

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

August 1, 2016

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
George Valeri
Timothy Loew
Robert Haddon, Alternate Member
Thomas Dillon, Alternate Member

Zoning Board Members Absent: Joseph Wanat

Staff Present: Domenica Tatasciore, Division of Planning and Regulatory Services
Michael Antonellis, Division of Planning and Regulatory Services
John Kelly, Department of Inspectional Services
David Horne, Department of Inspectional Services

Call to Order – 5:30 pm

Approval of the Minutes – Upon a motion by Mr. Valeri and seconded by Mr. Wanat, the board voted 5-0 to approve the minutes for June 20, 2016.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

New Business

1. 46-56 Granite Street (ZB-2016-027)

Special Permit: Extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)

Petitioner: MOR Realty LLC

Present Use:

46-48 Granite Street - Presently on the property is an existing one-story commercial structure and associated off-street parking. This structure is non-conforming with regard to the dimensional requirements for and use of property.

52-56 Granite Street - Presently on the property at is a multi-family dwelling with an attached vacant commercial space and associated off-street parking. These structures are non-conforming with regard to the dimensional requirements for and use of property.

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

Petition Purpose: The petitioner seeks to convert the existing commercial space at 52-56 Granite Street into an additional residential dwelling unit, along with associated site work.

Upon a motion by Mr. Valeri and seconded by Mr. Michajlow the board voted 5-0 to postpone the petition and extend the public hearing deadline to August 29, 2016.

List of Exhibits:

Exhibit A: Special Permit Application; dated June 22, 2016; prepared by Michael O'Rourke.

Exhibit B: Site Plan; dated March 17, 2016; prepared by B&R Survey, Inc.

Exhibit C: Comments from Fire Department; received June 29, 2016.

Exhibit D: ZBA Special Permit Conditions of Approval & Findings of Fact; signed December 23, 1988.

Exhibit E: ZBA Special Permit Conditions of Approval & Findings of Fact; signed July 9, 1990.

Exhibit F: Cease & Desist Letter from ISD; dated June 23, 2009.

Exhibit G: Planning Board Definitive Site Plan Decision; signed October 7, 2009.

Exhibit H: Approved Definitive Site Plan; dated July 10, 2009 and revised through to October 15, 2009.

2. 18 (aka Lot 124) (formerly part of 20) Third Street (ZB-2016-024)

Variance: For relief from the lot area dimensional requirement for a single-family detached dwelling in an RL-7 Zoning District (Article IV, Section 4, Table 4.2)

Petitioner: Kevin Courtney

Present Use: Presently located on the premises is a vacant lot.

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

Petition Purpose: The petitioner is seeking a variance from the lot area dimensional requirement to construct a single family detached residential dwelling.

Kevin Courtney presented his petition and stated that he intends to building a single family detached home but is short the required square area for the lot size. A rendering has been submitted by the petitioner with the application.

Ms. Tatasciore stated that the applicant was able to acquire surplus frontage through an ANR to avoid relief sought for frontage in addition to lot area. There are no by right development alternatives due to insufficient area to build in compliance.

Mr. Courtney stated that the home will have a 2 car garage, thus satisfying the parking requirement.

Mr. Courtney stated he intends to build a single floor, home around 1,400 SF, but is considering constructing 2 floors.

Mr. Abramoff opened the hearing to the public. No one is present.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the board voted 5-0 to approve the petition with conditions of approval as noted in the staff review memo & to waive the requirement to list abutters and abutters to abutters within 300 feet.

List of Exhibits:

- Exhibit A: Variance Application; received 4/25/16 and revised 7/21/16; prepared by Kevin Courtney.
- Exhibit B: Variance Plan; dated 5/26/16 and revised 7/26/16; prepared by HS&T Group, Inc.
- Exhibit C: Hand drawn rendering & floor plans; undated; prepared by applicant.
- Exhibit D: ANR Plan for subject property; endorsed 7/20/16.

3. 44 Moore Avenue (ZB-2016-026)

- Variance:** For relief of the side-yard setback dimensional requirement for a single-family detached dwelling in a RS-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Vincent & Denise Bilotta
- Present Use:** Presently located on the premises is an existing single-family detached dwelling along with a detached garage (carriage house).
- Zone Designation:** RS-7 (Residence, Single Family) zoning district
- Petition Purpose:** The petitioner is seeking a six-month extension of time for the above-listed Variance that was previously approved by the ZBA.

Attorney Todd Rodman presented the petition and stated that the Bilottas intend to convert a carriage house into a single family residence and the request is to extend the time for the approval for another 6 months to allow for time to complete the project. Attorney Rodman stated that the delay in recording the ANR was to avoid having another taxable lot until the applicant is ready to construct.

Mr. Abramoff opened the hearing to public comment. No one was present.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the board voted 5-0 to approve the petition to extend the time to February 17, 2017 with conditions of approval as noted in the staff review memo & to waive the requirement to list abutters and abutters to abutters within 300 feet.

List of Exhibits

- Exhibit A: Variance Application; received June 17, 2016; prepared by Vincent & Denise Bilotta.
- Exhibit B: Plan of Land; dated November 25, 2014 and revised through to March 5, 2015; prepared by A.S. Elliot Associates.
- Exhibit C: ZBA Variance Findings of Fact and Decision; final action August 17, 2015.

4. 6 Waverly Street (ZB-2016-028)

- Variance:** For relief from the rear-yard setback dimensional requirement in an RG-5 Zoning District (Article IV, Section 4, Table 4.2)
- Petitioner:** Hesagrab Properties, LLC
- Present Use:** Presently on the property is a vacant lot.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The petitioner seeks to construct a single-family attached dwelling, with a total of four dwelling units, along with associated parking, grading, and site work.

