

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

February 4, 2019

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS

Zoning Board Members Present:

Joseph Wanat, Chair
Andrew Freilich, Vice-Chair
Jordan Berg Powers (*arrived 5 minutes late*)
George Cortes
Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member

Absent:

None

Staff Present:

Stephen R. Rolle, Division of Planning & Regulatory Services
Michelle M. Smith, Division of Planning & Regulatory Services
David Horne, Department of Inspectional Services

Board Site Views

Call to Order – 5:30 pm

Approval of the Minutes – none

Requests for Continuances, Extensions, Postponements, and Withdrawals

Old Business

1. 51 & 53 Windsor Street (MBL 09-011-00034 & -00041) (ZB-2018-082)

Variance: For relief from the minimum lot area 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)

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)

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: Kensington Management, LLC

Present Use: At 53 Windsor Street is a vacant lot and at 51 Windsor Avenue is a three-family dwelling.

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

Petition Purpose: The applicant seeks to construct a new multi-family dwelling (with a total of 8 units) with associated parking, to add an additional unit (for a total of 4 units) to the existing three-family structure, and to conduct related site work.

Public Hearing Deadline: 2/4/2019

Constructive Grant Deadline – Variance: 2/26/2019

Zac Couture, from H.S.T. Group, Inc., along with Nathan Gaval, appeared upon behalf of the applicant, Kensington Management, LLC, and reviewed the project.

Mr. Couture stated that they have redesigned the parking lot to address the concerns the Board had at the last meeting reviewed the changes including a turnaround area in the parking area, which now provides 16 spaces, and the addition of a recreation area to the proposal.

Mr. Couture stated that to address staff comments a note was added to the plan that all snow would be removed off site, the paved area in front of existing area where the stairs are will be removed and landscaped. He stated with regard to the trash removal that instead of a dumpster they will do the roll away system where barrels are placed in front of the building and emptied twice a week by a private company.

Mr. Couture stated that shape of the lot provides the necessary amount of frontage to provide this many units but due to the shape they are short on the area requirement and looking for a variance.

Mr. Wanat asked if there would be landscape screening. Mr. Couture reviewed the landscaping and noted that a six foot fence and some trees would be placed around the property.

Mr. Cortes expressed concern that spaces 12 and 14 might be difficult to back out of and could be a safety issue. Mr. Couture stated that these spaces are a little larger noted the turnaround is provided. Mr. Rolle suggested that the landlord communicate with the tenants about proper use of the turnaround.

Mr. Freilich stated that that what is being requested seems to be too much relief for the site and expressed dislike for how the house is oriented on the lot.

Mr. Rolle passed out the original rendering proposed and stated that rendering did not reflect the revisions made. Mr. Couture stated that the style of the building would not change but the overall length and width would change.

Kathryn Arsnal, of Worcester, expressed concerns regarding grading and parking, noting that last week it snowed and when then happened there was not one parking space available on that street.

Mr. Couture noted that while the grading slopes off in the back they will use the foundation as a retaining wall and the grades would not be an issue.

Mr. Gaval stated that that have plenty of parking spots on other properties as many tenants do not have cars. He indicated that snow will be removed offsite.

Ms. Arnsal expressed concerns with the number of vehicles coming in and out of the property. She expressed concern about on street parking spaces being eliminated by the project.

Mr. Couture stated that there are two existing curb cuts and that one is very large and would be reduced in width as part of the project - potentially providing more on-street parking.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to close the public hearing. Mr. Karlstad was unable to vote on the item due to the Mullin Rule.

Upon a motion by Mr. Haddon and seconded by Mr. Cortes the Board voted 4-1 (Mr. Freilich voting against) to approve the Variance applications and Special Permit applications with conditions outlined in staff's memo, accepting the petitioner's Findings of Facts as modified by staff. The Board also voted 5-0 to approve the requested waiver of the requirement to label abutters to abutters within 300 feet on the plan.

List of Exhibits

Exhibit A: Special Permit & Variance Application; received October 23, 2018, revised January 29, 2019; prepared by Zac Couture, HS&T Associates, on behalf of Kensington Management LLC.

New Business

2. 188 Highland Street (aka 1 Einhorn Road) (MBL 11-002-00027) (ZB-2018-087)

Variance: For relief from the minimum exterior side-yard setback 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)

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

Special Permit: To allow an Professional Office Use in an RG-5 Zoning District (Article IV, Section 2, Table 4.1, Business Use #19)

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

Petitioner: Mohammad Djamshidi

Present Use: An existing non-conforming mixed use structure, formerly used as a lodging-house and office, with associated site improvements.

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

Petition Purpose: The applicant seeks to convert the structure into a mixed-use structure (with a total of 4 dwelling units and continued office use) and conduct related site work.

