

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

April 5, 2017

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

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

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
Michael Antonellis, Division of Planning and Regulatory Services
David Horne, Department of Inspectional Services

Mr. Michajlow held a moment of silence in remembrance of Zoning Board of Appeals member George Valeri who passed away the previous month.

Approval of the Minutes - None

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 525 Lincoln Street (ZB-2016-048)

Special Permit: To allow a food service drive-through use in a BG-4.0 Zone (Article IV, Section 2, Table 4.1, Business Use #6)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and also landscaping requirements (Article IV, Section 7)

Petitioner: Lincoln Street Chicken, LLC

Present Use: Presently on the premises is a vacant commercial structure located within Lincoln Plaza, along with associated off-street parking areas.

Zone Designation: BG-4.0 (Business, General) zoning district and partially within a BL-1.0 (Business, Limited) and located within the Water Resource Protection (WR(GP-3)) Overlay District

Petition Purpose: The petitioner seeks to demolish the existing vacant commercial structure and construct a food-service establishment, which includes a drive-through, along with associated site improvements and modifications to the parking layout.

Upon a motion by Mr. Wanat and seconded by Mr. Dillon the Board voted 5-0 to allow Leave to Withdraw without Prejudice for the application.

2. 271A Harrington Way (ZB-2017-006)

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming structure/use to a use of a similar nature (Article XVI, Section 4)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)

Variance: For relief from the parking requirements (Article IV, Section 7, Table 4.4)

Petitioner: Annina Verdini

Present Use: Presently on the premises is an existing non-conforming structure, formerly used as a warehouse and retail space along with associated site improvements and parking.

Zone Designation: RS-7 (Residence, Single-family) zoning district

Petition Purpose: The applicant seeks to use the premises for a sheet metal fabrication business, along with related warehousing and storage, and associated site improvements.

Upon a motion by Mr. Wanat and seconded by Mr. Dillon the Board voted 5-0 to Allow Leave to Withdraw without Prejudice for the application.

3. 253-261 Lincoln Street (ZB-2017-004)

Variance: For relief from the frontage dimensional requirement for a residential use in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the front-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the side-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the rear-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the open space dimensional requirements for a new residential use in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the parking requirements (Article IV, Section 7, Table 4.4)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)

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

Petitioner: Huy Nguyen

Present Use: Presently on the premises is an existing non-conforming commercial structure, used as a package store, with associated parking and site improvements.

Zone Designation: BL-1.0 (Business, Limited) and RG-5 (Residence, General) zoning districts

Petition Purpose: The applicant seeks to construct an addition, in order to add six-dwelling units above the existing commercial space and expand the first floor, and conduct modifications to the parking area along with related site improvements.

Upon a motion by Mr. Wanat and seconded by Mr. Dillon the Board voted 5-0 to postpone the item to the April 24, 2017 Zoning Board of Appeals meeting and to extend the Public Hearing deadline to May 30, 2017.

4. 1 & 2 Agrand Street, 207, 223 & 241 Greenwood Street (ZB-2017-010)

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

Petitioner: Rand-Whitney Container, LLC, Agrand Realty, LLC, and 207 Greenwood Street, LLC

Present Use: Presently on the premises are two pre-existing non-conforming manufacturing structures, used for warehousing and manufacturing purposes, along with associated parking and loading areas and site improvements.

Zone Designation: MG-2.0 (Manufacturing, General), ML-0.5 (Manufacturing, Limited), RS-7 (Residence, Single Family) & RL-7 (Residence, Limited) zoning districts

Petition Purpose: The applicant seeks to construct a ~60,000 SF addition to one of the existing structures, to create a new access driveway, and to re-configure and expand the existing parking and traffic circulation areas, along with related site work.

Upon a motion by Mr. Wanat and seconded by Mr. Dillon the Board voted 5-0 to postpone the item to the June 5, 2017 Zoning Board of Appeals meeting and to extend the Public Hearing deadline to June 30, 2017.

Unfinished Business

5. 157 Brookline Street (ZB-2016-056)

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

Petitioner: Daniel Ford

Present Use: Presently on the premises is an existing non-conforming single-family detached dwelling with associated site improvements.

Zone Designation: RS-7 (Residence, Single Family) zoning district

Petition Purpose: The applicant seeks retroactive approval to expand the existing non-conforming structure by constructing a deck, along with associated site work.

Daniel Ford appeared upon behalf of the petition. Mr. Ford stated that he needs a Special Permit as he has non-conforming structure.

Mr. Rolle stated that the applicant has updated the plan since the last meeting.

Mr. Michajlow asked when they changes were made to add the structure. Mr. Ford stated in 2012.

