MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER

January 12, 2015
WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Vadim Michajlow, Vice-Chair
George Valeri
Joseph Wanat
Robert Haddon

Zoning Board Members Absent: Lawrence Abramoff, Chair
Timothy Loew

Staff Present: Stephen Rolle, Division of Planning and Regulatory Services
Domenica Tatasciore, Division of Planning and Regulatory Services
Michelle Smith, Division of Planning and Regulatory Services
David Horne, Inspectional Services

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Vadim Michajlow called the meeting to order at 5:30 PM and explained that a unanimous vote is needed if
the applicants move forward with a four member board.

REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS, WITHDRAWALS

1. 15 Melville Street (MBL 09-020-09+10) (ZB-2014-044)

Existing 15 Melville Street Two-Family Structure & Accessory Structure:

Variance: For relief of 1,400 SF from the 8,000 SF lot area requirement for a two-
dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 10 ft. from the 70 ft. frontage requirement for a two-family
dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)

Variance: For relief of 4 ft. from the 5 ft. accessory structure side yard setback
requirement (Article IV, Section 8.B.10.)

Variance: For relief of 2.5 ft. from the 5 ft. accessory structure rear yard setback
requirement (Article IV, Section 8.B.10.)

Proposed 15 Melville Street - Lot 2A:

Variance: For relief of 700 SF from the 4,000 SF lot area requirement for a single-
family semi-detached dwelling in a RL-7 (Residence, Limited) zone (Article
IV, Section 4, Table 4.2)
Variance: For relief of 5 ft. from the 35 ft. frontage requirement for a single-family semi-detached dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)

Proposed 15 Melville Street - Lot 2B:
Variance: For relief of 700 SF from the 4,000 SF lot area requirement for a single-family semi-detached dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)
Variance: For relief of 5 ft. from the 35 ft. frontage requirement for a single-family semi-detached dwelling in a RL-7 (Residence, Limited) zone (Article IV, Section 4, Table 4.2)

Petitioner: Gold Star Builders, Inc
Present Use: A two-family detached dwelling, a detached accessory barn, and associated off street parking
Zone Designation: RL-7 (Residence, Limited) zone
Petition Purpose: To construct a single-family semi-detached dwelling (duplex) and associated off-street parking on the easterly portion of the existing lot and to later subdivide the existing parcel into three lots: 15 Melville Street, Lot 2A, & Lot 2B. The petitioner is seeking the above relief from the area, frontage, and setback requirements in order to construct the duplex

Constructive Grant Deadline: 12/25/2014; 1/13/2015; 2/3/2015

Ms. Tatasciore stated that the applicant asked for a continuance to February 2, 2015 and to extend the constructive grant deadline to February 24, 2015.

Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to continue the item to February 2, 2015 and to extend the constructive grant deadline to February 24, 2015.

John Kullas, 18 Norton Street, stated that he was concerned regarding the number of continuances. Councilor Palmieri stated that the neighborhood is very concerned on the impact of this request and he agreed that there have been too many continuances on this matter.

2. 2 Northboro Street (aka 298 Plantation Street) (MBL 17-025-04+05) (ZB-2014-052)
Variance: Relief of 0.12:1 Floor to Area Ratio (FAR) from the 0.5:1 FAR dimensional maximum in the RL-7 zone
Variance: Relief of 20’ from the front yard setback dimensional requirement of 20’
Variance: Relief of 15’ from the exterior side yard setback dimensional requirement of 15’
Petitioner: Rodney Haddad
Present Use: A ~2,979 SF structure previously used as a dry-cleaning establishment with ~10 associated off-street parking spaces
Zone Designation: RL-7 (Residence, Limited)
Petition Purpose: The petitioner seeks to construct a ~2,979 SF second story addition to allow for expansion of a previously approved restaurant use. The existing structure is non-conforming with regards to the required front-yard setback
Public Hearing Deadline: 1/11/2015; 1/12/2015
Constructive Grant Deadline: 2/15/2015
Ms. Tatasciore stated that a request for a postponement to February 2, 2015 has been received with an extension of the constructive grant approval to February 24, 2015.
Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to approve the postponement and extension of the constructive grant deadline.

