



**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
August 28, 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  
   Jordan Berg Powers, Vice-Chair – *Participated Remotely*  
   George Cortes  
   Nathan Sabo – Alternate  
   Anthony Dell'Aera – *Participated Remotely*

Zoning Board Members Absent:        *Eric Torkornoo*  
   *Shannon Campaniello - Alternate*

Staff Participating:                        Michelle Smith, *Division of Planning & Regulatory Services*  
   Pam Harding, *Division of Planning & Regulatory Services*  
   Andreeana Brenner, *Division of Planning & Regulatory Services*  
   David Horne, *Inspectional Services Department*  
   Todd Miller, *Inspectional Services Department*

**Call to Order:**

Mr. Karlstad called the meeting to order at 5:35PM.

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

**Item 1:                    2 Milton Street (ZB-2023-009) Special Permit & Variance Application**

Request to Continue the Public Meeting to September 18, 2023  
Extend the Constructive Grant Deadline to October 17, 2023

**Item 2:                    784 (aka 790) & 796 Salisbury Street (a.k.a. Salisbury Green), 101-304 Greenwich Court, 401-610 Browning Lane, 701-808 Kittering Way, 3501-3903 Knightsbridge Close, 4001-4012 Brompton Circle, Kingston Common, and Shirringham Lane (ZB-2023-043) Special Permit, Variance & Variance Amendment Application**

Request to Continue the Public Meeting to September 18, 2023  
Extend the Constructive Grant Deadline to October 17, 2023

**Item 4:                    11 Earle Terrace (ZB-2022-076) Administrative Appeal Application**

Request to Postpone the Public Meeting to October 16, 2023  
Extend the Constructive Grant Deadline to November 7, 2023

**Item 5: 2 Northboro Street (aka 298 Plantation Street) (ZB-2023-036) Special Permit & Variance Application**

Request to Postpone the Public Meeting to September 18, 2023  
Extend the Constructive Grant Deadline to October 17, 2023

**Item 6: 309 Shrewsbury Street (ZB-2023-055) Special Permit Application**

Request to Postpone the Public Meeting to September 18, 2023  
Extend the Constructive Grant Deadline to October 17, 2023

**Item 11: 4 Barrows Road (ZB-2023-069) Variance Application**

Request to Postpone the Public Meeting to September 18, 2023  
Extend the Constructive Grant Deadline to October 17, 2023

**Item 8: 77 Amherst Street (ZB-2023-071) Variance Application**

Request to Postpone the Public Meeting to September 18, 2023  
Extend the Constructive Grant Deadline to October 17, 2023

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to grant the postponements.  
Old Business – Public Hearings**

**3. 9 Longmeadow Avenue (ZB-2023-046) (MBL 36-023-00023)**

**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).

*Lot 22:*

**Variance:** For relief from the minimum frontage requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2).

*Lot 23:*

**Variance:** For relief from the minimum frontage requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2).

**Petitioner:** Frede Matos

**Present Use:** Presently on the premises is a single-family dwelling.

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

**Petition Purpose:** The applicant seeks to divide the existing lot into two lots and construct a single-family dwelling on proposed Lot 22 and to conduct associated site improvements.

**Testimony Date:** 6/26/2023      Constructive Grant Deadline      8/29/2023

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Mr. Zac Couture gave a recap of the project and stated that substantial changes were made since it was heard at the last meeting.

Mr. Couture explained the proposed updates, which included remodeling and narrowing the house, removing the shared driveway, adding more shade trees, adding a fence, and testing the soil in order to determine if the roof runoff system would work with the soil conditions.

Ms. Michelle Smith gave an overview of the project, stating that the size of the structure was reduced, and that staff wanted to see a walkway to the main entrance, an access agreement for the common driveway, a provision for the roof runoff to be recharged, and a provision for additional trees.

**Public Comment**

Karen Lions, 14 Longmeadow Avenue, stated that she thinks the house is larger than the other houses in the neighborhood and doesn't want to see a lot of pavement for parking on the lot because it's getting rid of green.

Tim Foley, 2 Longmeadow Avenue, stated that thinks the lot will become 2 non-conforming lots and wants the Board to adhere to the zoning law for frontage.

Cheryl Killoren, 15 Longmeadow Avenue, stated that she is ok with the applicant not planting arborvitae along their shared property line because she has a fence.