Mr. Ford requested a waiver from labeling abutters to abutters within 500 feet.

Upon a motion by Mr. Dillon and seconded by Mr. Wanat the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Dillon the Board voted 5-0 to approve the application with conditions outlined in staff's memo and that by allowing the extension of the existing nonconformity is not substantially more detrimental to the neighborhood. The Board also approved the waiver requested by the applicant.

List of Exhibits

Exhibit A: Special Permit Application; prepared by Daniel Ford; received November 2, 2016.

Exhibit B: Certified Plot Plan; dated October 5, 2016; prepared by H.S. & T. Group, Inc.

Exhibit C: Certified Plot Plan; dated October 5, 2016; revised January 12, 2017 prepared by H.S. & T. Group, Inc.

6. 88 Birch Street (ZB-2016-054)

Special Permit: To allow a Lodging House use in a RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and also landscaping requirements (Article IV, Section 7)

Variance: For relief from the parking requirements for a lodging house use (Article IV, Section 7)

Variance: For relief from the front-yard setback dimensional requirement for another residential permitted use in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Gold Star Builders, Inc.

Present Use: Presently on the premises is a multi-family structure along with associated off-street parking.

Zone Designation: RG-5 (Residence, General) zoning district and partially within a BG-2.0 (Business, General) zoning district

Petition Purpose: The petitioner seeks to construct an addition to the existing structure, to convert the use into a lodging house (with a total of 28 bedrooms), and an off-street parking area, along with related site improvements.

Attorney Don O'Neil appeared on behalf of the applicant, Gold Star Builders, Inc.

Attorney O'Neil stated that they had appeared before the Zoning Board in February and was asked to meet with neighbors and see if some changes could be made and they have reduce the number of units and overall request for parking is now 14 spaces. He stated that the primary tenants planned are Clark University students.

Bob O'Connor, a representative from Gold Star Builders, Inc., stated that the plan is to rent to students or professional people and they have a requirement in lease of one car per lease.

Ms. Tatasciore asked if the applicant had considered the front yard alignment provision. Attorney O'Neil stated that they have not looked at that provision.

Attorney O'Neil stated that with respect to the parking the lease would say no more than one car per apartment and he stated that a dumpster will be on site for trash and snow removal that cannot be stored on site it would be removed.

Mr. Michajlow stated that he is having difficulty with the application as it is not consistent with the neighborhood.

Board members expressed concern about where the dumpster would be located and how trash would be removed from the site.

Mr. Loew asked if there was any plan for any green space. Attorney O'Neil reviewed where some landscaping would be on the site.

Mark Eagleton expressed concern about the application and the lack of parking.

Linylla Reed expressed concern that her address was listed in the Telegram after the last meeting and expressed concern about the lack of parking.

Kevin Michaud expressed concern about the project and the lack of parking.

Mr. Loew asked if the current parking is resident only parking. Attonrey O'Neil stated that it was not.

Upon a motion by Mr. Haddon and seconded by Mr. Wanat the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Haddad the Board voted 0-5 to approve the findings of fact submitted by the applicant, two special permits, two variances subject to staff conditions and requested waiver of showing abutters to abutters on the plan. The application was denied.

List of Exhibits:

- Exhibit A: Special Permit Application; received October 19, 2016 and revised through to March 7, 2017; prepared by Attorney Donald O'Neil.
- Exhibit B: Proposed Building Plan; dated February 25, 2016 and revised through to March 8, 2017; prepared by B&R Survey, Inc.
- Exhibit C: Elevations & Floorplans; dated June 3, 2016; prepared by Acropolis Design Consultants.
- Exhibit D: Declaration of Easement & accompanying Easement Plan; May 2016.
- Exhibit F: Worcester Fire Department Comments; updated March 15, 2017.

New Business

7. 73 Timrod Drive (ZB-2016-067)

Variance: For relief from the accessory structure setback dimensional requirements in a residential district (Article IV, Section 8, B. 10)

Variance: For relief from the side-yard setback dimensional requirement for a single-family dwelling in a RL-7 zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the front-yard setback dimensional requirement for a single-family dwelling in a RL-7 zone (Article IV, Section 4, Table 4.2)

Petitioner: Filip Bode

Present Use: Presently on the premises is a single-family detached dwelling, and associated site improvements.

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

Petition Purpose: The applicant is seeking retroactive approval to construct a carport along with associated site improvements.

Filip Bode appeared upon behalf of the application. He stated that his contractor failed to tell him that he needed to obtain a building permit before he put up a carport.

Mr. Haddon stated that he observed other carports in the neighborhood and asked if they had variances and if they had obtained permits.

