



**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
December 18, 2023**

Worcester City Hall – Levi Lincoln Chamber,  
with remote participation options available via Webex online at:  
<https://cityofworchester.webex.com/meet/zoningboardofappealswebex> and  
call-in number 1-844-621-3956 (Access Code: 2630 362 4924).

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

Zoning Board Members Absent:

Staff Participating:                        Michelle Smith, *Division of Planning & Regulatory Services*  
   Andreana Brenner, *Division of Planning & Regulatory Services*  
   David Horne, *Inspectional Services Department*

**Call to Order:**

Mr. Karlstad called the meeting to order at 5:44PM.

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

*Continuances*

**Item 1                    11 (aka 8) Earle Terrace (ZB-2023-005) Special Permit Application**  
**Request to Postpone the Public Meeting to February 12, 2024**  
**Extend the Constructive Grant Deadline to March 5, 2024**

**Item 3                    2 Vaughan Avenue (ZB-2023-074) Special Permit & Variance Application**  
**Request to Postpone the Public Meeting to February 12, 2024**  
**Extend the Constructive Grant Deadline to March 5, 2024**

*Postponements*

**Item 6                    11 (aka 8) Earle Terrace (ZB-2023-076) Administrative Appeal Application**  
Request to Postpone the Public Meeting to March 4, 2024  
Extend the Constructive Grant Deadline to March 26, 2024

**Item 8                    77 Amherst Street (ZB-2023-071) Variance Application**  
Request to Postpone the Public Meeting to March 4, 2024  
Extend the Constructive Grant Deadline to March 26, 2024

**Item 9            114 Austin Street (ZB-2023-077) Special Permit & Variance Application**

Request to Postpone the Public Meeting to January 22, 2024  
Extend the Constructive Grant Deadline to February 13, 2024

**Item 10           119 Rodney Street (ZB-2023-078) Special Permit & Variance Application**

Request to Postpone the Public Meeting to January 22, 2024  
Extend the Constructive Grant Deadline to February 13, 2024

**Item 11           20 Boyden Street (ZB-2023-081) Special Permit Application**

Request to Postpone the Public Meeting to January 22, 2024  
Extend the Constructive Grant Deadline to February 13, 2024

**Item 14           17 Montclair Drive (ZB-2023-095) Special Permit Application**

Request to Postpone the Public Meeting to January 22, 2024  
Extend the Constructive Grant Deadline to February 13, 2024

*Leave to Withdraw*

**Item 3            2 Milton Street (ZB-2023-009) Special Permit & Variance Application**

Request to Leave to Withdraw the Application without Prejudice

**Item 7            2 Northboro Street (ZB-2023-036) Special Permit & Variance Application**

Request to Leave to Withdraw the Application without Prejudice

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to grant all postponements.**

**Old Business – Public Hearings**

**3. 1180 Millbury Street (ZB-2023-094) (MBL 31-023-00001)**

**Special Permit:** To allow accessory storage of flammable liquids/gases/ explosives (Article IV, Section 2, Table 4.1, Manufacturing Use #1)

**Petitioner:** Paul Dileo

**Present Use:** Presently on the premises is an existing self-storage facility with 5 underground propane tanks

**Zone Designation:** MG-0.5 (Manufacturing, Limited) zoning district and within the Floodplain and Blackstone Sign Overlay Districts (BSOD)

**Petition Purpose:** The applicant seeks to replace the existing propane tanks

**Testimony Date:** 11/27/2023      **Constructive Grant Deadline**      **TBD**

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Mr. Swara, representative, gave an overview of the project stating that the application was first heard at the last meeting and that there are existing propane tanks on the premises that exceed the 1,000-gallon limit. Mr. Swara stated that a secondary containment system would not apply to the situation, erosion control is proposed, a flood-mitigation plan has been developed, and based on their review, propane is the preferred alternative over solar and natural gas due to their knowledge on each alternative and the costs.

