

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

November 26, 2018

WORCESTER CITY HALL, 455 MAIN STREET, ESTHER HOWLAND CHAMBERS

Zoning Board Members Present: Vadim Michajlow, Chair
Andrew Freilich
Jordan Berg Powers
Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member

Absent:

Staff Present:
Stephen Rolle, Division of Planning & 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 – 10/15/18

Requests for Continuances, Extensions, Postponements, and Withdrawals

1. 26 (aka 32) Cambridge Street (ZB-2018-071)

Variance: For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)
Petitioner: Ellen Coffie
Present Use: Presently on the premises is an existing commercial warehouse with associated site improvements.
Zone Designation: ML-2.0 (Manufacturing, Limited) & MG-2.0 (Manufacturing, General) zoning districts
Petition Purpose: The applicant seeks to convert a portion of the structure into a grocery store.
Public Hearing Deadline: 11/15/18
Constructive Grant Deadline – Variance: 12/20/18

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to postpone the Variance application to the December 17, 2018 Zoning Board of Appeals meeting and to extend the constructive grant deadline until January 30, 2019.

2. 65 Elliot Street (ZB-2018-072)

Variance: For relief from the minimum required front yard setback (Article IV, Section 7, Table 4.2)

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

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

Petitioner: Reisnardele Chaveiro

Present Use: Presently on the property is a three-family dwelling, along with associated site improvements.

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

Petition Purpose: The applicant seeks to convert a portion of the existing structure into a fourth dwelling unit and to conduct related site improvements.

Public Hearing Deadline: 11/15/18

Constructive Grant Deadline – Variance: 12/20/18

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to postpone the Variance application to the December 17, 2018 Zoning Board of Appeals meeting and to extend the constructive grant deadline until January 30, 2019.

3. 128 Elm Street (ZB-2018-076)

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

Petitioner: Jamila Aroush

Present Use: Presently on the premises is an existing three-family dwelling.

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

Petition Purpose: The applicant seeks to convert the existing structure into a 5-dwelling unit structure.

Public Hearing Deadline: 12/6/18;

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to postpone the Special Permit to the December 17, 2018 Zoning Board of Appeals meeting.

New Business

4. 105 Rodney Street (ZB-2018-078)

Variance: For relief from the minimum front yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Lexa Realty Group, LLC

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

Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: The applicant seeks to construct off-street parking and conduct related site work.
Public Hearing Deadline: 12/23/18; Constructive Grant Deadline: 1/27/19

Carl Hultgren from Quinn Engineering appeared upon behalf of the applicant, Lexa Realty Group, LLC. Currently located at 105 Rodney Street is a single-family residential structure and the applicant proposes the following:

- Construction of a retaining wall along the front of the property in order to provide for parking in the front yard setback.
- Parking in the front yard setback is prohibited within the Zoning Ordinance, so the applicant has applied for relief from the required front yard setback

Mr. Hultgren reviewed the retaining wall and how the slope on the site would be stabilized. In response to a question from Mr. Rolle, Mr. Hultgren confirmed that riprap would not be used to stabilize the slopes in the front yard. Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 5-0 to approve the requested waiver of the application requirement to label abutters and abutters thereto within 300 ft. on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 5-0 to accept the applicant's findings of fact as modified by staff and approve the Variance with conditions outlined in staff's memo.

List of Exhibits:

- Exhibit A: Variance Application; received October 19, 2018; prepared by the applicant.
Exhibit B: Variance Plan of Land; dated September 10, 2018; prepared by Quinn Engineering.

5. 505 Mill Street (ZB-2018-079)

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: Center Hill Apartments, LLC
Present Use: Presently on the property are two multi-family structures (total of 82 dwelling units), along with associated surface parking and site improvements.
Zone Designation: RS-7 (Residence, Single-Family) zoning district

Petition Purpose: The applicant seeks to re-configure the existing parking layout, reducing the number of available spaces, and to conduct related site work.