Mr. Kelly stated that they received a complaint on this property and are waiting to see the results of tonight's hearing on how to proceed on the other two.

Mr. Loew asked what the carport material was. Mr. Bode stated that it was all metal.

Cheryl Rodriguez stated that she is a neighbor and asked the structure be removed as it is an eyesore.

Eugene Supernor appeared upon behalf of Cheryl Supernor who is an abutter to the property and expressed concern that the structure is too large and needs to come down.

Sandra Pike stated that she lives in the neighborhood and the applicant's father feels he can do whatever he wants and everything done on the property is done with cinder blocks and it is an eyesore and wants the carport taken down.

Mr. Michajlow and Mr. Wanat stated that they had issue with application and the applicant's contractor should have pulled a permit and would have known the requirements.

Upon a motion by Mr. Dillon and seconded by Mr. Haddon the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 0-5 to approve the application with the findings of facts submitted by the applicant, the request for two variances and request from the applicant to not label abutters to abutters on the plan. The application was denied.

List of Exhibits

- Exhibit A: Variance Application; prepared by Filip Bode; received December 8, 2016.
- Exhibit B: Plot Plan; dated January 16, 2017; prepared by New England Land Survey.
- Exhibit C: ISD Cease & Desist Notice to 73 Timrod Drive; dated November 8, 2016

8. 22 Newbury Street (ZB-2017-003)

Special Permit: To allow a recreational/service facility (non-profit) in a RG-5 Zone (Article IV, Section 2, Table 4.1, General Use #18)

Petitioner: Worcester Common Ground

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

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

Petition Purpose: The applicant seeks to construct a community park and garden, along with related site work and amenities.

Charise Canales appeared upon behalf of the application. She stated that they would like to renovate this lot for a community garden.

Ms. Canales stated that they will have trash receptacles but they want to encourage people to remove their own trash but they will take care of the site.

Mr. Michajlow asked about lighting. Ms. Canales stated that they will have a new LED light.

Mr. Michajlow stated that this will be great improvement for the neighborhood.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Dillon the Board voted 5-0 to approve the application with conditions outlined in staff's memo and the requested waivers asked for by the applicant.

List of Exhibits:

Exhibit A: Special Permit Application; dated January 12, 2017; prepared by Worcester Common Ground.

Exhibit B: Plan of Land; 22 Newbury Street; undated; Source City of Worcester GIS.

Exhibit C: Certificate of Appropriateness; 22 Newbury Street; February 23, 2017.

9. 0 (formerly part of 78) Upland Street (ZB-2017-005)

Special Permit: To allow single-family attached dwellings in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)

Variance: For relief from the frontage dimensional requirement for single-family attached dwellings in a RL-7 Zone (Article IV, Section 7, Table 4.4)

Variance: For relief from the lot area dimensional requirement for single-family attached dwellings in a RL-7 Zone (Article IV, Section 7, Table 4.4)

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

Present Use: Presently on the property is an existing vacant lot

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

Petition Purpose: The applicant seeks to construct three single family attached structures - for a total of 14 dwelling units - along with related parking and site work.

Attorney Don O'Neil appeared upon behalf of the petitioners, Mary E O'Neil and Robert D. O'Neil, Jr.

Attorney O'Neil stated that they are looking to downsize the project from when they first applied for this location and reviewed the scope of the project and stated that they have addressed the Fire Department's concern on the plan.

Robert O'Neil stated that the Fire Chief had a concern about the turnaround for the fire apparatus and they have amended the plan comply with the turning radius requested by the Fire Department.

Upon a motion by Mr. Dillon and seconded by Mr. Haddon the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded to approve the findings of fact for the special permit, the two variances requested with conditions outlined in staff's memo and well as waiver requested to not show abutters to abutters on the plan.

List of Exhibits:

- Exhibit A: Special Permit and Variance Application; received on January 24, 2017; prepared by Mary E. and Robert D. O'Neil.
- Exhibit B: Amended Building Layout Plan; dated January 16, 2017; prepared by Robert D. O'Neil Jr., PLS.
- Exhibit C: Rendering & Floor Plan for proposed single-family attached dwelling; dated February 24, 2016; Prepared by R.C. Searles Associates.
- Exhibit D: Fire Department comments; received March 3, 2017.

10. 688 Pleasant Street (ZB-2017-008)

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

Variance: For relief from the parking requirements (Article IV, Section 7, Table 4.4)

Petitioner: Murray & Murray, LLP

Present Use: Presently on the premises is an existing non-conforming structure, used as a professional office space associated with chiropractor's office with a residential dwelling unit on the second floor, along with associated site improvements and parking

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

Petition Purpose: The applicant seeks to convert the existing professional office space into a law office use, with a residential dwelling on the second floor, along with associated site improvements.

