

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

JUNE 5, 2017

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Timothy Loew
Joseph Wanat
Robert Haddon, Alternate Member
Thomas Dillon, Alternate Member

Zoning Board Members Absent: Vadim Michajlow, Vice-Chair

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

Approval of the Minutes – Jan. 23, 2017, Feb. 13, 2017, April 5, 2017, April 24, 2017, May 15, 2017

Upon a motion by Mr. Haddon and seconded by Mr. Wanat the Board voted 5-0 to approve the minutes from January 23, 2017, February 13, 2017, April 5, 2017, April 24, 2017 and May 15, 2017.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals - None

Unfinished Business

1. 828 Pleasant Street (ZB-2016-047)

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

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

Variance: For relief from the parking requirement for a two-family dwelling in a RL-7 Zone (Article IV, Section 7)

Petitioner: Rowaid Khudhur

Present Use: Presently on the property is a single-family detached dwelling, accessory structure, used as a garage, along with associated off-street parking.

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

Petition Purpose: The applicant seeks to convert the structures into one two-family detached dwelling, by connecting the two existing structures with an addition and converting the garage into a dwelling unit, along with associated site improvements.

Applicant Rowaid Khudhur stated that he wants to convert the single family residence and detached garage structures into a two-family detached dwelling, by connecting the two existing structures with an addition and converting the garage into a dwelling unit.

Mr. Khudhur stated that the garage tenants will use the existing driveway to park their cars and he will have new driveway on Chamberlain Parkway for the existing house as it be easier to access.

Mr. Khudhur reviewed how the tenants would access the property.

The Board discussed with Mr. Khudhur his plans for the fence on the property.

Mr. Kelly asked the applicant if he had received permission from DPW to remove the guardrail and put into a curb cut. Mr. Khudhur stated that he had.

Mr. Dillon asked how an addition is going to be built on the deteriorating garage structure. Mr. Khudhur stated that there will be refinishing it and the garage will be one story. The Board discussed with Mr. Khudhur how many stories the garage would be.

Bill Bernheart expressed concerns about the fact the guardrail has been removed and the lack of sidewalks.

Margaret Melcian stated that many of the neighbors are in opposition to this applicant turning the property into a two family home as the neighborhood is primarily comprised of one family homes.

City Councilor Moe Bergman stated that this is a clearly a business venture for the applicant and there is not a need to turn the property into a multi-unit property.

Mr. Dillon and Mr. Haddon both stated that they would not be in support of the application.

Mr. Khudhur stated that is house is last house is in the RL-7 on Pleasant and not like his neighbor's homes.

Mr. Abramoff explained to Mr. Khudhur what his options were for the application – either a Leave to Withdraw without Prejudice or a denial since he would not obtain the required 4/5 votes.

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

List of Exhibits:

- Exhibit A: ZBA – Variance Application; received September 26, 2016 and revised through to January 10, 2017; prepared by Rowaid Khudhur.
- Exhibit B: Plot Plan; undated; preparer unknown. Variance Request Site Plan; dated January 5, 2017; prepared by Land Planning, Inc.
- Exhibit C: Conversion of Garage to Residential Dwelling Unit Rendering; undated; preparer unknown.
- Exhibit D: Fire Department Comments; dated October 5, 2016.
- Exhibit E: Applicant's Petition to City Council and Public Works Committee Decision, dated May 10, 2017.

2. 649 Plantation Street (ZB-2017-002)

Variance:	For relief from the side-yard setback dimensional requirement for a multi-family low-rise dwelling 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 residence, and to convert the entire structure to a 6-unit multi-family low-rise residence, along with related site improvements and off-street parking.

Mr. Abramoff explained that he was not present at the first meeting when this item was opened so would not be voting on the item.

Attorney Marshall Gould representing Jordan Frazier appeared on behalf of the applicant. Attorney Gould stated the applicant seeks to construct a ~2,280 SF, 3-story, addition to the existing structure, and to convert the structure to a 6-unit, 3-bedroom multi-family low-rise dwelling and reviewed the plans for the site.

