

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

August 17, 2015

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
Joseph Wanat
George Valeri
Timothy Loew
Robert Haddon, Alternate
Thomas Dillon, Alternate

Staff Present: Stephen Rolle, Division of Planning and Regulatory Services
Domenica Tatasciore, Division of Planning and Regulatory Services
Michelle Smith, Division of Planning and Regulatory Services
David Horne, Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

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

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS**

1. 16 Richmond Avenue (ZB-2015-027)

Special Permit: For relief of the dimensional requirements for a Residential Conversion of a Single-family detached dwelling to a two-family detached dwelling in a RL-7 Zoning District (Article IV, Section 9.A.)

Special Permit: For relief of the minimum off-street parking requirements for two-family detached dwelling in a RL-7 Zone (Article IV, Section 7.)

Petitioner: Kosma Cania

Present Use: Presently located on the premises is an existing single-family detached dwelling.

Zone Designation: RL-7 Zone (Article IV, Section 7.)

Petition Purpose: The petitioner seeks to convert the existing structure into a two-family detached dwelling along with off-street parking and associated paving & site-work, at property located at 16 Richmond Avenue. The property is existing non-conforming with regards to lot area, parking, frontage, and side-yard setbacks.

Public Hearing Deadline: 8/5/15

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted 5-0 to continue the item to September 21, 2015.

List of Exhibits:

- Exhibit A: Special Permit Application; received June 1, 2015; prepared by Kosma Canic.
- Exhibit B: Plot Plan; dated April 7, 2015, undated revision received August 5, 2015; prepared by HS&T Group, Inc.
- Exhibit C: Renovation/floorplans; dated April 14, 2015; prepared by AA Design Services, LLC.

2. 1121 (aka 1123) Pleasant Street (ZB-2015-029)

- Special Permit: To allow motor vehicle sales in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #15)
- Special Permit: To allow motor vehicle display in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #16)
- Petitioner: Bruce J. Gerardi
- Present Use: Presently located on the premises is a ~1,480 SF commercial building used as an automobile repair facility.
- Zone Designation: BL-1.0 (Business, Limited)
- Petition Purpose: The petitioner seeks to continue the current use of the property while also adding motor vehicle sales & display, along with associated site improvements.

Public Hearing Deadline: 8/7/15

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted 5-0 to postpone the item to September 21, 2015 and extend the constructive grant deadline to October 6, 2015.

3. 2 Rollingwood Drive (ZB-2015-032)

- Variance: For relief of the 10 ft. side-yard setback dimensional requirement for a single-family detached dwelling (Article IV, Section 4. Table 4.2)
- Petitioner: Fred J. & Marcy Z. Shuster
- Present Use: Presently located on the premises is an existing single-family detached dwelling and associated off-street parking.
- Zone Designation: RS-10 Zoning District
- Petition Purpose: The petitioner seeks to add an attached carport to the eastern side of the existing structure along with associated site-work.

Public Hearing Deadline: 8/26/15

Constructive Grant Deadline: 9/30/15

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted 5-0 to grant a leave to withdraw without prejudice.

4. 10 Nebraska Street (ZB-2015-038)

- Special Permit: To modify the 24 ft. aisle width requirement for parking (Article IV, Section 7, Note 2.b. to Table 4.4)
- Special Permit: To decrease required parking by a maximum of 10% (Article IV, Section 7, 2.)
- Variance: For relief of the 15 ft. rear-yard setback dimensional requirement for a non-residential structure in a BG-2.0 Zoning District (Article IV, Section 4, Table 4.2)
- Variance: For relief of the minimum off-street parking requirement for an office use (Article IV, Section 7, Table 4.4 & Article IX, Section 7, Table 9.1)
- Petitioner: Tony Bianco
- Present Use: Presently located on the premises is a vacant commercial building and associated off-street parking
- Zone Designation: BG-2.0 (Business, General) and located within the Commercial Corridors Overlay District – Shrewsbury Street Parking Sub-Area (CCOD-S) and Union Station View Corridor Sign Overlay District (USOD)
- Petition Purpose: The petitioner seeks to add an addition to the second story of the existing structure, making the entire structure two-stories, for use as medical offices.
- Public Hearing Deadline: 9/04/15
- Constructive Grant Deadline: 10/09/15

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted 5-0 to postpone the item to September 21, 2015.

