

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
August 24, 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: 1608847670#), which was publicized on the posted meeting agenda and during the video broadcast.

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

Zoning Board Members Not Participating: Andrew Freilich, Vice Chair

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services
David Holden, Department of Inspectional Services

Call to Order – 6:00 PM

Requests for Continuances, Extensions, Postponements & Withdrawals

Item #1: **60 Wall Street (MBL 04-011-09+10) (ZB-2020-014)**
Variance: For relief from the minimum lot area dimensional requirement for a single-family attached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)
Petitioner: Wall Street Rentals Realty Trust
Present Use: Presently on the premises is a vacant lot.
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: To construct a single-family attached dwelling (with a total of 4 dwelling units, and to conduct associated site work.
Public Hearing Deadline: 8/24/2021 Constructive Grant Deadline: TBD

Request to Postpone the Public Hearing to September 14, 2020
Extend the Constructive Grant Deadline to October 20, 2020

Upon a motion by Jordan Berg Powers, seconded by George Cortes, the Board voted 5-0 to grant the postponement.

Item #2: **1193 (aka 1239) & 1243 (aka 1241) Millbury Street (MBL 31-003-00011, -00005) (ZB-2020-036)**
Special Permit: To allow open lot storage of more than one (1) unregistered automobile in excess of seven (7) days (Article IV, Section 2, Table 4.1, General Use #13)
Special Permit: To allow open lot storage and/or salvage recycling operations (Article IV, Section 2, Table 4.1, Manufacturing Use #8)
Petitioner: Boakye Osei Bonsu

Present Use: Presently on the premises at 1243 (aka 1241) Millbury Street are two buildings – a +/-1,319 SF commercial building, formerly used as convenience store, and a +/- 3,480 SF commercial building, formerly used for retail food sales – each with associated surface parking and at 1193 (aka 1239) Millbury Street is a surface parking lot used for open lot storage of vehicles.

Zone Designation: MG-1.0 (Manufacturing, General) zoning district and Blackstone River Parkway Sign Overlap District (BSOD)

Petition Purpose: To allow open lot storage of vehicles on both lots, to convert the existing +/- 3,480 SF commercial building into a garage to be used for dismantling of vehicles, with the existing +/- 1,319 SF building to remain, and conduct associated site work.

Public Hearing Deadline: 9/11/2020

Constructive Grant Deadline: TBD

Request to Postpone the Public Hearing to September 14, 2020

Extend the Constructive Grant Deadline to October 20, 2020

Upon a motion by Jordan Berg Powers, seconded by George Cortes, the Board voted 5-0 to grant the postponement.

Approval of Minutes – 5/11/2020; 6/22/2020

Mr. Wanat stated that approval of minutes would be held until the following meeting.

New Business – Public Hearings

Item #3: 65 Parsons Hill Drive (MBL 56-018-00025) (ZB-2020-038)

Variance: For relief from the minimum front-yard setback dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Nicholas and Claudette Sefakis

Present Use: Presently on the premises is a single-family detached dwelling, with associated site improvements.

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

Petition Purpose: To construct an open-air porch and conduct related site work.

Public Hearing Deadline: 9/5/2020

Constructive Grant Deadline: 10/10/2020

Mr. Wanat gave an overview of the application and relief requested.

Nicholas Sefakis of Worcester presented the application and described the proposed work; explained that it was to create easier access as he is handicapped.

Ms. Molina Dumas provided background on the existing structure and additional details of proposed addition.

Mr. Wanat stated that he would be in support, noted that there were two staff-recommended conditions of approval and noted the waivers that would be needed; Mr. Sefakis stated that he understood.

Board had no additional discussion.

No public comment.

Upon a motion by Jordan Berg Powers, seconded by George Cortes, the Board voted 5-0 to close the hearing.

Upon a motion by Jordan Berg Powers, seconded by George Cortes, the Board voted 5-0 to conditionally approve the Variance for relief from front-yard setback and accept findings of fact, granting waivers as requested.

