

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
October 24, 2022**

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
<https://cow.webex.com/meet/planningboardwebex> and
call-in number 415-655-0001 (Access Code: 160 884 7670).

Zoning Board Members Present: Russell Karlstad, Chair
George Cortes
Anthony Dell'Aera – *Participated Remotely*
Eric Torkornoo - *Participated Remotely*
Shannon Campaniello
Jordan Berg Powers, Vice Chair - *Participated Remotely*
Nathan Sabo - *Participated Remotely*

Zoning Board Members Absent:

Staff Participating: Michelle Smith, Division of Planning & Regulatory Services
Stephen Cary, Division of Planning & Regulatory Services
Paul Dell'Aquila, Division of Planning & Regulatory Services
John Kelly, Building Commissioner

Call to Order –

Chair Karlstad called the meeting to order at 6:00 PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- Item 1:** **192 Norfolk Street (ZB-2022-052) Variance**
Request to Postpone the Public Meeting to November 10, 2022
Extend the Constructive Grant Deadline to December 6, 2022
- Item 6:** **11 Earle Terrace (ZB-2022-76) Administrative Appeal**
Request to Postpone the Public Meeting to November 14, 2022
Extend the Constructive Grant Deadline to December 6, 2022
- Item 7:** **70 Gold Star Boulevard (ZB-2022-077) Special Permit & Variance**
Request to Postpone the Public Meeting to November 10, 2022
Extend the Constructive Grant Deadline to December 6, 2022

- Item 8: 1073-1075 Pleasant Street (ZB-2022-078) Special Permit**
Request to Postpone the Public Meeting to November 14, 2022
Extend the Constructive Grant Deadline to December 6, 2022

- Item 10: 27 Whitla Drive (ZB-2022-078) Special Permit & Variance**
Request to Postpone the Public Meeting to November 10, 2022
Extend the Constructive Grant Deadline to December 6, 2022

- Item 13: 0 Millbury Street (ZB-2022-086) Special Permit, SP Amendment**
Request to Postpone the Public Meeting to November 14, 2022
Extend the Constructive Grant Deadline to December 6, 2022

On a motion made by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to postpone the applications.

New Business – Public Hearings

- 11. 88 Standish Street (MBL 34-004-00003) (ZB-2022-082)**
- Variance:** For relief from the minimum front-yard dimensional requirement for a single-family detached dwelling in an RL-7 zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Wilfredo Ponce
- Present Use:** Presently on the premises is a non-conforming single-family detached dwelling.
- Zone Designation:** RL-7 (Residential, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct an addition
- Public Hearing Deadline:** 12/10/2022 **Constructive Grant Deadline:** 1/14/2023

James Bernardino, the engineer on behalf of the project, presented the application to the Board. Mr. Bernardino stated the purpose of the application is to provide an accessible entrance for the owner and allow for extra space for maneuvering in an emergency situation.

Steve Cary provided additional context on the existing dwelling and summarized the relief and conditions of approval.

Mr. Cortes expressed his approval of the project, and his support for wider accessibility.

No public comment.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief.

3. 631 Franklin Street (MBL 19-008-03+04) (ZB-2022-072)

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: Premier Investment Properties, LLC

Present Use: Presently on the premises is a commercial building, used as a restaurant, with associated surface parking.

Zone Designation: BL-1.0 (Business, Limited) zoning district

Petition Purpose: The applicant seeks to demolish the existing site improvements and construct a low-rise, multi-family dwelling with 26 units and associated site improvements.

Public Hearing Deadline: 11/20/2022 **Constructive Grant Deadline:** N/A

Todd Brodeur spoke on behalf of applicant. Mr. Brodeur described the history of the permitting of the site; explained why this project was back before the Board, plans to add two more units to total 26 units and seek parking relief; described site layout and proposed development; stated that they were amenable to conditions of approval.

Ms. Smith provided additional comment and summarized the requested relief.

Mr. Karlstad asked if this would be going back to Planning Board; Ms. Smith explained that the changes were interior and therefore no amendment is required.

Mr. Cortes expressed concern that there was not guest parking available; Mr. Brodeur described efforts to manage parking on site.