List of Exhibits:
Exhibit A: Variance Application prepared by Rodney Haddad; received 11/7/2014.
Exhibit B: Definitive Site Plan; dated 8/16/2013; prepared by HS&T Group, Inc.; received 11/28/2014.
Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 2 Northboro Street (aka 298 Plantation Street); dated 1/7/2015.
Exhibit E: April 29, 2013 Zoning Board of Appeals Decision.
Exhibit F: June 25, 2012 Zoning Board of Appeals Decision.
Exhibit G: Request for Postponement; dated & received December 10, 2014.

3. 6 Gothic Avenue (MBL 36-018-00339) (ZB-2014-055)
Special Permit: Extension, Alteration, or Change of a Privileged Pre-existing Nonconforming Structure (Article XVI, Section 4)
Petitioner: Tallage Adams, LLC
Present Use: Abandoned mobile home (~483 SF)
Zone Designation: RS-7 (Residence, Single-Family) and Water Resource WR-(GP3) Overlay District
Petition Purpose: The petitioner seeks to construct a ~1,980 SF (footprint) single-family detached dwelling with two off-street parking spaces (garage)
Public Hearing Deadline: 2/12/2015
Ms. Tatasciore stated that the applicant has requested a Leave to Withdraw Without Prejudice.
Mr. Rolle stated that the applicant did not request a fee refund.
Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to grant the Leave to Withdraw Without Prejudice.
List of Exhibits:

Exhibit A:  
6 Gothic Avenue Special Permit Application & rendering; received December 9, 2014; prepared by William Cowin of Tallage Adams, LLC.

Exhibit B:  
Definitive Site Plan for 6 Gothic Avenue; dated December 8, 2014; prepared by Quinn Engineering, Inc.

Exhibit C:  
Narrative; dated December 8, 2014; prepared by Quinn Engineering, Inc.; photo of property; Plan of Section B Bedford Heights Plan, dated May 29, 1917.

NEW BUSINESS

4. 26 Lenox Street (MBL 11-021-00005) (ZB-2014-049)

Variance: For relief of 4 ft. from the 5 ft. side-yard setback requirement for an accessory structure in an RS-10 (Residence, Single-family) zoning district (Article IV, Section 8)

Petitioners: Kristen Billiar

Present Use: A single-family detached dwelling

Zone Designation: RS-10 (Residential, Single-family)

Petition Purpose: To construct a 22 ft. by 22 ft. two-car detached garage

Public Hearing Deadline: 12/26/2014; 1/12/2015

Constructive Grant Deadline: 1/29/2015, 1/30/2015; 2/20/2015

Carol Redden, HS&T Group, representing the applicant, stated that they are actually only requesting a variance for 3 feet from the 5 feet side yard setback requirement. Presently there is an existing house and the owners want to build a two car garage (22’ x 22’). The location is similar to all the other garages in the neighborhood. There will be an overhang on the garage that extends an additional foot over the walls and it will fit in to the mission style homes in the neighborhood. The pavement will be extended another foot as well to allow better access to the new structure.

Ms. Redden stated that the neighbor’s oak tree was called out in the plans and will be protected during construction. The roof runoff will be collected into a rain barrel which will be used to water the garden. The existing stockade fence will remain.