The Board asked about the fencing and trash removal. Attorney Gould stated that they could do arbor vitae or white vinyl fencing and with regard to the trash pick if the city doesn't do it then they will have weekly pick up.

The Board discussed with the applicant the parking and access to the site. Attorney Gould stated that each unit would have two parking spaces.

Mr. Loew asked where the dumpster would be located. Mr. Frazier stated most likely it would be located in the garage. Board members expressed concern about that and discussed putting a condition that trash remain inside and that there be a weekly pickup for all of the trash.

Cathy Sundstrom stated that she was at previous meeting and this looks exactly like what was presented before and nothing has changed and has concern about an increase in traffic, trash and that plans would change after approved.

Robert Burgess expressed concern the drainage from the parking lot, lack of parking and snow removal.

Nancy Cormier, abutter to the property, expressed concern whether EMT and fire safety can access the property and whether this is enough parking for the site.

Jean Morgan expressed concern about the number of units being added to the neighborhood.

Mr. Dillon asked how the snow removal would be handled for the open porches. Mr. Kelly stated that if the application was approved the porches would have to meet code.

Mr. Abramoff stated that the Board may want to consider a weekly maintenance for the site and stated that he had concerns about the parking especially if residents have visitors where would they park.

Mr. Loew stated that 52 week maintenance seems a lot and maybe do bi-weekly.

Attorney Gould stated that some of the concerns expressed tonight could be passed on to the Planning Board as item will be heard before that Board in a week.

David Brodeur of Amesbury Street stated that the city should put a speed limit and no parking sign on the street. Mr. Abramoff stated that they can make a recommendation but that not under the Board's purview.

Dee Brodeur of Amesbury Street stated that if the Board conditions weekly maintenance be imposed is it up to the neighborhood to enforce. Mr. Abramoff stated that if property is not maintained then up to neighbors to call code enforcement.

Upon a motion by Mr. Dillon and seconded by Mr. Wanat the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 4-0 to approve the application with waivers requested as well as conditions outlined in staff's memo as well conditions that no trash be stored outside and picked up weekly, that the chain link fence be removed and replaced with a white vinyl property around the property and that a weekly maintenance program be implemented being immediately.

List of Exhibits:

- Exhibit A: Variance Application; received January 3, 2017 and revised through to May 2, 2017; prepared by Bertin Engineering on behalf of Jordan Frazier.
- Exhibit B: Definitive Site Plan; dated January 3, 2017 and revised through to May 1, 2017; prepared by Bertin Engineering.
- Exhibit C: Multi-Family Dwelling Addition Plans; dated ~~February 17, 2017~~ ~~May 1, 2017~~; prepared by Bertin Engineering.
- Exhibit D: Stormwater Drainage Analysis Report; dated January 3, 2017; submitted by Bertin Engineering.

New Business

Joseph Wanat recused himself from the item.

3. 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:** 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 ~45,400 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.

Attorney Stephen Madaus appeared on behalf of the applicant, Rand-Whitney Container, LLC, Agrand Realty, LLC.

Attorney Madaus stated that the applicant seeks to construct a ~45,000 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. Attorney Madaus gave a history of the property and reviewed the plans for the site.

Mr. Abramoff asked what would be the use of the alteration. Attorney Madaus stated that it would be more space for their equipment.

Jane Petrella spoke about traffic concerns she had for the proposal.

Upon a motion by Mr. Dillon 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. Dillon the Board voted 4-0 to approve the application with waivers requested with the conditions outlined in staff's memo.

List of Exhibits

Exhibit A: Special Permit Application; received February 14, 2017; prepared by Attorney Stephen Madaus.

Exhibit B: Site Plan – Rand-Whitney Expansion; dated February 9, 2017 and revised May 3, 2017; prepared by VHB.

Exhibit C: Renderings with elevations and floorplans; dated May 3, 2017; prepared by PROCON.