Public Hearing Deadline: 12/26/18; Constructive Grant Deadline: 1/30/19

Norman Hill along with Carl Foley appeared upon behalf of the applicant, Center Hill Apartments, LLC. Mr. Hill stated that the applicant seeks to re-configure the existing parking layout, reducing the number of available spaces which will result in in shortage of 14 required spaces (8.5%).

Staff had the following questions regarding the application:

- There appears to be ample space to provide additional parking on the site and asked the applicant why the reduction in parking is necessary. Mr. Hill stated that the retaining wall is failing which requires the need for more parking.
- The Planning Board approval included 149 Parking Spaces. However the cover letter for this application indicated 150 parking spaces provided. Staff asked Mr. Hill to clarify the amount of parking provided. Mr. Hill stated that there will be 150 parking spaces.

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

Upon a motion by Mr. Haddon and seconded by Mr. Freilich the Board voted 5-0 to approve the requested waiver of the application requirement to label abutters and abutters thereto within 300 ft. on the plan.

Upon a motion by Mr. Haddon and seconded by Mr. Freilich the Board voted 5-0 to accept the applicant's findings of fact as modified by staff and approve the Special Permit with conditions outlined in staff's memo.

List of Exhibits:

Exhibit A: Special Permit Application; received October 22, 2018; prepared by the applicant.

Exhibit B: Special Permit Plan of Land; prepared by Land Planning, Inc.; dated August 9 2018.

6. 42 Duxbury Road (ZB-2018-080)

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

Petitioner: Hue H. Nguyen

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

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

Petition Purpose: The applicant seeks to convert the existing structure into a two-family dwelling and conduct related site work.

Public Hearing Deadline: 12/27/18;

Attorney Donald O’Neil appeared upon behalf of the applicant, Hue H. Nugyen.

The applicant seeks to convert the existing single-family dwelling, located at 42 Duxbury Road, by adding a second dwelling unit on the second floor of the residence. The applicant has proposed 2 conforming parking spaces to the rear of the property outside of the exterior side yard setback.

Mr. Antonellis asked if any exterior alterations were being done on the structure. Mr. O’Neil stated that no exterior changes are planned.

Mr. Kelly noted that a building permit would be needed to change the use.

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

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board approved the requested waiver from labeling abutters and abutters thereto within 300 feet of the property.

Upon a motion by Mr. Haddon and seconded by Mr. Freilich the Board voted 5-0 to accept the applicant’s findings of fact as modified by staff and approve the Special Permit with conditions outlined in staff’s memo.

List of Exhibits:

Exhibit A: Variance Application; received October 28 2018; prepared by the applicant.

Exhibit B: Variance Plan; dated October 9, 2018; preparer by B&R Survey, Inc.

7. 3 Newton Avenue (ZB-2018-081)

3 (aka Lot 1) Newton Avenue (Existing):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Lot 2 Newton Avenue (Proposed):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Guri Dura and Marjeta Skenderi

Present Use: Presently on the premises at 3 Newton Avenue (aka Lot 1) is an existing two-family dwelling and on proposed Lot 2 Newton Avenue is a detached garage.

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

Petition Purpose: The applicant seeks to convert the existing garage on Lot 2 into a single-family dwelling and to conduct related site work.

Public Hearing Deadline: 12/27/18; Constructive Grant Deadline: 1/31/19

Attorney Donald O'Neil appeared upon behalf of the applicant, Guri Dura and Marjeta Skenderi. The applicant seeks to convert the existing garage on Lot 2 into a single-family dwelling. Mr. O'Neil presented some renderings of the proposed home.

