

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

May 20, 2019

LEVI LINCOLN CHAMBER, WORCESTER CITY HALL

Zoning Board Members Present: Joseph Wanat, Chair
George Cortes
Jordan Berg Powers
Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member

Absent: Andrew Freilich, Vice-Chair

Staff Present: Michelle M. Smith, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
David Horne, Department of Inspectional Services

Approval of the Minutes

January 14, 2019; February 25, 2019; March 18, 2019; April 8, 2019; April 29, 2019 – Held to June 10, 2019.

Requests for Continuances, Extensions, Postponements, & Withdrawals

1. 53 Housatonic Street (MBL 36-002-00149) (ZB-2019-009)

Special Permit or Variance: To exceed the maximum size (footprint or SF) limitation for a detached garage (Article IV, Section 8)
Variance: For relief from the maximum height dimensional requirement for an accessory structure in a residential district (Article IV, Section 8)
Petitioner: Mark Boisseau
Present Use: A single-family dwelling with a detached garage
Zone Designation: RS-7 (Residence, Single-Family) zoning district and within the Water Resource Protection Overlay District (WR(GP-3))
Petition Purpose: To demolish the existing garage and construct a 6-car detached garage.
Public Hearing Deadline: 5/20/19
Constructive Grant Deadline: 6/11/19

Upon a motion by Mr. Cortes and seconded by Mr. Karlstad, the Board voted 4-0 to Postpone the Public Hearing for the Special Permit and Variance applications to the June 10, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to July 2, 2019.

2. 49 Arlington Street (MBL 05-037-00031) (ZB-2019-016)

Variance: For relief from the minimum lot area dimensional requirement in an RG-5 zone (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum frontage dimensional requirement in an RG-5 zone (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum front-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
Petitioner: Fortin Investments, LLC
Present Use: A vacant lot.

Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: The applicant seeks to construct a three-family dwelling along with associated retaining walls and parking.
Public Hearing Deadline: 5/20/19
Constructive Grant Deadline: 6/2/19

Upon a motion by Mr. Karlstad and seconded by Mr. Haddon, the Board voted 4-0 to Postpone the Public Hearing for the Variance applications to the June 10, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to July 2, 2019.

3. 3 Newton Avenue (MBL 11-013-00004) (ZB-2019-021)

3 (aka Lot 1) Newton Avenue (Existing):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Lot 2 Newton Avenue (Proposed):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Guri Dura and Marjeta Skenderi
Present Use: Presently on the premises at 3 Newton Avenue (aka Lot 1) is an existing two-family dwelling and on proposed Lot 2 Newton Avenue is a detached garage
Zone Designation: RL-7 (Residence, Limited) zoning district
Petition Purpose: To convert the existing garage on Lot 2 into a single-family dwelling and to conduct related site work.
Public Hearing Deadline: 5/30/19
Constructive Grant Deadline: 7/4/19

Upon a motion by Mr. Cortes and seconded by Mr. Karlstad, the Board voted 4-0 to Postpone the Public Hearing for the Variance applications to the June 10, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to July 2, 2019.

4. 31 Greendale Avenue (MBL 2-018-00006) (ZB-2019-026)

31 (aka Lot 30) Greendale Avenue (Existing):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum front-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum setback dimensional requirement for an accessory structure in a residential zoning district (Article IV, Section 8)

Lot 29 Greendale Avenue (Proposed):

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Petitioner: Yuliya J. Hirnyk
- Present Use: At 31 Greendale Avenue (aka Lot 30) is an existing non-conforming single-family detached dwelling and an accessory structure; Lot 29 is vacant.
- Zone Designation: RL-7 (Residence, Limited) zoning district
- Petition Purpose: The applicant seeks to divide the lot into two and construct a two-family detached dwelling on Lot 29.
- Public Hearing Deadline: 6/20/19
- Constructive Grant Deadline: 7/25/19

Upon a motion by Mr. Karlstad and seconded by Mr. Haddon, the Board voted 4-0 to Postpone the Variance applications to the June 10, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to July 2, 2019.