Ms. Smith gave an overview of the project stating that at the previous meeting, the Board wanted to hear more about alternatives to propane, and that the Fire department had comments that they wanted addressed.

*No Public Comment.*

**Board Comment**

Mr. Sabo stated that he wanted to see alternative fuels and that his vote is a no.

Mr. Berg Powers stated that the concerns previously raised were important and that he thinks that although propane is problematic, it is cleaner than other fossil fuels. Mr. Berg Powers stated that he wants to keep in mind climate change and is overall conflicted on the application.

Mr. Swara stated that he agrees in decarbonation, and that propane is part of this process. Mr. Swara stated that propane keeps houses warm during the winter and that they don't want their business to have to transition away from a furnace setup only to have to adhere to new standards in the future years to come. Mr. Swara stated that the applicant is concerned of financial hardship that would occur if this transition requirement were to take place, but in 3 years they will have to adhere to clean standards and at that time they will consider those alternatives.

Mr. Karlstad asked who cannot vote on the application; Ms. Smith said everyone except for Mr. Torkornoo can vote because he was not present at the previous meeting.

Mr. Cortes asked for clarification on the petition and stated that based on his understanding, the propane tanks are existing, and no new operations are requested. Mr. Cortes stated that this is a tank replacement application only and his vote would be specifically for the replacement of the tanks.

Mr. Sabo stated that there is currently no permit in place onsite.

Mr. Karlstad asked if the application isn't approved, what happens to the site.

Mr. Swara stated he's unsure, but that he would have to explore other alternative measures.

Mr. Sabo asked what the reason for the tank replacement is and if the Board could approve the application for a set time in order to allow the applicant time to explore other alternatives.

Mr. Karlstad asked if they're a new service provider coming in and to confirm that they are not currently providing any services; Mr. Swara said yes, they are the new provider and no, they are not currently providing services. Mr. Karlstad asked if there have been any failures reported; Mr. Swara said no.

Mr. Torkornoo asked if there are any environmental reports that have been done on the tanks. Mr. Swara stated no, not to his knowledge.

Mr. Torkornoo stated that he recommends that an environmental test is conducted before the Board votes.

Dr. Dell'Aera asked who made the determination that heat is more cost-prohibited and what exactly that means.

Mr. Swara stated that the replacement of the furnaces is cost-prohibited as each would cost between \$14-17 thousand dollars.

Dr. Dell'Aera asked if they're able to make this determination impartially.

Mr. Swara stated that the Special Permit would allow for no changes to have to occur to the furnaces or infrastructure. Mr. Swara stated that the next best option would be Natural Gas, as this would also mean no changes would have to occur.

Dr. Dell'Aera asked them to describe cost-prohibited and if this specifically means having an additional cost; Mr. Swara said yes, as this includes the instillation and labor costs.

Mr. Sabo asked if Extra Space Storage is the owner of the site and Dileo Gas is the client; Mr. Swara said yes, Dileo gas is the petitioner and will be providing services to Extra Space Storage.

Mr. Sabo stated that Extra Space Storage is a billion-dollar company; Mr. Swara stated that they're family owned and that reports are included in their application that show the effects of propane.

Mr. Cortes asked if the application is not approved if the business will continue to use the tanks as-is. Mr. Swara stated that it would be up to the Department of Inspectional Services.

Mr. Cortes stated that something needs to be addressed; Mr. Karlstad stated that the approval is for the quantity of propane only and if it's not approved, everything stays the way it is, and Inspectional Services will investigate.

Mr. Horne stated that he would discuss the issue with the law department before visiting the site, but he believes the application is a simple replacement for tanks and that the application should be approved.

Mr. Karlstad stated that he would like to see better alternatives, but it's a simple changeout.

Mr. Swara stated that they are amenable to the planting of 13 trees, as outlined as a condition.

Ms. Smith stated that if the Board doesn't grant the Special Permit, the owner by-right could look at a connection to the gas main as an alternative.

Mr. Karlstad asked for a straw poll; Mr. Berg Powers voted yes, Mr. Cortes voted yes, Mr. Dell'Aera voted yes, Mr. Sabo voted no, Mr. Karlstad voted yes.