List of Exhibits:

- Exhibit A: 10 Nebraska Street Application; received 7/1/2015; prepared by Anthony Bianco.
- Exhibit B: 10 Nebraska Street Definitive Site Plan; dated 6/30/2015; prepared by HS&T Group, Inc.
- Exhibit C: Rendering; undated; prepared by unknown.
- Exhibit D: Cease & Desist Order from Inspectional Services Department; issued 7/2/2015.
- Exhibit E: Worcester Fire Department Comments; received 7/21/2015

NEW BUSINESS

5. 232 Burncoat Street (ZB-2015-030)

- Special Permit: To allow for an Expansion, Alteration, or Change to a Privileged Pre-existing Non-Conforming Structure (Article XVI, Section 4)
- Variance: For relief of the 7,000 SF minimum lot area dimensional requirement for a single-family detached dwelling in an RS-7 zoning district (Article IV, Section 4, Table 4.2)
- Petitioner: Dawn E. Clark
- Present Use: Presently located on the premises is an existing non-conforming single-family detached dwelling and off-street parking.
- Zone Designation: RS-7 (Residence, Single-family)
- Petition Purpose: The petitioner seeks to sell a portion of the existing lot to the abutting property owner. The property is existing non-conforming with regards to lot area, frontage, parking, exterior side-yard setback, and rear-yard setback.
- Public Hearing Deadline: 8/20/15
- Constructive Grant Deadline: 9/24/15

Dawn Clark stated that she was one of the trustees of 232 Burncoat Street. She stated that she has a non-conforming property and a piece of the property is triangular-shaped that extends beyond the accessible portion of her property onto the two abutting properties on Bluehill Road; those property owners are here tonight. She is asking for this relief because that piece of the property is small and it is difficult to care for and it would require going onto other people's properties just to care for it. She stated that this would help the neighborhood look better since the chunk of land would be cared for as the other property owners will take it over.

Ms. Tatasciore stated that staff initially advertised for both a Special Permit and a Variance to cure the increase in the nonconforming nature that would result from the proposed land transfer. A Special Permit allows for an increase or intensification of a pre-existing nonconformity for a one- or two-family residential structure, but since the applicant is not actually altering the structure itself, a Variance petition has been deemed the appropriate avenue for zoning relief; therefore, staff recommends that the petitioner withdraw the special permit application.

Mr. Abramoff asked the applicant if the conditions of approval were amenable. Ms. Clark stated that she was fine with them.

Upon a motion by Mr. Valeri and Mr. Michajlow, the Board voted to close the hearing.

Ms. Clark asked to withdraw the special permit.

Upon a motion by Mr. Michajlow and Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and the Variance for 215 SF from the lot area subject with the conditions of approval in staff's review memo and to approve a waiver from the application requirement to label all abutters and abutters thereto within 300 ft. on the plan or label said abutters on revised plans. The Board also granted a leave to withdraw without prejudice for the special permit.

List of Exhibits:

Exhibit A: Variance Application; received June 16, 2015 and updated August 10, 2015; prepared by Dawn E. Clark.

Exhibit B: Variance Plan; dated September 15, 2014; prepared by HS&T Group.

6. 48 Vernon Street (ZB-2015-036)

Special Permit: To allow a lodging house in a RG-5 Zoning District (Article IV, Section 2, Table 4.1, Residential Use #8)

Variance: For relief of the minimum off-street parking requirement for a lodging house use (Article IV, Section 7, Table 4.4)

Petitioner: Opening Heaven’s Door Ministries, Inc.,

Present Use: Presently located on the premises is an existing single-family residential structure along with associated off-street parking.

Zone Designation: RG-5 (Residence, General) zone

Petition Purpose: The petitioner seeks to use the existing structure as a lodging house with ~30 beds.

Public Hearing Deadline: 8/27/15

Constructive Grant Deadline: 10/01/15

Mr. Michajlow recused himself and left the room. Alternate Robert Haddon was identified to vote on the item.