Exhibit D: Fire Department Comments; dated May 22, 2017.

Joseph Wanat returned to the meeting.

4. 3 Beatrice Drive (ZB-2017-019)

Variance: For relief from the setback requirement for an accessory structure in a RL-7 Zone (Article V, Section 8)

Petitioner: Richard F. Leduc

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

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

Petition Purpose: The applicant seeks approval for an accessory structure, along with related site improvements.

Richard Leduc appeared on behalf of the application. He stated that he is looking to obtain a variance for the shed on his property.

Mr. Abramoff asked if the shed was already built. Mr. Leduc stated that it was.

Staff asked the applicant to confirm the height of the shed. Mr. Leduc stated that it about eight and half feet.

Upon a motion by Mr. Dillon and seconded by Mr. Loew 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 waivers requested with conditions outlined in staff's memo.

List of Exhibits

- Exhibit A: Variance Application; prepared by Richard Leduc; received April 7, 2017.
- Exhibit B: Letter of support; email by Catherine Deciare; dated April 6, 2017
- Exhibit C: Pictures of proposed structure; undated.

5. 50 Arthur Street (ZB-2017-022)

- Variance:** For relief from the parking requirements (Article IV, Section 7, Table 4.4)
- Petitioner:** Dismas House of Massachusetts
- Present Use:** Presently on the premises is an existing non-conforming multi-family dwelling, along with associated site improvements.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to add an additional dwelling unit, along with related site work.

Attorney Jonathan Finkelstein along with a representative from Dismas House and their engineer appeared upon behalf of the application. Attorney Finkelstein stated that Dismas would like add an additional dwelling unit and reviewed the proposal and gave a history of the property.

Luis Fuire asked how many people will live in their units and expressed concern about the parking.

Molly Horgan from Dismas House stated that property will have 8 residents and this is a transitional housing program and currently stated that they have 6 residents and none have vehicles.

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

List of Exhibits:

- Exhibit A: Variance & Special Permit Application; received April 11, 2017; prepared by Thaddeus Szkoda on behalf of Dismas House of Massachusetts.
- Exhibit B: Plan of Land; dated April 10, 2017; prepared by Thaddeus Szkoda.
- Exhibit C: Floor Plans; dated April 10, 2017; prepared by Thaddeus Szkoda.

The Board took a 5 minute recess.

6. 161 Mountain Street West (ZB-2017-023)

- Variance:** For relief from the parking requirements (Article IV, Section 7, Table 4.4)
- Petitioner:** BC Stratton Hill, LLC
- Present Use:** Presently on the premises is an existing non-conforming multi-family structure with associated site improvements.
- Zone Designation:** RS-7 (Residential, Single-Family) zoning district
- Petition Purpose:** The applicant seeks to re-configure the existing parking layout and decrease the number of parking spaces, update pedestrian amenities on site, and conduct related site work.

Attorney Ruth Silman appeared upon behalf of the applicant, BC Stratton Hill, LLC. The applicant seeks to re-configure the existing parking layout and decrease the number of parking spaces, update pedestrian amenities on site.

Attorney Silman stated that this is an existing apartment complex and there is no changes to amount of units and the owner just needs to do some accessory upgrades to the property and they need to increase the size of one of the parking areas. She stated that they would like to decrease the number of parking spaces to 219 and would like them all to be compact spaces and no other changes are being requested.

Attorney Silman reviewed how the snow storage would be handled for the site.

Mr. Abramoff asked about the size of the units. Representative from BC Stratton Hill, LLC stated that it is a mix of one, two and three bedrooms.

Mr. Abramoff stated that they had received a letter from Attorney Paul Novak which has been added to exhibits and the Board reviewed the concerns.

Attorney Novak spoke representing an abutter and expressed concern about the drainage from the property.

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

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to approve the application with conditions outlined in staff's memo, with the exception of 1.c., and the conditions outlined in Attorney Novak's letter.

