



**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
June 5, 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
Shannon Campaniello
Jordan Berg Powers - *Participated Remotely*
Eric Torkornoo - *Participated Remotely*
Anthony Dell'Aera - *Participated Remotely*

Zoning Board Members Absent: George Cortes
Nathan Sabo

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 Department*

Call to Order:

Mr. Karlstad called the meeting to order at 5:32PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- Item 1: 2 Milton Street (ZB-2023-009) Special Permit & Variance Application**
Request to Postpone the Public Meeting to June 26, 2023
Extend the Constructive Grant Deadline to July 18, 2023
- Item 3: 11 (aka 8) Earle Terrace (ZB-2022-076) Administrative Appeal Application**
Request to Postpone the Public Meeting to July 17, 2023
Extend the Constructive Grant Deadline to August 8, 2023
- Item 4: 11 (aka 8) Earle Terrace (ZB-2022-076) Special Permit Application**
Request to Postpone the Public Meeting to June 26, 2023
Extend the Constructive Grant Deadline to July 18, 2023
- Item 5: 25 Eskow Road (ZB-2023-023) Special Permit Application**
Request to Postpone the Public Meeting to June 26, 2023
Extend the Constructive Grant Deadline to July 18, 2023
- Item 6: 2 Northboro Street (ZB-2023-036) Special Permit & Variance Application**
Request to Postpone the Public Meeting to June 26, 2023
Extend the Constructive Grant Deadline to July 18, 2023
- Item 9: 49 West Street (ZB-2023-036) Special Permit & Variance Application**
Request to Postpone the Public Meeting to June 26, 2023

Extend the Constructive Grant Deadline to July 18, 2023

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to grant the postponements.

New Business – Public Hearings

2. 39 & 41 Whitmarsh Avenue, 5 Leeds Street, and 47 King Philips Road (ZB-2023-041)(MBL 12-009-00019; 00006; 0005A)

Special Permit: To allow a temporary shelter in an RG-5 zoning district. (Article IV, Section 2, Table 4.1, Residential Use #15 – Temporary Shelter)

Special Permit: To allow a professional office use in an RG-5 zoning district. Article IV, Section 2, Table 4.1, Business Use #19 – Office, Professional)

Special Permit: To allow a social hall with accessory food services activities in an RG-5 zoning district.(Article IV, Section 2, Table 4.1, General Use #18 Recreational/service facility (non-profit))

Petitioner: Worcester Community Housing Resources, Inc

Present Use: Presently on the premises is a church campus consisting of two separate structures. The main structure operates as a church and the secondary structure operates as a single-family detached dwelling (parsonage). On 5 Leeds Street and 47 King Phillips Road is an associated surface parking lot.

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

Petition Purpose: The applicant seeks to continue to operate a church and renovate the main structure to provide offices, a six (6) unit temporary shelter, and a community social hall with an accessory kitchen use. The applicant intends to continue to use the parking at 5 Leeds Street and 47 King Philips Road for the variety of uses at 39 and 41 Whitmarsh Avenue.

Public Hearing Deadline: 7/1/2023 **Constructive Grant Deadline**

Todd Rodman, on behalf of the applicant and Andy Howarth of Worcester Community Resource Housing appeared before the Board. Mr. Rodman described the meeting with the neighbors, a letter from WCHR to the Zoning Board, the proposed upgrades to the structure, the conditions for entry to the shelter for families from The Friendly House as an operator, the proposed kitchen operations, and the existing church campus. Mr. Rodman addressed resident concerns and stated that they will not drop the proposal for the shelter.

Mr. Dell’Aquila described the concerns brought up by the residents and the board previously and the ways the applicant had addressed those concerns. Mr. Dell’Aquila recommended a privacy fence around the parking lot.

Abutter Comments:

Gwen Walsh, 69 King Philip Road stated her support for the project, stated it was an asset for the neighborhood. Ms. Walsh described some statistics around unhoused people and the state of housing.

Christine Rushlow, 39 Summerhill Ave, stated her frustration that the first hearing was held on the same night as a City Council budget meeting. She stated a neighbor of hers had multiple car crashes at this intersection and they were not reflected in the Memo from the Department of Transportation. She stated there are a number of studies that reference low home values in relation to shelters. Mr. Karlstad responded.

Mike Brennan, 42 King Philip Road, stated this is an unfortunate time for his neighborhood and stated WCRH preys on churches. He shared his frustration about the process, the notification and scheduling process.

Sarah Boda, Ontario Street, stated that as a resident of the neighborhood that not all neighbors are against this project.