Mr. Karlstad asked for the timeline for the planting of the 13 trees; Ms. Smith stated that the memo says before June 1<sup>st</sup>, 2024.

Mr. Swara stated that he is amenable to this.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 4-1 (Sabo opposed) to close the Public Hearing.**

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 4-1 (Sabo opposed) to approve the application with all conditions, waivers, and a minimum of 13 trees planted onsite as a condition.**

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**4. 267 Lincoln Street (ZB-2023-096) (MBL 09-013-00002)**

*Amendment*

**Special Permit:** To allow a food-service use (including consumption/sale of alcoholic beverages) and/or providing dancing and/or entertaining in a BL-1.0 and IN-H zone (Article IV, Section 2, Table 4.2, Business Use #8)

*Amendment*

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

**Petitioner:** Saif Handhal

**Present Use:** Presently on the premises is a commercial building with two units including a retail (smoke shop) use in one unit and a proposed hookah bar currently under renovation, previously approved for a Special Permit to allow a food-service use with alcohol/entertainment

**Zone Designation:** BL-1.0 (Business, Limited) and an IN-H (Institutional, Medical) zoning district

**Petition Purpose:** The applicant seeks to amend the previously approved relief in order to increase the proposed occupancy of the establishment without providing additional parking

**Testimony Date:** 11/27/2023      **Constructive Grant Deadline** 02/04/2024

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Mr. Handhal, applicant, gave an overview of the project stating that the application was first heard by the Board at the previous meeting and since then they have made updates to parking and have the paperwork the Board and staff requested.

Ms. Smith gave an overview stating that the applicant is seeking an amendment for previously approved relief granted by the Board, and staff had concerns over parking and requested additional information on this, including any parking leases and locations of parking spots. Ms. Smith stated that the hours of operation were also revised.

Mr. Nafis stated that the hours of operation are Thursday-Sunday 7 PM – 1:30 AM.

Mr. Karlstad stated that he has no questions and that they met the Board's requests.

**Public Comment**

Mr. Belcher, 53 Gleason Street, stated that he supports the project.

**Board Comment**

Ms. Campaniello asked how the customers will be directed to parking.

Mr. Handhal stated that they have security, valet that will be directing customers, and signs.

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

**On a motion by Mr. Sabo, seconded by Mr. Cortes, the Board voted 5-0 to approve the application with all conditions and waivers.**

**12. 49 Upland Street (ZB-2023-088) (MBL 29-040-00002)**

<b>Special Permit:</b>	To allow a multi-family low-rise dwelling use allowed only by Special Permit (Article IV, Section 2, Table 4.1, Residential Use #11)		
<b>Special Permit:</b>	To allow the Modification of Parking/Loading Requirements and/or Landscaping and Layout Requirements for Parking/Loading (Article IV, Section 7)		
<b>Petitioner:</b>	Henchey, LLC		
<b>Present Use:</b>	Presently on the premises is a wooded lot.		
<b>Zone Designation:</b>	RL-7 (Residence, Limited) and partially in a RS-7 (Residence, Single-family) zoning district		
<b>Petition Purpose:</b>	The applicant seeks to construct two 3-story multifamily low-rise buildings, with a total of 120 units, 217 surface parking spaces, driveways, and associated site improvements		
<b>Public Hearing Deadline:</b>	1/13/2024	<b>Constructive Grant Deadline</b>	TBD

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Mr. Brauder, representative, gave an overview of the project stating that the applicant is seeking to construct 2 low-rise multifamily dwellings but is seeking parking relief. Mr. Brauder stated that Planning Board and Conservation Approval will also be required, and that the project will be market-rate.

Mr. Tetreault, engineer, stated that there's a wetland on the adjacent property and that the entire site drains from North to South. Mr. Tetreault stated that the proposed storm-water mitigation will improve the site.

Mr. Brauder stated that they are amenable to most of staff comments and are waiting for a DTM memo to be issued to them.