Paul Sitchwick, 36 Longmeadow Avenue, stated that he thinks the proposal will harm the neighborhood because it will make the houses look crammed, lower the cost of houses in the area. He also stated that he does not believe the petitioner has shown hardship.

### **Board Discussion**

Mr. Jordan Berg Powers stated that he believes the proposal is not hurting the neighborhood and that the lot size is good for the proposal. Mr. Russell Karlstad stated that the hardship is self-imposed, he doesn't like the driveway on the new lot, and overall is opposed to the project.

Mr. George Cortes stated that minor changes on the site were made but these changes are not enough to provide a structure that is good for this area.

Mr. Anthony Dell'Aera asked if pushing the structure back to create more frontage would be an option. Ms. Smith stated that the front yard could be increased, but the only option would be to get property from a neighbor.

Mr. Dell'Aera asked if the location of the footprint was chosen in order to maximize the rear-yard. Mr. Couture stated that the idea was to have the proposed house in line with the rest of the houses, and not farther back where it would stand out and that he is ok with moving the proposed house back in order to increase green space in the front.

Mr. Karlstad stated that he believes this project is a self-created hardship and does not want to approve it.

Mr. Nathan Sabo stated that said he's in favor of more housing, but there's issues with the driveway and it's hard to determine whether this project shows a hardship or not. Mr. Sabo also stated that he doesn't think the current design is the best idea.

Mr. Karlstad stated that at this time, the applicant can postpone the application to the next meeting or have the Board vote now with the chance of not getting approved.

Mr. Couture stated that he understands the concerns but is worried that changes will not satisfy everyone. He stated that the proposed house is being portrayed as a bigger structure than the average size home. He also stated that he doesn't think making it smaller will help or satisfy board members.

Mr. Couture asked the Board to do a straw poll. Mr. Berg Powers, Mr. Sabo, and Mr. Cortes voted in favor with Mr. Dell'Aera and Mr. Karlstad opposed.

Mr. Couture requested to withdraw the application without prejudice.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 4-1 (Berg Powers opposed) to approve the Leave to Withdraw without Prejudice.**

**7. 224 Shrewsbury Street (ZB-2023-056) (MBL 16-016-00030)**

<b>Special Permit:</b>	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).		
<b>Variance:</b>	For relief from the minimum parking requirements for a residential use (Article IX, Section 7, Table 9.1).		
<b>Variance:</b>	For relief from the maximum dimensional Floor to Area Ratio (FAR) in the BG-2.0 zone (Article IV, Section 4, Table 4.2).		
<b>Variance:</b>	For relief from the maximum height dimensional requirement in the BG-2.0 zone (Article IV, Section 4, Table 4.2).		
<b>Petitioner:</b>	Lundgren Equity Partners LLC, as Trustee of The 224 Shrewsbury Street Realty Trust		
<b>Present Use:</b>	Presently on the premises of 224 Shrewsbury Street is surface parking lot.		
<b>Zone Designation:</b>	BG-2.0 (Business, General) zoning district and within the CCOD-S (Commercial Corridors Overlay District - Shrewsbury Street Subarea) and USOD (Union Station View Corridor Sign Overlay District) overlay districts.		
<b>Petition Purpose:</b>	The applicant seeks to construct a ±76,165 SF, ±5-story, multi-family high-rise structure with ±73 dwelling units and ±69 garage parking spaces, and to conduct associated site improvements.		
<b>Public Hearing Deadline:</b>	8/28/2023	<b>Constructive Grant Deadline</b>	9/19/2023

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Mr. Joshua Lee Smith gave an overview of the project stating that the applicant is looking to construct a multi-family high-rise structure with around 73 dwelling units and 69 garage parking spaces on the premises, which is currently a surface parking lot.

Mr. Smith stated that originally, the proposal was for a 6-story project but based on conversations with neighbors is now proposing a reduced-sized project with increased parking, an improved storm-water management system, and additional landscape features.

Mr. Ben Anderson, the principal engineer, gave an overview of the design of the buildings and showed renderings of the proposed building from different angles.

Ms. Smith gave an overview of the project and asked the applicant to explain parking management for guests and residents, maintenance and monitoring of the parking stackers, and stated that staff would like to see the drive aisle reduced in width in order to accommodate one more potential parking space.

