



The City of **WORCESTER**

Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
George Cortes
Anthony Dell'Aera
Eric Torkornoo
Nathan Sabo, Alternate
Shannon Campaniello, Alternate

MINUTES OF THE PROCEEDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER May 2, 2023

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– *arrived at 5:47pm*
Nathan Sabo
Anthony Dell'Aera- *Participated Remotely*
Jordan Berg Powers- *Participated Remotely*
Eric Torkornoo - *Participated Remotely – arrived at 6:45pm*

Zoning Board Members Absent: Shannon Campaniello

Staff Participating: Michelle Smith, *Division of Planning & Regulatory Services*
Rose Russell, *Division of Planning & Regulatory Services*
Paul Dell'Aquila, *Division of Planning & Regulatory Services*
David Horne, *Inspectional Services*

Call to Order:

Mr. Karlstad called the meeting to order at 5:34PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Item 8: 173 Lake Avenue North (ZB-2023-037) Variances
Request to Postpone the Public Meeting to May 15, 2023
Extend the Constructive Grant Deadline to June 6, 2023

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 4-0 to grant the postponement.

New Business – Public Hearings

The Chair took the following items out of order:

9. 3 Oriol Drive (ZB-2023-038) (MBL 46-047-00007)

Extension of Time:

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

Extension of Time:

Variance: To exceed the maximum sign area requirements for an accessory monument sign (Article IV, Section 6, Table 4.3.1)

Petitioner: Maple Multi-Family Land SE, L.P.

Present Use: Presently on the premises is a vacant lot.

Zone Designation: RG-5 (Residential, General) zoning district and within the Water Resource Protection

Chair Karlstad noted that the agenda returned to the original order of items.

1. 2 Milton Street (ZB-2023-009) (MBL 09-026-00042)

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 side-yard setback requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the rear-yard setback requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Anacleto Groberio

Present Use: Presently on the premises is a vacant lot.

Zone Designation: RG-5.0 (Residence, General) zoning district.

Petition Purpose: The applicant seeks to construct a single-family attached style dwelling with a total of four (4) units and to conduct associated site improvements.

Public Hearing Deadline: 5/19/2023

Public Hearing Deadline: 5/19/2023

Member George Cortes joined the meeting.

Jay Gallant along with the owner Anacleto Groberio appeared before the Zoning Board and described how the applicant came to purchase this parcel and his proposal. Mr. Gallant described the surrounding neighborhood character, the oddly shaped lot, and site constraints.

Ms. Smith described the requested relief, and the difficulty this parcel poses to any development, but stated a three-unit structure may be more applicable and would require less relief. Ms. Smith noted a concern from the building department regarding the 1.7 ft distance from the structure to the rear property line and the potential issues that may pose to access or maintenance in the future.

Board Discussion

Mr. Karlstad stated he is also concerned about the density of the site and fire safety with the structure located so close to the property line. Mr. Sabo agreed with the chair’s concerns and stated he felt three units is more appropriate.

Mr. Cortes stated he feels that the shape of the lot does pose an issue. Ms. Smith stated the upcoming available dates to postpone.

Mr. Berg Powers stated he feels the density is adequate.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera the Board voted 5-0 to continue the hearing to the June 5, 2023 ZBA meeting and to extend the constructive grant hearing to June 27, 2023.

2. 67 Millbrook Street (ZB-2023-027) (MBL 22-023-000BB & -00001)

Special Permit: To extend, alter, or change a privileged pre-existing nonconforming structure and/or use. (Article XVI, Section 4)

Amendment to:

Special Permit: To allow a Non-Accessory Freestanding Billboard Sign in a MG-2.0 zoning district (Article IV, Section 6)
Petitioner: Outfront Media
Present Use: Presently on the premises is an existing, previously permitted non-accessory static display freestanding billboard.
Zone Designation: MG-2.0 (Manufacturing, General) zoning district
Petition Purpose: The applicant seeks to convert both sides of the existing static billboard face to display digital and to conduct associated site work.
Public Hearing Deadline: 6/11/2023 **Constructive Grant Deadline:** 6/24/23

Attorney James McGrail, representing the petitioner and accompanied by Amanda Gulinello and Angela Rufo of Outfront Media, described the proposal to convert static-faced billboards to digital display and went through the different criteria to be assessed when approving this type of special permit. Atty. McGrail described the neighboring area, proposed work to convert the sign, the neighboring signs on the site, crash data for the surrounding highway, and distance to any residential dwellings.

Mr. Dell'Aquila described the prior special permit being amended, the new special permit and asked the applicant to address the construction associated with the project.

