

ITEM TAKEN FIRST OUT OF ORDER

- 7. 44 Grafton Street & 102 Temple Street (MBL 004-016-11+16; 00015) (ZB-2022-65)**
- 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, A, 2)
- Variance:** For relief from the minimum off-street parking requirements (Article IX, Section 7, Table 9.1)
- Petitioner:** AKROS Development LLC
- Present Use:** Presently on the premises is a ±6,672 SF vacant commercial building and associated site improvements.
- Zone Designation:** BG-3.0 (Business, General) zoning district and within the CCOD-C (Commercial Corridors Overlay - Canal District Subarea), USOD (Union Station View Corridor Sign Overlay District) and DSOD (Downtown/Blackstone Canal Sign Overlay District) overlay districts.
- Petition Purpose:** The applicant seeks to demolish the existing improvements and construct a ±90,000SF, ±9-story mixed use structure with ±105 dwelling units and a ±1,000SF ground floor commercial space with associated garage parking (±72 spaces) and related site improvements.

Joshua Lee Smith, on behalf of the applicant gave a brief overview of the proposal.

Zac Kiritsy, of AKROS Development LLC., described the proposal and the aim to revitalize the vacant site to provide needed housing and pedestrian activation to the site through a commercial use. He also described the use of a parking stacker system and the importance of this parking system to maximize number of residential units.

Eric Robison, Rody Architects, described the historic context of this property; the walkability and transportation access to this property; the way the project has been approached to improve the public realm; the mix of unit-size available in the property.

A transportation planner with the project described the parking stacker system in greater detail, and the parking analysis which supports the provided amount of spaces and queuing space.

Michelle Smith gave an overview of the application and summarized the requested relief; and described the City recommended conditions of approval to the Board.

Board Discussion

Mr. Cortes stated he was proud of the project and what it brings to Worcester; Mr. Smith stated how big of an issue parking is especially in cities such as Worcester and the amount of parking is adequate for this type of development in this location. He stated this is a true transit-oriented project and the aim of the CCOD is to minimize parking and emphasize housing. Mr. Smith stated that the applicant is amenable to the staff recommendations and conditions of approval.

Mr. Cortes stated he would like to see off-street parking.

Mr. Berg Powers stated this is the exact type of development he would like to support and see in Worcester, and that he would not be in favor of increasing parking and stated would vote against it if parking was increased in favor over more housing units.

Mr. Torkornoo stated that as a resident of this part of town and someone who had shopped at Fairway Beef numerous times, he supports this project and is excited for the redevelopment.

Mr. Cortes asked about affordable housing; Mr. Smith stated the units are all market rate.

Mr. Karlstad stated he would like to see some affordable units but is in favor of this project and complimented the architecture.

Public Comment

Roberta Brien, part of the Worcester Business Development Corporation, commended the project team and the work they have with the City, the technical work, and the efforts to engage abutters. She spoke to the difficulty of developing this site and

Mark Codetter, 40 Grafton Street, stated that while he thinks this will be good for the neighborhood, but shared his concerns about parking and the fragility of his building during construction. Mr. Kiritsy stated that their team is very qualified to manage construction and there is no danger to his building, the team will take care to protect his property. He continued to say that they are not providing parking for his business on their private property. Mr. Codetter asked for clarification that the applicant would not be using the public parking across the Grafton Street; Mr. Karlstad confirmed that it would not be affected.

Mr. Karlstad asked if the applicant would be amenable to pre and post condition inspections of adjacent buildings to prevent any potential issues; Mr. Kiritsy stated they would be amenable to that condition.

Mr. Cortes asked the applicant how many of their units are fully accessible. Mr. Robinson stated that he believed that 5% are regulated by the state and that’s what they will be providing.

On a motion by Mr. Berg Powers seconded by Mr. Torkornoo, 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo; 5-0 to approve the relief, and to add condition to conduct a pre-construction and post-construction inspection of any abutting properties.

1.	18-24 Oxford Street (MBL 03-022-00015 & -00021) (ZB-2022-030)
Special Permit:	To allow a Professional Office use in a RG-5 zone (Article XVI, Section 2, Table 4.1, Business Use #19)
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, A, 2)
Petitioner:	Wilson Wahome Kiriungi
Present Use:	Presently on the premises is a privileged non-conforming structure with a surface parking lot
Zone Designation:	RG-5 (Residential, General) zoning district
Petition Purpose:	The applicant seeks to operate a facility that caters to children with special needs.