Attorney Mark Lee, representing Opening Heaven’s Door Ministries, Inc., introduced Alfredo Maldonado, a principal of the corporation. Attorney Lee stated that they wanted to use the hearing for informational purposes and then seek a continuance to work on whatever comments are offered by the Board. This is a non-profit and in the application they included a set of plans from a previous application for this site to the board. They were unable to secure the funds for a professional surveyor to draw up new plans to show the proposed five parking spaces onsite, thus necessitating relief for 10 parking spaces. The property is under agreement already and the applicant intends to run it as a transitional sober house but the agency did not know they needed this approval first. When they were obtaining financing, the bank asked for proof this was a permitted use.

Attorney Lee stated that the people staying there will not have vehicles; they only need parking for the manager and one employee. The structure is being underutilized. It is 6,400 SF and only two people are living there now but they have 30 beds.

Mr. Abramoff asked if the applicant was aware of all the code regulations regarding the installation of a sprinkler system, fire alarms, etc. Attorney Lee stated that they are aware and have been approved for the funding to outfit the building with all the required safety measures.

Mr. Rolle stated that the property in question is ~6,500 SF and the applicant is proposing 30 units. The neighborhood is composed of mixed uses, predominantly residential. There were no other lodging houses in proximity. The issue is that there is a lack of clarity on the parking relief that is

required. The required parking for the zoning ordinance is 15 spaces and they've indicated that they can provide 5, needing relief of only 10 spaces. Staff's concern is that if at a later date they realize they cannot provide those five spaces, then they would have to come back before the board for additional relief.

Mr. Rolle stated that providing to-scale-plans is a requirement of the Board's rules and regulations and the Board does have the ability to waive that requirement. Staff's is concerned that without the plan, staff cannot verify that five spaces can properly fit on the property. Also, this project will need site plan review as well, which also requires a to-scale surveyed plan.

Attorney Lee stated that once the use is permitted by the Board they, will have the funds to contract someone to prepare those plans. They just did not have the money in order to get a plan before the board tonight.

Mr. Valeri asked if this building will pay real estate taxes to the City. Mr. Maldonado stated that they will not because of their non-profit status.

Mr. Wanat asked that the applicant explain how trash will be handled. Mr. Maldonado stated that presently they are paying for City trash bags and doing their recycling like a regular residence. If during the site plan process they are required to place a dumpster then they will figure out where to place it.

Mr. Abramoff asked if the resident managers have been appointed. Mr. Maldonado stated that they have two people in mind that will live on premises. They are ready to move forward but it all hinges on what the Zoning Board decides.

David Branagan, 50 Vernon Street, stated that parking is very tight in this neighborhood and the snow parking bans make it even worse. Having 30 residents and their visitors will tax the neighborhood even more. He also opposed the sober house and stated that he did not want more problems in the neighborhood.

Eliana Branagan, 29 Columbia Street, stated that she owns a neighboring three-decker and she has tenants with children and who are elderly. She stated that she was concerned with safety because she worked for a special behavior high school for 9 years and knows the issues that can arise.

Bernadette Shavat, representing her aunt who owns property across 48 Vernon Street, stated that she was concerned with the type of people that will be living in this rooming house. She did have an opportunity to speak to the applicant and now has a different view point after understanding their ministry and that they are selective about who is going to be living there. She was originally concerned because she wanted to make sure her tenants felt safe and her employees, who care for her aunt, felt safe enough to stay in the neighborhood.

Attorney Lee stated that they are willing to have a condition of approval that none of the residents are allowed to have vehicles. Mr. Abramoff stated that the Board cannot condition that but that they were free to make that a rule.

Mr. Wanat stated that they could vote on the matter but it's at the applicant's risk that if they aren't able to fit those five spaces then they will have to re-apply and ask for an amendment.

Mr. Haddon stated that he wanted to see where they would put the dumpster, which might affect the parking. The City bag trash system is not going to work once they have this house full.

Mr. Rolle stated that the Board is only allowed to approve the minimum relief needed and without a plan it is difficult to know what that is.

Attorney Lee stated that the dumpster can be placed near the rear entrance without affecting the five parking spaces.

Mr. Abramoff stated that the really need to see a plan.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted 5-0 to continue the item to September 21, 2015 and extend the constructive grant deadline to October 6, 2015.