Ms. Smith gave an overview of the project stating that staff still has some questions for the applicant including laundry access and bicycle parking. Ms. Smith stated that there are some design challenges for the site due to the topography and asked the applicant to comment on the current design choice. Ms. Smith stated that there are a few abutter comments in the Board packet.

**Public Comment**

Mr. Anthony Ricardo, Upland St resident, stated that he disagrees with the traffic impact study and believes the project will cause more traffic.

Mr. Paul Croteau, Autumn Woods Apartment property manager, stated that he is concerned that the drainage will go to the wetlands and then cause problems on his property if the wetlands well. Mr. Ricardo stated that he believes the project will increase traffic and that the area has already had a number of accidents.

Mr. Chris Hagen, 76 Upland Street, asked if the traffic report and storm water report would be made available.

**Board Comment**

Mr. Brauder stated that the reports have been submitted and are on file with the city and that the traffic study shows it will not degrade the level of service in the surrounding area. Mr. Brauder stated that updates to the site lines are in progress.

Mr. Cortes stated that this is a big project for the area but wants to see more affordable housing and asked what percentage of the units will be affordable.

Mr. Brauder stated that the applicant will likely pay into the affordable housing trust instead of providing affordable units for this project.

Mr. Cortes asked if it's market-rate; Mr. Brauder stated that it's market-rate and they're not seeking any density bonuses.

Mr. Cortes stated the project is too big and not providing affordable housing is not helpful.

Dr. Dell'Aera stated that the proposal doesn't address the affordable housing issue and the project is too big.

Mr. Berg Powers stated that he is mostly in favor of the project even though market-rate is not very appealing.

Mr. Torkornoo had no comment.

Mr. Sabo stated that housing is needed and doesn't see an issue with the site but agrees that proposing this without affordable housing seems like the wrong solution.

Ms. Campaniello stated that she believes there should be affordable units and asked if the Board can see a rendering of what the building will look like.

Mr. Karlstad stated that he thinks the project is too big and that he also wants to see a rendering of what the building will look like from the abutter's perspective.

Mr. Brauder stated that they have a rendering from the view of one nearby house; Mr. Karlstad said he wants to see renderings from multiple views.

Mr. Karlstad said there should be affordable units and that the city recommends continuing the application to the next meeting. Mr. Brauder stated that he is amenable to the continuance.

Mr. Karlstad stated that the Board believes affordability is a big deal, the project is too big, and the impacts on the wetlands are unknown.

Mr. Brauder stated that he wants clarification as some Board members had mentioned the project not being too big. Mr. Karlstad stated that it's too big and there are a number of things that need to get worked out before they can get his vote.

Mr. Braduer requested to continue the application to the next meeting.

Mr. Berg Powers stated that some of the Board members are ok with the size, but he needs 4 votes in order to get approved.

Ms. Smith stated that the traffic study and storm water report will be shared on the ZBA website and asked the Board if the number of units is too much or the massing of the building in order to help guide the applicant's design team.

Mr. Karlstad stated that the building itself is too big, he is worried about adverse weather affects, and wants to see abutter comments addressed.

Mr. Cortes asked if the retaining wall is going to be a fence; Mr. Brauder said yes. Mr. Cortes stated that the applicant should work with the city to figure out the affordability aspect of the project.

Ms. Smith asked if the next meeting of January 22<sup>nd</sup>, 2024 was enough time for the applicant; Mr. Brauder said yes.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to continue the application to the next available meeting on January 22, 2024.**

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to take a break.**

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**13. 98 Whitmarsh Avenue (ZB-2023-093) (MBL 12-040-00025)**

**Administrative Appeal:** 98 Whitmarsh Avenue (ZB-2023-093) (MBL 12-040-00025)

Petitioner: Samuel Kayode and Atebezi Fonge

Present Use: Presently on the premises is a nonconforming single-family detached dwelling asserted as being used as a lodging house