Mr. Kiriungi briefly described his petition before the Board and the measures he had taken at the Board’s request to meet with the neighbors. He stated from the discussions with neighbors, he had agreed to not operate on weekends.

Deputy Building Commissioner David Horne described the rationale behind the decision to categorize the use as a daycare center, and if they are going to be licensed by the state as a daycare then he doesn’t feel it’s the City’s place to regulate it further through a special permit.

Mr. Kiriungi stated that they had gone through the steps of licensure but need to have the building inspected prior to obtaining a license. Mr. Karlstad asked about a timeline for getting the property licensed; Mr. Kiriungi stated that he can’t progress with licensing until an inspection is done.

Mr. Horne stated they are willing to schedule an inspection as early as this week and stated the property had been given building permits in the last few months and stated willingness to categorize the property as a daycare rather than an office.

Ms. Smith described to the Board the city's position is that this property is a daycare if it is licensed by the state, and will not be regulated by the city. Ms. Smith continued that she recommends the applicant postpone, have the property inspected, and attain their licensure, and finally withdraw the application.

Mr. Kiriungi stated he is not amenable to postponing, and would like to go forward, he continued to share an email with the Board that described some conditions that had been decided through the discussion with neighbors. Ms. Smith clarified that if he is interested in going forward that the special permit would not apply to the property if they get an EEC license to have a daycare. Mr. Horne stated a building permit may need to be acquired to change the use of the property if the applicant wants to go ahead with the special permit.

Mr. Karlstad read the conditions provided by Wilson into the record.

Mr. Cortes stated he would not be in favor to take a vote today while the staff was recommending against continuing with the special permit.

Ms. Smith listed the conditions of approval.

Mr. Berg Powers states he is not in favor of continuing to postpone, and stated he was ready to vote at the first hearing. Mr. Cortes stated he would vote in favor if the applicant is amenable to all of the conditions of approval. Mr. Kiriungi added that after discussion with neighbors he would like to add a condition to not operate on Saturdays.

Public Comments

Don Northway, CHNA, described the meeting between the neighborhood association and the applicant that had occurred earlier this weekend.

Jo Masserelli, 15 Oxford Street, described the same meeting between the neighborhood association and the applicant.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, 5-0 to approve the requested relief; modifying condition 7 to read "Hours of operation, including all opening and closing activities, shall be limited to Monday-Friday from 7:30AM to 7:00PM, with no services on Saturdays." and striking condition 8.

2.	69 West Street (MBL 37-23A-00006) (ZB-2022-044)
Special Permit:	To allow the extension, alteration, or change to a privileged, pre-existing, non-conforming structure and/or use (Article XVI, Section 4)
Variance:	For relief from the minimum rear yard setback dimensional requirement for a multi-family low rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)
Petitioner:	Jianqing Luo and Peng Feng
Present Use:	Presently on the premises of 69 West Street is a partially demolished, privileged, nonconforming 11-unit multi-family low-rise dwelling that suffered fire damage.
Zone Designation:	RG-5 (Residence, General) zoning district
Petition Purpose:	The applicant seeks to rebuild an 11-unit multi-family low-rise dwelling with associated site improvements

Jonathan Finkelstein gave a short description of the changes to the project. Jim Chen, the architect for the project explained the differences in the architectural designs from previous iteration.

Ms. Russell described the change in architecture and accessibility since the original design.

Mr. Berg Powers stated he was in favor of the improved architecture and felt it fit in the characteristic of the neighborhood a lot more.

Mr. Karlstad and Mr. Cortes both agreed.

No public comments

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the board voted 5-0 to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, the board voted 5-0 to approve the requested relief.

1. 26 Maxwell Street (MBL 10-004-00010) (ZB-2022-053)

Lot 1

Variance: For relief from the minimum front-yard setback dimensional requirement for a single-family attached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard setback dimensional requirement for a single-family attached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Lot 2

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)

Variance: For relief from the minimum front-yard setback dimensional requirement for a single-family attached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard setback dimensional requirement for a single-family attached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Lot 3

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)

Variance: For relief from the minimum front-yard setback dimensional requirement for a single-family attached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard setback dimensional requirement for a single-family attached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Daniel Morkeh and Emma Pace

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

Zone Designation: RG-5 (Residence, General)

Petition Purpose: The applicant seeks to construct a single-family attached (townhouse style dwelling with a total of 3 units and conduct associated site improvements.

