

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

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS

January 13, 2020

Zoning Board Members Present: Joseph Wanat, Chair
Andrew Freilich, Vice Chair
Jordan Berg Powers
George Cortes
Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member

Zoning Board Members Absent:

Staff Present: Michelle Smith, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services
David Horne, Department of Inspectional Services

Call to Order – 5:30 PM

Approval of Minutes – 11/18/19 & 12/9/2019 (Approved)

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the minutes of 11/18/2019 & 12/9/2019.

Approval of Minutes – 1/14/19; 2/25/19; 3/18/19; 4/8/19; 4/29/19; 5/20/19; 6/10/19; 7/1/19; 7/22/19; 8/12/19; 9/9/19; 10/7/19; 10/28/19 – Held to February 3, 2020

Requests for Continuances, Extensions, Postponements & Withdrawals

Leave to Withdraw

Item #1 **33 Dominion Road (MBL 46-006-00180) (ZB-2019-017)**
Special Permit: To allow a multi-family low-rise structure in an RL-7 zone (Article IV, Section 2, Table 4.1, Residential Use #11)
Petitioner: Silver Tree Realty, LLC
Present Use: A vacant lot.
Zone Designation: RL-7 (Residence, Limited) zoning district
Petition Purpose: The applicant seeks to construct a multi-family low-rise dwelling with 7 dwelling units and associated parking.
Hearing Opened: 4/29/2019 Constructive Grant Deadline: TBD

Upon a motion by Mr. Cortes and seconded by Mr. Haddon, the Board voted 5-0 to authorize the petitioner's request for leave to withdraw without prejudice for the aforementioned relief.

Item #4 **20 Alvarado Avenue (MBL 17-014-43+45) (ZB-2019-062)**
Amendment to:
 Special Permit: To allow a single-family attached dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)
 Petitioner: Federal Square Properties, Inc.
 Present Use: Presently located on the premises is a single-family attached dwelling (with a total of 4 dwelling units) under construction.
 Zone Designation: RL-7 (Residence, Limited) zoning district
 Petition Purpose: The applicant seeks to amend the previous approval (ZB-2018-018) in order to modify the site plans and architectural plans for the proposed structure.
 Hearing Opened: 11/18/2019 Constructive Grant Deadline: TBD

A discussion was held between the Board, staff and various neighbors as to what would happen if the Board did not vote for Leave to Withdraw for this application.

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to authorize the petitioner’s request for leave to withdraw without prejudice for the aforementioned relief.

Continuations

Item #3 **34 Wrentham Road (MBL 25-054-00014) (ZB-2019-051)**
 Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
 Petitioner: James Spahiu
 Present Use: Presently on the premises is a single-family detached dwelling with associated site improvements.
 Zone Designation: RS-10 (Residence, Single Family) zoning district
 Petition Purpose: The applicant seeks to construct an addition and to conduct associated site work.
 Hearing Opened: 10/28/2019 Constructive Grant Deadline: 2/4/2020

Upon a motion made by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to continue the Variance application to the February 3, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 25, 2020.

Postponements

Item #9 **1 Nuttall Lane, 112, 114, 116, 120, 120 ½ Houghton Street (MBL 35-006-00094, -00085, -00086, 35-007-87-92, 35-007-00019) (ZB-2019-067)**
 Special Permit: To allow a Nursing Home (General Use # 12, Table 4.1) in a RG-5 (Residence, General) zoning district.
 Petitioner: Houghton Street Holdings, LLC
 Present Use: Presently on the premises at 112, 114, 120 and 120 ½ Houghton Street are single-family detached dwellings and at 116 Houghton Street is an existing nursing home with associated site improvements, and at 1 Nuttall Lane is an existing three-family dwelling.
 Zone Designation: RG-5 (Residence, General) zoning district
 Petition Purpose: The applicant seeks to demolish most of the existing site improvements (including the residential dwellings, nursing home and related parking) and construct a new 87-

bed nursing home (+/- 17,350 SF) with 38 parking spaces, and conduct associated site work.

Public Hearing Deadline: 1/13/2020

Constructive Grant Deadline: TBD

Upon a motion made by Mr. Cortes and seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the Special Permit application to the February 3, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 25, 2020.

Item #12

101 & 105 Piedmont Street (MBL 06-007-00050 & -00040) (ZB-2020-003)

Administrative Appeal: Of a cease and desist order issued by the Commissioner of Inspectional Services which found the use of the property located at 101 Piedmont Street to be in violation of the Zoning Ordinance (Article IV, Section 2, Table 4.1, General Use #13 – Open lot storage of more than one (1) unregistered automobile in excess of seven (7) days and Business Use #16 – Motor vehicle service, repair, garage display).

Petitioner: Arthur Mooradian

Present Use: Presently on the premises at 105 Piedmont Street is an autobody and motor vehicle service/repair shop with associated parking and at 101 Piedmont Street is a vacant lot.

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

Petition Purpose: The applicant seeks to appeal the Commissioner's order to cease and desist which asserted that the motor vehicle service, repair, and display use has been unlawfully extended to and that unregistered automobile storage is occurring at 101 Piedmont Street - each in violation of the Zoning Ordinance which prohibits such uses in an RG-5 Zone.

Public Hearing Deadline: 2/6/2020

Constructive Grant Deadline: 3/12/2020

Upon a motion made by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to postpone the Administrative Appeal application to the February 3, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 25, 2020.

