

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

**JUNE 26, 2017**

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

**Zoning Board Members Present:** Lawrence Abramoff, Chair  
Vadim Michajlow, Vice-Chair  
Joseph Wanat  
Robert Haddon, Alternate Member  
Thomas Dillon, Alternate Member

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

**Approval of the Minutes** - Upon a motion by Mr. Dillon and seconded by Mr. Wanat the Board voted 5-0 to approve the minutes of June 5, 2017.

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

**Unfinished Business**

**New Business**

**1. 249, 261 & 265 Lake Avenue (ZB-2017-015)**

**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)

**Petitioner:** Cherele Gentile, Trustee of Manor Real Estate Trust

**Present Use:** Presently located on the premises at 249 Lake Avenue is a former food-service establishment and both 261 & 265 Lake Avenue each contain single family dwellings, and related site improvements.

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

**Petition Purpose:** The applicant seeks to demolish the existing structures on the properties, with the existing single-family dwelling at 265 Lake Avenue to remain, and to construct a multi-family low-rise structure (for a total of 18 dwelling units) along with an associated off-street parking area and related site work.

Zac Couture and Hossein Haghanizadeh from HS&T Group along with the applicant, Cherele Gentile, appeared on behalf of the application.

Mr. Haghanizadeh stated that the applicant would like to demolish the existing structures on the properties to construct a multi-family low-rise structure for a total of 18 dwelling units. Mr. Couture reviewed the plans for the site. He stated that there would be fencing proposed for the site and stated that he has submitted an updated lighting plan for the site.

Mr. Haghanizadeh stated that the area is a mixed use and what they are doing is an improvement as they are taking down the existing restaurant and bar and are proposing residential uses.

Mr. Abramoff stated that this seems like this a substantial project going into the neighborhood and he would have liked to have seen a rendering considering the size of the proposed development.

Mr. Haghanizadeh stated that they want to see how the meeting will go and then they could provide rendering.

Mr. Michajlow stated that typically the Board would like to see a rendering.

Paul Towler, abutter to the property, expressed concern about drainage coming from the site and stated he is opposed to the project.

Domenic DiLeo representing abutters to the property expressed concerns about the size of the proposed project.

Frank Denio, abutter to the project, expressed concerns about the project and stated that this is an area of single family homes and presented a petition of neighbors in opposition to the project.

Michael McCuen, abutter to the project, stated that he objects to this apartment building as it would dramatically change the neighborhood.

Eileen Pachan, abutter to the project, expressed concern about the project and problems with sewerage that it would create.

Mr. Abramoff stated that without a rendering it really hard to make a decision.

Mr. Haghanizadeh stated that he like to get a consensus of the Board.

Mr. Michajlow stated that he is not sure even with a rendering that he would change his mind.

Mr. Haghanizadeh stated that as an alternative they could do eight units and would not have to come before the Zoning Board and maybe they should meet with staff regarding that.

Mr. Michajlow stated that the Board could not comment on the alternative proposal.

Mr. Haghanizadeh requested to withdraw the application.

Upon a motion by Mr. Dillon and seconded by Mr. Michajlow the Board voted 5-0 to allow for Leave to Withdraw for the item.

### *List of Exhibits*

- Exhibit A: Special Permit Application; received March 13, 2017; prepared by Zac Couture of HS&T Group, on behalf of the property owner.
- Exhibit B: Special Permit Site Plan; dated March 14, 2017 and revised on May 18, 2017; prepared by HS&T Group, Inc.
- Exhibit C: Fire Department Comments; dated March 20, 2017.
- Exhibit D: Letter of Opposition from abutter Matthew Tozer; dated June 26, 2017.

## 2. 34 Marble Street (ZB-2017-029)

**Special Permit:** To modify the dimensional controls for a Residential Conversion in a RG-5 Zone (Article IV, Section 9)

**Petitioner:** Paul L. and Jacqueline D. Durkee

**Present Use:** Presently on the premises is a pre-existing non-conforming structure, used as a two-family dwelling, along with associated parking and site improvements.

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

**Petition Purpose:** The applicant seeks to add an additional dwelling unit and convert the structure into a three-family dwelling, along with related site work.

James Maloney appeared on behalf of the applicants, Paul and Jacqueline Durke. He stated that they would like to add an additional dwelling unit and convert the structure into a three-family dwelling. Mr. Maloney reviewed the scope of work and stated that there be no parking in the front yard set back.

Mr. Abramoff asked if the application would require a building permit. Mr. Kelly stated that if approved it will be required.

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. Michalow and seconded by Mr. Wanat the Board voted 5-0 to approve the Special permit with conditions outlined in staff members and requested waiver to show abutters to abutter on the plan.

### *List of Exhibits*

**Exhibit A:** Special Permit Application; received May 16, 2016; prepared by Paul Durkee.

**Exhibit B:** Plot Plan; dated May 12, 2017; prepared by New England Land Survey.

**Exhibit C:** Fire Comments; dated June 6, 2017.

## 3. 43 Charlotte Street (ZB-2017-030)

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

**Variance:** For of 8 feet relief from the side-yard setback dimensional requirement for a two-family dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief of 13.5 feet from the rear-yard setback dimensional requirement for a two-family dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Benjamin Fash

**Present Use:** Presently on the premises is a two-family dwelling and a non-conforming garage, along with associated site improvements.