Mr. O’Neil described the application before the Board; the history and prior use of the site; the challenges posed by the site and the relief requested. He described the proposal and the other approvals required for this proposal, specifically an 81G Street Improvement through the Planning Board. Mr. O’Neil stated that if the applicant proposed a condominium than only two variances would be required, and the type of proposed development is better for individual home-ownership.

Ms. Smith clarified that condition 2d should be edited to read “Demonstrate the least setback for the proposed decks to the property line in compliance with zoning”. Mr. O’Neil requested the waivers, and stated he was amenable to staff conditions and the width of the decks being included in the requested variances.

Ms. Smith summarized the City’s concern about emergency access being blocked by cars parked in the driveway since the driveway has a length of only ten feet. Ms. Smith stated minimal relief, if any, would be required if the property was oriented on Maxwell Street as a three-family with parking in the rear. Ms. Smith expressed concerns about emergency egress from the middle unit; and described the remaining suggested conditions of approval.

Mr. O’Neil stated they are amenable to all conditions and described the street improvement as a positive for the neighborhood.

Mr. Horne expressed his concern about the egress from the middle unit and the potential for future units to build fences. He suggested conditioning no fences on the property.

Mr. O’Neil stated they are amenable to prohibiting fences in the rear of the property and signage on the rear prohibiting fences.

Public Comments

Chris Bello, 24.5 Maxwell Street, expressed his and his tenants’ concerns about the proposal at 26 Maxwell Street. Mr. Bello stated concerns about stormwater management, snow removal, privacy, and existing parking issues in the area. Mr. Bello stated his frustration with the trees on the property at 26 Maxwell and the lack of action by the property owner to maintain the property to protect neighboring structures.

Mr. Karlstad stated that stormwater issues may improve due to new storm drains required with the road improvements, and the addition of more available parking. Mr. O’Neil reiterated this point and stated they would be amenable

Elizabeth O’Connor, 91 Vernon Street, stated she was concerned about the massing of the structure, the density and the minimal land available.

Mr. O’Neil stated they would be required to sprinkle the units individually.

Mr. Dell’Aera stated he agrees with the neighbor about the massing and the lack of perimeter/yard surrounding the proposal.

Mr. Karlstad asked how the applicant would be dealing with privacy concerns from the neighboring owners.

Raphael Hernandez, Acropolis Designs, suggest removing some of the windows in the rear. Mr. Berg Powers stated that issues of privacy by neighboring is one he also experiences and non a-typical for a city of this size.

Ms. Smith described the conditions of approval and suggested a condition to add pervious pavers as a driveway and to redirect gutter runoff in the case that the Planning Board will not have purview over this proposal.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the Board voted 4-1 (Dell’Aera opposed) to approve the requested relief with the additional condition to ensure water drainage is maintained through pavers and gutters, to reduce cross-traffic vision.

5.	1285 Pleasant Street (MBL 40-035-0011B) (ZB-2022-060)
Special Permit:	To allow a food-service use (including consumption/sale of alcoholic beverages) in a BL-1.0 zone (Article IV, Section 2, Table 4.2, Business Use #8)
Petitioner:	Stake Realty LLC
Present Use:	Presently on the premises is a two-story structure with a vacant commercial space on

the first floor (formerly used as a salon) and a dwelling unit on the second floor.

Zone Designation: BL-1.0 (Business, Limited) and partially RL-7 (Residence, Limited) zoning district
Petition Purpose: The applicant seeks approval to operate a food-service establishment, with alcohol and entertainment, within the vacant commercial space.

Todd Rodman described the application on behalf of the applicants. He described the neighboring contiguously owned properties; he stated there would be no outdoor dining; occupancy and hours; and noted that a golf-simulator is an allowed use by-right, but the alcohol component is what required a special permit.

Ms. Russell described the City staff comments to the Board; noting the condition of approval to limit capacity to the available parking capacity.