Mr. Torkornoo asked the applicant to confirm whether project had a bus line; Mr. Brodeur answered; Mr. Torkornoo asked whether UMass students would be renters; Mr. Brodeur confirmed that they would; Mr. Torkornoo stated he was comfortable with the relief.

Mr. Berg Powers expressed that the nearby Princeton Place Apartments always has available parking and that the zoning ordinance requires too much parking; stated he was comfortable with granting the relief.

John Kelly, ISD, expressed his concern about slope on site; Mr. Brodeur described retaining walls on site.

Ms. Smith described that slope and erosion controls were reviewed as part of Planning Board approval.

There was no public comment.

Mr. Cortes asked applicant to clarify about reasoning for adding 2 more units and whether they would build the 24 if they denied it; Mr. Brodeur said he did not know.

Ms. Smith offered some more insight on permitting and parking on site.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief with the requested waivers.

2. 10 & 12 Windsor Street (MBL 01-011-00002 & -11+21) (ZB-2022-064)

10 (aka Lot 2) & 12 (aka Lot 1) Windsor Street:

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: Michael Ermani of Premier Investment Properties, LLC

Present Use: Presently on the premises of 10 Windsor Street is a vacant lot, and on 12 Windsor Street is a non-conforming three-family detached dwelling.

Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: The applicant seeks to re-configure lot lines in order to construct a single-family attached (townhouse style) dwelling, with a total of six (6) units, at 10 Windsor Street, with the existing structure at 12 Windsor to remain, and to construct a second driveway at 12 Windsor Street, and conduct associated site improvements.

Public Hearing Deadline: 11/20/2022 **Constructive Grant Deadline:** N/A

Chris Keenan from Quinn Engineering spoke on behalf of the applicant. Mr. Keenan described the requested relief; the proposed single-family attached dwellings; and the changes to the existing sidewalks, curb cuts, and the additional driveways.

Mr. Cary described the staff comments on the relief being sought. Mr. Cary noted that the Applicant agreed to narrow proposed curb cuts along Windsor Street to 18 feet, close an existing curb cut on Channing Street, and bring curbing on Channing Street up to City standards. Waivers requested included showing distance between neighboring buildings and percentage of lot coverage by principal and accessory buildings.

There were no public comment or questions.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief with the requested waivers.

4. 4 Henschman Terrace (MBL 01-046-00031) (ZB-2022-074)

Variance: For relief from the minimum lot area dimensional requirement for a multi-family high-rise dwelling in an RG-5 zone (Article IV, Section 4, Table 4.2).

Variance: For relief from the minimum off-street parking requirement (Article IV, Section 7, Table 4.4)

Petitioner: Gregory P. Hevey, of Worcester Hills Realty Trust

Present Use: Presently on the premises is a vacant lot

Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: The applicant seeks relief to construct a multi-family high-rise dwelling with a total of 8 dwelling units and conduct related site work

Public Hearing Deadline: 11/20/2022 **Constructive Grant Deadline:** 12/25/2022

Donald J. O'Neil spoke on behalf of applicant and detailed the history of the site and described the proposed development and geographical context. Mr. O'Neil request a waiver on the lot coverage requirement.

Ms. Smith stated that variance for lot area was not necessary and asked the Applicant's attorney to withdraw this variance request and provided additional summary of relief. Ms. Smith asked about the potential provision of bicycle parking.

Mr. Cortes stated his concern about parking availability and asked staff what other permitting this proposal would need to go through if approved. Ms. Smith stated that it would not go back to Planning Board and noted that current parking requirements are suburban-oriented and are too high for certain areas of the city. Mr. Cortes asked to further clarify the relief being requested. Mr. O'Neil and Ms. Smith clarified.

Mr. Berg Powers expressed the need for housing and that parking requirements were too high for a city and supported the relief.

Mr. Karlstad expressed his disdain for the architectural design and thinks Planning Board needs to do better.

Mr. O'Neil explained the reasoning for going to Planning Board first – to get a building permit granted.

Public Comment

Jay Lee, abutting owner at 8 Henschman Terrace, asked to confirm that site plan would remain the same and clarification on extent of paving, which Ms. Smith and Mr. O'Neil confirmed; asked about cinder blocks in ROW; stated that he thought parking was adequate.

Mr. Berg Powers and Mr. Dell'Aera both stated they agreed that the architecture was ugly.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief with the requested waiver and the withdrawal of the variance request on lot area.