Ms. Smith stated that the applicant have revised their plans to ask for less relief. The staff memo analyzes conformity in the homes in the area. If approved, staff respectfully recommends the following suggested Conditions of Approval:

1. That the structure be constructed in substantial accordance with the final approved plot plan, dated October 17, 2014, and with the submitted rendering, dated October 3, 2014;

2. The proposed structure is to be non-habitable;

3. That 6 copies of revised plans be submitted to the Division of Planning and Regulatory Services prior to the issuance of a building permit showing the following changes:
a. Modify the Zoning Summary Table and label on the plan the correct rear-yard setback for the primary structure, as measured from the edge of the remaining portion of the existing deck to the lot line;

b. Add the proposed edge of roof-line into the legend key;

Ms. Redden stated that she was amenable to those conditions.

Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to approve the petition with the conditions in the memo.

List of Exhibits:
Exhibit A: 26 Lenox Street – Variance Application; received 10/21/2014; prepared by Kristen Billiar.
Exhibit B: 26 Lenox Street – Site Plan; dated 10/17/2014, revised 12/12/2014; prepared by HS&T Group.
Exhibit C: Rendering; dated 10/3/2014; prepared by Kristen Billiar.
Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 26 Lenox Street – Variance; dated 11/25/2014, revised 1/5/2015.
Exhibit E: Request for Postponement; dated 12/1/2015 & 1/10/2014; received 12/2/2014 & 12/10/2014.
Exhibit F: Letter of concern from abutter Janet Wornham (33 Beeching Street); dated & received 12/1/2014.

NEW BUSINESS:

5. Tory Fort Lane (MBL 40-037-00003) (ZB-2014-054)
Amendment to Variance: For relief of 5 ft. from the 15 ft. maximum height dimensional requirement for an accessory structure in a RS-7 (Residence, Single-Family) zoning district (Article IV, Section 4, Table 4.2)

Petitioner: Massachusetts Electric Company (d/b/a National Grid),
Present Use: Cook’s Pond substation
Zone Designation: RS-7 (Residence, Limited)
Petition Purpose: The petitioner seeks to amend the Variance as it pertains to the length of the southerly wall (previously approved the construction of a 20 ft. tall, 136 ft. long, timber wall, for the purpose of providing both noise attenuation and screening to abutters). The applicant seeks to shorten the proposed length of the wall from ~136 ft. to ~80 ft. (a reduction of ~56 ft.)

Public Hearing Deadline: 2/11/2015; Constructive Grant Deadline: 3/18/2015
Mark Riley, Senior Counsel at National Grid, introduced Kevin Shaughnessy and Dan McIntyre, substation engineering. Mr. Riley stated that on August 18, 2014, this Board granted the requested relief for construction of two timber sound walls on the exterior of the existing sub-station, replacing the northerly and southerly chain-link fences with a timber style wall to both attenuate noise and screen the substation. The dimensions of the previously approved walls are as follows: Northerly - 24 ft. in height, 162 ft. long, southerly - 20 ft. in height, 136 ft. long. After meetings with the neighbors they decided that they could minimize the size of the wall and still attain the noise attenuation goal.

Ms. Smith stated that the applicant is seeking to amend the variance as it pertains to the length of the southerly wall. The applicant seeks to shorten the proposed length of the wall from ~136 ft. to ~80 ft. (a reduction of ~56 ft.) The applicant submitted a letter from their acoustical engineer and a response to the questions called out in the memo.

Mr. Riley stated that construction on the wall will start in March and will take approximately 4-6 weeks to complete. There were still concerns within the neighborhood about the size of the wall and NGRID wanted to address them while still accomplishing the goal of attenuating noise. They chose 80 feet because the panels come in 8 feet sections and they kept testing until they no longer violated the noise ordinance levels.