Larry Shetler, stated he is on the ballot in District 1, stated that he was happily surprised with the turn out of the first meeting. He stated that this project will increase insurance rates and decrease home prices.

Kerri Boyd, 12 Leeds Street, stated she had received a letter from the Church that a purchase of sales was signed in April. Ms. Boyd also described the dangerous nature of the intersection of Leeds and Whitmarsh, as several of her family member's cars have been hit.

Reverend Aaron Payson, 22 Kinney Drive, described prior work the church had done and that no loss of housing prices had been experienced by neighbors. He encouraged other congregations to do the same.

Eric Stratton, Salisbury Street in Worcester, stated he is in favor and supported this type of projects, stated a similar project had been constructed next door to him and he never experienced any loss of home valuation.

Yenni Desroches, 33 Monroe Avenue, stated she lives diagonally across from an 8-bedroom shelter on June Street and had not experienced any loss of home value or affected her insurance rates.

William Thomas, 43 King Phillip Road, asked what this type of development means for future expansion of this shelter or additional shelters. Mr. Karlstad described the relatively low-impact this develop is in terms of traffic, and stated other shelters will require approval, Mr. Howarth described.

Morgan Lee, 15 Montvale Road, expressed full support for the project, referenced a nearby food fridge and stated his pride in his city to be reaching families in need.

Father David Woessner, pastor of St. Michael's Episcopal church, stated his support, along with the church's lay council, for this project. He stated there is no difference in the eyes of the lord between unhoused and housed people. He recounted that his church was destroyed in a tornado 70 years ago and it brought the community together. He described the community meeting and the fear shared by the residents.

Noah Meister, Bates Avenue, expressed his support for this project and hoped other similar projects would occur.

Allyn Camp, 46 Leeds Street, stated that he is in support of a homeless shelter but simply does not want it in his neighborhood. He stated there is no nearby public transportation and stated it's simply not fair to the residents.

Caroline Norton, Worcester resident and UMass-Chan medical student, spoke in favor of the shelter, she stated as a medical student she has seen first-hand refugees and unhoused people and stated as a survivor of domestic violence, these places are extremely important and beneficial in our community.

Alan Kusy, 42 Summerhill Avenue, stated that only his neighborhood should have a right to speak against this project. He stated that the city will lose 80 million in taxes because of this project and that it will impact the Greendale neighborhood and that the elderly and veterans should be helped.

Dylan Robson, lifelong resident of Worcester who lives on Montague Street, stated as a previously homeless person that there is a seriously issue and the City had not adequately delt with this issue and if the private sector is willing to step up and address the issue, he's in favor. He stated the low density of this shelter (6 people) will not affect property values or the character of the neighborhood.

Ken Bates, 21 Brighton Road, President & CEO of Open Sky Community Services who has experience running a shelter, encouraged Friendly House to continue talks with residents to mitigate issues.

David Webb, resident and small business owner in Worcester, stated the project will be good for the city and having a roof over your head is the first step for helping people.

Sheri Lynn, resident of Van Street, stated she works at a shelter on June Street and stated she in in favor of providing more accessible housing and how moving it is to help people first-hand in difficult situations. She encouraged anyone to reach out directly to experience what is like.

Rich Cipro, 103 Christine Street, stated that the neighborhood is not against the propal but wants to understand the repercussions for the neighborhood. He drew similarities to the Church at Blessed Sacrament and stated the same thing will happen where an emergency temporary shelter was installed and had a number of emergency calls. Mr. Karlstad responded.

Lisa Martin, resident on Bourne Street, stated she in favor of this project and housing for mothers & children in an unfortunate situation.

Walter Troy, 34 Kendrick Avenue, stated he was at the community meeting and stated most of the people at the meeting were against the project and that supporters are not living in their neighborhood.

Jason Callahan, 20 Kalmar Street, grew up on Whitmarsh Ave and now lives two street over, brought a petition before the Board signed by people against the project.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, the Board voted 4-0 to close the public hearing (Mr. Torkornoo not voting).

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, the Board voted 4-0 to approve the petition (Mr. Torkornoo not voting).

New Business – Public Hearings

7. 129 Eastern Avenue (ZB-023-044) (MBL 16-010-00004)

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

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)

Petitioner: Chateau Realty, LLC

Present Use: Presently on the premises is a vacant lot with associated site improvements.

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

Petition Purpose: The applicant seeks to construct a three-family detached dwelling and conduct associated site improvements.

Public Hearing Deadline: 6/30/2023 **Constructive Grant Deadline:** 8/4/23

Frank McPartlan, engineer on behalf of the applicant, described the limiting site conditions, and the proposed layout.