Public Hearing Deadline: 2/4/2019; **Constructive Grant Deadline – Variance:** 2/26/2019

Frederick Rushton along with Mohammad Djamishidi appeared upon behalf of the application. Mr. Rushton reviewed the application which entails the conversion of the structure into a mixed-use structure (with a total of 4 dwelling units) and continued office use.

Mr. Rushton stated that Mr. Djamishidi would like to withdraw the two Variance requests and proceed solely with the Special Permit requests.

Mr. Rushton gave a brief history of the property and stated that he received a copy of Attorney Jonathan Finkelstein's letter, on behalf of the direct abutter on Einhorn Road, which requested four conditions:

1. Restore the green area that was rendered impervious. Mr. Rushton stated his client his willing to do that.
2. Restore granite curbing along Einhorn where it was removed. Mr. Rushton stated that it was never removed by his client, but that they will gladly keep the curbing in place.
3. Restore grass in the city's tree-belt, if disturbed. Mr. Rushton stated that a tree was removed when a fire occurred but that they will restore grass area if it is still there.
4. Remove intrusive exterior lighting from the north side of the structure which faces 3 Einhorn. Mr. Rushton stated that is a sensor light and would be removed.

Mr. Rushton stated that the present structure has 18 beds and with this proposal it will be reduced to 10 and there are seven parking spaces.

Mr. Rolle reviewed the history on the proposed mechanisms for the relief and the conditions that staff was proposed for the site.

Mr. Wanat confirmed that the previously proposed new parking spaces that would require a car to back out to Einhorn Street were no longer part the project. Mr. Rushton affirmed.

Mr. Freilich asked if the lodging house would lose its privileged status with the change of use. Mr. Rolle affirmed.

Lawrence Quinn, of Einhorn Street in Worcester, reviewed the letter provided by his Attorney Jonathan Finkelstein expressing his concerns.

Mr. Freilich asked if Mr. Quinn was opposed to the project. Mr. Quinn stated yes.

Mr. Freilich stated that he felt that the proposed use would be far less intensive than what was there and that the project would be less strenuous on the neighborhood.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 5-0 to close the Public Hearing. Mr. Wanat chose Mr. Karlstad as the alternate who would vote on the item.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 5-0 to approve the Special Permit applications with conditions outlined in staff's memo including a condition requiring removal of the intrusive exterior lighting from the north side of the building that faces 3 Einhorn, accepting the petitioner's Findings of Facts as modified by staff. The Board voted 5-0 to approve the requested waiver of the requirement to label abutters to abutters within 300 feet on the plan.

Upon a motion by Mr. Freilich and second by Mr. Berg Powers the Board voted 5-0 to approve the Leave to Withdraw for the two Variances requested.

List of Exhibits

- Exhibit A: Special Permit & Variance Application Materials; received 11/14/18; revised 1/23/19 & 2/1/19; prepared by Mohammad Djamshidi.
- Exhibit B: Letter regarding 188 Highland/1 Einhorn Special Permit/Variance; from Jonathan Finkelstein, Esq. on behalf of Darlene Patenaude and Lawrence Quinn, of 3 Einhorn Street; received 1/14/2019 & Revised 2/4/2019.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers the Board voted 5-0 to take a five minute recess. The hearing was called back to order by Mr. Wanat.

3. 249, 261 & 265 Lake Avenue (MBL 17-029-00010, 17-030-0002A & -00002) (ZB-2019-002)

Proposed Lot 1

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

Proposed Lot 2

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

Petitioner: Cherele Gentile, Trustee of Manor Real Estate Trust

Present Use: At 249 Lake Avenue is a former restaurant with associated surface parking; At 261 Lake Avenue is a single-family dwelling; and at 265 Lake Avenue is a single-family dwelling with associated surface parking and out-buildings.

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

Petition Purpose: The applicant seeks to demolish the existing structures and site improvements and construct four single-family detached dwellings and conduct related site work.

Public Hearing Deadline: 2/4/2019; Constructive Grant Deadline – Variance: 2/26/2019

Zac Couture from H.S.T. Group appeared on behalf of the applicant, Cherele Gentile. Mr. Couture reviewed the proposal including the demolition of the existing structures and site improvements and construction of four single-family detached dwellings. He reviewed the property’s history for various previous applications and stated that given the surrounding neighborhood they feel this proposal is aligned with the neighborhood.

Ms. Smith reviewed the staff memo and noted that by-right the zoning ordinance allows six (6) dwelling units in either a two-family or single-family semi-detached configuration on the same lot.

Paul Towler, of Worcester, expressed concerns that four lots would be over saturation for the area and that they would like to see only three lots. He also expressed concerns regarding stormwater runoff and stated that he would like to see another catch basin put on Lake Avenue near the lots.