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

Petition Purpose: The applicant seeks to overturn the determination issued by the Building Commissioner to cease and desist operations of a lodging house (Article IV, Section 2, Table 4.1, Residential Use #8) in an RL-7 zone

Public Hearing Deadline: 12/29/2023 Constructive Grant Deadline 2/02/2024

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Mr. Andrew Pernokas, representative, stated the applicant is seeking Board approval to overturn the decision by the building commissioner that states the applicant is illegally running a lodging house in the RL-7 zoning district. Mr. Pernokas stated that the property is owned by two cousins who don't reside on the property and that the property does not meet the definition of a lodging house but of a conventional residential lease arrangement for a single-family home.

Mr. Pernokas stated that the current residents of the property are living on a single one-year term lease and that all the tenants have full rights to use the whole premises and that they're jointly liable. Mr. Pernokas stated that the lease gives full and complete possessory rights to the tenants until their lease ends, and that the upholding of the decision would require the eviction of all of the tenants. Mr. Pernokas stated that it's a group of five friends renting a single-family home and that the ordinance allows a two-family home by-right.

Ms. Smith stated that the applicant is appealing a decision made by the building commissioner and that the Board's only role for the matter is to decide on if the building commissioner's decision should be upheld or overturned. Ms. Smith stated that the Board does not have authority over the legality of the ordinance, but only whether the law as outlined in the zoning ordinance was appropriately applied by the building commissioner in this particular case.

Mr. Horne stated that ISD is enforcing the zoning ordinance, as they found more than 3 unrelated people living there and received frequent complaints. Mr. Horne stated he is not looking to put people out on the street, and that the use of the building could be changed to a two-family or the tenants could wait to see if the ADU amendment is approved. Mr. Horne stated that there are other alternatives.

Ms. Smith stated that lodging houses are not permitted in the RL-7 zoning district and that the Board strictly has to look at the building commissioner's decision. Ms. Smith stated that the applicant could apply for a Special Permit for a residential conversion, although the dimensional non-conformities to the lot would require further relief, and owner occupancy onsite would be required.

Mr. Pernokas stated that based on their review of the ordinance, a lodging house is defined as 4 or more unrelated persons, but there are currently 3 unrelated persons living onsite, therefore they believe they are in compliance.

Mr. Horne stated that he said more than 3, which means 4. Mr. Pernokas stated that a lodging house is 4 or more unrelated people; Mr. Horne said yes, more than 3 which means 4.



### **Public Comment**

Mr. Al K, 42 Summerhill Ave, stated that his relative previously owned the house and he has seen the inside and believes there is only 3 bedrooms. Mr. K stated that the driveway is too small and there's no room for cars because the area is congested. Mr. K stated that he believes there are people living in the attic. Mr. Karlstad asked that only facts be shared with the Board and that the building commissioner has already been inside the house and seen the living situation. Mr. Al stated that there was a motorhome parked on the property and was left there for a few weeks.

Mr. Carl Spergler, Whitmarsh Ave, stated that he lives next door and has worked at the house. Mr. Spergler stated that the dining room was converted into a bedroom and under the zoning ordinance it is not allowed because it's single-family. Mr. Spergler stated that there are multiple people living there, he does not believe it is under a single lease based on conversations he's had with the residents, and that the individuals living there are not related. Mr. Spergler stated that there is a major parking issue, and he has had to call the police because his driveway has been blocked by cars and due to threats from the neighbors.

### **Board Comments**

Mr. Karlstad asked if the single lease changes anything; Mr. Horne said no based on the zoning ordinance. Mr. Sabo stated that based on what he read in the ordinance, the current use could be allowed as it fits the definition of a cooperative residence.

Mr. Karlstad asked what the definition of a cooperative residence is; Ms. Smith stated that she will look for one in the ordinance.

Ms. Campaniello asked if the Board can be given copies of the lease with names redacted in order to try and understand the relationship between the tenants; Mr. Pernokas said yes.