5. 16 (Lot 1B) & 52 (Lot 1F) Great Brook Valley Avenue (MBL 52-INX-0001F & -0001B) and a portion of Great Brook Valley Avenue, Brookview Drive, & Service Road Right of Ways (ZB-2022-075)

16 (aka 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, & 50) Great Brook Valley Avenue (aka Lot 1B):

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 IV, Section 7, Table 4.4)

Variance: For relief from the minimum front-yard dimensional requirement for a multi-family high-rise in an RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum side-yard dimensional requirement for a multi-family high-rise in an RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard dimensional requirement for a multi-family high-rise in an RG-5 zone (Article IV, Section 4, Table 4.2)

52 (aka 54, 56, & 58) Great Brook Valley Avenue (aka Lot 1F):

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 IV, Section 7, Table 4.4)

Variance: For relief from the minimum front-yard dimensional requirement for a multi-family high-rise in an RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum side-yard dimensional requirement for a multi-family high-rise in an RG-5 zone (Article IV, Section 4, Table 4.2)

Petitioner: Trinity Curtis Phase One Limited Partnership
Present Use: Presently on the premises are three multi-family structures with ±90 dwelling units
Zone Designation: RG-5 (Residential, General) zoning district and within the Water Resource Protection Overlay District (WR(GP-2 & GP-3))
Petition Purpose: The applicant seeks to demolish the 3 existing structures, construct two new 4-story multi-family high-rise structures (total of ±129 dwelling units), re-configure the public-right-of-way layouts and available on-street parking, and to conduct associated site improvements as part of a larger, phased re-development project.

Public Hearing Deadline: 11/20/2022 Constructive Grant Deadline: N/A

Joshua Lee Smith was present on behalf of the applicant. Mr. Smith described the site context, existing conditions, and described the proposed overall four-phase development plan. Mr. Smith noted that three existing buildings with 90 public housing units will be razed and 129 public and mixed-income units will be rebuilt as part of Phase 1. Mr. Smith noted that the existing road network and parking will be reconfigured to maximize the number of potential units and described parking calculations.

Michael Lozano, Trinity Financial, described the history of site and the developer's intentions for the project to improve connectivity with rest of the city. Mr. Lozano noted that all current public units will be replaced.

Jesse Johnson, Weston & Sampson, project engineer, described justification for design choices and reason for relief request.

Mr. Smith provided summarizing comments; described the Planning Board's approval; and provided staff comments and stated that there would be coordination with DPW on public realm improvements.

John Kelly, ISD, asked the applicant about where existing residents will be temporarily located; Mr. Lozano confirmed that all existing public housing units in all phases will be replaced.

Board Discussion

Mr. Berg Powers stated he was glad to hear that there was a plan for resident relocation and stated his support for this development and mixed income units within the development.

Mr. Cortes stated that he was very pleased to see this development and asked if residents would pay the same rent after the improvements. Mr. Lozano answered affirmatively.

Mr. Dell'Aera echoed other Board members in stating his support.

Public Comments

Scott LaPlante, 20 Oakhurst Street, stated his support for project but expressed concerns about additional apartments and the impact to surrounding infrastructure and increased parking. He stated that he would like to see additional off-street parking and stated concern about people using Tacoma Street as a cut through.

Mr. Karlstad agreed that the Clark Street intersection was a problem.

Mr. Cortes expressed concern about the safety of a steep slope leading down to an adjacent ballpark and future access for residents. Mr. Lozano answered that there would be chain link fencing and future plans to make pedestrian connections to the park area. Mr. Cortes wanted to ensure the fence has a good appearance

Mr. Berg Powers verified that the applicant has requested appropriate waivers.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief with the requested waivers.

9. 3 Oriol Drive (MBL 46-047-00007) (ZB-2022-080)

Variance: For relief from the minimum off-street parking requirements (Article IV, Section 7, Table 4.4)
Variance: To exceed the maximum sign area requirements for an accessory monument sign (Article IV, Section 6, Table 4.3.1)
Petitioner: Maple Multi-Family Land SE, LP
Present Use: Presently on the premises is a vacant lot.
Zone Designation: RG-5 (Residential, General) zoning district and within the Water Resource Protection Overlay District (WR(GP-3)).
Petition Purpose: The applicant seeks to construct two 5-story multi-family high-rise structures (total of 220 dwelling units), surface parking and detached garages (±344 spaces), and related signage and to conduct associated site improvements
Public Hearing Deadline: 12/3/2022 **Constructive Grant Deadline:** 1/7/2023

Mark Borenstein was present on behalf of the applicant and presented the proposed development. He noted that the applicant could seek an ANR for the site in the future and discussed parking requirements and the basis for the requested variances.