Mr. Dell'Aquila described the relief as noted in the staff memo and asked the applicant to describe the landscaping and stormwater issues, label surfaces, show a tree planting in the front yard setback, and stated the applicant is required to demonstrate front-yard alignment provisions. Mr. McPartlan responded and requested the recommended waivers.

Board Discussion

Mr. Berg Powers asked for clarification on the requested variance. Mr. Dell'Aquila noted that 2 variances for building setbacks were advertised, but only one variance is needed for accessory structure setback. Ms. Smith noted that the Law department and applicant were comfortable proceeding as the notification encompassed the requested relief.

Public Comment

Abraham Ismail stated he owns the abutting property at 158 Belmont Street and he had concerns with runoff directly behind this property, as it is causing damage to the sidewalk and street. Chair Karlstad stated that he thinks there will be improvements with the project. Christopher Tuck, architect for the applicant, responded and noted that site would be graded and water would be diverted into an onsite system.

Michael Marin, attending online, asked for clarification on parking and requested waivers. Mr. Karlstad responded.

Mr. Berg Powers noted that stormwater is outside ZBA purview but urged residents to bring their questions to the Planning Board.

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 petition with conditions & waivers.

10. 267 Lincoln Street (ZB-023-050) (MBL 09-013-00002)

Special Permit: To allow a food-service use (including consumption/sale of alcoholic beverages) and/or providing dancing and/or entertaining in a BL-1.0 and IN-H zone (Article IV, Section 2, Table 4.2, Business Use #8)

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

Petitioner: Saif Handhal

Present Use: Presently on the premises at 267 Lincoln Street is an existing commercial building with two units including an existing retail use in unit one and the second unit is vacant.

Zone Designation: BO-1.0 (Business, Office) zoning district and the IN-H (Institutional, Medical) zoning district

Petition Purpose: The applicant seeks to operate a +/-3,450 SF food-service establishment with alcohol in unit two.

Public Hearing Deadline: 7/23/2023 **Constructive Grant Deadline:** 8/27/2023

Misa Hamdan appeared before the ZBA along with applicant Saif Handahl. Ms. Hamdan detailed the proposal and requested relief for a Special Permit for food service with alcohol (hookah) and a Variance for parking. Hours will be Friday & Saturday to start, which may be amended in the future if it goes well.

Ms. Russell gave staff report and noted that the proposed hookah lounge would also have to get approvals from the License Commission and Board of Health. She asked the applicant to discuss potential entertainment on site, how they plan to manage parking, and to clarify occupancy load.

Ms. Hamdan clarified that occupancy would be 65 and that entertainment would be just background music, with TVs and no live entertainment and employees will likely use driveway on right side of the building.

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 petition with recommended conditions & waivers, with an amendment to findings to allow flexibility on hours of operation to “generally” Friday and Saturday, 7pm-2am.

11. 54 Elm Street (ZB-2023-052) (MBL 03-028-00007)

Special Permit: To allow an extension, alteration, or change of a privileged pre-existing nonconforming structure and/or use (Article XVI, Section 4)

Special Permit: To allow a lodging house in a BO-1.0 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

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)

Petitioner: Hogg House LLC

Present Use: Presently on the premises is a former dormitory with associated site improvements.

Zone Designation: BO-1.0 (Business, Office)

Petition Purpose: The applicant seeks to convert the existing structure to a lodging house (with ±28 beds) and to conduct associated site work.

Public Hearing Deadline: 7/23/2023 Constructive Grant Deadline 8/27/2023

Attorney Brian Falk was present with owner George Menninger and Ann Cheeseman, along with their architect Mark Lansbury. Mr. Falk introduced the application and detailed the requested relief for three special permits and a variance. Mr. Falk detailed the building's history and noted that it would not be practical to make it a single-family dwelling and converting to a multifamily will require major interior and exterior changes. The owners bought the property in March and reside out of state. Mr. Falk stated they anticipate that there will be 14 residents in the first year including the applicant's son living there and all tenants will be vetted. He stated The property will need a lodging house license and the proposed manager has experience as a WPI Resident Adviser.

Mr. Falk stated WPI is aware and supportive of the project, which is near WPI's "South Campus". He stated only four of the initial fourteen tenants will have cars and there will be a surplus on site available for use by visitors and deliveries. Mr. Falk stated the building will be modernized with a new fire escape and kitchens removed and will be one commercial kitchen.

