



**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
August 22, 2022**

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
<https://cow.webex.com/meet/planningboardwebex> and
call-in number 415-655-0001 (Access Code: 160 884 7670).

- Zoning Board Members Present: Russell Karlstad, Chair
George Cortes
Anthony Dell'Aera – *Participated Remotely*
Eric Torkornoo - *Participated Remotely*
Shannon Campaniello
Jordan Berg Powers, Vice Chair - *Participated Remotely*
- Zoning Board Members Absent: Nathan Sabo
- Staff Participating: Michelle Smith, Division of Planning & Regulatory Services
Rose Russell, Division of Planning & Regulatory Services
John Kelly, Building Commissioner

Call to Order –

Chair Karlstad called the meeting to order at 5:30 PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- Item 1: 18-24 Oxford Street (ZB-2022-030) Special Permit**
Request to Postpone the Public Meeting to September 12, 2022
Extend the Constructive Grant Deadline to October 4, 2022
- Item 2: 69 West Street (ZB-2022-044) Special Permit & Variance**
Request to Postpone the Public Meeting to September 12, 2022
Extend the Constructive Grant Deadline to October 4, 2022
- Item 4: 192 Norfolk Street (ZB-2022-052) Variance**
Request to Postpone the Public Meeting to September 12, 2022
Extend the Constructive Grant Deadline to October 4, 2022

On a motion by Mr. Cortes, seconded by Mr. Dell'Aera, the Board voted 4-0 to postpone.

New Business

- 3. 681 Millbury Street (MBL 10-013-00023) (ZB-2022-040)**
Special Permit: To allow a service shop, personal services use in a RG-5 zone (Article XVI, Section 2, Table 4.1, Business Use #27)

- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)
- Variance:** For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)
- Petitioner:** Desharn Minton, Erin Amoako-Atta, and Emilia Ibanez
- Present Use:** Presently on the premises is a privileged, non-conforming single-family detached dwelling with a single story addition.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to open a barber shop in the attached addition.

Donald O’Neil, the attorney on behalf of the applicant described the application before the Board. Mr. O’Neil described the parking layout and the staff suggestions to maintain the existing parking layout rather than add an accessible space due to the limited maneuverability. Mr. O’Neil described the barbershop would operate based on appointments and the applicant believed many of the parking spaces at the nearby businesses are chronically under parked based on experience. He described the quick turnover of customers; available parking in the neighborhood; and renovations proposed to the structure.

Ms. Smith described the City comments to the Board and the request the applicant withdraw the special permit and apply for a variance of the full three required spaces for the business as dictated by the Zoning Ordinance. Ms. Smith asked how the applicant aims to deal with trash; Mr. O’Neil stated it has not been decided.

Board Discussion

Mr. Karlstad stated he was happy to see an accessible entrance to the business.

Public Comment

Pastor Cales, 669 Millbury Street, stated that customers of the restaurant directly across the street continually block access to Burton Court and neighboring streets. He stated his concern for additional business in this area and how that would affect the parking situation.

Mr. Karlstad asked for the proposed hours; Mr. Minton described. Mr. O’Neil described that most customers will be repeat customers and the applicant will inform them where to park.

Jenny and Wayne McDonnell, 657 Millbury Street, joined by a neighbor, stated their concerns about the parking situation. She stated that the restaurant’s patrons constantly block access, and combined with the high speed people drive on Millbury Street create a dangerous situation. The neighbor asked where on Millbury Street are the patrons going to park since there is a bus stop, and parking is not allowed in this area of Millbury Street.

Nydia Febo stated her concern about the amount of people who drive down Burton Court, a dead-end, private street, issues with cars constantly blocking the street and using her driveway. Ms. Febo stated she has dealt with emergency services, and has fears about emergency trucks/ambulances not being able to reach her home or neighbors’ residences in an emergency.

Mr. Karlstad urged the neighbors to call police or traffic enforcement when they are dealing with traffic issues. He suggested conditioning approval to require patrons of this business to park only on Millbury Street.

Jenny, 657 Millbury Street, asked how many parking spaces would be required by City Zoning; Mr. Karlstad explained. She stated numerous no-parking signs are already posted and they have repeatedly contacted the restaurant and tried to improve the parking situation.

Mary asked how inconvenient it would be for the residents who live there currently with the added blocked access.

Jenny, 657 Millbury Street, asked if there would be any added parking and described frustration with the restaurant and what she has experienced.

Ms. Smith acknowledged the concerns from the neighbors and stated potential conditions of approval to help mitigate the parking issue.

Mr. Minton stated they would try their best to help mitigate the existing parking concerns, and would be available to neighbors if they have issues.

