

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

OCTOBER 16, 2017

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
Joseph Wanat
Robert Haddon, Alternate Member
Andrew Freilich, Alternate Member

Staff Present: Stephen S. Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
Michael Antonellis, Division of Planning & Regulatory Services
John Kelley, Department of Inspectional Services
David Horne, Department of Inspectional Services

Approval of the Minutes

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to approve the minutes of September 18, 2017.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 287 & 35 Park Avenue Grove Street (ZB-2017-046)

Special Permit: To allow a food-service drive-thru (Business Use #6) in a BG-3.0 District (Article IV, Section 2, Table 4.1)

Petitioner: Galaxy Grove, LLC

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

Zone Designation: BG-3.0 (Business, General) zoning district

Petition Purpose: The applicant seeks to construct four commercial structures, one of which will be for a food-service use with a proposed drive-thru, along with associated parking areas and related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to postpone the Special Permit Application to November 6, 2017.

2. 37 North Ashland Street (ZB-2017-051)

- Variance:** For relief from the minimum lot area dimensional requirement in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum front-yard setback dimensional requirement in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum rear-yard setback dimensional requirement in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Michael T. Madulka
- Present Use:** Presently on the premises is a pre-existing non-conforming single-family detached dwelling, along with related site improvements.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to demolish the existing structure and to construct a new single-family attached dwelling, with a total of three dwelling units, along with related site work.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to Postpone the Variance Application to the November 6, 2017 meeting and to extend the Constructive Grant Deadline until November 30, 2017.

Unfinished Business

3. 429 Burncoat Street & Lot 2 Hartford Road (ZB-2017-039)

429 Burncoat Street:

- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)

Lot 2 Hartford Road:

- Variance:** For relief from the lot area dimensional requirement for a single-family dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Christopher DeSantis
- Present Use:** Presently on the premises at 429 Burncoat Street is a non-conforming single-family detached dwelling, with associated site improvements, and on the premises at Lot 2 Hartford Road is a vacant parcel.
- Zone Designation:** RS-7 (Residence, Single-Family) zoning district
- Petition Purpose:** The applicant seeks to construct a single-family detached dwelling at Lot 2 Hartford Road, along with associated parking and site improvements, with no changes proposed to the existing structure located at 429 Burncoat Street.

Kevin Quinn from Quinn Engineering and Christopher DeSantis appeared upon behalf of the application. Mr. Quinn stated that the applicant seeks to construct a single-family detached dwelling at Lot 2 Hartford Road and there were some questions from the Board at last meeting and the item was continued to this meeting.

Mr. Quinn stated that they have now updated the plans and the building has been flip so that the garage is on the left side and house has been pushed back so it is 40 feet away from the road which will provide more parking in their driveway.

Greg Marcotte stated that he did appreciate their efforts to help with parking but there is also challenge with snow removal and expressed concern with water runoff into neighboring basements and feels that this house is being wedged in.

Chris Simpson stated that he is an abutter to the property and these new proposed changes hurts his property as it makes it close to his property.

Peter Demacis, abutter to the property, stated that his concern is that at existing house as they are planting shrubbery that is encroaching on the existing road and issue was brought up at last meeting and owner hasn't taken care of matter so he has characteristics of an absentee landlord.

Amanda Marcotte, abutter to the property, asked who the proposed home is for. Mr. Quinn responded it for Mr. DeSantis grandmother. Ms. Marcotte stated that it seems like this could be converted to a two family house.

Mr. Rolle stated that a two family is not allowed in the zone.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Freilich the Board voted 5-0 to approve the Special Permit and the Variance with conditions outlined in staff's memo.

List of Exhibits

- Exhibit A: Special Permit & Variance Application; received June 27, 2017, Revised September 11, 2017; prepared by Christopher DeSantis.
- Exhibit B: Plan of Land; dated June 15, 2017 and revised through to October 4, 2017; prepared by Quinn Engineering, Inc.
- Exhibit C: Rendering; dated August 8, 2017 and revised on October 1, 2017; prepared by Acropolis Design Consultants.
- Exhibit D: Letter of support; dated July 15, 2017; submitted by James Hayes.
- Exhibit E: Letter of support; dated July 13, 2017; submitted by Mike Vacca.
- Exhibit F: Letter of support; dated July 27, 2017; submitted by Peter DeFrancisco.
- Exhibit G: Photos taken by Greg Marcotte.
- Exhibit H: Neighborhood Petition of Opposition.
- Exhibit I: Letter from abutter Priscilla Underwood.
- Exhibit J: Letter from abutter Gregory Marcotte & Family.

4. 206 May Street (ZB-2017-047)

- Special Permit Amend:** To allow a multi-family dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1)
- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Variance:** For relief from the minimum parking requirements for a multi-family low-rise dwelling (Article IV, Section 7, Table 4.4)
- Variance:** For relief from the minimum lot area dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum frontage dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum front-yard setback dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum side-yard setback dimensional requirement in a RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Monroe Management, LLC
- Present Use:** Presently on the premises is a pre-existing non-conforming multi-family low-rise dwelling, along with related site improvements
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to convert the basement into an additional dwelling unit, along with related site work and parking area re-configuration.