Mr. Smith stated that the system will be monitored 24/7 by parking management who will be onsite at all times, but that residents can also report to management if there are any issues. Mr. Smith also stated that he would like for parking to be unassigned but is open to assigning parking spaces to tenants, and that the applicant is ok with the idea of having off-site parking, which would be included in tenants' leases.

Mr. Karlstad asked about the queuing off of Oleum Court, and if the garage door would face towards the building or if it would be interior. Mr. Anderson stated that it will be interior.

Mr. Karlstad asked if it's in line with the interior walls, Mr. Anderson confirmed.

Mr. Karlstad asked if the applicant accepts the waivers, Mr. Smith confirmed.

Mr. Karlstad asked if the applicant had any other comments, Mr. Smith responded and asked staff to clarify condition 1C. Ms. Smith stated that condition 1C states that an extension of the sidewalk should be provided where the building fronts, outside of the retaining wall. Mr. Smith stated that the applicant proposes to have a landscape surface instead of extending the sidewalk because there's residents on the other side of the road that would have a viewpoint of this area.

Board Discussion

Mr. Cortes stated that the sidewalk is for pedestrian safety and isn't sure he likes the idea of not including a sidewalk.

Mr. Sabo stated that he thinks there should be a sidewalk because it will connect it to the park better and will allow for better pedestrian access overall.

Mr. Smith asked for clarification on what would be the distance of the sidewalk and wanted to know if it would be the entire distance along the property line. Ms. Smith stated along the extent of the property, including the gravel section.

Mr. Sabo stated that said it would be beneficial for planning and zoning to have a joint hearing for issues like this.

Mr. Anderson asked staff to clarify that they want to see the sidewalk extend around the property line and into the driveway entrance.

Mr. Karlstad said yes, along the edge of the road.

Mr. Cortes asked if the staff recommendation (1C) will be accepted.

Mr. Karlstad stated that the Board will discuss this during Board discussion.

Mr. Smith stated that staff recommendation (1D), suggests that the applicant add an additional parallel parking space within the striped interior parking island.

Ms. Smith asked Mr. Anderson to confirm if there's room for a parallel space within the striped interior parking island. Mr. Anderson stated that they could get 2 more parking spaces if they reduce drive isle.

### **Public Comment**

Vincent Padoni, 18 East Park Terrace, stated that he was elected by his neighbors to speak on their behalf and that many of the residents during the winter use the area where the curb or sidewalk will be to move their car for snow plowing, and that parking is a concern and a self-imposed hardship in this case because the applicant owns land across the street.

Mr. Padoni stated that the proximity to the existing property next-door is also a concern to the neighborhood, as an alleyway would be created. Mr. Padoni asked the Board to reject the Variance for parking and require the petitioner to assign parking across the street.

Mr. Patrick Raffiti, 238 & 240 Shrewsbury Street, stated that the lot is relatively small, he doesn't like the height of the proposed building, and he thinks the alleyway is a potential safety concern.

Mr. Raffiti asked if any parking stackers have been approved, Mr. Karlstad said no.

Mr. Raffiti also stated that he is concerned that tenants will be responsible for the maintenance costs of the parking stackers, and that access to the street will be dangerous, as he stated he's seen car accidents in the area.

### **Board Discussion**

Mr. Cortes stated that the parking proposal will make it harder to find parking in the area, the building is too high in comparison to the rest of the neighborhood, and that he does not think having an alley will be safe.

Mr. Berg Powers stated that additional parking is encouraged, but that he also wants to see more places for people to live.

Mr. Berg Powers stated that development decreases violence and drugs and developing the area will stop this.

Mr. Nathan Sabo stated that he believes we need less parking, not more parking, and that the proposed height of the building is appropriate for the area.

Mr. Sabo stated that the area is walkable and is going to activate the area and drive out the bad.

Mr. Dell'Aera stated that it's a question of if this neighborhood is appropriate for this building and is in favor of zoning regulations increasing the maximum height requirements.

Mr. Karlstad stated that he likes the project, but parking is an issue and wants to know if they can increase the number of lifts in the area.

Mr. Smith stated that less stackers were proposed because they're expensive.