Wayne, 657 Millbury Street, asked where the owners and staff would park; Mr. Karlstad stated they have 2 existing spaces, and stated that the owner will be on-site and can be held directly responsible for causing parking issues. Jenny stated that she understands the applicant's position and is simply frustrated by the parking issues they have experienced over the years and spoke to the residential nature of this neighborhood.

Mr. Hernandez, the real estate broker representing the applicant, stated how difficult it is to find property in the city to live and operate a business out of it. Mr. Hernandez also described the hardworking nature of the applicants and stated this will be a positive outcome for the neighborhood.

Board Discussion

Mr. Cortes stated parking in the City is difficult as the city grows and asked the city if there are other options here. Ms. Smith described the parking layout proposed by the applicant and why the city felt safety concerns outweigh the added parking space. Mr. O'Neil described the applicant would still require a variance for two parking spaces and would be adding a lot of impervious area if they did add a parking space. He stated there is adequate parking in that area and the parking concerns from the neighbors should not be held against the applicants. He also stated he would be amenable to a condition prohibiting parking on neighboring private streets.

Mr. Berg Powers stated he did a site visit and understands the frustration of neighbors and parking challenges are a universal experience felt by people who live in any city. He stated that not approving this relief is denying this applicant a chance to run his business. Mr. Berg Powers stated that a parking issue already exists and it will exist if this applicant doesn't open a business in this location.

Ms. Campaniello stated her agreement with Mr. Berg Powers in frustration with parking issues but having an owner willing to work with the neighbors is a positive thing.

Mr. Dell'Aera stated that this type of low-intensity business would make the most sense, and since we live in a city, we should be encouraging businesses.

Mr. Karlstad stated an owner-occupied business/home is always preferable, and asked if the applicant would be amenable to conditioning the special permit run with the applicant, and to prohibit parking in some areas.

Ms. Smith suggested to edit the existing condition to prohibit parking on adjacent private streets, and encourage clients and staff to parking on public streets such as Millbury Street.

David Sadowski suggested a gravel driveway.

John Kelly, ISD, stated the applicant could petition the DPW to add a no-parking sign within 10ft of the intersection to help prevent people from parking in that area.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, 5-0 to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera; 5-0 to approve the relief, and to edit condition #4 to read “Employees and patrons of the establishment shall be informed that no parking will be available on adjacent private streets and encourage patrons to use Millbury and other public streets.” And to add a condition that the special permit will run with the applicant and lapse if a change in ownership occurs.

5. 37 Garden Street (MBL 01-008-11+13) (ZB-2022-054)

- Special Permit:** To allow a Non-Accessory Freestanding Billboard Sign in a BG-6.0 zoning district (Article IV, Section 6)
- Petitioner:** Clear Channel Outdoor LLC
- Present Use:** Presently on the premises is an existing, previously permitted, static billboard.
- Zone Designation:** BG-6.0 (Business, General) zoning district and CCOD-D (Commercial Corridors Overlay District - Downtown Parking Subarea)
- Petition Purpose:** The applicant seeks to convert both sides of the existing static billboard face to display digital and conduct associated site work.

Jonathan Finkelstein described the application before the Board. Mr. Finkelstein described the existing billboard; the location of neighboring billboards; and plans to convert the billboard to digital. Mr. Finkelstein stated that in addition to this approval, Clear Channel has stated their willingness to remove a separate outdated billboard located on Main Street. He closed by stating the applicant is amenable to all staff conditions of approval.

Michael Morello stated he is available to answer

Ms. Russell described the application; gave City comments; and stated the recommended conditions of approval.

Board Discussion

Mr. Cortes stated he was in favor of modernizing billboards.

Mr. Dell’Aera asked how much screen time would be dedicated to PSAs such as amber alerts; Mr. Morello stated 15 hours is mandated by the State and in addition 5 hours would be dedicated to the City of Worcester.

No public comments.

Inspectional services had no comments.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, the board voted 5-0 to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, the board voted 5-0 to approve the requested relief.

ITEM TAKEN FIRST OUT OF ORDER

6. 5 A&B Reeves Street (MBL 10-024-00022 & -22-5B) (ZB-2022-055)

Lot 5A- Amendment to

Variance: For relief from the minimum lot area dimensional requirement for a single-family semi-detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

Lot 5B- Amendment to

Variance: For relief from the minimum side yard setback dimensional requirements for other permitted uses in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Michelle M. Hutchins and David D. Hutchins Sr.

Present Use: Presently on the premises is a partially-vacant commercial structure and associated parking.

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

Public Hearing Deadline: 7/27/2022 **Constructive Grant Deadline:** 8/31/2022

Donald J. O’Neil, the attorney representing the applicant, described the application before the Board. Mr. O’Neil stated the project has been through minimal changes since the original approval.

Ms. Russell gave City comments on the project, described the change in the application and stated the suggested conditions of approval.

No public comment.