Item #4: 92 Grand Street (MBL 07-004-00012) (ZB-2020-040)

Extension of Time: For relief from the minimum parking requirements in a RG-5 Zone (Article IV, Section 7,

Variance: Table 4.4)
Petitioner: 92 Grand Street Commons, LLC
Present Use: Presently on the premises is a vacant, partially paved lot.
Zone Designation: RG-5 (Residence, General) zoning district and within an Adaptive Re-use Overlay District (AROD)
Petition Purpose: To construct a mixed use development, consisting of 48 residential dwelling units and commercial/retail space, and to conduct associated site work
Public Hearing Deadline: 9/30/2020 Constructive Grant Deadline: 11/4/2020
Hearing Opened with: JW, JBP, GC, RK, RH

Mr. Wanat gave an overview of the application.

Todd Rodman, on behalf of applicant, with Steve Tisdale, described the proposed development and why the extension of time is needed (it took time to get financing together).

Mr. Rolle described the recommended conditions of approval, and that they and the staff comments are the same as the last time this variance came before the Board.

Mr. Wanat stated his support for the project.

No additional comment from the Board.

There was no public comment.

Mr. Berg Powers asked to clarify the staff recommendations; Mr. Rolle clarified.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes, the Board voted 5-0 to close hearing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes the Board voted 5-0 to extend the Variance for relief from the minimum parking requirements in an RG-5 zone, including staff recommended conditions of approval.

Item #5: **249, 261 & 265 (aka Lots 1-4) Lake Avenue (MBL 17-029-00010, 17-030-0002A & -00002) (ZB-2020-042)**

Lot 1 Lake Avenue:

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

Lot 2 Lake Avenue:

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

Petitioner: Cherele Gentile, Trustee of Manor Real Estate Trust

Present Use: Presently on the premises are 4 vacant lots.

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

Petition Purpose: To construct four single-family detached dwellings (each on their own lot), and conduct related site work.

Public Hearing Deadline: 10/10/2020 Constructive Grant Deadline: 11/4/2020

Hearing Opened with: JW, JBP, GC, RK, RH

Mr. Wanat gave an overview of the application.

Zac Couture with H.S.T. Group, on behalf of the application, explained the purposes of the Variances, that they had been granted before but applicant had let them expire; described owner's intent for the properties.

Ms. Molina Dumas gave further background on the application and the need for the relief; stated the condition of approval that elevations be reconciled with site plans.

Mr. Wanat agreed that renderings should be adjusted; reminded applicant of waivers to the requested; Mr. Couture requested waivers; reminded applicant of conditions of approval.

Mr. Couture stated his concern with condition of approval #9, that is might limit ability to sell the property if

future developments needed to stick to that building footprint; Mr. Rolle stated that the condition could be modified and suggested a possible modification.

Mr. Cortes asked for clarification on the implications of changing condition of approval #9; Mr. Wanat stated that if a new plan created another, different non-conformity then they would need to come back; Mr. Rolle agreed; Mr. Cortes clarified that this approval is only for a single-family home.

No public comment.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes, the Board voted 5-0 to close hearing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes, the Board voted 5-0 to grant Variances for relief from minimum frontage for Lots 1 and 2 with staff-recommended conditions of approval, modifying condition #9 to remove “and all final revised site plans”, and to accept findings of fact.

Item #6: 222 Brooks Street (MBL 23-002-00002) (ZB-2020-043)

Special Permit: To allow multi-family low-rise dwellings in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #11)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7)

Petitioner: GoVenture Capital Group, LLC

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

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

Petition Purpose: To construct two (2) multi-family low-rise dwellings (with a total of 111 units) with associated parking areas, and to conduct related site work

Public Hearing Deadline: 10/9/2020

Constructive Grant Deadline: TBD

Hearing Opened with: JW, JBP, GC, RK, RH

Mr. Wanat gave an overview of the application.