Mr. Smith stated that it would be possible to add stackers, but not in the accessible parking spots and that the stackers are not all-weather and doesn't want them exposed to certain elements.

Mr. Anderson stated that an additional parking space could be created if they added a stacker.

Mr. Karlstad stated that they could maximize the stackers and have a permanent spot across the street, and that he does not like the alleyway.

Mr. Anderson stated that they could have security fencing for the alley.

Mr. Karlstad stated that parking is a concern and said he would like to see shade studies.

Mr. Anderson said that they're willing to look for that.

Mr. Karlstad stated that said there could be improvement to the project before the Board votes.

Mr. Smith stated that there would be a gate along the Shrewsbury side (alley) and they could add another gate on the other side, as well as security cameras, and windows.

Mr. Anderson stated that the alley will not be dark.

Mr. Karlstad stated that people will try to find shelter in the alley, and he wants changes to be made to prevent this.

Mr. Smith stated that other projects that have been approved nearby have a similar height as the one they're proposing.

Mr. Karlstad stated that he wants to see more stackers and that even though they're costly, that's the cost of doing business.

Mr. Smith stated that they're willing to cooperate with staff, neighbors, and the Board.

Mr. Karlstad asked if the petitioner requests to continue the application to the next meeting.

Mr. Smith said yes.

Ms. Smith asked if the next meeting on September 18<sup>th</sup> was enough time, Mr. Smith confirmed.

Mr. Karlstad stated that he likes the proposal but would like to see more stepping in the building.

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to continue the public hearing to the September 18, 2023 meeting.**

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to take a 5-minute break.**

**8. 27 Edgeworth Street (ZB-2023-057) (MBL 09-027-00008)**

**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 for a residential use (Article IV, Section 7, Table 4.4).

<b>Variance:</b>	For relief from the minimum frontage requirement in an RG-5 zone (Article IV, Section 4, Table 4.2).		
<b>Variance:</b>	For relief from the minimum accessory structure setback requirement in an RG-5 zone (Article IV, Section 4, Table 4.2).		
<b>Petitioner:</b>	Shiyu Xie		
<b>Present Use:</b>	Presently on the premises at 27 Edgeworth Street is a vacant lot with a deck.		
<b>Zone Designation:</b>	RG-5 (Residence, General) zoning district		
<b>Petition Purpose:</b>	The applicant seeks to construct three-family detached dwelling and to conduct associated site improvements.		
<b>Public Hearing Deadline:</b>	8/28/2023	<b>Constructive Grant Deadline</b>	9/19/2023

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Mr. Tim Callahan, representative, gave an overview of the project stating that the applicant would like to build a 3-story apartment on what is currently a vacant lot, and would like to have parking in the front.

Mr. Callahan stated that the applicant is seeking Variances for parking and setback requirements.

Mr. Callahan stated that a shade tree in the front will be saved and they're proposing storage for bicycles.

Ms. Smith gave an overview stating that staff would like to see a widened curb cut due to proximity to the street and create a 3ft buffer to the neighboring parking.

Ms. Smith stated that there's a gap between the front of the structure and walkway and staff wants to know what the surface treatment of that area will be.

Ms. Smith stated that due to topography, this application will have to seek Planning Board approval.

Ms. Smith asked how the parking will be managed between occupants and stated that staff would like to see conditions related to fencing, interior bike storage, storm water elements, and additional vegetation planted.

Board Discussion

Mr. Karlstad asked if 3 parking spaces would be assigned to all units, Mr. Callahan confirmed

Mr. Karlstad stated that the rendering of the parking looks wider than what the city is requesting. Mr. Callahan stated that the rendering is at an angle so that you can see the tree.

Mr. Karlstad asked what the surface treatment is under the overhang; Mr. Callahan said a 5 ft concrete walk.

Ms. Smith stated that she believes they will go over the 50% threshold and that additional relief may need to be included. Mr. Karlstad asked if they could condition that. Ms. Smith stated that it would be a challenge because different materials can look impervious.

Ms. Smith stated that it may not appear pervious but would be considered impervious.

Mr. Sabo asked if the applicant could explain why the driveway is changing.

Mr. Karlstad stated that they haven't asked for relief yet.

Mr. Sabo stated that he understands but the city recommendation is to change the driveway and he'd like clarification.