Mr. Pernokas stated that the individuals living on the premises are a couple in a domestic relationship, two siblings who are refugees, and a friend of the siblings. Mr. Pernokas stated that they're all roommates.

Mr. Cortes asked for clarification on the Board's role and asked if the applicant is amenable to staff and the building commissioner's recommendations. Mr. Cortes stated that the applicant should work with staff and the building commissioner.

Mr. Pernokas stated that the citation is for an illegal lodging house and that if the Board votes to uphold the building commissioner's decision, they'd have to go to housing court and evict the tenants.

Mr. Cortes asked if the Board could refer the application back to the Department of Inspectional Services and have the applicant work with them on the issue.

Ms. Smith said no, the applicant has already declared that they don't agree with the building commissioner's decision and the Board now has to vote on whether or not the decision is upheld. Ms. Smith stated that the definition of a residence fraternity, sorority, or cooperative is a building whose primary purpose is to provide living accommodations to individuals affiliated with fraternal, sororal, or cooperative organizations, said organization being in turn associated with an educational institution.

Mr. Sabo stated that he read something different, and it doesn't define a cooperative as being related to a fraternity.

Mr. Pernokas stated that this definition doesn't relate to them because there's no affiliation to any group and they believe the current situation does not fall under the definition of a lodging house either.

Mr. Sabo stated that he wanted clarification on the definition of a cooperative residence specifically, and that it has to be determined whether it's 3 or more unrelated persons or 4 or more.

Mr. Karlstad stated that he doesn't want to see tenants get evicted and that it's currently not zoning complaint but is close to zoning complaint. Mr. Karlstad asked what the alternatives were.

Mr. Horne stated that since it's not owner occupied an Accessory Dwelling Unit would not be an option, but they could convert to a two-family house.

Mr. Karlstad stated that he believes the commissioner is right in his determination and that the owner can consider submitting an application to convert the house to a two-family house.

Mr. Pernokas stated that he doesn't think the conversion would solve the underlying complaints and that there might be some occupancy issues related to zoning regulations, but it is not a lodging house.

Mr. Karlstad asked about the fines; Mr. Horne stated that he's willing to work with the applicant, and if his decision is upheld by the Board his next step would be to refer the case to court. Mr. Horne stated that he is willing to meet with the applicant to come up with a plan to address the issue if the application gets continued.

Mr. Pernokas asked for clarity on how the procedural deadlines apply and stated that the hearing on the issue is set to expire on the 29<sup>th</sup> of the month but is open to further discussion.

Mr. Berg Powers stated that he believes the question before the Board is on if there are more than 3 unrelated people, and he does not believe this is the case. Mr. Berg Powers stated that based on the information given, they are not unrelated. Pernokas agreed stating they are related.

Mr. Berg Powers stated that the building commissioner's determination was wrong and that the determination should not be applied this way because it's not what was envisioned. Mr. Berg Powers stated that he will vote in favor of overturning the building commissioner's determination.

Mr. Karlstad stating that they have to act on the zoning aspect of the situation and that the Board should find a way to make things work for all parties involved. Mr. Karlstad stated that the Board can do a straw poll.

Mr. Karlstad called for a straw poll; Mr. Berg Powers voted overturn, Mr. Cortes voted uphold, Dr. Dell'Aera voted uphold, Mr. Torkornoo voted undecided and stated he wants to hear more from the applicant, Mr. Karlstad voted uphold.

Mr. Karlstad stated that the application should be postponed, and the applicant can work with the building commissioner in the meantime. Mr. Pernokas stated that they are amenable to postponing.

Mr. Sabo asked if it's possible for the Board to stay the daily fines during the continuance; Mr. Horne stated that the Board does not have that authority but he as building commissioner does. Mr. Horne stated that he will stay the fines.

Ms. Smith asked the Board to provide the applicant with specific comments.

Mr. Karlstad stated that the application should be continued, and the applicant should work with the building commissioner; Mr. Pernokas agreed.