List of Exhibits:

- Exhibit A: 48 Vernon Street Application; received 6/23/2015 & revised 7/24/2015; prepared by Alfredo Maldonado.
- Exhibit B: 48 Vernon Street Plan; dated 5/29/2015; prepared by Reney Moran & Tivnan.
- Exhibit C: 48 Vernon Street Plan; dated 9/11/2008; prepared by Jarvis Land Survey, Inc.
- Exhibit D: Worcester Fire Department Comments; undated.

Mr. Michajlow returned to the meeting.

7. 195 Lake Avenue North (ZB-2015-037)

- Special Permit: To allow for an Expansion, Alteration, or Change to a Privileged Pre-existing Non-Conforming Structure/Use (Article XVI, Section 4) OR
- Variance: For relief of the 15 ft. exterior side-yard setback dimensional requirement for a single-family detached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner: Mark A. & Nicole L. Portuondo
- Present Use: Presently located on the premises is an existing single-family detached dwelling.
- Zone Designation: RL-7 (Residence, Limited) zone
- Petition Purpose: The petitioner seeks to construct an addition of the house and expand the existing deck to the south of the existing structure along with associated site-work. The existing structure is non-conforming with regard to the required exterior side-yard setback, lot area, front-yard setback.

Public Hearing Deadline: 9/04/15

Constructive Grant Deadline: 10/09/15

Nicole and Mark Portuondo, owners, and Adam Knight, contractor, were present for this application. Ms. Portuondo stated that they seek to add a bedroom to the south side of the single-family home. They have three children and their family has outgrown their space. They will also be adding 20 SF of decking since they have to remove some of the deck to make way for the bedroom addition.

Mr. Rolle stated that this petition was advertised as a Special Permit and a Variance because at the time of the advertisement staff was unsure which the appropriate means of relief was. It has since

been determined that they need a variance of 5.7 ft. The Special Permit is not required and the applicant should request a leave to withdraw from that. There are two suggested conditions of approval.

Ms. Portuondo requested the leave to withdraw for the Special Permit.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and to approve the variance of 5.7 ft. from the 15 ft. exterior side-yard setback dimensional requirement with the conditions in the memo. They also approved the leave to withdraw without prejudice for the Special Permit and a waiver of the application requirement to label abutters and abutters thereto within 300 ft. or label said abutters on a revised plan.

List of Exhibits:

- Exhibit A: Variance & Special Permit Applications; received July 1, 2015 & August 14, 2015, respectively; prepared by Mark Portuondo.
- Exhibit B: Plot Plan of Land; dated June 4, 2015; prepared by Mark R. Blanchard, PLS.
- Exhibit C: Rendering, Elevations & Floorplans; preparer unknown; undated.
- Exhibit D: Letter from Constance Montague; dated August 4, 2015.

8. 18 Malden Street (ZB-2015-040)

- Variance: For relief of the 15 ft. height dimensional requirement for an accessory structure (Article IV, Section 8. B. 10)
- Petitioner: William Sheffield
- Present Use: Presently located on the premises is a single-family detached dwelling and accessory structure along with associated off-street parking.
- Zone Designation: RS-7 (Residence, Single-Family)
- Petition Purpose: The petitioner seeks to demolish the existing garage and re-construct a larger garage with an increased height.
- Public Hearing Deadline: 9/16/15
- Constructive Grant Deadline: 10/21/15

William Sheffield, 18 Malden Street, stated that he would like to tear down the old garage and replace it with a new garage. He is asking for the height relief because he wants storage on the top portion for equipment. It will not be habitable space.

Ms. Tatasciore stated that he is seeking a variance of 5’10” from the 15 ft. height of an accessory structure. Staff supports this request due to the location of the garage and that it will be screened from neighbors because the area is heavily treed.

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and the variance for 5'10" from the height of the accessory structure subject to the conditions in the memo and to waive the application requirement to label abutters and abutters thereto within 300 ft. or label said abutters on a revised plan.

List of Exhibits:

- Exhibit A: Variance Application & Site Photos; prepared by William Sheffield; received July 13, 2015
- Exhibit B: Plan; preparer unknown; undated.
- Exhibit C: Garage Elevations & Rendering; preparer unknown; undated.