Attorney Donald O'Neil presented the petition and submitted a rendering as exhibit D. Relief is needed in order to build a reasonably sized house; the lot was created prior to the zoning ordinance which would lend itself to relief on either end. The rendering is shown as tall, but the structure to be constructed would not violate the height requirement of 35 feet.

Mr. Antonellis asked the petitioner to address outstanding questions. Attorney O'Neil stated that the requested fence is agreeable, there would be no deck to the rear of the property. Attorney O'Neil stated there are proposed 2 car garages and it would not be practical to landscape.

Mr. Abramoff stated that the rendering submitted shows landscaped medians and also a couple trees on either side would be desirable.

Mr. Kelly stated that code requires anything between 5 and 10 feet to the property line must have a firewall.

Mr. Abramoff opened the hearing to the public. No one was present.

Attorney O'Neil requested a waiver of the requirement to label abutters and abutters to abutters within 300 feet of the property.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri, the board voted 5-0 to approve the petition with conditions of approval as noted in the staff review memo & to waive the requirement to list abutters and abutters to abutters within 300 feet and with the amendment to 1.d. to comply with landscaping as submitted within the rendering.

List of Exhibits:

- Exhibit A:** Variance Application; received June 23, 2016; prepared by Donald J O'Neil on behalf of Hesagrab Properties, LLC..
- Exhibit B:** Variance Plan; dated June 20, 2016; preparer by B & R Survey, Inc.
- Exhibit C:** Fire Chief Comments; received June 30, 2016.

5. 2 (aka Lot 25) and 4 (aka Lot 24) Hillcroft Avenue (ZB-2016-029)

2 (aka Lot 25)

- Variance:** For relief from the lot area dimensional requirement for a single-family detached dwelling in an RL-7 Zoning District (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the frontage dimensional requirement for a single-family detached dwelling in an RL-7 Zoning District (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the front-yard setback dimensional requirement for a single-family detached dwelling in an RL-7 Zoning District (Article IV, Section 4, Table 4.2)

4 (aka Lot 24)

- Variance:** For relief from the lot area dimensional requirement for a single-family detached dwelling in an RL-7 Zoning District (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the frontage dimensional requirement for a single-family detached dwelling in an RL-7 Zoning District (Article IV, Section 4, Table 4.2)
- Petitioner:** Van Nguyen
- Present Use:** Presently located on the premises at 2 (aka Lot 25) Hillcroft Avenue is a single-family detached dwelling and located on Lot 24 Hillcroft Avenue is a vacant lot.
- Zone Designation:** RL-7 (Residence, Single-Family) zoning district
- Petition Purpose:** The petitioner seeks to construct a single-family detached dwelling, along with associated parking, grading, and site work on the property located at part of Lot 24 Hillcroft Avenue, with no changes proposed to the existing structure at 2 (aka Lot 25) Hillcroft Avenue.

Attorney Donald O’Neil presented the petition and submitted rendering to be entered as exhibit C. The neighboring lot was recently acquired by the petitioner and is zoned RL-7 which would provide sufficient space for a complying duplex to be built on the existing building lot, with no relief needed. Rather than having 2 structures attached, the petitioner is proposing two single family homes. The proposal would better fit with the neighborhood, rather than any other type of dwelling.

Attorney O’Neil stated the existing structure would be left as is and variances are requested to allow the second structure. Mr. Abramoff asked if a second unit could be attached without any relief. Mr. Antonellis stated that, yes, this is the case.

Mr. Michajlow asked about Planning Board Approval. Attorney O’Neil stated that it would require site plan approval.

Mr. Abramoff opened the hearing to the public.

Elizabeth and Jesse Knott of 9 Hillcroft Ave. stated that a variance was granted to another home next door, 6 Hillcroft, has cause troubled with roadside plantings and impacts traffic. Ms. Knott also has objections to the owner and workers allowed onto the property.

Denise and James Healey of 240 Burncoat Street stated that the home was neglected for 20 years and have concern over the care and maintenance of the property.

Daniel Johnson, 1 Blue Hill Road, stated that an in-law apartment in the current dwelling would be more appealing and has concerns of parking.

Dan Dirienzo, 6 Hillcroft Ave., stated concerns over the grade and parking during winter.

Mr. Michajlow stated that some development would be permissible by right which would increase density without the benefit of Zoning Board review.

Mr. Abramoff stated that the sideways positioning of the home is not desirable and requested a different rendering showing the home as squared to the street.

Attorney O'Neil request the hearing be continued to August 19, 2016.

Upon a motion by Mr. Michajlow, and seconded by Mr. Valeri, the board voted 5-0 to continue the hearing to August 19, 2016.

List of Exhibits:

Exhibit A: Variance Application; received June 23, 2016; prepared by Donald J. O'Neil on behalf of Van Nguyen.

Exhibit B: Variance Plan; dated June 20, 2016; preparer by B & R Survey, Inc.

Exhibit C: Rendering submitted by the petitioner at the hearing.

Other Business

6. Communications

- a. Letter from BSC Group, Inc., dated July 14, 2016, regarding Notice of License Application Pursuant to M.G.L. Ch. 91 – Waterways License Application Number W16-4720 for Blackstone Gateway Park Project
- b. E-mail from Patricia Burke, received July 22, 2016, re: Accommodation Ideas for Electromagnetic Sensitivity

7. Discussion regarding meeting packet formats

The board stated they were amenable to accepting electronic copies of the packets.

Upon a motion by Mr. Michajlow and seconded by Mr. Loew that the board recommend the City of Worcester provide all Zoning Board of Appeals members and alternate members an iPad Pro.

8. Signing of Decisions from prior meetings

Adjournment

Upon a motion by Mr. Michajlow, and seconded by Mr. Valeri, the board voted 5-0 to adjourn at 6:44 p.m.