendment is approved as proposed, it would render any permits granted after said date null.

Mr. Rolle clarified that the proposal, as submitted, prohibits the subject uses but that uses existing prior to the date of first advertisement would remain. He noted that the proposed Amendment may still be changed as it had not been fully considered by City Council.

Mr. Abramoff stated that the petitioner requested withdrawal of their application and that anyone concerned with the project should contact their City Councilor and stay informed as the petition may come back before the Board depending on how Council votes on the proposed Amendment.

Upon a motion by Timothy Loew and seconded by Member Michajlow, the Board voted 5-0 to approve the applicant's request for a Leave to Withdraw without Prejudice and to issue a refund in the amount of \$610 (the full filing fee with the cost of legal advertisement subtracted).

List of Exhibits:

- Exhibit A: 462 Grafton Street Application; received 5/7/14; prepared by Joseph Lussier, Applicant's Attorney.
- Exhibit B: 462 Grafton Street Plan; dated 5/2/14; prepared by Imagine Architecture Solutions.
- Exhibit C: 462 Grafton Street Photo; dated 5/2/14; prepared by Imagine Architecture Solutions.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 462 Grafton Street – Special Permit; dated 7/1/14.
- Exhibit E: MACRIS listing for 462 Grafton Street aka "Square Deal Garage".
- Exhibit G: Request for Leave to Withdraw Without Prejudice re: 462 Grafton Street – Special Permit; dated and received 7/7/14; prepared by Joseph Lussier, Applicant's Attorney.

UNFINISHED BUSINESS:

2. 4 Greenhalge Street (ZB-2014-018)

- Variance:** For relief of 7.6 ft. from the 20 ft. rear-yard setback requirement in a RS-7 Zoning District (Residential, Single Family) (Article IV, Section 4, Table 4.2)
- Petitioner:** Richard J. Bezdegian
- Present Use:** A vacant lot
- Zone Designation:** RS-7 (Residential, Single Family)

Petition Purpose: To construct a single-family detached dwelling

Constructive Grant Deadline: 7/24/14

Rick Bezdegian of 38 Sadler Avenue, Shrewsbury, MA, petitioner, stated that he brought pictures of the existing houses at 6 & 8 Greenhalge Street which the proposed structure would look like and submitted them for the record (Exhibit H).

Mr. Abramoff clarified that the proposed structure would be a single-family home, substantially the same to that shown in the submitted photos. Mr. Bezdegian affirmed and explained that the sale of the home is pending and the buyer wanted a large deck. He indicated that if the sale fell through he would likely make the deck smaller. Mr. Abramoff clarified that the deck could be smaller than proposed but not larger. Mr. Bezdegian stated that he understood.

Mr. Bezdegian stated that an abutter expressed concerns regarding privacy but that he examined the abutters home and could not even see the property because of the trees in front of her home; he referred to photos submitted (Exhibit G).

Ms. Smith stated that in light of the discussion at the previous meeting staff amended their recommendations and suggested the following conditions of approval:

- 1) That the structure be constructed in substantial accordance with the submitted plot plan dated 5/28/2014;
- 2) That one 3" caliper shade tree of a non-Asian Longhorned Beetle susceptible species is planted in the lot fronting Greenhalge Street;
- 3) That a row of arborvitae is planted along the lot line adjacent to Midgley Avenue where the proposed structure and deck will encroach into the otherwise required 20 ft. rear yard setback in order to provide screening;
- 4) Show the locations of the proposed plantings and indicate the number of arborvitae to be planted on revised plans;
- 5) Show the layout of the proposed driveway and label the two required parking spaces (9 ft. x 18 ft.) as to be provided in a drive-under two-car garage;
- 6) That each side of the driveway remain as green space and not be paved and be labeled as such;
- 7) Label the book and page number of the deed recording the sale of the property to the current owner (Book 50887, Page 83) and ANR creating the lot in question (Book 900, Page 43); and
- 8) That six (6) copies of to-scale revised plans, showing the above conditions of approval, be submitted to DPRS prior to the issuance of a building permit.

She stated that the Board should decide if the images submitted are adequate or if they would like to request a formal rendering prior to approval. She also stated that the Board should ensure they and Ms. Coppedge are comfortable with the conditions addressing concerns regarding privacy.

Mr. Abramoff asked if Mr. Bezdegian was amenable to the proposed conditions. Mr. Bezdegian asked if screening was needed as the elevation change is substantial and he was unsure if the

arborvitae would address Ms. Coppage's concerns. Mr. Abramoff stated that the leaf-off conditions are different from those at present and that he would prefer to see the arborvitae.

Mr. Abramoff stated that provided Mr. Bezdegian constructs the home in substantial accordance with the two homes at 6 & 8 Greenhalge Street he felt a rendering was not needed as the homes would be in character with the neighborhood. Mr. Bezdegian alerted the Board to minor differences between the two homes.

Mr. Abramoff stated that he felt a row of arborvitae along the rear lot line with Midgley Street would be appropriate.

Mr. Wanat requested clarification about the deck size. Mr. Bezdegian stated that the deck would be 14 feet by 24 feet. He affirmed that the relief would be 7.6 ft. from the overhang. Mr. Rolle affirmed that 7.6 feet of relief would be needed.