9. 5 & 7 Forbes Street (ZB-2015-041)

- Variance: For relief from the 15 ft. rear-yard setback dimensional requirement in the RG-5 zone (Article IV, Section 4, Table 4.2)
- Variance: For relief from the 15 ft. front yard setback dimensional requirement in the RG-5 zone (Article IV, Section 4, Table 4.2)
- Variance: For relief from the frontage dimensional requirement of 160 ft. in the RG-5 zone (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum lot area dimensional requirements in the RG-5 zone (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum off-street parking requirement for a single-family residential use (Article IV, Section 7, Table 4.4)
- Special Permit: To allow for modification of the off-street parking requirements by 1 space (Article IV, Section 7, A. 2.)
- Special Permit: To allow for modification of the required 5 ft. landscape setback buffer & associated screening requirements (Article IV, Section 7, Table 4.4, Note 5. a.)
- Petitioner: Worcester East Side Community Development Corporation
- Present Use: Presently located on the premises are two vacant lots.
- Zone Designation: RG-5 (Residence, General)
- Petition Purpose: The petitioner seeks to construct a two-level residential structure with 8, one-bedroom, single-family attached dwelling units with associated accessory off-street parking spaces, along with associated grading and site-work.

Public Hearing Deadline: 9/17/15

Constructive Grant Deadline: 10/22/15

Kevin Quinn, Quinn Engineering, representing Worcester East Side Community Development Corporation, introduced Executive Director Donna Warshaw and Stephanie Booker. Mr. Quinn stated that the applicant seeks to construct a ~5,040 SF, two-level structure with 8 one-bedroom, single-family attached dwelling units with a total of 8 accessory off-street parking spaces. This plan uniquely addresses the site constraints. This same plan was brought before the Board in January but after some abutter concerns they withdrew the application and came back with a new plan that only required Planning Board approval.

Since then, the Worcester East Side CDC met with the abutter that was most concerned and discussed both plans and now the abutter is in favor of the original plan and has issued a letter of support for the project.

Mr. Quinn stated that one of the challenges they had to address was that Forbes Street is a very steep street (22%). The rectangular building in the middle of the site serves the purpose of a retaining wall. The grade differences now allow that the second floor has at-grade access to parking as well as the first floor. Each unit is handicap accessible. This plan also allows the building footprint to be smaller so that green space and landscaping could be incorporated.

Mr. Quinn stated that the tenants for the Worcester East Side CDC predominantly do not own vehicles, therefore 8 parking spaces on the site is more than sufficient. He stated that although they were putting 8 dwelling units on a site that used to be served by two three-deckers they were not increasing density. The reason is because most three-deckers have two or three bedroom apartments and are occupied largely by families. The majority of the Worcester East Side CDC units are occupied by 1 person, in some case there may be a spouse or a child but it is generally only one person.

Mr. Quinn stated that by placing the building where it is on the site they have provided 38 ft. of separation from the abutters on either side.

Mr. Abramoff asked how much relief is needed. Mr. Quinn stated that they need 14 ft. of relief from the 15 ft. rear-yard setback dimensional requirement. The property is 5 feet from the property line but the staircase is only 1 foot. Mr. Horne confirmed that the Board would need to grant 14 feet since the stairwell is considered part of the structure. Mr. Quinn stated that they need 10 ft. of relief from the 15 ft. front-yard setback dimensional requirement.

Ms. Tatasciore stated that they also need 47.06' of relief for frontage and 5,413 SF from lot area. The variance from the parking requirement is for 7 spaces and the special permit for parking is for 1 space and lastly the special permit regarding the buffer is for the full 5ft.

Mr. Quinn stated that there is fair amount of green space on the property but the retaining walls along the left and right property lines prevent landscaping in that area. The front façade will show more architectural detail. There will be no dumpster onsite; trash will be picked up by a contractor and will be stored in the resident's apartment until pick up day. Mr. Quinn confirmed the greatest height for proposed retaining wall B, located along the easterly lot line, will not exceed 6 ft. They have addressed their Stormwater Management responsibilities but will not be installing pervious pavers. The applicant is proposing white vinyl fencing along the rear and side property lines. Also there is no site lighting proposed except for wall lights to light each entrance and no signs.