Ms. Smith stated that staff recommends if approved, staff respectfully recommends the following conditions of approval:

1. That the structure be constructed in substantial accordance with the final approved plan submitted on file with the City of Worcester and in compliance with all governmental codes;

2. That the applicant provide 6 copies of revised to-scale plans to the Division of Planning and Regulatory Service prior to the issuance of a building permit, showing the following:

   General:

   3. Provide the date and revision date for both the plans and the renderings to DPRS;

   Landscaping:

   4. Provide screening with densely planted arborvitae and/or shade trees and/or tall ornamental grasses where the proposed fencing abuts the residential properties located at 34 Tory Fort Lane, 50 & 53 Tiverton Parkway, and 78 Rich Street, to the extent practicable given the physical constraints (clearance/access restrictions to the substation and drainage) on-site;

   5. That additional arborvitaes or variety of evergreen trees be planted along the southwesterly side of the existing chain-link fence (fronting Tory Fort Lane) for screening from the public right-of-way and abutting properties;

   6. That any trees planted are of a non-Asian Longhorneed Beetle susceptible species;
7. That the applicant plant a new minimum 3” caliper tree, in place of any dead tree removed from the property over time;

8. That the applicant provides a landscaping plan along with a landscaping table in the revised plan set reflecting the existing and proposed plantings; and

*Noise Study:*

9. That the applicant provide a noise study to the Division of Planning and Regulatory Services and Department of Inspectional Services certifying that the as-built conditions and noise levels on-site are in compliance with the noise provisions of the Ordinance prior to the issuance of a certificate of occupancy.

Ms. Smith also stated that the applicant is requesting a waiver from the requirement to show abutters and abutters thereto within 300 ft. or label said abutters on revised plans.

Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to approve the findings of fact as modified by staff, and to approve the amendment with the conditions of approval as discussed and to approve the waiver from the requirement to show abutters and abutters thereto within 300 ft. or label said abutters on revised plans.

**List of Exhibits:**

- **Exhibit A:** 0 aka 30 Tory Fort Lane Application; received 12/8/2014; prepared by Massachusetts Electric Company d/b/a National Grid.
- **Exhibit B:** 0 aka 30 Tory Fort Lane Landscape & Site Plans; undated; prepared by National Grid and Black & Veatch.
- **Exhibit C:** Proposed Wall Renderings; received 12/8/2014; undated; prepared by National Grid.
- **Exhibit D:** Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 0 aka 30 Tory Fort Lane Application - Variance; dated 1/6/2015.
- **Exhibit E:** Decision from the Zoning Board of Appeals; final action date 9/23/2014.
- **Exhibit F:** Letter from Black & Veatch to National Grid, re: Cooks Pond Substation – Update to T1 Acoustic Barrier Wall; dated 12/10/2014; received 12/12/2014.
6. 5-7 Forbes (ZB-2014-057)

Variance: Relief of 14 ft. from the 15 ft. rear-yard setback dimensional requirement in the RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: Relief of 10 ft. from the 15 ft. front yard setback dimensional requirement in the RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: Relief of 47.06 ft. from the frontage dimensional requirement of 160 ft. in the RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: Relief of 5,413 SF from the 17,600 SF minimum lot area dimensional requirements in the RG-5 zone (Article IV, Section 4, Table 4.2)

Variance: Relief of 7 parking spaces from the 16 parking space off-street parking requirement for a single-family residential use (Article IV, Section 7, Table 4.4)

Special Permit: To allow for modification of the off-street parking requirements by 1 space (Article IV, Section 7, A. 2.)

Special Permit: To allow for modification of the required 5 ft. landscape setback buffer (Article IV, Section 7, Table 4.4, Note 5. a.)

Petitioner: Worcester East Side Community Development Corporation

Present Use: Two vacant lots

Zone Designation: RG-5 (Residence, General)

Petition Purpose: The petitioner seeks to construct a ~5,040 SF two-level structure with 8, one-bedroom, single-family attached dwelling units with a total of 8 accessory off-street parking spaces

Public Hearing Deadline: 2/12/2015; Constructive Grant Deadline: 3/19/2015

Attorney James Buchl, representing the Worcester East Side CDC, introduced Executive Director Donna Warshaw, Project Manager Stephanie Booker, Civil Engineer Chris Keenan, and Architect Ed Nunes.

