

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

**January 23, 2017**

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

**Zoning Board Members Present:** Lawrence Abramoff, Chair  
Joseph Wanat  
Timothy Loew  
Robert Haddon, Alternate Member  
Thomas Dillon, Alternate Member

**Zoning Board Members Absent:** Vadim Michajlow, Vice-Chair

**Staff Present:** Stephen Rolle, Division of Planning and Regulatory Services  
Michael Antonellis, Division of Planning and Regulatory Services  
Domenica Tatasciore, Division of Planning and Regulatory Services  
David Horne, Department of Inspectional Services

**Approval of the Minutes** - None

**Requests for Continuances, Extensions of Time, Postponements, Withdrawals**

**1. 2- 4 Clarkson Street (ZB-2016-050)**

**Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)

**Variance:** For relief from the front-yard setback dimensional requirement for a multi-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the exterior side-yard setback dimensional requirement for a multi-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the frontage dimensional requirement for a multi-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the lot area dimensional requirement for a multi-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the parking requirements for a multi-family dwelling (Article IV, Section 7, Table 4.4)

**Petitioner:** Kensington Management, LLC

**Present Use:** Presently located on the premises is an existing non-conforming multi-family low-rise structure with 4 dwelling units and site improvements.

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

Petition Purpose: The applicant seeks to construct an additional multi-family low-rise structure with 6 dwelling units, for a total of 10 dwelling units on the property, and an accessory off-street parking area, and site work.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to continue the item to the February 13, 2017 Zoning Board of Appeals meeting and to extend the Public Hearing deadline until March 30, 2017.

## 2. 525 Lincoln Street (ZB-2016-048)

**Special Permit:** To allow a food service drive-through use in a BG-4.0 Zone (Article IV, Section 2, Table 4.1, Business Use #6)

**Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and also landscaping requirements (Article IV, Section 7)

Petitioner: Lincoln Street Chicken, LLC

Present Use: Presently on the premises is a vacant commercial structure located within Lincoln Plaza, along with associated off-street parking areas.

Zone Designation: BG-4.0 (Business, General) zoning district and partially within a BL-1.0 (Business, Limited) and located within the Water Resource Protection (WR(GP-3)) Overlay District

Petition Purpose: The petitioner seeks to demolish the existing vacant commercial structure and construct a food-service establishment, which includes a drive-through, along with associated site improvements and modifications to the parking layout.

Public Hearing Deadline: 2/28/17

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to continue the item to the March 6, 2017 Zoning Board of Appeals meeting.

## 3. 800 & 828 Grafton Street (ZB-2016-051)

**Amendment to Special Permit:** To allow a Multi-family low-rise dwelling in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #11).

Petitioner: Dominic Paldino, of Chanty Realty Trust

Present Use: Presently on the premises at each property is a single-family detached dwelling with associated site improvements.

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

Petition Purpose: The Zoning Board of Appeals previously granted a Special Permit for the construction of a Multi-family low-rise dwelling at 800 Grafton Street. The petitioner now seeks to amend this Special Permit to include an additional

property at 828 Grafton Street and, in doing so, expand the proposed structure, increasing the number of proposed dwelling units, parking and related site work.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to continue the item to the February 13, 2017 Zoning Board of Appeals meeting and to extend the Public Hearing deadline until March 30, 2017.

#### **4. 88 Birch Street (ZB-2016-054)**

- Special Permit:** To allow a Lodging House use in a RG-5 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 also landscaping requirements (Article IV, Section 7)
- Variance:** For relief from the parking requirements for a lodging house use (Article IV, Section 7)
- Petitioner:** Gold Star Builders, Inc.
- Present Use:** Presently on the premises is a multi-family structure along with associated off-street parking.
- Zone Designation:** RG-5 (Residence, General) zoning district and partially within a BG-2.0 (Business, General) zoning district
- Petition Purpose:** The petitioner seeks to construct an addition to the existing structure, to convert the use into a lodging house (with a total of 31 bedrooms), and an off-street parking area, along with related site improvements.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to postpone the item to the February 13, 2017 Zoning Board of Appeals meeting and to extend the Public Hearing deadline until March 30, 2017.