Mr. Michajlow asked if the applicant is providing snow storage. Mr. Quinn indicated on the plans where it was located and stated that in extreme cases they would have to haul snow off-site.

Mr. Valeri asked if real estate taxes will be paid on this building. Ms. Warshaw stated that the Worcester East Side CDC pays taxes on all its properties.

Mr. Valeri asked if anything was done to account for driving down Forbes Street in bad weather. Mr. Quinn stated that they can't do anything to the road but they did spend a considerable amount of time designing the ramps that connect to the street to ensure the mildest slope possible.

Stephanie Booker stated that they added a catch basin on the lower entrance to catch the runoff that was creating an icing issue on that street.

Upon a motion by Mr. Valeri and seconded by Mr. Loew, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted 5-0 to approve the findings of fact as modified by staff and to approve the following:

Variance: For relief of 14 ft. from the 15 ft. rear-yard setback dimensional requirement in the RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 10 ft. from the 15 ft. front yard setback dimensional requirement in the RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 47.06' from the frontage dimensional requirement of 160 ft. in the RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 5,413 SF from the minimum lot area dimensional requirements in the RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 7 parking spaces from the minimum off-street parking requirement for a single-family residential use (Article IV, Section 7, Table 4.4)

Special Permit: To allow for modification of the off-street parking requirements by 1 space (Article IV, Section 7, A. 2.)

Special Permit: To allow for modification of the required 5 ft. landscape setback buffer & associated screening requirements (Article IV, Section 7, Table 4.4, Note 5. a.)

Subject to the conditions in the memo with the additional condition that the fencing shall be white vinyl fencing and that screening on the 11 Forbes Street side be acceptable to the 11 Forbes Street owner.

List of Exhibits:

Exhibit A: Variance & Special Permit Application; received July 14, 2015, prepared by Stephanie Booker of the Worcester East Side CDC.

Exhibit B: Definitive Site Plan in Worcester, MA – 5 & 7 Forbes Street; dated March 18, 2013 and revised through to May 22, 2015; prepared by Quinn Engineering, Inc.

Exhibit C: Rendering; dated December 9, 2014, prepared by Nunes Trabucco Architects.

Exhibit D: Stormwater Report; dated December 8, 2014; prepared by Quinn Engineering, Inc.

Exhibit E: E-mail from Engineer Kevin Quinn; received June 16, 2015.

Exhibit F: Letter from abutter George Haddad; dated June 4, 2015.

10. 59 & 63 Gates Street (ZB-2015-043A & B)

59 Gates Street:

Variance: For relief of 10 ft. of the 55 ft. frontage dimensional requirement for a two-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

63 Gates Street:

Variance: For relief of 19 ft. of the 60 ft. frontage dimensional requirement for a three-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 3,693 SF of the 7,000 SF minimum lot area dimensional requirement for a three-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 5.1 ft. of the 8 ft. side-yard setback dimensional requirement for a three-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief of the 15 ft. front-yard setback dimensional requirement for a three-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 6 spaces of the minimum off-street parking requirement for a three-family detached dwelling (Article IV, Section 4, Table 4.2)

Petitioner: Davis Dupuis, Trustee of Brownie Realty Trust

Present Use: Presently located on the premises are two vacant lots.

Zone Designation: RG-5 (Residence, General)

Petition Purpose: The petitioner seeks to construct a two-family detached dwelling along with off-street parking and associated site-work, grading, and paving on property located at 59 Gates Street with no proposed changes to the property at 63 Gates street, other than the removal of the existing parking at 59 Gates Street.

Public Hearing Deadline: 9/18/15

Constructive Grant Deadline: 10/23/15

Mr. Rolle stated that the applicant does not need a Variance for relief of the 15 ft. front-yard setback dimensional requirement for a three-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2) because of the front yard alignment provision, therefore the applicant can request for a leave to withdraw from this requested relief.

Attorney Donald O'Neil, representing David Dupuis, requested a leave to withdraw without prejudice for the variance for relief of the front yard setback. Attorney O'Neil stated that he submitted a copy of a 1911 plan for 59 Gates Street that shows there used to be a three-decker in that location and also a cottage in the rear. Mr. Dupuis resides at 63 Gates Street.