Board Discussion

Mr. Sabo asked how much power is used for the LED billboard; Atty. McGrail stated he does not have the information on hand. Mr. Karlstad asked about lighting for the existing billboard; Atty. McGrail described.

Mr. Sabo stated he is not in favor of billboard conversions and stated there is no benefit to the general public. Atty. McGrail listed a number of reasons that a digital billboard can provide benefits to the community in addition to advertising. Mr. Karlstad he is in favor of digital billboards over static.

Mr. Cortes asked about the color of the billboards; Atty. McGrail answered.

No public comments.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 4-1 to close the public hearing (Mr. Sabo opposed).

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 4-1 to approve the extensions of requested special permits with waivers and the recommended conditions of approval (Mr. Sabo opposed).

3. 37 & 39 Chilmark Street (ZB-2023-028) (MBL 16-018-00002)
Variance: For relief from the minimum frontage requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum lot area requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
Petitioner: Bombay, LLC
Present Use: Presently on the premises of 37 & 39 Chilmark Street are two single-family detached dwellings.
Zone Designation: RL-7 (Residence, Limited zoning district.
Petition Purpose: The applicant seeks to divide the property into two lots with each single-family detached dwelling on their respective lot.

Public Hearing Deadline: 6/16/2023 **Constructive Grant Deadline:** 7/21/2023

Zac Couture from HS&T Group called into the meeting; he described his application before the Board to divide the property and make no physical alterations to the parcel/structures. He described the length of time the structures have been in this location, the lack of parking on site and other site constraints. Mr. Couture requested the staff-recommended waivers.

Mr. Dell'Aquila summarized the relief requested. Mr. Karlstad asked about the stairs.

Aseem Agrawal from Bombay LLC, the owner, stated the access to both structures is from the existing stairs.

Ms. Smith noted an access agreement is a recommended condition of approval following a question from Chair Karlstad.

Mr. Cortes stated he is concerned about parking especially in regard to snow plowing. Mr. Agrawal noted that most people park on the street and stated there is potential in the future to add parking.

No public comments.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 5-0 to approve the requested relief with recommended conditions and requested waivers.

4. 112, 114, 116, & 120 Houghton Street & 1 Nuttall Lane (aka Blaire House) (ZB-2023-030) (MBL 35-006-00085, -00086, -00094; 35-007-87-92, -00019)

Extension of time:

Special Permit: To allow a Nursing Home (General Use # 12, Table 4.1) in an RG-5 (Residence, General) zoning district

Petitioner: Houghton Street Holdings, LLC

Present Use: Presently on the premises at 112, 114, and 120 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)

Petition Purpose: The applicant seeks to extend the previously granted approval for demolition of most of the existing site improvements (including the residential dwellings, nursing home, and related parking) and construction of a new 87-bed nursing home (+/- 17,350 SF) with 38 parking spaces, along with associated site work.

Public Hearing Deadline: N/A **Constructive Grant Deadline:** N/A

Mr. O'Neil described the petition before the Board, and stated the timeline was extended due to COVID related issues, construction costs and further state review. Mr. O'Neil stated more time was needed complete the proposal and stated that the Planning Board had approved the proposal up to 2024 and the applicant wished to bring the ZBA approval in-synch. Project got out of synch due to Covid-related extensions and increased construction costs requiring further state review.

Ms. Russell gave a description of the proposal and history of the approvals.

Mr. Sabo asked for the reason for the extension; Mr. O'Neil responded.

Mr. Karlstad noted challenge of working with the State that he thinks the city is in need of additional nursing home beds.

No public comments.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 5-0 to approve the requested extension of time with waivers and the recommended conditions of approval.

5. 57 Wall Street (ZB-2023-033) (MBL 04-012-00027)

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

Petitioner: O+R Legacy Investment Group, LLC

Present Use: Presently on the premises is a single-family detached dwelling.
Zone Designation: RG-5 (Residence, General)
Petition Purpose: The applicant seeks to convert the structure into a two-family detached dwelling.
Public Hearing Deadline: 7/20/2023 Constructive Grant Deadline: N/A

Dale Kiley, the attorney representing the property owners, described the petition before the Board to add an additional unit. Mr. Kiley stated a special permit is required because the lot does not meet 6000 SF minimum requirement for two-family and stated there is no exterior work proposed.

Mr. Karlstad asked the applicant to describe the parking on-site.

Mr. Karlstad asked if the applicant accepted the waivers; Mr. Kiley affirmed.

Mr. Dell'Aquila described the staff comments before the Board and asked the applicant to address the condition of approval to remove the second driveway and replace with greenspace.