Harold Reader, on behalf of GoVenture Capital Group, and Chris Anderson of Hannigan Engineering, described the site plan of the proposed developed and relief being requested; described approval and re-zoning history of the development, which included discussion with residents on Mount Avenue; explained that they have put restriction on deed of land that there would not be access from Mount Avenue; described that they are proposing two residential buildings and that remaining lot area would remain wooded.

Mr. Rolle described the multi-family apartment complex with frontage and access on Brooks Street; explained that they also need relief from front-yard paving requirements and why that would be appropriate; described condition of approval related to interior tree planting; described parking relief being requested and pedestrian connectivity of the proposed site; described additional conditions of approval including that area that is currently wooded remain wooded in perpetuity.

Mr. Wanat stated that he is glad to see access is from Brooks Street as it has better transit options; agreed that less parking than required by the ordinance is a good idea.

Mr. Cortes asked applicant to comment on number of handicap-accessible parking spaces; Mr. Anderson clarified on number and location.

Mr. Wanat asked applicant about dumpster location; Mr. Anderson described their location and pickup procedure.

Mr. Cortes commented on visibility of handicap symbols with snowfall; Mr. Wanat clarified.

Mr. Cortes asked applicant to comment on type of units and their affordability status; Mr. Reader clarified the make-up of studios, one-bedrooms, and two-bedrooms and that they would be market-rate; Mr. Reader further explained that they would be looking to house middle-income workforce.

Mr. Berg Powers seconded Mr. Cortes' desire for affordable housing and would like to see it at this location.

Mr. Cortes reminded applicant that there is federal and state grant money available for affordable housing.

No public comment.

Upon a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close the hearing.

Upon a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve a Special Permit to allow multi-family low-rise dwellings in an RL-7 Zone and a Special Permit to modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements, with findings of fact and staff recommendations.

Item #7: 35 Coes Street (MBL 08-021-00008) (ZB-2020-045)

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

Petitioner: Pickoff Properties, LLC

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

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

Petition Purpose: To convert the existing single-family detached dwelling into a two-family detached dwelling and to construct associated parking

Public Hearing Deadline: 10/11/2020

Constructive Grant Deadline: TBD

Hearing Opened with: JW, JBP, GC, RK, RH

Mr. Wanat gave an overview of the application.

Nicholas Meruka explained the relief requested for the conversion and the reason for it.

Ms. Molina Dumas gave further detail of the property and the reason for the special permit being requested and described the materials presented in the application, which did not include to-scale plans; explained that permit is essentially to make parking spaces where residents are already parking.

Mr. Wanat asked applicant whether any trees would be removed; applicant stated that there would not be.

Mr. Cortes asked for clarification on access to and egress from parking area; Mr. Wanat explained where it would be; Mr. Rolle stated that parking spaces need to be at least five feet from lot line.

Mr. Wanat stated that as long as restriction on distance of parking spaces is in the approval decision, there would be no need to condition to-scale plans.

Mr. Berg Powers asked applicant to clarify about changes to house itself; Mr. Meruka clarified.

Mr. Wanat asked applicant to clarify about landscaping changes; Mr. Meruka described proposed site improvements.

No public comment.

Upon a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to close the hearing.

Upon a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the Special Permit to modify dimensional standards for a Residential Conversion, to accept findings of fact, and to grant waivers.

Other Business

8. Communications - None

9. Discussion of Board Policies and Procedures

Mr. Cortes asked about possible recourse the Board has for developments not built in accordance with their approvals.

Mr. Haddon and Mr. Wanat clarified that the City could issue a cease and desist, and that applicant can come back to the Board with modifications to the plan.

Mr. Rolle reiterated that permits require plans in accordance with what Board has approved and that Building Commissioner is the determiner of whether a development is in substantial accordance with what was approved.

David Horne of Inspection Services stated that he would be available to discuss any property that Mr. Cortes feels may be in violation of Board approvals.

Adjournment

Upon a motion by Mr. Cortes and seconded by Mr. Berg Powers the Board voted 5-0 to adjourn the meeting at 7:30 PM.