

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

**April 11, 2016**

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

**Zoning Board Members Present:** Lawrence Abramoff, Chair  
George Valeri  
Timothy Loew  
Robert Haddon, Alternate Member  
Thomas Dillon, Alternate Member

**Zoning Board Members Absent:** Vadim Michajlow, Vice-Chair  
Joseph Wanat

**Staff Present:** Stephen Rolle, Division of Planning and Regulatory Services  
Domenica Tatasciore, Division of Planning and Regulatory Services  
Michael Antonellis, Division of Planning and Regulatory Services  
David Horne, Inspectional Services

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

**CALL TO ORDER**

Mr. Abramoff called the meeting to order at 5:30 PM.

**New Business**

**1. 78 Upland Street (ZB-2016-010)**

**Amendment to**

**Special Permit:** To allow one multi-family low-rise in a RL-7 (Residence, Limited) Zoning District (Article IV, Section 2, Table 4.1., Residential Use #11)

**Special Permit:** To allow single-family attached dwelling in RL-7 (Residence, Limited) zoning district (Article IV, Section 2, Table 4.1., Residential Use #12)

**Variance:** For relief from the minimum lot area dimensional requirement for a lot in a RL-7 (Residence, Limited) zoning district (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum frontage dimensional requirement for a lot in a RL-7 (Residence, Limited) zoning district (Article IV, Section 4, Table 4.2)

**Petitioner:** Mary E. & Robert D. O'Neil, Jr.

Present Use: Presently on the property is vacant land.  
Zone Designation: RL-7 (Residence, Limited) zone  
Petition Purpose: The petitioner seeks to amend the previously approved Special Permit by changing the layout of one of the proposed structures from a multi-family low-rise to a 4 unit Single-Family Attached dwelling.

Public Hearing Deadline: 5/4/16

Constructive Grant Deadline – Variance: 6/30/16

Attorney O’Neil stated that the matter before the board is an approval that was obtained last year and the objective of this application is to modify the approved structure from a multi-family low-rise structure to a townhouse-style building. He stated that according to the ordinance, that by changing the style of dwelling, not increasing units, there are more restrictive dimensional requirements for which relief is required.

Attorney O’Neil stated that nothing has changed except that there is no longer a common entrance for the building and that the newly proposed structure is much more desirable in design. Attorney O’Neil stated that the proposed structure is similar to that of behind O’Connor’s restaurant on West Boylston Street. There will be no 3<sup>rd</sup> floor included in the unit and a dormer will be included for aesthetics.

Ms. Tatasciore stated that the applicant only seeks to change the type of building proposed and that the structure will be a better fit with the neighborhood. Also, Ms. Tatasciore gave an overview of relief that is requested from that board to approve the petition.

Mr. Abramoff opened the hearing to the public. There was no one from the public who spoke.

Upon a motion by Mr. Valeri and seconded by Mr. Loew, the board voted 5-0 to close the public hearing.

Upon a motion by Mr. Loew and seconded by Mr. Valeri the board voted 5-0 to approve the Amendment to Special Permit to allow one multi-family low-rise, to approve the Special Permit to allow a single-family attached dwelling, to approve the Variance for relief from the minimum lot area dimensional requirement and, to approve the Variance for relief from the minimum frontage dimensional requirement for a lot in a RL-7 (Residence, Limited) zoning district with conditions as noted by staff review memo and to accept findings of fact as modified by staff.

Upon a motion by Mr. Loew and seconded by Mr. Valeri the board voted 5-0 to approve petitioner’s request to waive the requirement to list abutters and abutters to abutters within 300 feet.

**2. 8 Bluff Street (ZB-2016-011)**

**Variance (Lot 1):** For relief from the minimum rear-yard setback dimensional requirement for a structure in a RG-5 (Residence, General) zoning district (Article IV, Section 4, Table 4.2)

**Variance (Lot 2):** For relief from the minimum rear-yard setback dimensional requirement for a structure in a RG-5 (Residence, General) zoning district (Article IV, Section 4, Table 4.2)

**Petitioner:** Aitch Properties, LLC

**Present Use:** Presently at the property is a vacant lot.

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

**Petition Purpose:** The petitioner seeks to construct a single-family semi-detached dwelling which will project into the required rear yard setback

**Public Hearing Deadline:** 5/5/16

**Constructive Grant Deadline – Variance:** 6/9/16

Attorney O’Neil stated that his client proposes 2-car garages for each unit and that this design takes advantage of the topography of the lot with the removal of the existing retaining wall. The relief from the side-yard setback is required to be able to appropriately develop the lot.

Attorney O’Neil submitted a rendering for the application. Ms. Tatasciore stated that the rendering submitted to the board can be entered as Exhibit C. Staff recommends approval with conditions as noted on the review memo as well as suggested waiver of labeling abutters.

Mr. Abramoff asked to clarify that each unit has a 2-car garage. Mr. O’Neil stated that this is correct for a total of 4 parking spaces.

Mr. Haddon asked what relief is specifically required in regards to the measurements of the lot line to the structure. Mr. Rolle stated that the closest point for lot 1 is “9.2” and the relief required for lot 1 would be 5.8 feet.

Mr. Horne asked if rear egress would be provided. Attorney O’Neil stated that the rendering can be updated to include this and that rear and front egress is on grade.

Mr. Rolle asked if the rendering could show windows on the side of Bluff Street. Attorney O’Neil stated that there will be 2 windows on that side of the building. Mr. Abramoff stated that the new rendering should include the windows as described by the petitioner.

Mr. Abramoff opened the hearing to public comment. There were no comments by the public.

Upon a motion by Mr. Valeri, and seconded by Mr. Dillon, the board voted 5-0 to close the public hearing.

Upon a motion by Mr. Loew and seconded by Mr. Valeri, the board voted 5-0 to approve the Variance (Lot 1) for relief of 5.8 feet from the minimum rear-yard setback dimensional requirement for a structure; and Variance (Lot 2) for relief of 6 feet from the minimum rear-yard setback dimensional requirement for a structure in a RG-5 (Residence, General) zoning district

(Article IV, Section 4, Table 4.2) with conditions as noted in the staff review memo and that structure be constructed in substantial accordance with submitted rendering (Exhibit C) and to also include 2-car garages for both units, and that both units will have at least 2 windows at each end of the structure and that any proposed decks not to encroach more than 4 feet into the rear yard setback.

Upon a motion by Mr. Loew and seconded by Mr. Valeri the board voted 5-0 to approve petitioner's request to waive the requirement to list abutters and abutters to abutters within 300 feet.

### **Other Business**

#### 3. Approval of the Minutes – February 29, 2016 & March 21, 2016

Upon a Motion by Mr. Valeri and seconded by Mr. Loew the board voted 5-0 to approve the February 29, 2016 minutes.

Upon a Motion by Mr. Valeri and seconded by Mr. Loew the board voted 4-0 to approve the March 21, 2016 minutes.

#### 4. Communications - None

#### 5. Approval of the Proposed Draft Meeting Schedule for 2017

Upon a motion by Mr. Loew and Seconded by Mr. Haddon the board voted 5-0 to approve the 2017 meeting schedule.

#### 6. Signing of Decisions from prior meetings

### **Adjournment**

Upon a motion by Mr. Valeri and seconded by Mr. Loew the board voted 5-0 to adjourn at 6:01 pm.