Engineer YZ from HS&T appeared upon behalf of the applicant, Monroe Management, LLC. YZ stated that the applicant seeks to convert the basement into an additional dwelling unit and the Board had expressed concerns at previous meeting regarding water run off and the retaining wall. They have now updated the plans and addressed how the retaining would now be located and how water runoff would be handled.

Mr. Rolle asked how they will upkeep the retaining wall. YZ reviewed the maintenance for the wall.

Applicant Adam Gaval stated that the porta potties requested by the Board at the last meeting were put on the site.

YZ reviewed the type of screening they would use for the retaining wall.

Mr. Abramoff stated that he is glad the home is being brought back to a useful use.

Mary Bejune asked for a review of the retaining walls. Mr. Abramoff reviewed the plans for the wall.

Mr. Freilich and Mr. Abramoff expressed concern about how snow removal would be handled for the site and suggested that a condition be added if approved that snow be removed from the site if snow cannot be handled on the site.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to close the public hearing.

YZ requested Leave to Withdraw without prejudice for Variances pertaining to the front-yard setback and side-yard setback as these forms of relief are not applicable to the project:

Upon a motion by Mr. Michajlow and seconded by Mr. Freilich the Board voted 5-0 to approved Leave to Withdraw for the two variances.

Upon a motion by Mr. Michajlow and seconded by Mr. Freilich, the Board voted 5-0 to approve the requested Variances and Special Permits with conditions outlined in staff's memo as well as that if snow storage area overflows the wall then the snow shall be removed from the site, that a six fence be placed across at the rear of the property as well as approving the waiver to label abutters within 300 feet on the plan.

List of Exhibits:

- Exhibit A: Variance & Special Permit Application; received August 8, 2017; prepared by Monroe Management, LLC.
- Exhibit B: Plan of Land; dated August 8, 2017 and revised on October 6, 2017; prepared by H.S. & T. Group, Inc.
- Exhibit C: Floorplans; undated; prepared by Adam A. Gaval.
- Exhibit D: ZBA Special Permit Decision from 1985.

New Business

5. 1059 Millbury Street (ZB-2017-048)

Special Permit: To allow open lot storage of more than one unregistered automobile in excess of 7 days (General Use #13) in each a BL-1.0, ML-0.5 & MG-0.5 District (Article IV, Section 2, Table 4.1)

Petitioner: South Works V.F.W. Post 3657

Present Use: Presently on the premises is a facility known as South Works V.F.W. Post 3657, and associated parking as well as a personal wireless service facility and associated improvements.

Zone Designation: BL-1.0 (Business, Limited), ML-0.5 (Manufacturing, Limited) & MG-0.5 (Manufacturing, General) zoning districts and located within the Blackstone River Parkway Sign Overlay District (BSOD)

Petition Purpose: The applicant seeks to allow open lot storage for unregistered motor vehicles on the premises along with related site work.

Representatives from the Massachusetts VFW requested a postponement. Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to postpone the application to the November 27, 2017 Zoning Board of Appeals meeting.

List of Exhibits:

- Exhibit A: Special Permit Application; received August 14, 2017; prepared by South Works V.F.W. Post 3657
- Exhibit B: Plot Plan; dated August 1, 2017; prepared by B&R Survey, Inc.

Exhibit C: Enforcement letter issued by ISD; dated November 21, 2016.

Exhibit D: Fire Department comments; dated September 20, 2017.

6. 185 Sunderland Road (ZB-2017-041)

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

Petitioner: Ahmad Shishesaz

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

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

Petition Purpose: The applicant seeks to construct a single-family detached dwelling along with associated site work.

Engineer YZ from HS&T appeared upon behalf of the applicant Mrs. Shishesaz. YZ stated that the applicant seeks to construct a single-family detached dwelling.

YZ stated that they will be cutting a lot of trees due to number on the lot but will try and save some near the abutting property lines and they will try to maintain some type of green space and they will add walkway from road to the house.

Mr. Abramoff asked if there was a rendering on the home. YZ stated that he did not have one.

Mr. Abramoff asked what would be the plan for vegetation and Mr. Freilich stated that without a rendering he does not plan to vote on this item as he has to see what the proposed house will look like. Mr. Michajlow stated that he agreed with his colleagues that without rendering they can't vote on item.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to continue the application to the November 6, 2017 Zoning Board of Appeals meeting.

List of Exhibits

Exhibit A: Variance Application; received July 18, 2017; prepared by Ahmad Shishesaz.

Exhibit B: Variance Plan of Land; dated June 27, 2017 and revised on October 6, 2017; prepared by HS&T Group, Inc.

Exhibit C: Fire Department Comments; dated July 20, 2017.

7. 1 & 2 Rice Street (ZB-2017-049)

Special Permit Amendment: To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)

Petitioner: The Worcester Country Club

Present Use: Presently on the premises is a pre-existing non-conforming golf course and clubhouse, with associated maintenance structures and related site improvements.

Zone Designation: RL-7 (Residence, Limited) zoning district and within the Water Resource Protection Overlay District (WR(GP-3))

Petition Purpose: The applicant seeks to amend the previous approval by reducing the scope of the construction improvements for the maintenance facility.