The scope of the project is as follows:

- The applicant seeks to divide the existing lot into two separate lots, one of which will include the carriage house, and the other will include the existing residence. The carriage house will be converted to a single-family residence.
- The applicant has proposed that all parking will be accessed by a single driveway located on Lot 2, and will provided an easement to allow for access to the parking.
- The applicant depicts six parking spaces, meeting the requirements for the minimum number of off-street parking spaces. However, the two spaces closest to the rear of Lot 1 will be difficult to access due to proximity to the Carriage House (e.g. – insufficient aisle space).

Mr. Michajlow stating that splitting the lots seems to create the need for all Variances.

Mr. Freilich asked if current building permits had been pulled for work being done. Ms. Skenderi stated that she did have permits. Mr. Kelly stated that he was not aware of any permits for the work.

Mr. Freilich stated that it seems like they are trying to put as much as possible on the property.

Mr. Kelly stated that there seems that a lot of work has been done on the existing building and the carriage house and asked if the building permit pulled was to create an additional unit. Ms. Skenderi stated no. Mr. Kelly asked what the building permit for carriage house pulled for. Ms. Skenderi stated siding, door and back wall. Mr. Kelly stated that no approval has been issued for any additional dwelling unit.

Mr. Horne stated that the Inspectional Services Department to go view the property and see what the building permit was pulled for and what work is being done.

Mr. Freilich stated that he would like to see the application continue as there a lot of questions that need to be answered.

Elizabeth Gamache (sp)-Asked if the property has been surveyed and stated that her biggest concern is the access of the door on the second floor of the barn.

Jim Eber, also expressed concern about the access door. Presented an exhibit. He stated that entrance and exits need to be considered before the property is built as the site is so tight and the door is going to open onto someone else's property Exhibit

Mr. Rolle stated that if the owner of the property was to go forward with this plan the property owner is going to have to consider the placement of the doors.

Another concerned abutter stated that he would like to see the carriage house preserved.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad the Board voted 5-0 to continue the Variance requests to the December 17, 2018 Zoning Board of Appeals meeting.

List of Exhibits:

- Exhibit A: Variance Application; received October 24, 2018; prepared by Attorney Donald J. O'Neil.
- Exhibit B: Variance Plan; dated October 22, 2018; prepared by Robert O'Neil.
- Exhibit C: Photos submitted by the applicant to the board.
- Exhibit D: Photos submitted by Mr. Jim Eber to the board.

8. Bay Edge (ZB-2018-077)

- Variance:** For relief from the minimum setback dimensional requirement for an accessory structure (Article IV, Section 8)
- Petitioner:** Roger Karr
- Present Use:** Presently on the property is a single-family dwelling, along with associated site improvements.
- Zone Designation:** RS-7 (Residence, Single-Family) zoning district
- Petition Purpose:** The applicant seeks to construct a detached garage and conduct related site work.

Public Hearing Deadline: 12/22/18; Constructive Grant Deadline: 1/26/19

Roger Karr appeared upon behalf of the application. Mr. Karr stated that he like to construct a garage within 5 feet to the property. Mr. Karr stated that the garage is to store some vintage cars that he owns on the property.

Mr. Karr stated that with regard to access garage he may put some field stone track in where cars would come in and out and the structure is all on his property.

Mr. Rolle reminded the applicant to make sure that he does not impede onto any neighboring properties.

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

Upon a motion by Mr. Haddon and seconded by Mr. Karlstad the Board voted 5-0 to accept the applicant's findings of fact as modified by staff and approve the Variance with conditions outlined in staff's memo, and the applicant's requested waiver of the application requirement to label abutters and abutters thereto within 300 ft. on the plan

List of Exhibits:

Exhibit A: Variance Application; received October 18, 2018; prepared by Roger Karr.

Exhibit B: Variance Plan of Land; dated September 10, 2007; prepared by Robert O'Neil

Other Business

9. Communications

- a. DCR – Issuance of Chapter 91 Waterways License - No comment.

10. Signing of Decisions from prior meetings

Adjournment

Upon a motion the Commission voted 5-0 to adjourn the meeting at 7:39 p.m.