

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

**October 5, 2015**

**WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER**

**Zoning Board Members Present:** Vadim Michajlow, Vice-Chair  
Joseph Wanat  
George Valeri  
Timothy Loew  
Robert Haddon, Alternate  
Thomas Dillon, Alternate

**Zoning Board Members Absent:** Lawrence Abramoff, Chair

**Staff Present:** Stephen Rolle, Division of Planning and Regulatory Services  
Domenica Tatasciore, Division of Planning and Regulatory Services  
John Kelly, Inspectional Services

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

Vice-Chair Vadim Michajlow called the meeting to order at 5:33 PM.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,  
WITHDRAWALS**

**1. 1121 (aka 1123) Pleasant Street (ZB-2015-029)**

**Special Permit:** To allow motor vehicle sales in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #15)

**Special Permit:** To allow motor vehicle display in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #16)

**Special Permit:** To decrease the minimum parking requirement by a maximum of 10% (Article IV, Section 7. 2.)

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

**Petitioner:** Bruce J. Gerardi

**Present Use:** Presently located on the premises is a ~1,480 SF commercial building used as an automobile repair facility.

**Zone Designation:** BL-1.0 (Business, Limited)

**Petition Purpose:** The petitioner seeks to continue the current use of the property while also adding motor vehicle sales & display, along with associated site improvements.

Public Hearing Deadline: ~~8/7/15, 8/17/15, 9/21/15~~, 10/5/15

Constructive Grant Deadline: ~~9/22/15~~, 10/6/15

Mr. Michajlow stated that there is request to postpone the item. Ms. Tatasciore stated that the applicant is still trying to figure out the parking layout and the relief needed. Upon a motion by Mr. Valeri and seconded by Mr. Loew, the Board voted 5-0 to postpone the item to October 26, 2015 and extend the constructive grant deadline to November 10, 2015.

**List of Exhibits:**

- Exhibit A: 1121-1123 Pleasant Street Application; received 6/3/2015; prepared by Bruce Gerardi.
- Exhibit B: 1121 Pleasant Street Plan; dated 11/10/2014; revised 3/18/2015; prepared by Robert D. O’Neil, Jr.
- Exhibit C: Massachusetts Cultural Resource Information System (MACRIS) property card.

**2. 20 & 22 Fifth Avenue (ZB-2015-046)**

**Variance:** For relief of the 55 ft. minimum frontage dimensional requirement in an RG-5 (Residence, General) Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Juana Veras

**Present Use:** Presently located on the premises at 20 Fifth Avenue is a three-family detached dwelling. Presently located on the premises at 22 Fifth Avenue is a vacant, partially paved lot.

**Zone Designation:** RG-5 (Residence, General)

**Petition Purpose:** The petitioner seeks to construct a two-family detached dwelling at 22 Fifth Avenue along with associated off-street parking, site work, grading, and paving at both 20 & 22 Fifth Avenue.

Public Hearing Deadline: 10/14/15

Constructive Grant Deadline: 11/18/15

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted 5-0 to postpone the item to October 26, 2015 and extend the constructive grant deadline to December 28, 2015.

**List of Exhibits:**

- Exhibit A: Variance Application; received August 10, 2015; prepared by Juana Veras.
- Exhibit B: 20 Fifth Avenue Variance Plan; dated July 15, 2015; prepared by H.S. & T. Group, Inc.
- Exhibit C: Abutter Letter from Limary Medina; received September 24, 2015.
- Exhibit D: Comment Memo from Fire Chief Courtney; received September 16, 2015.

**3. 10 Nebraska Street (ZB-2015-038)**

**Special Permit:** To modify the 24 ft. aisle width requirement for parking (Article IV, Section 7, Note 2.b. to Table 4.4)

**Special Permit:** To decrease required parking by a maximum of 10% (Article IV, Section 7.2.)

**Variance:** For relief of the 15 ft. rear-yard setback dimensional requirement for a non-residential structure in a BG-2.0 Zoning District (Article IV, Section 4, Table 4.2)

**Variance:** For relief of the minimum off-street parking requirement for an office use (Article IV, Section 7, Table 4.4 & Article IX, Section 7, Table 9.1)

**Petitioner:** Tony Bianco

**Present Use:** Presently located on the premises is a vacant commercial building and associated off-street parking.

**Zone Designation:** BG-2.0 (Business, General) and located within the Commercial Corridors Overlay District Shrewsbury Street Parking Sub-Area (CCOD-S) and Union Station View Corridor Sign Overlay District (USOD)

**Petition Purpose:** The petitioner seeks to add an addition to the second story of the existing structure, making the entire structure two-stories, for use as medical offices.

