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
April 17, 2024

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
https://cityofworcester.webex.com/meet/zoningboardofappealswebex and
call-in number 1-844-621-3956 (Access Code: 2630 362 4924).

Zoning Board Members Present:	Russell Karlstad Jordan Berg Powers, Vice-Chair – *Participated Remotely Joined @5:33 PM* Eric Torkornoo – *Participated Remotely* Dr. Anthony Dell'Aera – *Participated Remotely* Nathan Sabo – *Alternate*
Zoning Board Members Absent:	*George Cortes* *Shannon Campaniello – Alternate*
Staff Participating:	Michelle Smith, *Division of Planning & Regulatory Services – Participated Remotely* Victor Panak*, Division of Planning & Regulatory Services* Andreana Brenner*, Division of Planning & Regulatory Services* David Horne*, Inspectional Services Department*

Call to Order:
Mr. Karlstad called the meeting to order at 5:31PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Continuances/Postponements

Item 1. **37 Natural History Drive (ZB-2024-004) (MBL 46-011-108-3) Variance Application**
Request to Postpone the Public Meeting to May 6, 2024
Extend the Constructive Grant Deadline to June 4, 2024

Item 3. **4 (Lot B) & 6 (Lot A) Cliff Street (ZB-2024-022) (MBL 31-002-002+5) Special Permit & Variance Application**
Request to Postpone the Public Meeting to May 6, 2024
Extend the Constructive Grant Deadline to June 4, 2024

On a motion by Mr. Sabo, seconded by Dr. Dell'Aera, Board voted 5-0 to grant all Continuances & Postponements.

New Business – Public Hearings

1.	**43 (aka 41) Harvard Street (ZB-2024-020) (MBL 02-030-08-10)**
Special Permit:	To extend, alter, or change a privileged nonconforming structure and/or use (Article XVI, Section 4)
Petitioner:	Flanders Harvard Street Associates
Present Use:	Presently on the premises is a ±21,740 SF office building.
Zone Designation:	BO-1.0 (Business, Office)
Petition Purpose:	The petitioner seeks to install an elevator to allow access to the 2nd floor of the existing office building.
Board present/voted on item:	JBP;AD;ET;NS;RK.

Exhibits:

Exhibit A:	Special Permit Application; received 2/20/2024; prepared by Sarah Berry.
Exhibit B:	Survey; revised 3/28/2024; prepared by Jarvis Land Survey, INC.
Exhibit C:	Floorplans; revised 2/26/2024; prepared by Dixon Salo Architects, INC.
Exhibit D:	Architecture; revised 3/28/2024; prepared by Dixon Salo Architects, INC.
Exhibit E:	Staff comments; received 2/25/2024.

Testimony Date: 6/1/2024 Constructive Grant Deadline: TBD

Ms. Berry, representative, gave an overview of the project.

Ms. Berry stated that they want to install an elevator in order to allow access to the second floor of the existing office building.

Mr. Panak gave an overview of the project stating that the building is privileged, and the applicant seeks to add an elevator to the exterior which would intensity the nonconforming front-yard setback. Staff recommends landscaping and stating the percent of impervious surface being removed onsite.

Public Comment:
None.

Board Comment:

Mr. Sabo asked if the applicant would request the waivers and if they are amendable to all staff recommendations.

Ms. Berry requested the waivers.

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

On a motion by Mr. Sabo, seconded by Dr. Dell'Aera, Board voted 5-0 to approve the application with waivers, recommendations, and conditions.