Mr. Pernokas asked when the next available meeting is; Ms. Smith stated that there is January 22<sup>nd</sup>, February 12<sup>th</sup>, March 4<sup>th</sup>, and March 25<sup>th</sup>. Mr. Pernokas requested March 25<sup>th</sup>.

Mr. Karlstad stated that the Board would like to see the lease and be informed on future discussions between the building commissioner and the applicant. Mr. Berg Powers stated he wants the city to define unrelated and related backed up by legal justification.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to continue the public hearing to March 25<sup>th</sup>, 2024.

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**15. 11 Sever Street & 73 Merrick Street (ZB-2023-097) (MBL 06-005-00039)**

11 (aka Lot A)  
Sever Street  
(Existing):

**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)

**Special Permit:** To expand, alter, or change a privileged non-conforming use/structure (Article XVI, Section 4)

**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 parking requirements for a residential use (Article IV, Section 7, Table 4.4)

11 (aka Lot B)  
Sever Street  
(Proposed):

**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, 2B)

**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 parking requirements for a residential use (Article IV, Section 7, Table 4.4)

Petitioner: Merrick at the Square LLC

Present Use: Presently on the premises at 11 Sever Street (aka Lot A) is an existing non-conforming 10-story multi-family high-rise dwelling (with 98 units total), with associated parking areas on both proposed Lot A and Lot B

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

Petition Purpose: The applicant seeks an amendment to the original approval to reconcile the relief granted with an updated survey and to allow an extension of time, with no changes to the approved design

Public Hearing Deadline: 2/02/2024 Constructive Grant Deadline 03/08/2024

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Mr. Joshua Lee Smith, representative, gave an overview of the project stating that the applicant is seeking an extension of time for relief approved back in 2020 by the Zoning Board and Planning Board. Mr. Smith stated that the applicant is seeking an extension of time due to Covid-19 and issues with funding. Mr. Smith stated that they are getting financing before the end of the month and construction will begin soon.

Mr. Karlstad asked how long the extension would be for; Ms. Smith stated that since it's an extension of time for an amendment application, if approved, they'll be granted with a 1-year extension.

*No public comment.*

*No Board discussion.*

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to approve the amendment with a 1-year extension of time with all previously approved waivers and conditions.**

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**16. 24 Simone Street (aka 0 Valmor Street & 0 Maranda Street) (ZB-2023-098)(MBL 34-010-00004)**

*Lot 3A, Lot 3B, Lot 4A, Lot 4B, Lot 5A, Lot 5B, Lot 6A, Lot 6B:*

**Variance:** For relief of 250 SF (6.25%) from the 4,000 SF minimum lot area dimensional requirement for single-family semi-detached dwelling(s) in an RL-7 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** JAE WOR, LLC

**Present Use:** Presently on the premises is a single-family detached dwelling with a detached garage and detached barn

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

**Petition Purpose:** The applicant seeks a 6-month extension of time for a previously approved Special Permit to demolish the existing site improvements and construct four semi-detached (duplex) single-family dwellings (total of 8 units), each on their own lot.

**Public Hearing Deadline:** N/A                      **Constructive Grant Deadline:** 12/29/2023

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Mr. Donald O’Neil, representative, gave an overview of the project stating that the applicant is seeking a 6-month extension of time for a Variance previously granted by the Zoning Board back in 2022. Mr. O’Neil stated that the applicant is seeking the extension of time due to Planning Board and Conservation Commission approval. Mr. O’Neil stated that they’ve obtained Conservation Commission approval but the meeting for Planning Board was postponed, and they need more time.

Ms. Smith stated that the Board previously approved the project and that the extension of time would be for 6 months, which would be through June 6<sup>th</sup>, 2024.

*No public comment.*

*No Board discussion.*

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to approve the 6-month extension of time with all previously approved waivers and conditions.**

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**12. Communications – No discussion**

**13. Approval of Minutes – 8/28/2023;9/18/2023;10/16/2023**

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to wait on approving Board minutes until the next meeting.

**14. Discussion of Board Policies and Procedures – No discussion**

Adjournment:

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 8:32pm.