List of Exhibits

- Exhibit A:** Variance Application; received April 25, 2017; prepared by BC Stratton Hill LLC, c/o Beacon Communities LLC.
- Exhibit B:** Plan of Land; dated November 9, 2016 and revised April 20, 2017; prepared by HW Moore Associates, Inc.
- Exhibit C:** Finding of Fact and Decision; 161 West Mountain Street; dated April 8, 1971.
- Exhibit D:** Site Plan; dated January 19, 1973; revised May 15, 1973; prepared by James W. Haley, C.E.
- Exhibit E:** Fire Department Comments; dated May 1, 2017.
- Exhibit F:** Email from applicant's engineer; dated June 1, 2017.

7. 10 A&B Clapp Street (ZB-2017-024)

10 A Clapp Street

Variance: For relief from the frontage dimensional requirement for single-family semi-detached dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

10 B Clapp Street

Variance: For relief from the frontage dimensional requirement for single-family semi-detached in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Van K. Nguyen

Present Use: Presently on the premises 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, along with related site improvements.

Attorney Don O’Neil appeared upon behalf of Van K. Nguyen. Attorney O’Neil stated that the extension on this project has expired and would like to extend it and reviewed the plans proposed for the property.

Mr. Abramoff asked they were meeting the height requirement required. Attorney O’Neil stated yes.

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

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

List of Exhibits

Exhibit A: Variance Application; received April 24, 2017; prepared by Attorney Donald O’Neil.

Exhibit B: Plan for Variance; dated April 24, 2017; prepared by B&R Survey, Inc.

Exhibit C: Variance for Extension of Time– Findings of Fact and Decision; endorsed January 11, 2016.

Exhibit D: Variance – Findings of Fact and Decision; endorsed January 12, 2015.

8. 3 Burns Court (ZB-2017-025)

Variance: For relief from the height dimensional requirement for a residential structure in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Worcester East Side CDC

Present Use: Presently on the premises is a vacant lot

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

Petition Purpose: The applicant seeks to construct a two-family detached dwelling and associated off-street parking, along with related site improvements.

Kevin Quinn from Quinn Engineering appeared upon behalf of Worcester East Side CDE. He stated that the applicant seeks to construct a two-family detached dwelling and the item had appeared before the Board before.

Mr. Abramoff asked how many parking spaces were on the site. Mr. Quinn responded that there were four parking spaces.

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. Loew the Board voted 5-0 to approve the application with waivers requested and the conditions outlined in staff's memo.

List of Exhibits

- Exhibit A: Variance Application; prepared by Worcester East Side CDC; received April 28, 2017.
- Exhibit B: Site Plan, 3 Burns Ct; prepared by Horne + Johnson / StepONE; dated April 1, 2014.
- Exhibit C: Elevations and Floor Plan; prepared by Horne + Johnson / StepONE; dated March 14, 2014.
- Exhibit D: ZBA Variance Findings of Fact and Decision; endorsed June 10, 2014 (part of submitted application materials).

9. 104 Amory Street (ZB-2017-026)

- Variance:** For relief from the frontage dimensional requirement for a residential structure in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Worcester East Side CDC
- Present Use:** Presently on the premises is a partially paved vacant lot.
- Zone Designation:** BL-1.0 (Business, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct a multi-family low-rise structure and associated off-street parking, along with related site improvements.

Kevin Quinn from Quinn Engineering and representatives from the Worcester East Sided CD appeared upon behalf of the petition. Mr. Quinn stated that the applicant seeks to construct a multi-family low-rise structure and associated off-street parking and stated that the item had had previously appeared before the Board.

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. Loew the Board voted 5-0 to approve the application with waivers requested and conditions outlined in staff's memo.

List of Exhibits

- Exhibit A: Variance Application; received April 28, 2017 prepared by Worcester East Side CDC.
- Exhibit B: Site Context Plan and Site Plan; prepared by Horne + Johnson/StepONE; dated March 4, 2014 and revised on April 7, 2014.