New Business – Public Hearings

3.	**225 Shrewsbury Street & 68 Albany Street (ZB-2024-023) (MBL 16-03100003 & -032-02+2A)**
Extension of Time	
Variance:	For relief from the maximum height dimensional requirement in an BG-3.0 Zone (Article IV, Section 4, Table 4.2)
Petitioner:	Lundgren Equity Partners LLC
Present Use:	Presently on the premises of 225 Shrewsbury Street is multi-tenant commercial structure and related surface parking and on 68 Albany Street is an industrial building
Zone Designation:	BG-2.0 (Business, General) and MG-2.0 (Manufacturing, General) zoning district
Petition Purpose:	At 225 Shrewsbury Street the applicant seeks an extension of time for previously approved relief to construct a ±204,413 SF, ±7-story, multifamily high-rise structure with ±218 dwelling units, with the majority of the existing multi-tenant building to remain, to re-configure parking to provide ±178 spaces, and conduct associated site improvements. At 68 Albany Street the applicant seeks to demolish the existing building, construct a ±100 space surface parking lot, and conduct associated site improvements.
Board present/voted on item:	JBP;AD;ET;NS;RK.
Exhibits:	Exhibit A: Application; received 3/15/2024; prepared by Joshua Lee Smith. Exhibit B: Plan; received 3/15/2024; prepared by High Point Engineering, Inc. Exhibit C: Floorplans; received 3/15/2024. Exhibit D: Recorded Decision; received 3/15/2024.

Public Hearing Deadline: N/A Constructive Grant Deadline 5/2/2024

Mr. Smith, representative, gave an overview of the project stating that the applicant is seeking an extension of time for a previously granted Variance for a 7-story multifamily dwelling located at an existing shopping center site.

Mr. Smith stated that they are seeking a 6-month extension of time due to labor and financial constraints.

Public Comment:
None.

Board Comment:
None.

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

On a motion by Mr. Sabo, seconded by Dr. Dell'Aera, Board voted 5-0 to approve the application with all previously approved conditions, recommendations, and waivers.

New Business – Public Hearings

5.	**16 Tamar Avenue (ZB-2024-024) (MBL 34-030-00014)**
Variance:	For relief from the minimum frontage requirement for a single-family dwelling in an RS-7 (Residence, Single-Family) zoning district (Article IV, Section 4, Table 4.2)
Petitioner:	GM Properties LLC
Present Use:	Presently on the premises is a ±2,715 SF single-family detached dwelling
Zone Designation:	RS-7 (Residence, Single-Family) zoning district
Petition Purpose:	The petitioner seeks to subdivide the existing lot and construct an additional single-family detached dwelling with 3 bedrooms on the second lot, and associated site improvements.
Board present/voted on item:	JBP;AD;ET;NS;RK.

Exhibits:	Exhibit A:	Variance Application; received 3/27/2024; prepared by Joseph Duquette.
	Exhibit B:	Variance Plan; revised 3/26/2024; prepared by HS&T Group, INC.
	Exhibit C:	Elevations; received 3/26/2024; prepared by J.R. Associates.
	Exhibit E:	Staff comments; received 3/21/2024; prepared by Joseph Duquette.

Public Hearing Deadline: 6/1/2024 Constructive Grant Deadline 7/6/2024

Mr. Smith gave an overview of the project.

Mr. Smith stated that the applicant is seeking to split the existing lot and construct a single-family dwelling on the second lot. Mr. Smith stated that lot 1 would retain the existing dwelling.

Mr. Smith stated that the new dwelling complies with all dimensional requirements except for frontage.

Mr. Karlstad asked if he accepts the waivers; Mr. Smith stated that conditions 1A-1F are acceptable and that they request all of the waivers.

Mr. Panak gave an overview stating that the applicant seeks to divide the lot and build a new single-family dwelling on the second lot. Mr. Panak stated that staff would like to see updated plans.

Public Comment:
Mr. Sean Brady asked if the homes are for sale or rent; the applicant stated they're for sale.

Mr. Brady asked what will happen to the trees in the area; Mr. Smith stated that maintaining trees was a staff comment, but some trees will need to be removed. Mr. Smith stated that the driveway has been shifted in order to preserve some of the trees onsite.

Mr. Brady asked if this has precedent for the zoning district; Mr. Karlstad said no.

Board Discussion:
Mr. Berg Powers stated that the use of the property is good and maintaining the trees is great.

On a motion by Mr. Sabo, seconded by Dr. Dell'Aera, Board voted 5-0 to close the public hearing.
On a motion by Mr. Sabo, seconded by Dr. Dell'Aera, Board voted 5-0 to approve the application with all recommendations, conditions, and waivers.