No Board Discussion

Mr. O’Neil confirmed he was amenable to all of the ROA and requested the waivers.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, 5-0 to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, 5-0 to approve the requested relief.

Mr. Torkornoo left the meeting.

7. 335 Bridle Path (MBL 41-002-00205) (Eric left the meeting; Shannon voted)

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

Petitioner: Brian & Verilyn Mitchell

Present Use: Presently on the premises is a privileged non-conforming single-family detached dwelling

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

Public Hearing Deadline: 10/09/2022 **Constructive Grant Deadline:** N/A

David Sadowski, of D.J. and Associates, spoke on behalf of the applicant. Mr. Sadowski described the application before the Board; he described the Conservation Commission approval; the scope of the proposal; and the intent of the applicant to owner-occupy the residence full-time.

Ms. Russell described the location of the property; the changes and the suggested conditions of approval.

Mr. Karlstad asked if there is a height limitation in regards to view in this area; Ms. Smith clarified that the proposed changes will still be in accordance with the height requirements of the Zoning Ordinance in this district.

Board Comments:

Mr. Cortes asked if any landscaping was planned; Mr. Sadowski described existing landscaping and added that at Conservation Commission the applicants were required to add gutters to the house and rain barrels would be used.

Mr. Dell’Aera stated he was in favor of this addition to the property and asked where the water would be routed; Mr. Sadowski stated the water would be collected in rain barrels for landscaping purposes.

Public Comment

Jay Benotti, 11 Stoddard Drive, asked about the existing height and the proposed height increase of the property. Mr. Sadowski asked the abutter to point his house out and stated which part will be how taller in each location.

Dennis Ivory, 337 Bridle Path, asked if he would be required to sign onto the variance due to how close the property is to his house; Mr. Karlstad clarified; Mr. Sadowski clarified.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, 5-0 to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Dell’Aera, 5-0 to approve the requested relief.

Mr. Torkornoo rejoined the meeting.

- 8. 84, 90 & 91 Lamartine Street (MBL 05-011-13-15 & -00012; 05-013-0019A) (ZB-2022-061)**
- Variance:** For relief from the minimum off-street parking requirement (Article IV, Section 7, Table 4.4)
- Petitioner:** Worcester Bedworks, Inc.
- Present Use:** Presently on the premises at 84 & 90 Lamartine Street is a ± 43,000 SF, 3+ story former manufacturing building and associated site improvements and at 91 Lamartine Street is a paved lot.
- Zone Designation:** MG-2.0 (Manufacturing, General) zoning district and the Adaptive Reuse Overlay District (AROD) and within the Floodplain Overlay District
- Public Hearing Deadline:** 10/08/2022 **Constructive Grant Deadline:** 11/22/2022

Todd Rodman spoke on behalf of the project before the Board. He described the other approvals given recently by the City. He described the street improvements done recently on Lamartine Street that took some of the owner, Mr. Turchinsky’s land in order to improve and beautify the Canal District. Mr. Rodman stated the owner has attempted to find other means to provide parking and the city has asked them not to use 91 Lamartine as parking. Mr. Rodman stated he was amenable to all conditions of approval of approval and stated one waiver is no longer necessary.

Ms. Smith described the on-going work by the City in this area to combatting the flooding which is a chronic problem in this neighborhood. She stated there are a lot of alternative methods of transportation in this area; confirmed the city of Worcester had taken property from the owner of 91 Lamartine; and stated city staff preferred to keep 91 Lamartine as landscaping to maintain public parking in that area rather than addition of 3

private parking spaces. Ms. Smith noted the variance would only be attached to the property at 84 and 90 Lamartine Street.

Board Discussion

Mr. Karlstad stated this project was similar to a project approved a few years ago on Green Street.

Mr. Berg Powers asked the Board and the City to think about affordability and housing for families in the city but is in favor of the project.

Mr. Dell'Aera asked about on-street parking in this area; Ms. Smith clarified.

Mr. Cortes asked about accessible units and parking spaces; Mr. Rodman stated that they will meet the building code in regards to accessible units and parking spaces.

No public comments.

On a motion by Mr. Cortes, seconded by Mr. Dell'Aera, 5-0 to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Dell'Aera, 5-0 to approve the requested relief.

Other Business:

9. Communications

a. Scrivener's Error Corrected Decision

Ms. Smith gave a description of the errors in the decision that were included in the decision, and asked the Board to vote to issue a corrected decision.

On a motion by Mr. Cortes, seconded by Mr. Dell'Aera, the Board voted 3-0 to correct the Scrivener's Error.

10. Approval of Minutes – 7/11/2022; 8/1/2022

On a motion by Mr. Cortes, seconded by Mr. Dell'Aera, the Board voted 5-0 to approve the revised minutes.

11. Discussion of Board Policies and Procedures

No discussion

Adjournment

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, the Board voted unanimously to adjourn at 8:05PM.