New Business

5. 90 Barber Avenue (MBL 22-001-00001) (ZB-2019-024)

- Variance: For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)
- Petitioner: Banner Worcester Storage, LLC
- Present Use: A vacant lot
- Zone Designation: BG-3.0 (Business, General) zoning district
- Petition Purpose: The applicant seeks to construct a four-story +/- 127,000 SF building to be used as a self-storage facility with associated parking and site improvements.
- Public Hearing Deadline: 6/14/19
- Constructive Grant Deadline: 7/19/19

Matt Bombaci of Bohler Engineering appeared upon behalf of the applicant, Banner Worcester Storage, LLC. The applicant seeks to construct a four-story +/- 127,000 SF building to be used as a self-storage facility with associated parking and site improvements.

Mr. Cortes asked if the request was to reduce the number of parking spaces from 43 to 9. Mr. Bombaci stated yes as this is a storage facility and does not require as much parking.

Mr. Cortes asked how many storage units would be in the facility. Mr. Bombaci stated that the facility would have 1000 units, and that 20 trips are anticipated at peak hours, based on the manual from the Institute of Planning Trip Generator.

Mr. Haddon stated that, from personal experience, the parking proposed is more than adequate.

Rick Henry of Banner Worcester Storage, LLC stated that the use does not require much parking.

Ryan Massimino expressed concern about lighting at night and that he will lose his view of the city of Worcester when the facility is built.

Mr. Bombaci reviewed the height of the building and the lighting proposed for the site.

Upon a motion by Mr. Karlstad and seconded by Mr. Haddon, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad, the Board voted 4-0 to approve the Variance with conditions outlined in the staff memo, and to accept the Findings of Facts as proposed by the petitioner and modified by staff, with the following additional condition of approval:

1. That the granting of this Variance shall be specific to self-storage use.

The Board also voted 4-0 to approve a waiver of the application requirement to label abutters and abutters thereto within 300 feet.

List of Exhibits

- Exhibit A: Variance Application; received April 10, 2019; prepared by Bohler Engineering.
- Exhibit B: Site Development Plans; last revised October 24, 2017; prepared by Bohler Engineering.
- Exhibit C: Conceptual Elevations; dated September 1, 2017; prepared by ARCO Murray & GMA Architects.

6. 76 & 78 Toronita Avenue (MBL 33-018-117-3) (ZB-2019-025)

Special Permit: To allow a change from a privileged non-conforming use to a non-conforming use of a similar nature (Article XVI, Section 4)

76 (aka Lot 3A) Toronita Avenue:

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

78 (aka Lot 3B) Toronita Avenue:

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Derek J. Dufresne
Present Use: A privileged non-conforming two-family detached dwelling and associated site improvements.
Zone Designation: RS-7 (Residence, Single Family) zoning district
Petition Purpose: The applicant seeks to divide the lot into two in order to convert the existing structure into a single-family semi-detached dwelling (duplex).
Public Hearing Deadline: 6/20/19
Constructive Grant Deadline: 7/25/19

Attorney Donald O’Neil appeared upon behalf of the applicant, Derek J. Dufresne. The applicant seeks to divide the lot into two in order to convert the existing structure into a single-family semi-detached dwelling (duplex).

Mr. O’Neil provided an overview of the proposal for the site.

The Board and the staff discussed the lot lines for the property.

Upon a motion by Mr. Karlstad and seconded by Mr. Haddon, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Cortes, the Board voted 4-0 to approve the Variances with conditions outlined in the staff memo, with the condition that the Variances for the side yard setback shall be specific to the interior lot line (i.e. the property line located along the party-wall) for each lot and shall not apply to the side-yard setback associated with the exterior lot lines. The Board also voted 4-0 to approve a waiver of the application requirement to label abutters and abutters thereto within 300 feet on the plan.

List of Exhibits:

Exhibit A: Variance Application; received 4/16/19; revised 5/14/19; prepared by Attorney Donald J. O'Neil.

Exhibit B: Plan for Variance; dated 4/4/19; prepared by B&R Survey, Inc.

Other Business

7. Communications

8. Acceptance of the Meeting Schedule and Filing Deadlines for 2020.

Upon a motion by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to approve the Meeting Schedule and Filing Deadlines for 2020.

9. Discussion of Board Policies and Procedures

10. Signing of Decisions from prior meetings

Adjournment

Upon a motion by Mr. Karlstad and seconded by Mr. Haddon, the Board voted 4-0 to adjourn the meeting at 6:21 PM.