Mr. Couture stated that the project will result in an overall reduction of imperious area and vastly improve the drainage as 13,000 feet of pavement will be replaced with grass. He stated that infiltration on the proposed roof runoff was proposed to help manage runoff.

Michael McCuen, of Worcester, expressed concerns of over-saturation and requested information about the type of single family structure that was proposed.

Mr. Couture stated that the houses that footprints as proposed are a mirror image of the owner's own home which abuts the property.

Frank DeNoie, of Worcester, stated that the owner has a million dollar home and indicated that she has only enough land to build three nice houses.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to close the Public Hearing. Mr. Wanat chose Mr. Haddon as the alternate who would vote on this item.

Upon a motion by Mr. Haddon and seconded by Mr. Freilich the Board voted 5-0 to approve the Variance requested with the conditions outlined in staff's memo accepting the petitioner's Findings of Facts as modified by staff with the added condition that the variance shall apply for relief of the requirement for single family homes. The Board also voted 5-0 to approve the requested waiver of the requirement to label abutters to abutters within 300 feet on the plan.

List of Exhibits

Exhibit A: Variance Application Materials; received October 23, 2018; prepared by Zac Couture, HS&T Group Inc., on behalf of Cherele Gentile.

Exhibit B: Plan for Variance; dated 12/11/18; prepared by HS&T Group Inc.

New Business

4. 31 (fka 39) Caroline Street (MBL 18-009-0005C) (ZB-2019-005)

Special Permit: To increase the percentage of compact parking spaces (Article IV, Section 7, Notes to 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)

Petitioner: 31 Caroline Street, LLC

Present Use: Three multi-family structures and associated parking.

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

Petition Purpose: To re-configure the parking layout and eliminate parking spaces.

Public Hearing Deadline: 2/17/2019; Constructive Grant Deadline - TBD

Carl Hultgren, from Quinn Engineering, along with Carol Foley, from 31 Caroline Street, LLC, appeared upon behalf of the application. Mr. Hultgren reviewed the project noting that the project has been largely constructed, except for completion of minor site work and that the owner now seeks to reduce the number of parking spaces and increase the share of compact spaces.

Mr. Rolle reviewed the project history including recent vote by the Planning Board and noted that the majority of the project has been completed and that staff did not think the requested relief was excessive.

Mr. Hultgren stated that they will have 30 units with 54 parking spaces. Mr. Cortes expressed concern that should be some spaces from visitor parking and about providing accessible spaces.

Mr. Wanat confirmed that the parking area was open, so people could park at first available space.

Mr. Hultgren stated that the parking being providing is more than their tenants need with the one bedroom units and that they have four accessible parking spaces exceeding ADA compliance.

Upon a motion by Mr. Jordan Berg Powers and seconded by Mr. Haddon the Board voted 5-0 to close the Public Hearing. Mr. Wanat chose Mr. Karlstad as the alternate would vote on the item.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to approve the Special Permit applications with the conditions outlined in the staff memo accepting the petitioner's Findings of Fact as modified by staff.

List of Exhibits

Exhibit A: Special Permit Application Materials; received 12/19/2018; prepared by Quinn Engineering.

5. 466 Burncoat Street (MBL 23-017-00004) (ZB-2019-006)

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

Petitioner: Charles Camosse

Present Use: A single-family detached dwelling with associated parking.

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

Petition Purpose: To demolish a portion of the existing structure, construct an addition to the existing structure, and conduct related site work.

Public Hearing Deadline: 3/8/2019; **Constructive Grant Deadline - TBD**

Kevin Keller appeared upon behalf of the applicant, Charles Camosse.

The applicant seeks to demolish a portion of the existing structure and construct an addition.

Mr. Keller stated that the current porch is in rough shape and needs to be replaced. Mr. Keller stated that the addition is not going any closer to the street than it is now.

Upon a motion by Mr. Berg Powers and seconded by Mr. Freilich the Board voted 5-0 to close the Public Hearing. Mr. Charpentier chose Mr. Haddon as the alternate who would vote on the item.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers the Board voted 5-0 to approve the Special Permit with the conditions outlined in the staff memo accepting the petitioner's Findings of Fact as modified by staff. The Board vote 5-0 to approve the requested waiver of the requirement to label abutters to abutters within 300 feet on the plan.

List of Exhibits

Exhibit A: Special Permit Application Materials; received 1/2/19; prepared by Kevin Kieler.

Other Business

6. Communications - None

7. Conflict of Interest Training

Staff reminded Board members that they need to complete the Conflict of Interest Training.

8. Signing of Decisions from prior meetings

Adjournment

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad the Board voted 5-0 to adjourn the meeting at 7:41 p.m.