**Public Hearing Deadline:** 9/04/15, 9/21/15, 10/5/15;

**Constructive Grant Deadline:** 10/09/15

Timothy Loew and Robert Haddon recused themselves from this item.

Mr. Michajlow explained to the engineer that since there are only four remaining members present then it must be a unanimous decision for the item to pass.

Hussein Haghanizadeh, HS&T Group, stated that he would like to request a postponement to October 26 in order to have a five member board to vote on the item.

Upon a motion by Mr. Wanat and seconded by Mr. Valeri, the Board voted 4-0 to postpone the item to October 26, 2015 and extend the constructive grant deadline to November 30, 2015.

**List of Exhibits**

**Exhibit A:** 10 Nebraska Street Application; received 7/1/2015; prepared by Anthony Bianco.

**Exhibit B:** 10 Nebraska Street Definitive Site Plan; dated 6/30/2015; revised 10/5/2015; prepared by HS&T Group, Inc.

**Exhibit C:** Rendering; undated; prepared by unknown.

**Exhibit D:** Cease & Desist Order from Inspectional Services Department; issued 7/2/2015.

**Exhibit E:** Worcester Fire Department Comments; received 7/21/2015.

**4. 37 Sigel Street (ZB-2015-050)**

Lot 37A:

**Variance:** For relief of the 30 ft. minimum frontage dimensional requirement for a single-family semi-detached dwelling in an RG-5 (Residence, General) Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief of the 8 ft. minimum side-yard setback dimensional requirement for a single-family semi-detached dwelling in an RG-5 (Residence, General) Zone (Article IV, Section 4, Table 4.2)

Lot 37B:

**Variance:** For relief of the 30 ft. minimum frontage dimensional requirement for a single-family semi-detached dwelling in an RG-5 (Residence, General) Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** KLA Holdings, LLC

**Present Use:** Presently located on the premises at 37 Sigel Street is a vacant lot.

**Zone Designation:** RG-5 (Residence, General)

**Petition Purpose:** The petitioner seeks to construct a single-family semi-detached dwelling (duplex) along with accessory off-street parking spaces and associated grading and site-work.

**Public Hearing Deadline:** 11/05/15

**Constructive Grant Deadline:** 12/10/15

Attorney Donald O'Neil, representing KLA Holdings, LLC, introduced Kathy Luu, manager of KLA Holdings, LLC. Attorney O'Neil stated that this is currently a vacant lot that used to hold a three family and they are proposing to build a duplex. They want to sell these properties separately. The lot is just under 5,000 SF and 55 ft. of frontage. The requirement is 30 feet of frontage per dwelling so they are asking for 2.5 feet of frontage relief per lot. This will allow them to sell them individually instead of holding them like a condominium. The structure also needs a 0.5 ft of relief from the side-yard setback requirement. They used the front yard setback alignment to bring the structure closer to the front and allow for better backyard space. There will be a two-car garage under the first floor for each unit; the rendering submitted only showed a one car garage but it will fit two tandem spaces. He also stated that this property is in a flood zone and requires approval from the Conservation Commission.

Attorney O'Neil stated that there is a single-family attached dwelling adjacent to this property that was approved a few years ago. They believe that this proposal fits the neighborhood better than a single-family detached.

Ms. Tatasciore asked Attorney O'Neil to clarify the existing and proposed landscaping for the project.

Attorney O'Neil stated that they have no objection to the conditions of approval regarding landscaping. He also stated that this petition needs Planning Board approval. He requested a waiver from the requirement to label abutters and abutters to abutters within 300 ft.

