MINUTES OF THE PROCEEDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER April 27, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 730323290#), which was publicized on the posted meeting agenda and during the video broadcast.

Zoning Board Members Joseph Wanat, Chair

Participating: Andrew Freilich, Vice Chair

Jordan Berg Powers George Cortes

Robert Haddon, Alternate Member Russell Karlstad, Alternate Member

Zoning Board Members Not

Participating:

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services

Michelle Smith, Division of Planning & Regulatory Services

Amanda Molina Dumas, Division of Planning & Regulatory Services

David Horne, Department of Inspectional Services

Call to Order – 6:00 PM

Approval of Minutes - 4/29/2019; 5/20/2019; 6/10/2019; 2/3/2020; 2/24/2020; 4/6/2020 (Approved)

Upon a motion made by Mr. Freilich and seconded by Mr. Haddon, the Board voted 4-0 to approve the minutes of 4/29/2019; 5/20/2019; 6/10/2019; 2/3/2020; 2/24/2020; 4/6/2020

7/1/2019; 7/22/2019; 8/12/2019; 9/9/2019; 10/7/2019; 10/28/2019 – Held to April 27, 2020

Requests for Continuances, Extensions, Postponements & Withdrawals

New Business

Item #1 320 (aka Lots 1 & 2) Massasoit Road (MBL 45-025-00214) (ZB-2020-021)

Lot 2 Massasoit Road (Proposed):

Variance: For relief from the minimum frontage dimensional requirement for a single-family

detached dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: David Cole DiRoberto

Present Use: Presently on the premises at 320 Massasoit Road (aka proposed Lot 1) is a privileged,

non-conforming two-family detached dwelling, proposed Lot 2 is vacant, and on both

proposed Lot 1 and proposed Lot 2 is a paved driveway.

Zone Designation: RS-7 (Residence, Single Family) zoning district

Petition Purpose: The applicant seeks to divide the existing lot into two, with the existing dwelling at

320 Massasoit Road to remain, to demolish the existing driveway, to construct a single-family detached dwelling on proposed Lot 2, and to conduct related site work.

Public Hearing Deadline: 5/1/2020 Constructive Grant Deadline: 6/5/2020

Kevin Quinn of Quinn Engineering appeared on behalf of the applicant, David Cole DiRoberto. The applicant seeks to divide the existing lot into two, with the existing dwelling at 320 Massasoit Road to remain, to demolish

the existing driveway, to construct a single-family detached dwelling on proposed Lot 2, and to conduct related site work.

Mr. Quinn provides an overview of the proposal.

Ms. Dumas provided staff comments on the proposal, noting concerns about two driveways on a busy street, the amount of impervious surface, and mitigating runoff from both the new structure and from the new driveway. Ms. Dumas also notes that the current proposal appears to direct runoff from the Parcel 1 (existing) on to Parcel 2 (proposed).

Mr. Quinn comments that the new increase between the existing driveway and the proposed driveways is approximately 300 SF. After consulting with applicant, they are agreeable to a common driveway to serve both properties.

Ms. Smith summarized the comment letters received from neighbors of the project (all in opposition), which raised concerns about density in the neighborhood and how busy Massasoit Road already is.

Mr. Wanat and Mr. Karlstad both support a common driveway, noting that the item should be continued so revised plans can be submitted.

Mr. Wanat opens the hearing to public comment.

Claudia Minaya, direct abutter, comments her main concern that the proposed driveway for the existing two-family dwelling at 320 Massasoit Road would negatively impact her property with runoff. She also noted that the existing trees between her property and the subject property are beneficial to capturing rain, and would prefer if those trees were preserved.

Upon a motion made by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to continue the Variance application to the May 11, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to June 2, 2020.

Item #2 36, 38, & 40 Oak Avenue (MBL 01-016-04-09) (ZB-2020-0222)

Variance: For relief from the minimum parking requirements for a multi-family use in an IN-H

Zone (Article IV, Section 7, Table 4.4)

Petitioner: UMass Memorial Medical Center, Inc.

Present Use: Presently on the premises are two multi-family dwellings, consisting of 31 dwelling

units, a medical office and multiple surface parking lots.

Zone Designation: IN-H (Institutional, Medical) zoning district

Petition Purpose: The applicant seeks to divide the lot in order to separate the residential portion of

the property (36-40 Oak Avenue) from other contiguous property.

Public Hearing Deadline: 5/7/2020 Constructive Grant Deadline: 6/11/2020

Mr. Haddon recused himself from the petition. Mr. Wanat designated Mr. Karlstad as the alternate member to vote on the petition.

Attorney Sem Aykanian appeared on behalf of the applicant, UMass Memorial Medical Center, Inc. The applicant seeks to divide the lot in order to separate the residential portion of the property (36-40 Oak Avenue) from other contiguous property. Mr. Aykanian provides a summary of the historical use of the residential property, which is made up of two buildings containing 31 dwelling units total, and a surface parking area with 31 parking spaces. He also noted that no changes are proposed to the residential property, and they are seeking zoning relief in order to sell the residential property.

The Board discussed the amount of relief being requested; Mr. Karlstad noted that this project is pre-existing, non-conforming in regards to parking, and as such, provides more parking than other projects the ZBA has approved.

Staff notes that 1 space per unit is appropriate for this area. Ms. Dumas notes that 26 of the 31 units are currently rented.

Upon a motion made by Mr. Freilich and seconded by Mr. Karlstad, the Board voted 5-0 to approve the Variance for relief of 31 spaces (50%) from the minimum parking requirements for a multi-family use in an IN-H zone; approved requested waivers; approved with Conditions of Approval from staff memo (parking variance shall apply to Lot 1 only; parking variance specifically applies only to the uses and development as it presently exists on Lot 1 and not to a change in use or expansion of such use; any change in use shall meet the parking requirements or receive necessary relief form said requirements; all 31 parking spaces shall be striped and accessible spaces shall be placarded; snow storage shall not be located in required parking spaces or required landscaped buffer; landscaped areas bordering parking area shall be maintained as permeable surfaces with plantings; project shall be used in substantial accordance with plans submitted).

List of Exhibits:

Exhibit A: Variance Application; received 3/3/2020; prepared by Sem Aykanian, Esq.

Exhibit B: Proposed Variance Plan; dated 2/14/2020; received 3/2/2020; revised 3/9/2020; prepared by

Otte & Dwyer, Inc.

Other Business

6. Communications

8. Discussion of Board Policies and Procedures

Adjournment

Upon a motion by Mr. Cortes and seconded by Mr. Haddon, the Board voted 5-0 to adjourn the meeting at 7:32 PM.