#### **5. 299 & 305 Shrewsbury Street (ZB-2016-060)**

- Special Permit:** To modify the dimensional requirements of a permanent, accessory, projecting sign with digital display in a MG-2.0 zoning district (Article IV, Section 6)
- Petitioner:** 299-305 Shrewsbury Street, Inc., d/b/a Funky Murphy's
- Present Use:** Presently located on the property are two commercial structures and associated off-street parking and related site improvements.
- Zone Designation:** MG-2.0 (Manufacturing, General) zoning district and located within the Union Station View Corridor Sign Overlay District (USOD), and the Commercial Corridors Overlay District, Shrewsbury Street Subarea (CCOD-S)
- Petition Purpose:** The applicant seeks to install a permanent, accessory, projecting sign with digital display.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to allow for Leave to Withdraw without Prejudice for the item.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the Fee Refund requested.

**6. 113 Harrison Street (ZB-2017-001)**

**Variance:** For relief from the side-yard setback dimensional requirement for a two-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the frontage dimensional requirement for a two-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the lot area dimensional requirement for a two-family dwelling in a RG- Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Valdete K. Manfron

**Present Use:** Presently located on the premises is a vacant lot

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

**Petition Purpose:** The applicant seeks to construct a two-family detached dwelling and associated off-street parking on the property, along with related site work.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to postpone the item to the February 13, 2017 Zoning Board of Appeals meeting and to extend the Public Hearing Deadline until March 30, 2017.

**Unfinished Business**

**7. 828 Pleasant Street (ZB-2016-047)**

**Variance:** For relief from the side-yard setback dimensional requirement for two-family dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the rear-yard setback dimensional requirement for a two-family dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the front-yard setback dimensional requirement for a two-family dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the parking requirement for a two-family dwelling in a RL-7 Zone (Article IV, Section 7)

**Petitioner:** Rowaid Khudhur

**Present Use:** Presently on the property is a single-family detached dwelling, accessory structure, used as a garage, along with associated off-street parking.

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

Petition Purpose: The applicant seeks to convert the structures into one two-family detached dwelling, by connecting the two existing structures with an addition and converting the garage into a dwelling unit, along with associated site improvements.

Rowaid Khudhur appeared on behalf of the application. He stated that he like to convert the existing structures into one 2-family detached dwelling. He stated that the Board had asked for the parking layout to be revised and he has done that and has the engineer stamp on the plan now.

Mr. Abramoff asked how the garage would be connected to the house. Mr. Khudhur reviewed how it would be connected.

Mr. Abramoff asked why the driveway is positioned the way it is and why can't it be in the rear of the house. Mr. Khudhur stated that the existing driveway will be for new addition.

Mr. Abramoff asked that in order to make the structure legal doesn't there need a connection between house and garage. Staff stated that it does.

Mr. Rolle stated that staff has suggested that the driveway be away from Chamberlain Parkway as far as possible.

Mr. Dillon stated that the applicant is looking to remove the guardrail from Chamberlain Parkway to put in the driveway and asked if the applicant had spoken to DPW regarding that. Mr. Khudhur stated that he had not.

Mr. Rolle stated that the applicant would need to petition the City Council to remove the guardrail so even if the Zoning Board approved the plan if the City Council did not approve the applicant would need to come back before the Board and amend the plan.

Margaret Melican spoke in opposition to the application stating it would change the character of the neighborhood.

Mr. Abramoff stated that he has concerns regarding this proposal.

Mr. Khudhur stated the current driveway is not safe the way it situated and the new driveway would help him a lot as there wouldn't be as many stairs into the house.

Mr. Abramoff stated that his dilemma is that he feels the driveway is too close to the intersection and he would prefer to see the driveway to the rear of the property. He also expressed concern that no rendering was provided and they do not know if the City will approve the removal of the guardrail. Mr. Khudhur stated that driveway could not be relocated.

All Board members believed that more information was necessary but even with that they may be reluctant to approve and would like more input from the City regarding the guardrail.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to continue the item to the April 24, 2015 Zoning Board of Appeals meeting and to extend the constructive grant deadline until May 30, 2017.

*List of Exhibits:*

Exhibit A: ZBA – Variance Application; received September 26, 2016 and revised through to January 10, 2017; prepared by Rowaid Khudhur.

Exhibit B: Plot Plan; undated; preparer unknown. Variance Request Site Plan; dated January 5, 2017; prepared by Land Planning, Inc.

Exhibit C: Conversion of Garage to Residential Dwelling Unit Rendering; undated; preparer unknown.