- Exhibit C: Rendering, Elevations & Floorplan; prepared by Horne + Johnson/StepONE; dated March 14, 2014.
- Exhibit D: ZBA Decision & Conditions of Approval; endorsed on May 5, 2014 (submitted with application materials).

10. 121-133 West Boylston Street (ZB-2017-027)

Variance: For relief from the side-yard setback dimensional requirement for a non-residential structure in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)

Amendment to Special Permit: To allow motor-vehicle/trailer/boat sales, rental (Business Use #15) in a BL-1.0 Zone

Amendment to Special Permit: To allow motor-vehicle service, repair, garage, display (Business Use #16) in a BL-1.0 Zone

Petitioner: Richard B. Ramstrom

Present Use: Presently on the premises is an automobile repair, service, display and sales station, with associated parking and site improvements.

Zone Designation: BL-1.0 (Business, Limited) zoning district

Petition Purpose: The applicant seeks to construct an addition to the north of the existing structure, along with related site improvements.

Rick Ramstrom appeared on behalf of the application stated that he would like to construct an addition to the north of the existing structure. He stated that he needs to make the changes to the premises in order to meet the state requirements to do inspection stickers for cars.

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. Loew the Board voted 5-0 to approve the application with waivers requested and with conditions outlined in staff's memo.

List of Exhibits

- Exhibit A: Variance & Special Permit Application; received May 3, 2017; prepared by Richard Ramstrom.
- Exhibit B: Plan of Land; dated February 7, 1998; prepared by Hub Survey Associates, Inc.
- Exhibit C: Hand Sketched Plan; undated; preparer unknown.
- Exhibit D: Rendering, Elevations and Floorplans; dated April 25, 2017; prepared by Davis Architects.
- Exhibit E: ZBA Decisions of Approval – 2012 & 1998; included in submitted application materials.

11. 7 (aka 9) & 17A North Street (ZB-2017-028)

Special Permit:	To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
Petitioner:	Domar Realty Group, Inc.
Present Use:	Presently on the premises at 7 (aka 9) North Street is a vacant structure, with associated site improvements, and at 17A North Street is an existing parking lot.
Zone Designation:	MG-2.0 (Manufacturing, General) zoning district
Petition Purpose:	The applicant seeks to demolish portions of the existing structure and renovate the remaining structure, to be used as a food-service establishment and office/retail use and to re-configure the parking area, along with related grading, paving, and site work.

Attorney Benson along with the architect appears upon behalf of the applicant, Domar Realty Group, Inc. and stated that the applicant seeks to demolish portions of the existing structure and renovate the remaining structure, to be used as a food-service establishment and office/retail use and to re-configure the parking area. She stated that they are seeking 31 spaces which will be paved and lined and additional landscaping.

Attorney Benson stated that there are different types of fencing on the lot and at this time they do not intend to change any of the fences.

The Board discussed with the applicant where the dumpster would need to be located on the site and whether curb stops would be put in.

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. Loew the Board voted 5-0 to approve the application with waivers requested as well as conditions outlined in staff's memo. The Board also stated that they would like additional conditions including, that the door near dumpster be revised on the site plan, that the additional handicapped signs in front of the non handicapped signs will be removed and that a curb stop will be installed.

List of Exhibits

Exhibit A: Special Permit Application; received May 15, 2017; prepared by Alice Lombardi.

Exhibit B: Parking Plan of Plan; dated April 11, 2017 and revised through to May 26, 2017; prepared by Thompson-Liston Associates, Inc.

Exhibit C: Rendering and Floorplans; dated May 25, 2017; prepared by Leonard Pagano, AIA.

Other Business

12. Communications

- a. Letter from FEMA re: Risk Map program; dated May 1, 2017-No comment.

13. Signing of Decisions from prior meetings

Adjournment - Upon a motion the Board voted 5-0 to adjourn the meeting at 8:45 p.m.