Ms. Warshaw stated that this project is similar to that located in 149 Belmont Street, which was a rehab of an existing three-decker into ten studio apartments that house homeless adults with disabilities. The project proposed seeks to build a two-level structure with 8 one-bedroom, single-family attached dwelling units with a total of 8 accessory off-street parking spaces. This project will be done in conjunction with Department of Mental Health (DMH) and it is meant to be individual housing and not family housing. Usually these individuals don’t have vehicles so the reduced parking will not be an issue.

Ms. Warshaw stated that the financing is in place for the project.

Chris Keenan, Quinn Engineering, stated that there will be retaining walls installed to accommodate the proposed layout and access to the building.

Ed Nunes, Nunes Trabucco Architects, reviewed the building layout with the Board. The design is simple but will tie in well with the neighborhood.

Atty. Buchl stated that there will only be one individual per apartment; that will be a requirement of DMH since all the tenants will be enrolled with services with them. DMH will provide social services to these individuals as well, which includes van services.
Ms. Tatasciore stated that the applicant is seeking a total of 5 variances related to zoning dimensional requirements, pertaining to frontage, rear yard setback, building height and open space provision. Although a total of 16 parking spaces are required, the applicant is proposing a total of 8 off-street parking spaces and is seeking a Special Permit for a 10% reduction in the required number of parking spaces (1 space). The applicant is seeking relief for the remaining 7 spaces via a variance.

Mr. Keenan stated that they are considering eliminating the dumpster and using private pickup instead. That allows the freed up space to be used for snow storage. In response to staff’s questions, Mr. Keenan stated that pervious pavers are not a good fit for this site. The impervious coverage is 9,700 SF or 79.6%. He also covered their plans for fencing and signage and curb cuts.

Ms. Warshaw stated that Worcester East Side CDC notified all the residents and the home owners in the area and they had a community meeting; only two residents showed up.

Mr. Kelly asked if all the apartments were handicapped accessible.

Mr. Nunes stated that all the units have access directly from the driveway; two units of the units are handicapped accessible and the others can be converted.

Mr. Haddon stated that his initial concern was regarding the parking relief. He is satisfied with the explanation of how the building will be used but he does not want the use to change later on and create a huge parking issue on Forbes Street.

Mr. Buchl stated that the financing they are receiving for this project imposes in the 99-year lease that it be reserved for low-income clients of the Department of Mental Health and that it be restricted to one individual per unit.

Nancy Murray, resident of 167 Lincoln St, stated that she was against the project because she does not believe this is the best site for this project.

George Haddad, owner of 167 Lincoln St, stated that the building is oversized for the property. The parking in the area is very tight and they will be eliminating a few parking spaces due to the additional curb cut. Forbes Street is very treacherous in the winter and the parking they are creating will be inaccessible. The van service will not be able to access the site.

District 2 Councilor Phil Palmieri stated that he has met with the principals of this project. He stated that he was concerned with the amount of variances requested.

Ramona Garden-Haier, 167 Lincoln Street, stated that her car has been hit four times during winter time while parked on Forbes Street. Plowing Forbes Street is not a priority for the City, therefore, it is very dangerous and that street is at its steepest at the proposed lots. She is also concerned about the safety of her granddaughter and the level of care the residents will need.

Anthony Richards, 11 Forbes Street, stated that the hill is too steep and this project will not make the neighborhood any better.

Mr. Michajlow stated that it was a lot of relief and asked if they considered creating a small building. He also asked why there was a need for another driveway.
Mr. Keenan stated that in order to make this financially viable, Worcester East Side CDC needed to have 8 units. He stated that they have reduced the grade of the driveway to 12% as opposed to the 20% that was originally proposed. He also stated that regardless of the size of the building there will still be issues accessing the site in bad weather but they created it in order to make all the units accessible and work with the multiple retaining walls onsite.

Mr. Buchl stated that if this was a market rate housing project would make this a bigger issue for the neighborhood because they would have more vehicles.