Ms. Smith stated that the third parking space is narrow towards the curb cut and that there's not adequate room to pull into the space. Mr. Smith stated that staff recommends that they align the spaces in order to get rid of this.

Mr. Callahan stated that they have no problem with squaring the space off, but the tree would have to get removed.

Ms. Smith stated that if they shift it to the right and widen the curb cut, the tree might not have to be removed.

Mr. Karlstad stated that saving the tree is a good thing and asked what the health of the tree is. Mr. Callahan stated that he thought the tree looks healthy and does not see any rotting. Mr. Callahan stated that they would rather take the tree out if it will interfere with parking.

Ms. Smith stated that staff does not suggest removing the tree, only shifting the driveway. Mr. Callahan stated that it might interfere with where the proposed bicycle storage will be. Ms. Smith stated that staff would like to see bicycle storage interior instead of exterior.

Mr. Karlstad asked if the applicant is ok with that. Mr. Callahan stated that they tried but the bicycles being interior would take out square footage from the middle floor because they can't go under the stairs due to lack of room.

Mr. Karlstad stated that staff recommendations will allow for more green space and they would like to see one bicycle per apartment. Mr. Callahan asked if this means bike parking would have to be interior and asked about tenants living on the higher floors. Mr. Karlstad asked if bikes could go under the awning. Mr. Callahan stated that if they have the 5 ft concrete walkway under the awning, they could do it.

Mr. Karlstad asked if staff was ok with this. Ms. Smith stated that the main recommendation was to shift parking and most tenants might want to bring their bike inside.

Ms. Smith stated that they could shift it under the awning because it would be covered, but that the decision was up to the Board.

Mr. Karlstad stated that it's an alternate location and asked if the applicant accepts the waivers; Mr. Callahan accepted the waiver.

Mr. Callahan stated that they have windows under the awning and half the building could be enclosed with a screen porch.

Mr. Karlstad stated that it's up to the applicant.

*No public comment.*

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the application with all waivers, recommendations, and conditions.**

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**9. 27 Shamrock Street (ZB-2023-060) (MBL 16-014-00027)**

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

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

**Petitioner:** 27 Shamrock Street LLC

**Present Use:** Presently on the premises is a non-conforming three-family detached dwelling.

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

**Petition Purpose:** The applicant seeks to install a fourth dwelling unit through interior renovations, converting the structure to a low-rise multi-family dwelling along with associated site work.

**Public Hearing Deadline:** 9/3/2023      **Constructive Grant Deadline:** 10/8/2023

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Mr. Don O'Neil, representative, gave an overview of the project stating that the applicant seeks to convert the basement of the property into an additional unit with no exterior changes occurring.

Mr. O’Neil stated that relief for parking is also being requested for the proposal because the property currently has parking on either side of the building with each tenant using one side and one who does not own a vehicle. He stated that the applicant is looking for a tenant who does not have a vehicle, and that the area is walkable.

Mr. O’Neil stated that the applicant is agreeable to staff recommendations and clarified that there is a concrete apron between the building and sidewalk in front.

Mr. O’Neil stated that staff would like for this concrete apron to be dug up and made pervious for infiltration, but the applicant worries this would cause maintenance problems, could affect the foundation, and the basement unit.

Mr. O’Neil requested all waivers listed on the memo.

Ms. Smith gave an overview of the project and stated that staff would like to see the concrete area in the front of the building converted into a planted strip, but that the removal of the concrete area has not been made a condition of approval.

Ms. Smith stated that the area is walkable as it’s located within ½ mile of union station, and staff recommends that the 2 additional parking spaces required be converted into bicycle parking.

Ms. Smith stated that there’s an encroachment onto the neighboring property and that it has existed since around the 1930s and is privileged and not increasing in nonconformity.

*No public comment.*

**Board Discussion**

Mr. Karlstad stated that parking on Shamrock Street is tough.

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the application with all waivers, recommendations, and conditions.**

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**10. 408 Plantation Street (AKA 410 Plantation Street & 1 Belcourt Road) (ZB-2023-063) (MBL 46-007-00444)**

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

**Petitioner:** Deep Corporation

**Present Use:** Presently on the premises are two single-family dwellings, and a commercial structure operated as a convenience store with associated site improvements.