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

**Petition Purpose:** The applicant seeks to construct an addition to the first floor of the existing dwelling, along with related site work.

Benjamin Fash appeared upon behalf of the application and stated that he would like to construct an addition to the first floor of the existing dwelling, and to convert the existing garage into living space. He stated that this is a small project wouldn't change the neighborhood and reviewed the scope of the work.

Mr. Antonellis asked Mr. Fash how many bedrooms will be in the first floor unit. Mr. Fash stated that there would be four.

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. Michajlow and seconded by Mr. Wanat the Board voted 5-0 to approve the Special Permit and the Variances with the conditions outlined in staff memo with an amendment to #4 that the bedrooms on the first floor unit not exceed four bedrooms and to approve the waiver not to label abutters to abutters on the plan.

#### **4. 220-250 Harding Street & 152-154 Green Street (ZB-2017-031)**

<b>Special Permit:</b>	To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
<b>Petitioner:</b>	Harding Green, LLC
<b>Present Use:</b>	Presently on the premises is an existing single-family detached dwelling with associated site improvements.
<b>Zone Designation:</b>	BG-4.0 (Business, General) zoning district and within the Commercial Corridors Overlay District – Canal District Sub Area (CCOD-C) and Downtown/Blackstone Canal Sign Overlay District
<b>Petition Purpose:</b>	The applicant seeks approval for the construction of a ~70,000 SF mixed-use structure and associated off-street parking, along with related site work.

Attorney Todd Brodeur, civil engineer Allen Fletcher and the development consultant appeared upon behalf of the application. Attorney Brodeur stated that the applicant would like approval for the construction of a ~70,000 SF mixed-use structure. He stated that the lot is currently a vacant lot and they propose a retail operation on the first floor and above will be residences on the upper floors. He stated that they will have a mix of 1, 2 bedroom market rate apartments and the retail use is proposed to be a diner and a public market which will sell locally grown products.

Ms. Tatasciore stated that the Special Permit relief pertains to the following: two loading spaces; parking spaces located 5-feet from the easterly property line abutting Harding Street; and, landscaped setback and required landscaping from parking spaces located at the northerly and easterly property lines.

Attorney Brodeur stated that there will be a 14 foot one-way traffic flow for safety of people going into the parking lot on Green Street.

Mr. Kelly asked for clarification regarding the direction of the one-way traffic flow. Attorney Brodeur stated that there will be no entrance from Green Street.

Dino Lorusso, owner of Crompton Collective, stated that he is in favor of the project.

Mr. Abramoff stated that project is substantial and relief is being requested is small and that this is a good project for the City.

Mr. Michajlow stated it looks like the rendering it would be great.

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. Michajlow and seconded by Mr. Wanat the Board voted 5-0 to approve the Special Permit for relief of the required loading spaces, parking layout setback and landscaped buffer/setback and requested waiver to not show abutters to abutters on the plan.

*List of Exhibits*

- Exhibit A: Special Permit Application; received May 16, 2017; prepared by Attorney Todd Brodeur.
- Exhibit B: Harding Green Mixed Use Development Plan; dated May 3, 2017; prepared by BSC Group.
- Exhibit C: Renderings with elevations and floorplans; dated May 17, 2017; prepared by Design Partnership Plus.
- Exhibit D: Stormwater Report; dated May 3, 2017; prepared by BSC Group.
- Exhibit E: Fire Department Comments; dated June 7, 2017.

**4. 124 (aka 118) Highland Street (ZBA-2017-032)**

- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming use/structure (Article XVI, Section 4)
- Variance:** For relief of 10 feet from the side-yard setback dimensional requirement in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief of 5.3 feet from the rear-yard setback dimensional requirement in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Sole Proprietor, Inc.
- Present Use:** Presently on the premises is an existing non-conforming structure, used as a food-service establishment, with associated off-street parking, and related site improvements
- Zone Designation:** BL-1.0 (Business, Limited) zoning district and within the Commercial Corridors Overlay District (CCOD-E)
- Petition Purpose:** The applicant seeks to construct an addition to the existing structure and conduct related site work.

Attorney Mark Donahue and Robb Ahlquist appeared upon behalf of the application. Attorney Donahue stated that the applicant seeks to construct an addition to the existing structure and reviewed the scope of the project. He stated that the purpose is to relocate the kitchen and the existing kitchen will be reconfigured into seating.

Mr. Wanat asked if the dumpster would stay where it is currently located. Attorney Donahue stated that it planned to stay in that location but it is screened.

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. Michajlow and seconded by Mr. Wanat the Board voted 5-0 to approve the Variances and the Special Permit with conditions outlined in staff's memo and requested waiver to not show abutters to abutters on the plan.

#### *List of Exhibits*

Exhibit A: Variance & Special Permit Application; received May 17, 2017; prepared by Attorney Mark Donahue.

Exhibit B: Site Plan; dated May 16, 2017; prepared by Thompson-Liston Associates, Inc.

Exhibit C: Fire Department Comments; dated June 14, 2017.

#### **Other Business**

##### **5. Communications**

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

#### **Adjournment**

Upon a motion the Board voted 5-0 to adjourn the meeting 6:40 p.m.