Ms. Coppedge stated that the trees in her yard needed to be pruned and were typically not as full as they appear at present. Mr. Abramoff reviewed the revised plans and photos with Ms. Coppedge discussing screening options with vegetative screening being favored. Ms. Coppedge expressed that she was content with the proposed conditions.

Mr. Loew stated that he would like to ensure there is no attrition regarding vegetating. Mr. Bezdegian stated he would be amenable to the condition and would plant the trees ~3 feet apart along the back where possible given the ledge on the site (east of the abutters home).

Upon a motion by Mr. Wanat and seconded by Mr. Loew, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Loew, the Board voted 5-0 to approve the petitioner's findings of fact as modified by staff and the requested variance for 7.6 feet of relief from the rear-yard setback dimensional requirement with the following conditions:

- 1) That the structure be constructed in substantial accordance with the submitted plot plan dated 5/28/2014 and revised 6/23/2014;
- 2) That one 3" caliper shade tree of a non-Asian Longhorned Beetle susceptible species is planted in the lot fronting Greenhalge Street;
- 3) That a row of arborvitae be planted, wherever practicable - given the ledge constraints on-site, every three (3) feet on center, along the lot line adjacent to Midgley Avenue for the entire length of said lot line (~115.69 ft.);
- 4) That the arborvitae be replaced as needed seasonally;
- 5) Show the locations of the proposed plantings and indicate the number of arborvitae to be planted on revised plans;
- 6) Show the layout of the proposed driveway and label the two required parking spaces (9 ft. x 18 ft.) as to be provided in a drive-under two-car garage;
- 7) That each side of the driveway remains as green space and is not to be paved and be labeled as such;

- 8) Label the book and page number of the deed recording the sale of the property to the current owner (Book 50887, Page 83) and ANR creating the lot in question (Book 900, Page 43); and
- 9) That the structure is constructed to be substantially similar to the two structures located at 6 and 8 Greenhalge Street;
- 10) That six (6) copies of to-scale revised plans, showing the above conditions of approval, be submitted to DPRS prior to the issuance of a building permit; and
- 11) Provided the project is in compliance with all governmental codes.

List of Exhibits:

- Exhibit A: 4 Greenhalge Street Application; received 4/15/14; prepared by Richard Bezdegian.
- Exhibit B: 4 Greenhalge Street Plan; dated 5/28/14; revised 6/23/14; prepared by John M. Grenier.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 4 Greenhalge Street; dated 6/12/14; revised 7/1/14.
- Exhibit D: Letter of support from Gerard Sutton, 12 Midgley Lane, to the Zoning Board of Appeals; re: 4 Greenhalge Street Variance; dated 6/4/14.
- Exhibit E: ANR Plan for 321 Massasoit Road; endorsed 4/24/2013.
- Exhibit F: Request for postponement to 7/7/14 dated 6/16/14.
- Exhibit G: Photos of the subject parcel looking toward the southerly lot line; taken by Richard Bezdegian; received 6/23/14.
- Exhibit H: Photos of similar previously constructed homes; taken by Richard Bezdegian; received 7/7/14.

Other Business:

3. Discussion of Rules and Regulations regarding application submission requirements and plan size

Mr. Abramoff stated that discussion regarding rules and regulations would be postponed to the item to July 28th meeting, per staff recommendation.

4. Communications:

a. SmartGrid Correspondence

Chair Abramoff asked if the Board could stop receiving the communications given they are no longer relevant to items in front of the Board. Mr. Rolle responded that the documents were not directly relevant at this time as the Board has no such items under consideration.

5. Approval of the Proposed Meeting Schedule for 2015

Mr. Rolle stated that staff realized that the alternate possibility of changing the January meeting from 1/12/15 to 1/19/15 would not be possible as 1/19/15 is the Martin Luther King, Junior Holiday and therefore recommend the proposed 1/12/15 date.

Mr. Abramoff stated that he would not be in attendance at the 1/12/15.

Upon a motion by Mr. Lowe and seconded by Mr. Wanat, the Board voted 5-0 to accept the proposed 2015 meeting schedule with the 1/12/15 date.

6. Signing of Decisions from prior meetings

The Board signed the decisions for the following petitions:

- 0 (aka 30) Tory Fort Lane – Special Permit – (ZB-2013-021)
- 597 Mill Street – Special Permit & Variance – (ZB-2013-044)
- 4 Bird Street – Special Permit – (ZB-2014-006)
- 64 Green Street & 1 Winter Street – Variance – (ZB-2014-012)
- 0 (fka 40) Quinsigamond Avenue – Special Permit - (ZB-2014-021)
- 13 Lee Street – Special Permit & Variance – (ZB-2014-022)
- 9 Conway Street – Varinace – (Zb-2014-023)
- 5 Newton Avenue – Special Permit – (ZB-2014-024)
- 266 Chandler Street – Special Permit - (ZB-2014-026)
- 1 Carver Street – Special Permti & Variance (ZB-2014-028)

Adjournment:

Upon a motion by Mr. Wanat and seconded by Mr. Loew, the Board voted 5-0 to adjourn the meeting at 5:56 p.m.