Old Business

Item #2

3 Newton Avenue (MBL 11-013-00004) (ZB-2019-021)

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: At 3 Newton Avenue (aka Lot 1) is a two-family dwelling & on proposed Lot 2 is a detached garage.
Zone Designation: RL-7 (Residence, Limited) zoning district
Petition Purpose: To convert the garage into a single-family dwelling.
Hearing Opened: 6/10/19 & 10/7/19 Constructive Grant Deadline: 2/4/2020

Attorney Donald O'Neil appeared on behalf of the applicant, Guri Dura and Marjeta Skenderi.

The applicant seeks to convert the existing garage on proposed Lot 2 in to a single-family dwelling and to conduct related site work.

Mr. O'Neil stated that the item had been continued to make revisions to the plans.

Mr. Wanat stated that he revised plans allowed for more maneuverability for the parking area than previous versions had.

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon, the Board vote 5-0 to close the public hearing.

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Variance application for the following relief for 3 (aka Lot 1) Newton Avenue: relief of 32.5 feet from the 70 foot minimum frontage dimensional requirement; 3,135 SF from the 8,000 SF minimum lot area dimensional requirement; 3.2 feet from the 8 foot minimum side-yard setback dimensional requirement; and for Lot 2 Newton Avenue: 27.5 feet from the 65 foot minimum frontage dimensional requirement; 2,090 SF from the 7,000 SF minimum lot area dimensional requirement; 6.7 feet from the 8 foot minimum side-yard setback dimensional requirement; and 15 feet from the 20 foot minimum rear-yard setback dimensional requirement. Approved with requested waivers; approved with Conditions of Approval from staff memo (off-street parking limited to areas indicated on approved plan; Lot 1 limited to two dwelling units, Lot 2 limited to one dwelling unit; submission of revised plans prior to issuance of Building Permit; two lots must be held in common ownership and Variances will lapse if lots are sold; project shall be built in substantial accordance with the plans submitted).

List of Exhibits

Exhibit A: Variance Application; received March 26, 2019; prepared by Attorney Donald J. O'Neil.
Exhibit B: Plan for Variance; dated October 22, 2018; revised September 5, 2019, prepared by B&R Survey.
Exhibit C: Rendering for 3 Newton Avenue Exterior Renovations; dated May 14, 2019; prepared by Joe Graham.
Exhibit D: Revised Floor Plans for 3 Newton Avenue; undated; received October 24, 2019.

New Business

Item #5 **539 Cambridge Street (MBL 07-042-00026) (ZB-2019-048)**
Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)
Petitioner: Efran Candelaria
Present Use: Presently on the premises is a pre-existing non-conforming two-family detached dwelling.
Zone Designation: RG-5 (Residence, General) zoning district and partially within the Floodplain Overlay District
Petition Purpose: The applicant seeks to convert the existing two-family detached dwelling into a three-family detached dwelling and to construct associated parking.
Public Hearing Deadline: 1/13/2020 Constructive Grant Deadline: TBD

Zac Couture from H.S. & T. Group appeared on behalf of the applicant, Efran Candelaria.

Mr. Couture gave an overview of the proposed plan. The applicant seeks to convert the existing two-family detached dwelling into a three-family detached dwelling, and to construct associated parking.

related site work.

Public Hearing Deadline: 1/13/2020

Constructive Grant Deadline: 2/13/20

Kevin Quinn from Quinn Engineering appeared on behalf of the applicants, Michael Lapomardo Jr., & Mark A. Lapomardo. The applicants seek to construct a single-family detached dwelling and conduct related site work. Mr. Quinn provided an overview of the project.

Jody and Michael Gaucher stated that the project will directly impact them because they will lose privacy. They also stated there has been damage to their fence.

The Board asked the applicant if the driveway could be shifted. Mr. Quinn stated that they could do that and also install a fence.

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

Mr. Wanat designated Mr. Karlstad as the alternate member to vote on the application.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Variance application for relief of 6.47 feet from the 50 foot minimum frontage dimensional requirement; approved requested waivers; approved with Conditions of Approval from staff memo (submission of revised plans prior to issuance of Building Permit; recharge 100% of roof run-off; property shall be limited to one curb-cut; both sides of driveway shall remain landscaped and not rendered impervious; project shall be built in substantial accordance with plans submitted).

List of Exhibits

Exhibit A: Variance Application; received 11/5/19; prepared by Kevin J. Quinn, P.E.

Exhibit B: Proposed Variance Plan; dated 11/4/19; received 11/5/19; prepared by Kevin J. Quinn, P.E.

Item #11 **51, 53 & 55 Windsor Street (MBL 09-011-00034, -00041, -00004) (ZB-2019-069)**

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

Variance: For relief from the minimum front-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)

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: Presently on the premises at 53 Windsor Street is a vacant lot, at 51 Windsor Avenue is a three-family dwelling, and at 55 Windsor Avenue is a three-family dwelling.

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

Petition Purpose: The applicant seeks to add an additional unit to each existing structure (for a total of 4 units each), to construct a new multi-family dwelling (with a total of 12 units) with an associated parking area, and to conduct related site work.

Public Hearing Deadline: 1/9/20 Constructive Grant Deadline: 2/13/20

Zac Couture from H.S. & T. appeared on behalf of the applicant, Kensington Management, LLC. The applicant seeks to add an additional dwelling unit to each existing three-family structure (for a total of 4 units each), to construct a new multi-family dwelling (with a total of 12 units) with an associated parking area, and conduct associated site work.

Upon a motion by Mr. Berg Powers and seconded by Mr. Freilich, the Board voted 5-0 to request that staff advertise a public hearing regarding a proposed amendment to the ZBA Rules & Regulations.

16. Signing of Decisions (from prior meetings)

Adjournment

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to adjourn the meeting at 9:37 PM.