James Digiorno, 41 Sigel Street, stated that people on Sigel Street have used that lot for years for parking as it is very difficult to park on street. He also stated that when the area gets flooded it is good to have an empty lot to let the water drain and more buildings will make the problem worse. He is concerned the runoff will go into his lot. He stated that he was concerned with the new structure obstructing visibility and view from his house.

Mr. Michajlow stated that this is private property and the owner has the right to develop it. Also, the flood issues will be dealt by the Conservation Commission but it seems the building was designed to deal with those issues.

Attorney O'Neil stated that the previous property owner might not have had an issue with the neighborhood parking there but his client has owned the lot for 6 months and wants to put it to productive use. They also designed the property to not add to the flood storage in the area. The property is going to be lower in height than most of the other properties in the area and will be under the 35 ft. allowed by the Ordinance.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the Board voted 5-0 to close the public hearing. Mr. Michajlow identified Mr. Dillon to vote on the item.

Upon a motion by Mr. Wanat and seconded by Mr. Valeri, the Board voted 5-0 to approve the findings of fact as modified by staff and the petition for:

Lot 37A:

**Variance:** For relief of 2.5 ft. from the 30 ft. minimum frontage dimensional requirement for a single-family semi-detached dwelling in an RG-5 (Residence, General) Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief of 0.5 ft. from the 8 ft. minimum side-yard setback dimensional requirement for a single-family semi-detached dwelling in an RG-5 (Residence, General) Zone (Article IV, Section 4, Table 4.2)

Lot 37B:

**Variance:** For relief of 2.5 ft. from the 30 ft. minimum frontage dimensional requirement for a single-family semi-detached dwelling in an RG-5 (Residence, General) Zone (Article IV, Section 4, Table 4.2)

With the conditions of approval in the memo (listed below) and to approve the waiver requested from showing abutters within 300-feet from the property.

1. That the structure be constructed in substantial accordance with the final approved plan and with the submitted rendering.
2. Provide a six (6) copies of revised plans to the Division of Planning and Regulatory Services prior to the issuance of a Building Permit showing the following:
  - a. Label the requested relief on the plan;
  - b. Provide a note on the plan to indicate that per Article IV, Section 4, Table 4.2 Note 6, the required front-yard setback is based on the average existing setback for neighboring properties located at 41, 43 and 45 Sigel Street and is less than the 8 feet provided and update the Zoning Summary table on the plan to indicate this;

- c. Update the Zoning Summary table on the plan, as it pertains to Minimum Area, to indicate per Article IV, Section 4, Note 15 to Table 4.2: “Notwithstanding the minimum lot area provisions of Table 4.2 to the contrary, in an RG-5 District, for any undeveloped lot in existence by recorded deed or plan as of September 18, 2013, the minimum lot area shall be 4,000 square feet for the construction of single-family detached, single-family attached, single-family semi-detached, two-family and three-family dwellings. All other dimensional requirements pertaining to RG-5 Districts remain unaltered by this provision”;
- d. Revise the name of the applicant on the plan sheet to reflect “KLA Holdings, Inc.”;
- e. Show the location of all 4 required parking spaces, located outside of the front-yard setback, on the revised plans;
- f. That each side of the driveway remains as green space and not be paved;
- g. That one 3” caliper shade tree be planted along each lot, fronting Sigel Street; and
- h. That any proposed trees be of a non-Asian Longhorned Beetle susceptible species and a note shall be added to the plan indicating such.

**List of Exhibits:**

- Exhibit A: 37 Sigel Street – Variance Application; received September 1, 2015; Attorney Donald O’Neil.
- Exhibit B: Floor Plans & Rendering; undated; preparer unknown.
- Exhibit C: Site Development Plan for 37 Sigel Street; dated September 1, 2015; prepared by Quinn Engineering, Inc.

**OTHER BUSINESS**

- 5. **Communications** - None
- 6. **Signing of Decisions from prior meetings** – the decisions were signed.

**ADJOURNMENT**

Upon a motion by Mr. Loew and seconded by Mr. Haddon, the Board voted 5-0 to adjourn the meeting at 6:09 p.m.