Mr. Haddad asked if a safety study can be done in the area.

Mr. Michajlow stated that they can build by right something that would more residents than the eight proposed.

The Board discussed several potential changes with the applicants.

Atty. Buchl stated that they are willing to look at the design further and come back before the Board at a later date. He stated that the comments are geared against any development occurring on this site and it is unrealistic to believe that nothing will be built there since there used to be houses there in the past. He requested a continuance to the February 2, 2015.

Upon a motion by Mr. Valeri and seconded by Mr. Loew, the Board voted 4-0 to continue the item to the February 2, 2015 meeting.

**List of Exhibits**

Exhibit A: Variance & Special Permit Application; received December 9, 2014, prepared by Stephanie Booker of the Worcester East Side CDC.

Exhibit B: Definitive Site Plan in Worcester, MA – 5 & 7 Forbes Street; dated March 18, 2013 and revised through to December 18, 2014; prepared by Quinn Engineering, Inc.

Exhibit C: Rendering; dated December 9, 2014, prepared by Nunes Trabucco Architects.

Exhibit D: E-mail from abutter George Haddad; received January 5, 2015.

7. 409 Shrewsbury Street (ZB-2014-059)

Special Permit: To allow Retail Sales (Article IV, Section 2, Table 4.1, Business Use #26) in an MG-2.0 zone

Petitioner: Jeffrey M. French

Present Use: An existing ~2,141 SF structure previously used as office space

Zone Designation: MG-2.0 (Manufacturing, General) and within the Shrewsbury Street Parking Overlay District (SPOD) and the Union Station View Corridor Sign Overlay District (USOD)

Petition Purpose: The petitioner seeks to convert the existing first floor of the structure (~1,427 SF) into a flower shop (retail sales)

Public Hearing Deadline: 2/21/2015
Attorney John Shea, representing the petitioner Mr. French, stated that the petition is to relocate the existing flower shop at 167 Shrewsbury Street to 409 Shrewsbury Street. Presently located on the premises is an existing ~2,141 SF structure previously used as office space with associated off-street parking. The petitioner seeks to convert the existing first floor of the structure (~1,427 SF) into a flower shop (retail sales). In the future, Mr. French plans to lease out the second floor as office space. The project is compliant with the parking requirements; 6 parking spaces are provided and only 5 are required.

Mr. Shea answered the questions to the applicant in staff’s memo. He stated that there is no parking lease with 395 Shrewsbury Street recorded with the Registry of Deeds and frankly they do not need it. There is snow storage onsite but they are amenable that excess snow be removed from the site as a condition of approval. There is no dumpster proposed; his client uses Casella totes that are placed at the rear of the building and they are picked up once a week. Deliveries are made with minivans; the owner owns two of them but usually only one is used. Signage at the new location has not been decided on but they will comply with the Ordinance.

Ms. Tatasciore stated that the memo mentioned that the applicant needed a waiver but they no longer need it since to-scale plans have been provided. She stated that if approved, staff respectfully recommends the following suggested Conditions of Approval:
1. Provided it is in accordance with the plot plan submitted on file with the City of Worcester and in compliance with all governmental codes;
2. That excess snow be trucked offsite.

Upon a motion by Mr. Valeri and seconded by Mr. Loew, the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to approve the findings of fact as modified by staff and to approve the petition with the following conditions of approval:
1. Provided it is in accordance with the plot plan submitted on file with the City of Worcester and in compliance with all governmental codes;
2. That excess snow be trucked offsite.

APPROVAL OF MINUTES
Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to approve the minutes for December 1, 2014 and December 15, 2014 without edits.

OTHER BUSINESS
8. Communications – No comment
9. Signing of Decisions from prior meetings – the decision for 0 (aka 10 A & B) Clapp Street was signed.

ADJOURNMENT
Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 4-0 to adjourn the meeting at 7:30 p.m.