Exhibit D: Fire Department Comments; dated October 5, 2016.

## 8. 157 Brookline Street (ZB-2016-056)

**Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)

Petitioner: Daniel Ford

Present Use: Presently on the premises is an existing non-conforming single-family detached dwelling with associated site improvements.

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

Petition Purpose: The applicant seeks retroactive approval to expand the existing non-conforming structure by constructing a deck, along with associated site work.

Daniel Ford appeared on behalf of the application.

The applicant sought retroactive approval to expand the existing non-conforming structure by constructing a rear deck and front porch.

Mr. Abramoff informed Mr. Ford that that a super majority is needed to pass the item and asked if the applicant would like to continue the item so all board members could be present. Mr. Ford stated that he would like to postpone.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to postpone the item to the February 13, 2017 Zoning Board of Appeals meeting.

### *List of Exhibits:*

Exhibit A: Special Permit Application; prepared by Daniel Ford; received November 2, 2016.

Exhibit B: Certified Plot Plan; dated October 5, 2016; prepared by H.S. & T. Group, Inc.

Exhibit C: Certified Plot Plan; dated October 5, 2016; revised January 12, 2017 prepared by H.S. & T. Group, Inc.

## **New Business**

## 9. 222 Harrington Way (ZB-2016-062)

**Special Permit:** To allow a Library/Museum (non-profit) in a RL-7 Zone (Article IV, Section 2, Table 4.1, General Use #7)

Petitioner: Worcester Natural History Society

Present Use: Presently on the property is an existing non-conforming science museum and library use, along with associated parking facilities and site improvements.

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

Petition Purpose: The applicant seeks to construct a ~5,257 SF addition to the eastern side of the existing primary structure, along with related site improvements to the property, related to new and upgraded exhibits.

Attorney Todd Brodeur and members of the construction team appears on behalf of the application.

Attorney Brodeur reviewed the history of the Ecotarium and Jox Cox reviewed the proposal which consisted of a ~5,257 SF addition to the eastern side of the existing primary structure.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 approve the application with conditions outlined in staff's memo

*List of Exhibits:*

Exhibit A: Special Permit Application; received December 1, 2016; prepared by Joseph P. Cox, President.

Exhibit B: Permitting Plans for Ecotarium Wild Cat Station; dated November 30, 2016; prepared by Waterman Design Associates, Inc.

Exhibit C: Rendering, Demolition Plans, Floor Plans; dated November 30, 2016; prepared by Gorman Richardson Lewis Architects.

Exhibit D: Stormwater Management Report; dated November 30, 2016; prepared by Waterman Design Associates, Inc.

Exhibit E: Fire Department comments; dated December 12, 2016.

**10. 51 Randall Street (ZB-2016-063)**

**Variance:** For relief from the parking requirements for a single-family dwelling (Article IV, Section 7, Table 4.4)

**Petitioner:** Rose Esposito

**Present Use:** Presently on the premises is a single-family attached dwelling (townhouse) along with associated site improvements.

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

**Petition Purpose:** The applicant seeks to convert less than 50% of the basement into habitable space and eliminate one of the two existing parking spaces on site along with associated site improvements.

Rose Esposito appeared on behalf of the application and sought to convert less than 50% of the basement into habitable space thus eliminating one of the two existing parking spaces onsite.

Ms. Esposito stated that she is looking to add a living space in the basement for her daughter as her daughter cannot afford to live elsewhere.

Mr. Abramoff asked how people would be able to park on site. Ms. Esposito stated that there is room for three cars in the driveway.

Mr. Abramoff asked if the exterior of the house would still look the same. Ms. Esposito stated that it would.

Mr. Horne informed Ms. Esposito that her building permit had not been issued and he has concerns about the egress window out of the bedroom. Mr. Abramoff stated that the Board can approve the application but the applicant would still need Inspectional Services approval and would suggest that the applicant meet with Inspectional Services to discuss their issues.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to approve the application with conditions outlined in staff's memo and waiver of labeling abutters to abutters on the plan.

*List of Exhibits:*

Exhibit A: Variance Application & ANR plan; received December 6, 2016; prepared by Rose Esposito.

Exhibit B: Comment from Fire Chief; received January 11, 2017.

**11. 15 Hamilton Street (ZB-2016-064)**

**Special Permit:** To allow a Food Service (includes the consumption/sale of alcoholic beverages) and/or providing dancing or entertainment use in a BL-1.0 zone (Article IV, Section 2, Table 4.1 Business Use #8).

**Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and also landscaping requirements (Article IV, Section 7)

**Variance:** For relief from the parking requirements for a food-service/lounge/nightclub (Article IV, Section 7, Table 4.4)

**Petitioner:** Chalita A. Yossef, of 15 Hamilton, LLC

**Present Use:** Presently on the premises is an existing non-conforming structure, used as a professional office space, along with associated site improvements and parking.

**Zone Designation:** BL-1.0 (Business, Limited) zoning district & Commercial Corridors Overlay District (CCOD-E)

**Petition Purpose:** The applicant seeks to convert the existing structure into a hookah and cigar bar, along with associated site improvements and related site work.

Attorney Michael Jalbert appeared on behalf of the applicant, Chaltia Yossef.

Mr. Jalbert stated that the applicant would like to convert the existing structure into a hookah and cigar bar and like to modify the parking layout. Mr. Jalbert reviewed how the business would be run.



Staff asked the applicant to address the chain link fence on the property. Mr. Jalbert stated that they will clean up the parking lot and could change the fence.

Mr. Jalbert stated that the applicant plans to open a full time establishment.

Joanne Malozzi appeared on behalf of the St. Stephen's Parish and St. Stephen's School and expressed concern about the proposal and stated that parents from the school are very concerned about these two Special Permits, especially the type of entertainment that could be allowed.

Mr. Jalbert stated that the applicant plans to have classical music and it is not intended to be a nightclub.

Paula Issacson stated that she was a teacher from St. Stephen's School and expressed concern that how this type of business would impact the neighborhood.

Lisa Villa, from Auburn, MA and stated that she has a student in Stephen's School and stated that the neighborhood has changed over the years and doesn't feel this establishment would be appropriate for the neighborhood.

John Park, parishioner of St. Stephen's church, stated that parking in the area is very difficult and is against any type of establishment like this in the area.

Dan Mazzaro stated that he was opposed to the site being used as a hookah bar.

Bruce Verdio, Leicester, MA, parishioner of St. Stephen's Church expressed concerned about the limited parking in the area.

Neil Issacson stated that the Zoning Board of Appeals should look at how the faith community is impacted by their decision.

Jim Pepin, parishioner of St. Stephen's Church, stated that they were concerned about the sale of alcohol and tobacco in the neighborhood and expressed concern that in the future the establishment could turn into a nightclub or a strip club.

Mr. Loew asked if the parking configuration requires the cars to back out onto Hamilton Street. Mr. Jalbert stated that they can back up into same lot and there will be an entrance/exit on the lot and he can reshape the lot if need be.

Mr. Rolle reviewed what the parking requirements would be for this site.

Mr. Abramoff asked if the applicant had spoken with St. Stephen's. Mr. Youssef stated that he had and his intention is to improve the area.

Mr. Abramoff asked if there would be any outdoor activity on site. Mr. Youssef stated no.

Mr. Abramoff stated that he doesn't want a vacant building but wants to also address the neighbor concerns.

The Board discussed what type of conditions they could place on special permit and they would like to find a way middle ground for the applicant and the neighbors and suggested that the item be continued to the next meeting so the applicant could meet with the neighbors.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to continue the item to the February 13, 2017 Zoning Board of Appeals meeting.

*List of Exhibits:*

- Exhibit A: Special Permit & Variance Application; received December 7, 2016; prepared by Chalita A. Youssef of 15 Hamilton, LLC.
- Exhibit B: Parking Plan; dated November 28, 2016; prepared by AA Design Services, LLC.
- Exhibit C: Floor Plan; dated November 16, 2016, prepared by AA Design Services, LLC.
- Exhibit D: MACRIS listing for subject property.
- Exhibit E: Fire Department comments; dated December 21, 2016 and revised on January 20, 2017.

**Other Business**

**12. Communications**

- a. Letter from CB&I re: Notice of Activity and Use Limitation for Komtek Forge Facility Property at 40-50 Rockdale Street; dated January 5, 2017- No comment.

**13. Approval of the Proposed Draft Meeting Schedule for 2018**

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to approve the 2018 meeting schedule.

**14. Signing of Decisions from prior meetings**

**Adjournment** - Upon a motion, the Board 5-0 to adjourn the meeting at 7:55 p.m.