Ms. Smith discussed recommended conditions.

Mr. Berg Powers stated he is in favor of projects like this especially with added green space; Mr. Karlstad agreed.

No public comments.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 5-0 to approve with waivers and the recommended conditions of approval.

6. 15 Mars Street (ZB-2023-034) (MBL 10-010-00041)

Lot 1L:

Variance: For relief from the minimum frontage dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Lot 1R:

Variance: For relief from the minimum frontage dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Patrick Travaglio-Romeo, D'angelo Fernandez, and Alessandro Romeo

Present Use: Presently on the premises of 15 Mars Street is a detached garage and associated site improvements.

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

Petition Purpose: The applicant seeks to demolish the existing structure, divide the property into two lots, construct a single-family semi-detached dwelling, and to conduct associated site improvements.

Public Hearing Deadline: 7/13/2023 Constructive Grant Deadline: N/A

Mr. Cortes recused himself from the hearing.

Chair Karlstad clarified to the applicant that they would need a unanimous vote to get approval; applicant said they wished to proceed.

Raymond Lopolito, Worcester, on behalf of the owners along with Mr. Romeo, one of the owners, introduced the proposal for variances to allow a zero-lot line single-family attached townhouse style development.

Ms. Russell gave a staff report and requested the applicant address the condition of approval to provide one driveway.

Mr. Lopolito responded to Chair's question about parking and curbcuts.

Mr. Dell'Aquila noted that member Torkornoo joined the meeting at 6:45pm.

Public comments:

Diane Gaw, 64 Esther Street, stated she had a petition and a number of other neighbors had signed on. She stated the neighborhood has concerns about absentee landlords and the issues that poses.

Chair Karlstad noted that Inspectional Services can address some of the neighbors' concerns.

Mr. Berg Powers asked for confirmation that parking will be on site and will not add on-street parking; Chair Karlstad confirmed.

David Cote stated he is concerned about loss of on-street parking; Mr. Karlstad stated that potentially one on-space spot will be lost but it has adequate parking onsite.

Ms. Smith stated a maximum curb cut width could be conditioned to preserve on-street parking. Mr. Smith suggested either a 20ft or 18ft maximum; Mr. Karlstad suggested a 20ft curb cut.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 4-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 4-0 to approve the requested relief with staff-recommended conditions and waivers, with the added condition that the driveway will not exceed 20ft in width.

7. 316 Coburn Avenue (ZB-2023-035) (MBL 41-016-00013)

Lot 1 (Proposed):

Variance: For relief from the exterior side yard setback requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2, Note 7)

Variance: For relief from the minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Angelo Villani

Present Use: Presently on the premises of 316 Coburn Avenue is a two-family detached dwelling with associated site improvements.

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

Petition Purpose: The applicant seeks to divide the property into two lots, construct a single-family semi-detached dwelling on the proposed lot, and to conduct associated site improvements.

Public Hearing Deadline: 6/24/2023 **Constructive Grant Deadline** 7/29/2023

Angelo Villani, owner and applicant, described the application to split the lot and construct a duplex on the new lot.

Ms. Russell gave a staff report.

Chair Karlstad asked about drainage; Mr. Villani responded.

Public comments

Mary Ellen Mesale, 11 Palisade Street, behind the property at 316 Coburn, stated her concerns about Woodrow Street being developed and the potential for sound buffering from Coburn and the softball/park across the street.

Mr. Karlstad acknowledged the concerns of the abutter.

Mary Ercote, tenant at 316 Coburn Ave, noted she was concerned about the structure too close to the house. Mr. Karlstad suggested a condition on a privacy fence, which Mr. Villani agreed to.

Barbara Sargent, 9 Palisades St. asked what associated site improvements mean and stated her concerns about broken trees and sidewalk on Woodrow Street and asked to make the sidewalk useable. Trees are disrupting stone walls. Chair Karlstad responded and noted ZBA jurisdiction.

Ms. Smith noted that any improvements to Woodrow would require Planning Board review and the project would also need a ANR plan endorsed to split the lot.

Mr. Cortes asked about the wall at the rear of the property; Chair Karlstad noted that it wasn't actually a retaining wall, but just a stone wall.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes the Board voted 5-0 to close the public hearing.

Mr. Villani requested the plan waivers.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted 5-0 to approve the requested relief with staff-recommended conditions and waivers, with the added condition that a privacy fence be installed on back property line.

11. Communications – no discussion

12. Approval of Minutes - no discussion

13. Discussion of Board Policies and Procedures – no discussion

Adjournment: On a motion by Mr. Sabo, the Board voted unanimously to adjourn at 7:20pm.