Attorney Don O'Neil appeared upon behalf of the petitioner, Murray & Murray, LLP. He stated that they are looking to convert the location to a law office and there is ample parking on the street.

Upon a motion by Mr. Dillon and seconded by Mr. Haddon the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the application with conditions outlined in staff's memo and waivers requested by the applicant.

List of Exhibits:

- Exhibit A: Variance & Special Permit Application; received January 24, 2017; prepared by Attorney Donald O’Neil.
- Exhibit B: Plan of Land; dated January 16, 2017; prepared by Robert D. O’Neil, Jr.

11. 26 McKinley Road (ZB-2017-007)

26 (aka Lot 1) McKinley Road (Existing):

- Variance:** For relief from the side-yard setback dimensional requirements for a two-family dwelling in an RG-5 zone (Article IV, Section 7, Table 4.4)
- Variance:** For relief from the lot area dimensional requirement for a two-family dwelling in an RG-5 zone (Article IV, Section 7, Table 4.4)
- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)

Lot 2B (Proposed):

- Variance:** For relief from the frontage dimensional requirement for a single-family semi-detached dwelling in an RG-5 zone (Article IV, Section 7, Table 4.4)
- Petitioner:** KLA Holdings, LLC
- Present Use:** Presently on the premises at 26 McKinley Road (aka Lot 1) is an existing non-conforming two-family detached structure along with associated site improvements and located on Lot 2 (A & B) is a vacant lot.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to construct a single-family semi-detached dwelling (duplex) on the undeveloped lot (Lots 2A & 2B), along with associated parking and site improvements, with no changes proposed to the existing two-family structure located at 26 (aka Lot 1) McKinley Road other than associated parking and site improvements.

Attorney Don O’Neil appeared upon behalf of the petitioner, KLA Holdings, LLC.

He stated that they are looking to bring this location into compliance with existing zoning for a two family.

He stated on the vacant land they would like to build a single family structure and they do plan to create some additional parking.

Mr. Rolle stated that basically they are going to create three lots and creates housing that is a little out of character with the neighborhood.

Attorney O’Neil stated that they tried to design the houses to pull away from the street as much as possible and this location is at end of the street past the other structures on the street.

Mr. Haddon asked how the elevation change on the property would be handled. Attorney O’Neil stated that he believes that site plan approval is going to be needed from the Planning Board to address that concern and they will try to work with them on the slope on the site.

Michael Corner, abutter to the property, expressed concern about the project and stated that this project would be detrimental to his property.

Upon a motion by Mr. Dillon and seconded by Mr. Haddon the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the application with conditions outlined in staff's memo and request for waiver for labeling abutters to abutters on the plan.

List of Exhibits:

Exhibit A: Variance Application; prepared by Donald J. O'Neil, representative; received October 19, 2016; revised March 3, 2017.

Exhibit B: Proposed Plot Plan for 12 Paradox Drive; dated October 17, 2016; prepared by B & R Survey, Inc.

12. 649 Plantation Street (ZB-2017-002)

Special Permit: To allow a Lodging House in a RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

Variance: For relief from the side-yard setback dimensional requirement for an "other residential permitted use" in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the front-yard setback dimensional requirement for an "other residential permitted use" in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Jordan Frazier, of F.M.L. Wealth, LLC

Present Use: Presently on the property is an existing non-conforming single-family detached structure, along with associated site improvements.

Zone Designation: RG-5 (Residence, General) zoning district and within the Water Resources Protection Overlay District (WR(GP-2))

Petition Purpose: The applicant seeks to construct a ~2,280 SF, 3-story, addition to the existing structure, and to convert the structure to a lodging house use, for a total of 24 beds, along with related site improvements and off-street parking.

Peter Engel from Burton Engineering appeared upon behalf of the petitioner, Jordan Frazier.

Mr. Engel stated that they would like to withdraw the request for the Special Permit for the lodging house and go forward instead with a multi-family.

The Board voted to take a ten minute recess.

Mr. Rolle stated that since the applicant wants to modify their petition and staff has not had time to review the applicant has either the choice of postponing or withdrawing and he like to remind applicants that they should call the office ahead of time to let staff know that they are requesting a change so staff has time to notify abutters that item may not be heard.

Upon a motion by Mr. Loew and seconded by Mr. Haddon the Board voted 5-0 to allow for Leave to Withdraw the request for Special Permit for a lodging house.

Upon a motion by Mr. Loew and seconded by Mr. Haddon to continue the item to the May 15, 2017 Zoning Board of Appeals meeting.