New Business – Public Hearings

6. 112, 114, 116, 120 & 120 ½ Houghton Street & 1 Nuttall Lane (ZB-2024-026) (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, 120 and 120 ½ Houghton Street are single-family detached dwellings, and at 116 Houghton Street is an existing nursing home with associated site improvements, and at 1 Nuttall Lane is an existing three-family dwelling
Zone Designation:	RG-5 (Residence, General) zoning district
Petition Purpose:	The applicant seeks to 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.
Board present/voted on item:	RK; JBP; AD; ET; NS
Exhibits:	Exhibit A: Application; received 3/15/2024; prepared by Donald J. O'Neil.
	Exhibit B: Plan; received 3/15/2024; prepared by Guerriero & Halnon Inc.
	Exhibit C: Elevations & Floorplans; received 3/15/2024; prepared by Wiemann Lamphere Architects.
	Exhibit D: Recorded Decision; received 3/15/2024; prepared by Donald J. O'Neil.

Public Hearing Deadline: N/A Constructive Grant Deadline: 4/14/2024

Mr. O'Neil, representative, gave an overview of the project.

Mr. O'Neil stated that the applicant is seeking a 1-year extension of time for the construction of a nursing home at the property.

Mr. O'Neil stated that due to the Covid-19 pandemic and revisions from the Department of Public Health, delays occurred which is why they're seeking an extension of time.

Public Comment
None.

Board comment
None.

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

On a motion by Mr. Sabo, seconded by Dr. Dell'Aera, Board voted 5-0 to grant 1-year EOT with all previously approved recommendations, waivers, and conditions.

7.	**6 Brattle Street (ZB-2024-027) (MBL 49-028-00055)**
Special Permit:	To allow placement, filling, or dumping of earth or other material not associated with any construction activities (Article IV, Section 5.A.4)
Petitioner:	Kostantinos Angelis
Present Use:	Presently on the premises is a single-family detached dwelling
Zone Designation:	RS-7 (Residence, Single-Family) zoning district
Petition Purpose:	The petitioner seeks to store soil onsite excavated from a building project located across the street at 1-7 Brattle Street, and then remove the soil after the completion of excavation.
Board present/voted on item:	JBP;AD;ET;NS;RK.
Exhibits:	Exhibit A: Special Permit Application; revised 3/28/2024; prepared by Kevin Quinn. Exhibit B: Survey; revised 3/28/2024; prepared by Jarvis Land Survey. Exhibit E: Staff comments; received 3/18/2024.

Public Hearing Deadline: 6/1/2024 Constructive Grant Deadline TBD

Mr. Quinn, representative, gave an overview of the project stating that the applicant seeks to stockpile soil and then later remove it. Mr. Quinn stated that the soil is from across the street at another site that got Board approval. Mr. Quinn requested the waivers.

Ms. Smith stated that the placement has already occurred, and they are seeking retroactive approval for that aspect, but the removal will occur later on. Ms. Smith said that if approved, no additional relief for the placement or fill would be needed later on, and that erosion control methods have been installed, but staff wants to make sure the soil is confined to the site.

Ms. Smith stated that Conservation Commission approval will be needed if not obtained already, and staff has conditions focused on the containment of soil and the replacement and planting of vegetation once the soil has been removed. Ms. Smith stated that staff also has conditions related to safety, due to traffic and vehicle passage to and from the site. Lastly, Ms. Smith stated that the fill should be removed by September, and stabilization should occur by October.

Public Comment
None.

Board Discussion
Mr. Karlstad asked if the applicant had any comments on the conditions of approval; Mr. Quinn stated that the applicant has no comments on them and is amenable to all of the conditions.

Mr. Karlstad stated that traffic control and erosion control are the main concerns; Mr. Quinn stated that they are sweeping the streets.

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

On a motion by Mr. Sabo, seconded by Dr. Dell'Aera, Board voted 5-0 to approve the application with all recommendations, conditions, and waivers.

10. Communications

13. Approval of Minutes – 3/25/24 minutes will be voted on at the next meeting.

14. Discussion of Board Policies and Procedures

A. 54 North Ramah Circle – Notice of Activity & Use Limitation.
B. 7 Clapp Street – Notice of Recorded Notice & Use Limitation
C. 158 Dorchester Street – Notice of Activity & Use Limitation.

Adjournment:
On a motion by Mr. Sabo, seconded by Dr. Dell'Aera, Board voted 5-0 to adjourn @6:07 PM.