Mr. Borenstein requested a waiver on percent of lot covered by principal and accessory buildings per staff comments.

Ms. Smith suggested a change to proposed conditions 1a (for EV- or EV-ready spaces) and 1b (to reflect provision of bike racks) and discussed the possibility of providing infrastructure for EV charging stations. Mr. Borenstein further elaborated on transportation alternatives. Mr. Karlstad stated his support for fast-charging EV stations. After discussion on the appropriate amount and type of chargers, Mr. Borenstein noted that they are proposing Level 2 chargers after consultation with the applicant team.

Mr. Karlstad asked about the development potential of the site after a potential ANR. Mr. Borenstein noted that the current proponent does not yet own the property and has no plan to develop the rest of the site. Mr. Karlstad suggested that land could be conveyed to a land trust.

Board Discussion

Mr. Cortes asked about ADA requirements and accessibility and Mr. Borenstein noted that the project will meet all applicable codes. Mr. Kelly, ISD, reminded the Board that ADA and all other code requirements must be met for ISD’s review.

Public Comment

Jean Morgan, 26 Amesbury Street, expressed her concern about the size of the project and impact on local road network and surrounding neighborhood.

Scott LaPlante, 20 Oakhurst Street, expressed his concern about increasing traffic congestion in the area and the loss of trees due to this project.

Mr. Borenstein responded to neighbor concerns.

Mr. Karlstad asked how many units would be affordable. Mr. Borenstein replied that all would be market-rate. Mr. Berg Powers stated that this is the kind of development that he thought we should see in cities and that this is an area where dense housing should be encouraged. He further stated his desire for more affordability. Mr. Cortes encouraged the applicant to collaborate with DPW on whether additional traffic signalization is needed and Mr. Borenstein stated he would defer to DPW's judgement. Ms. Smith noted that the Department of Transportation and Mobility will have comments for this project when it reaches the Planning Board.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 4-1 to approve the requested relief and waivers as reiterated by Ms. Smith (Mr. Karlstad voted against approval).

12. 90 (fka 0) Barber Avenue (MBL 22-001-00002) (ZB-2022-085)

Variance: For relief from the minimum off-street parking requirement (Article IV, Section 7, Table 4.4).
Special Permit: To allow a self-storage use in a BG-3.0 zone (Article IV, Section 2, Table 4.1, Business Use #39)
Petitioner: PSC Worcester, LLC
Present Use: Presently on the premises is a vacant lot.
Zone Designation: BG-3.0 (Business, General) zoning district
Petition Purpose: The applicant seeks to construct a 4-story, ±127,000SF self-storage facility with ±9 surface parking spaces.
Public Hearing Deadline: 12/11/2022 **Constructive Grant Deadline:** 1/15/2023

Attorney Matthew Watsky was present on behalf of applicant. Mr. Watsky described the threshold standards for the variance and particulars of the site that would prohibit other types of development. Mr. Watsky noted that the project was originally approved prior to COVID and the new owners would like to proceed with development.

Matthew Bombaci, Fuller Engineering, described the proposed building and site characteristics, including why proposed parking (9 spaces) is adequate for the proposed self-storage use.

Ms. Smith summarized staff comments.

Mr. Cortes expressed a concern about the exterior appearance of the building including windows and materials. Mr. Bombaci presented and showed renderings of the proposed development.

No public comments

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the requested relief.

Other Business:

14. Communications

No discussion

12. Approval of Minutes

No discussion

13. Discussion of Board Policies and Procedures

Ms. Smith noted for the Board's benefit that the Planning Board does not currently have a design review process, but that members who are concerned about aesthetics should participate in the Now/Next master plan process currently under way. Also, a survey for Now/Next will be release soon and asked for the Board's assistance in distributing.

Meeting Adjourned

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, the Board voted unanimously to adjourn at 9:05.