**Zone Designation:** RL-7 (Residence, Limited) zoning district and partially within the Water Resource Protection Overlay District (WR(GP-3)).

**Petition Purpose:** The petitioner seeks to convert the use from Retail Sales (Business Use # 26) to a use of a similar nature, a Package Store (Business Use #21) with no proposed changes to the exterior of the premises.

**Public Hearing Deadline:** 8/31/2023      **Constructive Grant Deadline**      N/A

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Mr. O’Neil, representative, gave an overview of the project stating that presently on premises is a convenience store that has been operating as such since 2001. He stated that the applicant would like to convert the convenience store into a package store with a beer and wine license for sales.

Mr. O’Neil stated that there are 7 parking spaces, and the requirement is 5, and that there’s a dumpster in the rear of the property. He stated that the applicant is also seeking approval from the License Commission for the

liquor license, stated that the hours of operation are less than the current convenience store hours, but they are amenable to this condition regarding time.

Mr. O’Neil stated that the sign will need to be brought into compliance and they will seek an appointment with the co-department to determine what’s permitted under the sign-ordinance.

Mr. O’Neil requested all waivers.

Ms. Smith gave an overview of the project and stated that based on city records, the property is privileged non-conforming, and that a Special permit for retail use for this property was granted in 2001.

Ms. Smith stated that the retail use was originally for selling scrubs, but was later used as a convenience store, and now the applicant is seeking to get approval for the package store use. She stated that the applicant proposes to continue with their current hours of operation, but staff would like the applicant to clarify.

Ms. Smith stated that waste removal will occur once a month and that staff would like to see a closed-style fence around it, stated that signs were installed out of compliance with zoning and staff has recommended a condition on sign compliance.

Ms. Smith stated that the property is close to the UMASS campus and that there are adequate parking spaces onsite as the applicant has 7 and 5 are required.

Mr. O’Neil stated that the applicant is agreeable to operating under limited hours.

*No public comment.*

**Board Discussion**

Mr. Cortes asked if the liquor license has already been requested; Mr. O’Neil said no.

Mr. Cortes asked if they would seek the liquor license after getting Zoning Board approval. Mr. O’Neil said yes and that the License Commission might restrict the hours of operation as well.

Mr. Karlstad asked if the applicant understands that he has 60 days for signage compliance from the day the application is approved, Mr. O’Neil confirmed.

Mr. Karlstad asked Mr. Horne if this was correct, Mr. Horne confirmed.

Mr. Berg Powers asked if the applicant had already accepted the waivers, Mr. Karlstad said they had been requested.

Mr. Berg Powers asked if he had requested them for this application.

Mr. O’Neil stated that he would request again in case he hadn’t, and requested the 2 waivers.

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the application with all waivers, recommendations, and conditions.**

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13.                                **84, 90 & 91 Lamartine Street (ZB-2023-072) (MBL 05-011-13-15 & -00012; 05-013-0019A)**

*Extension of Time:*

**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 ± 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, the Adaptive Reuse Overlay District (AROD) and within the Floodplain Overlay District.

Petition Purpose: The applicant seeks an extension of time for previously approved relief to renovate the existing building for use as a multi-family dwelling with ±38 units, provide associated surface parking (±10 spaces), and associated site improvements.

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

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Mr. James Vevone, representative, gave an overview of the project stating that the applicant is seeking an extension of time for a Variance for parking approved by the Board in September 2022 for a multifamily housing project.

Mr. Vevone stated that the applicant is pursuing the project but is seeking a 6-month extension of time due to delays in financing.

Mr. Karlstad asked if the project was changing at all or if it was just a financial issue.

Mr. Vevone stated said no, the project was not changing at all, they just needed more time.

*No public or Board discussion.*

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the 6-month Extension of Time with all previously approved waivers, recommendations, and conditions.**

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**14. 15, 24 and 34 Lakeside Avenue, 15 Lovell Street and 2 Circuit Avenue South (ZB-2023-073)(08-050-00001, 08-046-00001, 08-046-00003, 08-045-00002 and 14-017-00016)**

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

**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).

**Variance:** For relief from the maximum height (stories & feet) dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2).