Attorney O'Neil stated that they are proposing a two-family on 59 Gates Street and it meets all the requirements, except for the frontage. It will fit in with the surrounding structures. They are not proposing any changes to the 63 Gates Street property. They are just curing the non-conformities of the structure. The vacant lot at 59 Gates Street has only been used for parking for 63 Gates

Street since March of this year since the property was owned by someone else prior to that. He stated that parking is adequate on Gates Street to accommodate the tenants at 63 Gates St.

Attorney O'Neil also stated that the plans have been revised to show the parking moved to the back of the building to fix the issue that they had parking in the front yard setback. He submitted the plans (Exhibit C).

Mr. Rolle stated that the applicant just bought the second parcel in March 2015. The common ownership is what necessitated all the relief for the existing building. He reviewed the suggested conditions of approval:

1. That the structure be constructed in substantial accordance with the final approved plot plan on file with the Division of Planning and Regulatory Services;
2. That the applicant provide 6 copies of revised plans to the Division of Planning and Regulatory Services showing the following:
 - a. Label the relief sought from the Zoning Board of Appeals;
 - b. Revise the Zoning Table to reflect the following relief for 63 Gates Street:
 - i. The required minimum front-yard setback as "15 feet";
 - ii. The existing minimum front-yard setback as "5.7 feet" and cite references to the front yard alignment provisions and calculations;
 - iii. Remove the relief needed for the minimum front-yard setback;
 - iv. The existing minimum side-yard setback as "2.9 feet";
 - v. The relief needed for minimum side-yard setback as "5.1 feet".
3. Add a note stating that parking shall not be allowed in the required front-yard setback;
4. Provide and notate the location of proposed trees for each lot, fronting on Gates Street, and that they be of a non-Asian Longhorned Beetle susceptible species and a note shall be added to the plan indicating such;
5. Provide and label the landscaped open space on both sides of the outer parking spaces & provide a vegetated landscaped bed between the two proposed center spaces at 59 Gates Street;
6. Correct the note on the plan to indicate that per Article IV, Section 4, Table 4.2 Note 6, the required front-yard setback is based on the average existing setback for neighboring properties located at 51 Gates Street, 53 Gates Street & 65 Gates Street and is less than the 6.5 feet provided.

Mr. Wanat asked if there would be screening between the proposed structure and 55 Gates Street because the new orientation of the parking will have headlights shining into their windows. Attorney O'Neil stated that they are amenable to installing a fence. Mr. Abramoff stated that they will condition that a 6 ft. stockade fence be installed along the property line with 55 Gates St.

David Dupuis, 63 Gates Street, stated that there is a retaining wall that will block the headlights but if the Board wants he can add fencing on top of the wall. Mr. Abramoff stated that they can

condition it that the fencing be of suitable height to shield the surrounding property from headlights.

Debra Sanchez, 79 Hollis Street, asked if grading would occur on the 59 Gates Street before construction occurs. She was concerned with runoff onto her property. Mr. Dupuis stated that he would be digging down for the foundation. Mr. Abramoff stated that they will condition the approval to protect abutters from runoff during construction.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted 5-0 to approve the findings of fact as modified by staff and approve the following:

59 Gates Street:

Variance: For relief of 10 ft. of the 55 ft. frontage dimensional requirement for a two-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

63 Gates Street:

Variance: For relief of 19 ft. of the 60 ft. frontage dimensional requirement for a three-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 3,693 SF of the 7,000 SF minimum lot area dimensional requirement for a three-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 5.1 ft. of the 8 ft. side-yard setback dimensional requirement for a three-family detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 6 spaces of the minimum off-street parking requirement for a three-family detached dwelling (Article IV, Section 4, Table 4.2)

Subject to the revised plans submitted and the conditions in the memo (minus conditions #3 & 5) and that the applicant protect the abutter's properties from runoff during construction and that adjoining properties are screened from headlights with fencing of suitable height and to approve the waiver of the application requirement to label abutters and abutters thereto within 300 ft. on the plan or label said abutters on a revised plan. The Board also approved the leave to withdraw without prejudice for the Variance for relief of the 15 ft. front-yard setback dimensional requirement for a three-family detached dwelling in a RG-5 Zone.