Mike Andrade from Graves Engineering appeared upon behalf of the applicant, Worcester Country Club and stated that they like to amend the previous approval by reducing the scope of the construction improvements for the maintenance facility and instead of two buildings it will be one building.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to approve the Special Permit Amendment with conditions outlined in staff's memo and waived the requirement to show abutters to abutters within 500 feet on the plan.

List of Exhibits:

- Exhibit A: Special Permit Amendment Application; received September 5, 2017; prepared by Graves Engineering, Inc.
- Exhibit B: Site Plan – Maintenance Facility Improvements; dated September 5, 2017; prepared by Graves Engineering, Inc.
- Exhibit C: Fire Comments; dated September 20, 2017.

8. 355 Main Street (aka 2 Foster Street) (ZB-2017-050)

Special Permit: To allow a roof-mounted personal wireless service facility (General Use #15) in a BG-6.0 District (Article IV, Section 2, Table 4.1)

Petitioner: Cellco Partnership d/b/a Verizon Wireless

Present Use: Presently on the premises is an office building.

Zone Designation: BG-6.0 (Business, General) zoning district and within the Downtown/Blackstone Canal Sign Overlay District (DSOD) & the Commercial Corridors Overlay District – Downtown Sub-Area (CCOD-D)

Petition Purpose: The applicant seeks to install a roof-mounted personal wireless service facility and to conduct related site work.

Attorney Earl Duval appeared upon behalf of the applicant, Cellco Partnership dba Verizon, and stated that they are seeking to install infrastructure associated with a roof-mounted personal wireless service facility and stated that they will be installing a total of three antennas and reviewed the plans and security for the antennas.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Freilich the Board voted 5-0 to approve the Special Permit with conditions outlined in staff's memo and also approved waivers requested by the applicant.

List of Exhibits:

- Exhibit A: Special Permit Application and associated exhibits; received September 5, 2017; prepared by Applicant's agent, Attorney Daniel Klasnick.
- Exhibit B: Verizon – 355 Main Street; dated June 16, 2016 and revised through to August 22, 2017; prepared by Chappell Engineering Associates, LLC.
- Exhibit C: Comments from Fire Department; dated September 15, 2017.

9. 261 Clover Street (aka 175 James Street) (ZB-2017-052)

- Variance:** For relief from the minimum parking requirements for multi-family low-rise dwellings (Article IV, Section 7, Table 4.4)
- Petitioner:** Botany Bay Construction Co.
- Present Use:** Presently on the premises is a vacant manufacturing structure and associated site improvements.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks demolish the existing structure and to construct eleven multi-family low-rise structures, with a total of 90 dwelling units, along with associated parking areas and related site work.

Carl Hultgren of Quinn Engineering appeared upon behalf of the applicant, Carl Foley of Botany Bay Construction Company. Mr. Hultgreen stated that the applicant seeks to demolish the existing structure and to construct eleven multi-family low-rise structures, with a total of 90 dwelling units and the property has been re-zoned to RG-5 and it will be a mix of one and two family dwelling units and reviewed the plans for the site.

Mr. Michajlow stated that he thinks it is wonderful someone is doing something with property but does have concern with reduction in parking being requested.

Mr. Haddon asked if there was any on street parking in the area. Mr. Hultgren stated that there was.

Upon a motion by Mr. Freilich and seconded Mr. Michajlow the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 5-0 to approve the Variance with conditions outlined in staff's memo as well as waivers requested.

List of Exhibits:

- Exhibit A: Variance Application; received September 8, 2017; prepared by Carl Foley of Botony Bay Construction Co. Inc.
- Exhibit B: Site Plan; dated September 5, 2017; prepared by Quinn Engineering, Inc.
- Exhibit C: Renderings; undated; preparer unknown.
- Exhibit D: Fire Department comments; dated September 15, 2017.

10. 42 Clarendon Street (ZB-2017-053)

- Variance:** For relief from the minimum side-yard setback dimensional requirement in a RS-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Catherine Samko
- Present Use:** Presently on the premises is a single-family detached dwelling, along with related site improvements.
- Zone Designation:** RS-7 (Residence, Single-Family) zoning district
- Petition Purpose:** The applicant seeks construct an attached garage, along with related site work.

David Sadowski from Sadowski Engineer along with architect Michael Ranniko and the applicant, Catherine Samok appeared upon behalf of the application. Mr. Sadowski stated that hat Ms. Samok seeks construct an attached garage to the home.

Upon a motion by Mr. Freilich and seconded by Mr. Michajlow the Board voted 5-0 to approve the Variance with conditions outlined in staff’s memo as well as waivers requested.

List of Exhibits:

- Exhibit A: Variance Application; received September 8, 2017; prepared by Catherine Samko.
- Exhibit B: Plan of Land; dated September 4, 2017; prepared by Sadowski Engineering.

Other Business

11. Communications

12. Signing of Decisions from prior meetings

Adjournment

Upon a motion the Board voted 5-0 to adjourn the meeting at 7:35 p.m.