**Variance:** For relief from the minimum front-yard setback dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2).

**Variance:** For relief from the minimum rear-yard setback dimensional requirement in an RS-7 & RG-5 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the maximum Floor Area Ratio (FAR) density requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the minimum off-street parking requirements (Article IV, Section 4, Table 4.4)

**Variance:** For relief from the minimum loading space requirements (Article IV, Section 7, Table 4.5)

**Variance:** For relief from the maximum height requirements for accessory structures (Article IV, Section 8.B.10)

Petitioner: Tremont Development Partners LLC and E3 Development LLC

Present Use: Presently on the premises is approximately 11.77 acres of land occupied by approximately 34 three-story buildings with 202 rental units and accessory office and

operations space, known as the "Lakeside Apartments", approximately 166 parking spaces (on and off-street) and site improvements related thereto.

Zone Designation: RG-5 (Residence, General) zoning district, RS-7 (Residence Single Family) ML-1.0 (Manufacturing, Limited) FP (Floodplain Overlay District).

Petition Purpose: The applicant seeks to demolish the 8 three-story residential buildings and construct and develop 2 multi-family dwellings, high-rise buildings (one +/- 78,485 SF six-story building and one +/- 51,825 SF four-story building) consisting of a total of +/- 116 rental units, +/- 69 parking spaces (44 off-street and 25 on-street), open amenity space, and other site improvements related thereto.

Public Hearing Deadline: 10/11/23 Constructive Grant Deadline 11/15/2023

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Mr. Mark Borenstein, representative, gave an overview of the project stating that the relief requested is for the project is for phase 1 of the overall Lakeside redevelopment project.

Mr. Borenstein stated that the property is split-zoned with RG-5 and RS-7 zoning districts; that the existing buildings were constructed in 1949 and that they're outdated and not accessible; that the property is currently being used as what's known as Lakeside Apartments and overall is just over 11 acres.

Mr. Borenstein stated that the proposal before the Board is only for phase 1 of the project and that phase 1 consists of the demolition and redevelopment of 2 buildings

Mr. Borenstein stated that the overall project consists of 328 units in total, 28 mixed-income condominium units, and discontinuances of portions of existing roads. He stated that Building 2A is the proposed 6-story building and Building 2B is the proposed 4-story building.

Mr. Borenstein stated that phase 1 consists of 116 units in total and will be 30-60% AMI, and 10% of the units will be accessible; that 44 off-street parking spaces are proposed, as well as additional landscaping.

Mr. Borenstein stated that since the area is split-zoned, building 2A is not in compliance with the height limitations for the RL-7 zoning district, but Building B is because it's in the RG-5 zoning district. He stated that the City Council is currently working on rezoning the area, changing the area located in the RL-7 zoning district to the RG-5 zoning district. Mr. Borenstein stated that once the City Council has adopted this rezoning, building 2A will be compliant with height restrictions.

Mr. Borenstein stated that there will solar rays on the roof of the building, all electric compliances, and indoor bicycle storage.

Mr. Borenstein stated that other relief is for parking and landscaping requirements, minimum off-street parking, setback, height, accessory structure, and Floor Area Ratio (FAR) requirements. Mr. Borenstein stated that there are an additional 25 parking spaces located on-street, and additional spaces on Lakeside Avenue. He stated that a traffic impact statement has been submitted and that 66 spaces were found to be sufficient for the proposed use and that there will be an increase in bicycle accommodations and improvements to the sidewalks.

Mr. Borenstein asked Ms. Smith to clarify the rear yard setback, as the memo stated the applicant is seeking 40.2 FT of relief.

Mr. Borenstein requested the waivers.

Mr. Borenstein stated that he would like the findings of fact related to the traffic and parking proposed by staff to be revised to reflect the density bonuses given under the inclusionary zoning ordinance.

Mr. Borenstein stated that the applicant is proposing conduits in 2 spaces with a charging station, but DTM is requesting for an additional electric charging station.

Mr. Borenstein requested to extend the conduits between the Southern portion of the lot between building A and building B instead of another separate charging station, as he said the area was congested.

Mr. Borenstein stated that they applied for a Variance for loading space requirements but would like to reconcile the requested Variance and Special Permit and withdraw whichever is not required.