Mrs. Cheeseman noted that she is deeply honored to be a steward of this building. She stated her appreciation for the architecture and considers it "an absolute gem". Mr. Menninger noted that he likes Worcester neighborhoods, restaurants and walkability, and stated he will evict people who don't follow rules and there will be cameras in kitchen and common areas to cover their liability.

Brendan Mays, a former WPI RA who will be the property manager noted that he understands concerns from neighbors and that there will be strict guidelines on noise, trash, and that the owners will be heavily involved.

Mr. Falk requested the recommended waivers and agreed that the Special Permit shall run with the Hogg House LLC only.

Ms. Smith described existing non-conformities and detailed requested relief. She described the Dept. of Transportation and Mobility recommendations, and suggested adding condition 1j to keep driveway grade level at curb cut to prioritize pedestrians; and to correct condition 4 to 28 beds.

Ms. Smith summarized staff comments including removal of bollards, closure of one curb cut; installation of differentiated surface treatments; a tree in landscaped buffer; and exterior work to meet the Secretary of the Interior's standards for historic preservation (highest level).

Ms. Smith asked about exterior signs and lights, property management, bicycle parking, and license requirements. She noted many uses are be allowed by right, but the question before the board is whether it's an appropriate use of the land.

Mr. Falk clarified that the current count for the house is 24 bedrooms with 28 Beds (20 single, 4 doubles).

Mr. Falk noted that one point there were 5 kitchens, but there would only be one commercial kitchen on the first floor; additionally, there were once was 11 bathrooms and only 10 would be provided now.

Board Discussion

Ms. Campaniello asked about trash removal; Mr. Falk responded that dumpster would be provided onsite and enclosed.

Chair Karlstad asked how trash will be removed if people are parked in front. Mr. Menninger responded that there will be smaller ones on wheels. The Chair suggested relocating the dumpsters to avoid problems. Mr. Menninger noted they could be located in the courtyard.

Mr. Torkornoo asked whether this is specifically for WPI and if they have a contract. Mr. Menninger answered. Mr. Torkornoo noted other issues from other nearby properties causing nuisances and is concerned about lack of contracts and asked the applicant to describe their extent of involvement with Worcester.

Mr. Falk noted smoking would not be allowed onsite and there would be other rules. Mr. Menninger noted that his son will be “eyes and ears” onsite. Mr. Torkornoo noted he would prefer some kind of contract so its not open to anybody since a rehab facility is across the street. Ms. Cheeseman asked for clarification, and Mr. Torkornoo eexpressed concerned about things getting out of hand since he hasn’t seen the house rules.

Chair Karlstad asks if there was a neighborhood meeting. Mr. Falk said there was open house when property was purchased and owners had responded to emails from abutters. The Chair suggested they may want to continue the hearing so they can hash out any issues with neighbors.

Mr. Berg Powers noted the number of apartments already in area and that it was a dorm with no oversight.

Public Comments

Alison Rumbelow, Ashland Street said she doesn’t think that college students will necessarily get out of control.

Nancy Quinlan, Ashland Street, said she was concerned about the dumpster given 28 residents. She noted the age of the proposed manager and asked who he answers to.

Bill Baller, 56 Elm Street, stated he taught at WPI, and doesn’t think students should live off the campus and stated it will be a disaster. He said there should have been a neighborhood meeting and asked if there will there be card access.

Tom Logan, 53 Elm Street, noted that this could be very good or very bad depending on how its managed. He noted that he can see a WPI dorm from his window and hasn’t had any concerns this school year. He noted there are WPI police in area and noted main campus is half mile away. He stated he would like to see same rules in place as for other WPI properties, especially including no alcohol and no parties. Mr. Logan had a question about a future change of ownership and Ms. Smith noted that if existing Hogg House LLC or the associated individuals involved would not constitute a change.

Katherine Sears, 56 Elm Street, said her bedroom is 12 feet away from this house and can see into the billiard room. She said that 28 residents is a crazy number and there were 5 people in house playing pool making noise, which is not the same as a dorm since the manager is a peer. She has questions about their ability to enforce the rules and is concerned about building turning into an SRO.

Alex Heye, 56 Elm Street, said she thinks there should be a community meeting since application feels rushed. She thinks there are lot of hopes and maybes and asked if this an unsanctioned dorm and which university’s rules will apply.

Jeff Johnson, 58 Elm Street, Ashland Street, asked for clarification on where the courtyard and parking are; Mr. Falk clarified.

Ethan Koch, 8 Boynton Street, stated he hears the neighbors’ concerns and noted that the WPI campus is jammed and he noted that WPI RA’s have authority and respect.