List of Exhibits:

Exhibit A: 59 & 63 Gates Street – Variance Applications; received July 15, 2015; prepared by Attorney Don O’Neil.

Exhibit B: 59 & 63 Gates Street Variance Plans; dated July 6, 2015; prepared by New England Land Survey.

Exhibit C: Revised 59 & 63 Gates Street Variance Plans; received August 17, 2015.

11. 212 (aka 210 & 220) & 212R Summer Street (ZB-2015-044)

- Special Permit: To modify the minimum 3 ft. landscaping buffer requirement (Article IX, Section 6, F.)
- Petitioner: Summer Street Hotel, LLC
- Present Use: Presently located on the premises at 212 (aka 210 & 220) Summer Street are two commercial structures and associated off-street parking with additional off-street parking located at 212R Summer Street.
- Zone Designation: BG-6.0 (Business, General) and located within the Union Station View Corridor Sign Overlay District (USOD), the Commercial Corridors Overlay District – Downtown Parking Subarea (CCOD), and the Downtown/Blackstone Canal Sign Overlay District (DSOD)
- Petition Purpose: The petitioner seeks to demolish the existing structures on-site and construct a six story hotel with associated off-street parking, along with associated site work, grading, and paving.
- Public Hearing Deadline: 9/24/15

Attorney Donald O’Neil, representing Summer Street Hotel, LLC, stated they are seeking a Special Permit pertaining to the required landscaping since the buffer that is located at the eastern property line, abutting I-290, is 0.5 feet wide at the narrowest section at the property line instead of the required 3 feet. The application seeks to demolish three mixed retail/business buildings and to construct a 6-story, 120-room hotel with a total of 107 parking spaces. He showed the Board the renderings for the proposed hotel.

Attorney O’Neil stated that the Fire Department requested additional information to ensure adequate fire access around the property. The information has been provided to them and they are satisfied.

Mr. Rolle stated that there is a portion of the property that is under agreement from the Worcester Redevelopment Authority, who provided a letter of support for the project. Ms. Tatasciore stated that staff recommends approval with the conditions in the memo. She stated that because the hotel will abut an embankment that is heavily vegetated now they are comfortable with the granting of this special permit.

Mr. Loew asked if this is going to have a restaurant/bar. Attorney O’Neil stated that it is a hotel only for extended stays.

Jeff Karam, First Vista Corporation, owner of Summer Street Hotel, LLC, stated that they will have continental breakfast for their guests and also a little reception in the evenings for their guests but it is not for the outside public.

Mr. Loew asked what kind of signage is proposed. Attorney O’Neil stated that they haven’t figured out the specifics yet but it will be in compliance with the Zoning Ordinance.

Mr. Abramoff asked the applicant to clarify the ownership of the parcels. Attorney O’Neil explained which entities owned what and stated that they have the properties under agreement and that the final sale will occur in the near future.

Mr. Valeri asked who will own the location. Mr. Karam stated that they will own the land, the building, and only pay a fee to use the Hilton name.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted to close the hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat, the Board voted 5-0 to approve the findings of fact as modified by staff and approve the special permit requested with the conditions in the memo and approve the waiver requested of the application requirement to label abutters and abutters thereto within 300 ft. on the plan or label said abutters on a revised plan.

List of Exhibits:

Exhibit A: ZBA – Special Permit Application; received July 21, 2015; prepared by Attorney Donald O’Neil.

Exhibit B: Site Plan; dated July 17, 2015; prepared by Bohler Engineering.

Exhibit C: Fire Chief comments; undated.

Exhibit D: E-mail from Jay W. Foley; dated August 11, 2015

Exhibit E: E-mail and PDF showing movement of aerial apparatus by Steve Martorano; sent August 13, 2015.

Exhibit F: Letter of Support from the Worcester Redevelopment Authority; submitted August 17, 2015.

OTHER BUSINESS

12. Communications - None

13. Signing of Decisions from prior meetings – Decisions were signed.

ADJOURNMENT

Upon a motion by Mr. Abramoff and seconded by Mr. Wanat, the Board voted to adjourn the meeting at 7:34 p.m.