Ms. Harding stated that the rear yard setback was taken from an original iteration of the plan with different lot lines which means the applicant may be requesting less relief than what was originally proposed. She stated that the building is classified as an "other permitted structure" in RS-7 zone, and since this zone is more restrictive than the RG-5 zone, relief is based on the RS-7 zone; stated that the Floor Area Ratio (FAR) is 0.88 and the RS-7 zone allows a 0.4:1 FAR ratio, but since the project is affordable, a density bonus is included under the inclusionary zoning ordinance.

Ms. Harding stated that a 0.5:1 FAR is allowed for this project under the inclusionary zoning ordinance, which is why the applicant has a 0.88 FAR. She stated that the applicant gets up to 25% of parking relief due to the inclusionary zoning ordinance, and a transportation demand management plan was included, which meant they requested relief from 104 parking spaces.

Ms. Harding stated that the proposal from the transportation demand management plan was incorporated into the conditions of approval.

Ms. Harding stated that staff requests that the loading spaces be increased to 12 Ft x 50 FT, EV parking spaces are shown on the plan, an outdoor covered bicycle rack is provided, new lot lines and setbacks are shown on the plan, and that the applicant reflects FAR and height on the plan.

*No public comment.*

### **Board Discussion**

Mr. Berg Powers asked what will happen to the residents currently living on the premises. Mr. Borenstein stated that all residents have been notified of the project and that the Worcester Housing Authority is working with a relocation company, which will allow residents to relocate until the completion of the project. He stated that current residents will be allowed to return to the proposed building once it has been built, or they can relocate to other residencies through the Worcester Housing Authority.

Mr. Karlstad asked the applicant when demolition would occur. Mr. Borenstein stated that it depends on the applications, but the applicant hopes to start in January of 2025.

Mr. Cortes asked what materials will be used for the walkways; Mr. Borenstein stated that it will be some type of asphalt.

Mr. Cortes stated that he was concerned for wheelchair users and wanted to make sure that the material used would be accessible and asked what lighting will be used for when it's dark. Mr. Borenstein stated that the applicant proposes lighting that is safe but does not have excessive glare, as there are other residents living nearby.

Mr. Cortes asked if there is any bus stops nearby. Mr. Borenstein stated that there's a bus stop right in front of Lakeside apartments on Lovell Street.

Mr. Karlstad stated that the Board does not have jurisdiction over transformer location, but he did not like the two transformers and wondered if they could go underground or in a better location.

Mr. Borenstein asked if the city is ok with the change in the conduits for the EV stations.

Ms. Smith stated that the applicant can withdraw the Variance, as the Special Permit will cover the required relief for the loading spaces and asked the applicant to confirm the dimension of the rear-yard setback.

Ms. Smith stated that she believed the rear-yard setback was labeled as 11.3 FT but would like the applicant to confirm.

Mr. Borenstein stated that they believed they were not allowed to use the retaining wall because it's an accessory structure, which is why they are seeking 24.9 FT of relief in rear-yard setback.

Ms. Smith stated that there was a typo in the memo that stated 40.2 FT of relief was needed and that staff would update the memo.

Mr. Borenstein requested that the Variance be withdrawn with respect to the 3 loading spaces, as it was stated that the Special Permit would grant this relief. Mr. Karlstad asked the applicant to clarify which relief was being withdrawn. Mr. Borenstein stated the Variance for relief of 3 spaces for the minimum 4 loading space requirement. Mr. Borenstein stated that the Variance for rear-yard setback would also need to be updated to reflect the correct relief.

Mr. Karlstad asked what the correct amount of relief was.

Mr. Borenstein stated that the correct amount of relief needed is 24.9 FT for the rear-yard setback.

Ms. Smith stated that she believes it is 25.1 FT.

Mr. Borenstein stated that 24.9 FT is the correct amount.

Mr. Karlstad stated that he believes it's a great project.

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

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the application with all waivers, recommendations, and conditions, with the DTM comment as modified and stated as an added condition, and to withdraw the Variance for the 3 spaces for the minimum 4 space loading requirement.**

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## **12. Communications – None**

**14. Approval of Minutes** – On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to approve the 6/26/2023 & 7/17/23 minutes and postpone voting on the 8/7/23 minutes to the next meeting.

**15. Discussion of Board Policies and Procedures** – Ms. Smith talked about The City of Worcester's recent adoption of the MGL 23D – Mullins Rule.

### **Adjournment:**

**On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 8:50pm.**