Laureen Elgert, 5 Hazelwood Road, owns units at El Dorado and Regency is enthusiastic, but she feels like its disingenuous to waive parking spaces since you can’t extrapolate based on the current 14 residents. She asked how residents would apply and would like to see the proposed rules & regulations and wants to know about the license process and complaints.

Chair Karlstad noted that license process is yearly. Ms. Smith noted that the License Commission could have a status hearing if complaints or code violations are occurring, and regulations are posted on the License Commission’s webpage.

Mr. Karlstad asked whether the pool room will be staying; Mr. Menninger confirmed.

Joe Boynton, 53 Elm Street, noted spaces off Elm Street are a dumpster pad and can’t back up onto Elm and shouldn’t count toward the requirement, and described his concern about dumpster location. Ms. Smith explained preexisting nonconformity proposed to remain unchanged, and noted that staff wouldn’t mind additional green space.

Russ Haims, Wayland Street, described his experience as a developer of the nearby South Village and expressed his support. He stated he has been involved in neighborhood for 30 years and highlighted the applicant's passion for the property, and stated they don't see this as a mere business venture and they are even putting son in the building. He feels that applicants have a sincere long-term plan and believes the applicants care about the property and character and thinks we need more people with financial means to achieve the vision without grants.

Mr. Haynes noted the WPI shuttle at the South Village one block away at West & Cedar, so cars aren't necessary. He has seen an influx of new people to Worcester, but he thinks these people are in it for the long haul and offered to be a mentor.

On a motion by Ms. Campaniello, seconded by Mr. Dell'Aera, the Board voted 5-0 to take a five-minute break.

Andrei Koch, 60 Elm Street, noted he is a neighbor and academic instructor. He stated he felt a community meeting is necessary and noted housing is necessary for students, but the rules are not clear, and noted potential burden between academics, sports, and property management is a burden for a student.

Ellen Breckenridge; 58 Elm Street, noted her bedroom faces the "courtyard" and is sympathetic to parents trying to find housing. She asked what the legal leverage the manager has to get residents to comply and asked about how this relates to federal fair housing laws and stated she would look forward to a neighborhood meeting.

Mr. Falk noted that this would be a form of congregate housing, which has its own rules and that this would essentially be one large residence. In terms of enforcement and legal authority, Mr. Falk noted that it is a term and condition of the lease.

Mr. Karlstad suggested the hearing be continued. Mr. Falk noted that project would also require other permits including the Historical Commission on June 15 and License Commission and suggested a condition of approval, which was not supported by the Board.

Ms. Campaniello noted that she would like to see the rules for tenants.

Mr. Karlstad said he doesn't think this is a bad project and thinks that Mr. Haims' involvement as a mentor is a positive and he wants to see the rules.

Ms. Smith recognized resident Gwen Arthur, a resident 58 Elm Street who submitted an email and she is glad to hear about a neighborhood meeting as she shares concerns about the number of students and rules governing behavior. She noted that the Regency's outdoor recreation area will be overlooked by bedrooms and wants to know about the carriage house. Mr. Falk responded.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, the Board voted 5-0 to continue the hearing until the June 26 meeting.

12.	21-23 Crown Street (ZB-023-053)(MBL 03-023-09+10)		
Variance:	For relief from the minimum side-yard setback requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)		
Petitioner:	Abby Kelley Foster House Inc.		
Present Use:	Presently on the premises is a non-conforming, two-story, two-family detached dwelling and a detached garage.		
Zone Designation:	RG-5 (Residence, General) zoning district		
Petition Purpose:	The applicant seeks to renovate the existing structure to convert it to a temporary shelter, construct an addition, demolish the detached garage, and re-configure the parking area and conduct associated site improvements.		
Public Hearing Deadline:	7/20/2023	Constructive Grant Deadline	8/24/2023

Attorney Todd Rodman was present on behalf of Abby Kelly Foster House, with Kelly Whalen participating remotely.

Mr. Rodman described the previous application and noted that a shelter has been at this location 37 years. He described pre-existing nonconformities as the structure too close to side property line. There were delays in the complex financing process, therefore they are seeking an extension of time. Mr. Rodman stated the project will be going before the Planning Board for an extension of the Site Plan Approval later that week, and that the Inspectional Services Department had administratively extended the special permit.

Ms. Russell gave a brief discussion of the project and described staff recommended conditions.

No public comment.

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 petition with recommended conditions & waivers.

13. Communications – Ms. Smith asked ZBA members about their attendance at 6/26 due to ongoing application volume

14. Approval of Minutes - None

15. Discussion of Board Policies and Procedures - None

Adjournment:

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera the Board voted unanimously to adjourn at 9:19pm.