

**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER**

**April 25, 2011**

**WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM**

**Zoning Board Members Present:**

Lawrence Abramoff, Chair  
Andrew Freilich, Vice-Chair  
William Bilotta  
Vadim Michajlow  
Timothy Loew, Alternate Member  
Kola A. Akindele, Alternate Member

**Staff Present:**

Joel Fontane, Division of Planning & Regulatory Services  
Luba Zhaurova, Division of Planning & Regulatory Services  
John Kelly, Department of Inspectional Services

**REGULAR MEETING (5:30 PM)**

**CALL TO ORDER**

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

**NEW BUSINESS**

- 1. 3 Knight Street (ZB-2011-010):** Variance for relief of six (6) parking spaces: Denise Schwing, the petitioner, stated that she seeks to convert the dwelling on site to a three-family detached dwelling. She stated that she purchased the house in 1995, and that it was listed as two-family dwelling then. Mr. Michajlow stated that the petitioner is seeking “an extraordinary relief of 100%” of the parking requirement. The Board believed that there is enough space on site to accommodate at least a portion of the required 6 parking spaces. Mr. Schwing stated that with a 5-ft side yard setback there is not enough area on the side of the building for off-street parking. Mr. Freilich asked the petitioner to hire an engineer to look for off-street parking opportunities on site and stated he was not ready to approve the plan as presented.

Lenny Thibault of 4 Knight Street, an abutter, was opposed to the petition because of the on-street parking already taken-up by residents of the existing 2 dwelling unit. He questioned if the second egress is provided for the proposed 3<sup>rd</sup> unit. He stated that all other uses on the street are single-family dwellings.

Lorraine Castell of 1 Knight Street was opposed to the petition for similar reasons. She stated she believed at least 4 cars can be accommodated on-site.

Ms. Schwing requested a continuance to May 6, 2011 in order to hire an engineer and produce a plan that explores opportunities for parking on site.

Upon a motion by Mr. Freilich and seconded by Mr. Loew, the Board voted 5-0 (with Mr. Akindele abstaining) to continue the hearing to May 6, 2011.

- 2. Claremont Street (ZB-2011-011):** Special Permit to allow a Lodging House use in an RG-5 zone. Son Van Nguyen, the petitioner, stated that he seeks to convert the building on site to a 10-bedroom lodging house with 5 accessory off-street parking spaces. Mr. Nguyen stated that he was not sure if the dwelling is officially a two-family or a three-family dwelling, as the information from the City (Department of Inspectional Services vs. Assessing Department) was not consistent. Mr. Kelly stated that he would like get access to the building in order to inspect it and assess whether it is a two or three-family dwelling. He also stated that the petitioner needs to provide the Department of Inspectional Services with architectural floor plans and information regarding means of egress for all the units in order for DIS to make a determination. Mr. Nguyen stated that he purchased the building in June 30, 2010 and that he is currently renting it to 3 students.

Upon a motion by Mr. Bilotta and seconded by Mr. Michajlow, the Board voted 5-0 (with Mr. Loew abstaining) to continue the item to June 6, 2011 in order to provide the petitioner time to submit architectural floor plans of the dwelling to the Department of Inspectional Services.

Mr. Michajlow recused himself for the rest of the meeting.

- 3. 63 Downing Street (ZB-2011-013):** Special Permit to allow a Lodging House use in an RG-5 zone; Special Permit to waive the requirement for 1 off-street parking space; Variance - relief of 5 feet from the 10-ft side yard setback dimensional requirement. Attorney Wayne LeBlanc, representative for VF Properties LLC, the petitioner, stated that the petitioner is seeking to convert the building on site to a 12-bedroom lodging house with 5 accessory off-street parking spaces. Also present was Leonard Veiro and Ray Barbero of the VF Properties, LLC. Mr. LeBlanc stated that VF Properties are renting to mostly international students, many of which do not have vehicle. He stated that with the pending closing of the portion of Downing Street, there will be less vehicular traffic in the area. The abutting property at 69 Downing Street is owned by the same entity. Mr. Veiro suggested using the abutting parcel's land with a three-family use, for access and additional parking spaces for the 63 Downing Street parcel. Mr. Fontane stated that since the 2 abutting parcels have a common ownership, from zoning perspective, they need to be reviewed as a whole, which means an amended abutters' list and map are needed along with revised plans.

City Councilor Haller was opposed to the petition due to "a potential negative impact on the neighborhood". She stated that according to a 2010 study of lodging houses, District 4 has 90% of all the lodging houses in the City, which is changing the neighborhood character. She stated that the dwelling can now have maximum 9 unrelated tenants by-right. She submitted a letter of opposition signed by Clark University (Exhibit G) and stated that she is in favor of more families living in the neighborhood.

Christine Bogoian of 38 Hollywood Street, an abutter, was opposed to the petition and stated that she had a bad experience living next to a lodging house for the past 25 years, having to do with drinking and drugs issues, which she stated diminished her property values. She stated that if the applicant can guarantee that the house will only be rented to students, she would be amenable to the petition. Chair Abramoff stated that these types of conditions can be set by Licensing Commission, but that Zoning Board of Appeals considers land use issues only.

Mr. Freilich asked for a police report from other lodging houses in the area. Mr. Fontane stated that these matters are reviewed by the License Commission, and can't be used to make judgment of this petition by the Board.

Mr. Freilich asked if it is possible to impose a condition of approval requiring the petitioner to re-apply for the Special Permit every 2 years, or so. Mr. Kelly stated that lodging houses are inspected annually by Property Review Team of the Department of Inspectional Services. Mr. Bilotta pointed out that three-family dwellings are not inspected or regulated to the same degree as lodging houses. Mr. Veiro stated that a lot depends on the management of the property, and if done right – these properties can enhance the community. Attorney LeBlanc stated that change of ownership triggers a review by the License Commission. Councilor Haller stated that the License Commission almost never revokes licenses.

Upon a motion by Mr. Freilich and seconded by Mr. Bilotta, the Board voted 5-0 to continue the hearing to June 6, 2011 in order:

1. to allow the petitioner to provide the following supplemental information: Revised Zoning Determination Form; Revised Abutters' Map, list and envelopes; Revised application and plan including 2 properties held in common ownership – 63 and 69 Downing Street; and
2. for staff to provide the Board with a legal opinion regarding the relationship between the granting of special permits by the ZBA and the License Commission's authority to grant lodging house licenses, and about tying the Board's special permit approval to a particular property owner.

**Exhibits:**

- Exhibit A: Special Permit and Variance Application; received March 22, 2011, prepared by VF Properties, LLC.
- Exhibit B: Special Permit and Variance Application Plan for 63 Downing Street; dated March 16, 2011; prepared by B&R Survey, Inc.
- Exhibit C: Floor Plans; dated February 16, 2011; prepared by Wadsworth & Associates, Architects.
- Exhibit D: Proposed House Rules for 63 Downing Street by VF Properties; submitted April 22, 2011.
- Exhibit E: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 63 Downing Street; dated April 23, 2011.
- Exhibit F: Opposition Letter from Clark University to the Zoning Board of Appeals; re: 63 Downing Street; dated April 25, 2011; received April 25, 2011 (at the meeting).

**OTHER BUSINESS**

**Adjournment:** Chair Abramoff adjourned the meeting at 7:18 pm.