List of Exhibits:

- Exhibit A: Special Permit & Variance Application; received January 3, 2017 and revised on February 8, 2017; prepared by Bertin Engineering on behalf of Jordan Frazier.
- Exhibit B: Plan of Land; dated January 3, 2017 and revised on February 8, 2017; prepared by Bertin Engineering.
- Exhibit C: Lodging House Addition Plans; dated February 17, 2017; prepared by Bertin Engineering.
- Exhibit D: Stormwater Drainage Analysis Report; dated January 3, 2017; submitted by Bertin Engineering.
- Exhibit E: Memo to the Zoning Board from Worcester Fire Department; dated February 23, 2017.
- Exhibit F: Lodging House Addition Rendering; prepared by Bertin Engineering; dated February 17, 2017.
- Exhibit G: E-mail from Abutters Diane and David Zeutas-Broer; received March 23, 2017.

13. 102 &104 Merrick Street (ZB-2017-009)

- Special Permit:** To allow a multi-family (low-rise) dwelling in a RL-7 zone (Article IV, Section 2, Table 4.1, Residential Use #11)
- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming use/structure (Article XVI, Section 4)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Variance:** For relief from the lot area dimensional requirement for multi-family dwelling in a RL-7 zone (Article IV, Section 7, Table 4.2)
- Petitioner:** Multi Family Realty, LLC
- Present Use:** Presently located on the premises is a pre-existing non-conforming multi-family low-rise dwelling with a total of 5 dwelling units, along with associated site improvements.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to add an additional dwelling unit (for a total of 6 dwelling units) to the existing structure and re-configure site access and parking, along with related site work and exterior improvements.

David Sadowski appeared on behalf of the applicant, Multi Family Realty, LLC.

Mr. Sadowski stated that they have revised the plans and now have the required parking and landscaping required.

Jonathan Mailloux stated that he is the owner of Multi Family Realty, LLC and stated that the chain link fence has been removed and does not plan to put another chain link fence. For the exterior of the building he has gone before the Historical Commission to remove two dormers so he can add a porch for a second

means of egress and a shed dormer will be installed on the third floor. He stated that he will have a dumpster on site.

Mr. Michajlow asked where dumpster would be placed. Mr. Mailloux stated that they have not determined that yet.

Mr. Wanat stated that on the plan it states curbside. Mr. Wanat stated that the plan would need to be modified to show dumpster.

Mr. Mailloux stated that he wants to bring the house back to the original look if possible.

Upon a motion by Mr. Haddon and seconded by Mr. Wanat the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded Leow by the Board voted 5-0 to approve the application with conditions noted in staff's memo, modification of the plan relative to curb side pick up and requested waivers requested by the applicant.

List of Exhibits:

Exhibit A: Variance & Special Permit Application; received February 6, 2017; prepared by Multi Family Realty LLC.

Exhibit B: Plan of Land dated January 25, 2017 and revised April 2, 2017; prepared by Sadowski Engineering.

14. 5 (aka 27) Shrewsbury Street (ZB-2017-011)

Special Permit: To allow an automobile refueling station in a MG-2.0 zone (Article IV, Section 2, Table 4.1, Business Use #17)

Petitioner: Washington Retro Realty, LLC

Present Use: Presently on the premises is a pre-existing non-conforming automobile re-fueling station, and associated site improvements.

Zone Designation: MG-2.0 (Manufacturing, General) zoning district and with the Union Station View Corridor Sign Overlay District

Petition Purpose: The applicant seeks to add a retail-component to the existing use, along with associated site improvements.

Attorney Don O'Neil appeared on behalf of the applicant, Washington Retro Realty, LLC.

Attorney O'Neil stated that the previous approval for this application had expired and they are just looking to extend the application. Mr. O'Neil stated that nothing had change since the original petition in 2014.

Attorney O'Neil stated that this is existing lot and the plans that were filed were same as 2014 and the hours for the site would not change from what the business currently has for hours.

Upon a motion by Mr. Dillon and seconded by Mr. Haddon the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the application with conditions outlined in staff's memo and waivers requested by the applicant.

List of Exhibits:

- Exhibit A: Special Permit Application; dated February 12, 2017; prepared by Donald J. O'Neil on behalf of Washington Metro Realty, LLC.
- Exhibit B: Plan of Land; 27 Shrewsbury Street; November 12, 2013; prepared by Northeast Survey Consultants.
- Exhibit C: Memo to the Zoning Board from the Fire Department; dated February 20, 2017.

Other Business

15. Communications

16. Signing of Decisions from prior meetings

Adjournment

The Board adjourned the meeting at 8:15 p.m.