Mr. Karlstad asked the applicant to confirm if there was any outdoor dining and what the deck is used for; Mr. Rodman clarified. Ms. Smith noted the conditions of approval prevented any outdoor dining.

Mr. Horne asked if fire comments had been provided and if the applicant intended to sprinkle the building and whether a building permit would be required.

Bob Stake, the owner, stated the building would be made accessible.

No public comments

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, 5-0 to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, 5-0 to approve the requested relief.

6. 0 (aka Lot 2 or 24) Hermitage Lane (MBL 16-002-031-1) (ZB-2022-063)
Special Permit: For relief from the 2+ story maximum height dimensional requirement for a two-family detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2) to allow 3 habitable stories
Petitioner: Eric M. Figuerido
Present Use: Presently on the premises is a vacant lot.
Zone Designation: RG-5 (Residence, General)
Petition Purpose: The applicant seeks to construct a two-family detached dwelling at 0 Hermitage Lane with associated site improvements.

Mr. O’Neil described the application before the Board; he described the recent prior approval for this property and the reason behind this additional filling. He noted the basement was not considered a habitable story but the attic is “habitable”, but the proposal does meet the height requirements.

Ms. Russell gave a brief overview on the reason this project has returned to the Zoning Board and stated the project has not changed since the prior approval.

Mr. O’Neil requested the waivers.

No public comments

No board discussion.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, 5-0 to approve the requested relief.

- 10. 288 Grove Street (MBL 13-032-02+09) (ZB-2022-070)**
- Special Permit:** To allow a bank/credit-union with drive-through in a MG-2.0 Zone (Article IV, Section 2, Table 4.1, Business Use #4)
- 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, A, 2)
- Petitioner:** 288 Grove, LLC
- Present Use:** Presently on the premises is a 4-story medical office building with associated surface parking.
- Zone Designation:** MG-2.0 (Manufacturing, General) zoning district
- Petition Purpose:** The applicant seeks to construct a ±4,420SF bank with a drive through and seeks to modify the minimum drive-thru length requirements.

Mark Donahue described the application before the Board. Mr. Donahue described the development history of this parcel; the prior approvals; the current proposal; and the interconnectivity between the proposed bank and the rest of the commercial space.

Maureen Macaque, McMahan Associates, described the traffic assessment performed to analyze queueing data, along with trip generation data to analyze the necessary length of a drive-thru queue. She stated their findings support the reduction in length, and noted the queue is located internal to the site which would provide additional room if necessary.

Mr. Donahue thanked staff and the Board for their comments and stated they would not be amenable to a condition of a reflective/white roof. Mr. Karlstad asked why Mr. Donahue was not in favor of a white or reflective roof treatment since the existing office building on the property has a white roof. Mr. Karlstad stated he is strongly in favor of a reflective roof and it would be a deal breaker for him; Mr. Berg Powers and Mr. Dell'Aera agreed.

Ms. Smith described city comments to the Board, noting any cars which exceed the expected amount queueing in the drive thru would be interior to the site and not pose an issue to traffic on Grove Street. Ms. Smith described some of the city concerns about the architecture and described the wishes of Planning Division to enhance the architectural designs, and remove excess parking. Ms. Smith stated they will strike condition 1g given the applicant has confirmed equipment will not be visible from the street, and is amenable to modifying condition 1e. Mr. Donahue stated he would be in favor of modifying condition 1e to allow the applicant to work with staff to enhance the architecture as appropriate.

Mr. Donahue stated that some parking issues had arisen for patients and staff of the medical building located at 288 Grove Street, and the reason for "excess" parking is to help alleviate other existing parking issues.

Ms. Smith asked if the applicant is they are amenable to providing a bike rack on the premises; Mr. Donahue confirmed.

Mr. Horne asked the applicant to reach out to him directly for building permits and when to begin construction.

Mr. Karlstad asked about the condition to require a white/reflective roof treatment; Mr. Donahue confirmed he is applicable to a white-roof treatment.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, 5-0 to approve the requested relief.

Other Business:

11. Communications

No discussion

12. Approval of Minutes

No discussion

13. Discussion of Board Policies and Procedures

No discussion

Adjournment

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, the Board voted unanimously to adjourn at 9:20.