

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

**MAY 15, 2017**

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

**Zoning Board Members Present:** Lawrence Abramoff, Chair  
Vadim Michajlow, Vice-Chair  
Timothy Loew  
Joseph Wanat  
Thomas Dillon, Alternate Member

**Zoning Board Members Absent:** Robert Haddon, Alternate Member

**Staff Present:** Stephen Rolle, 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. 649 Plantation Street (ZB-2017-002)**

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

**Petitioner:** Jordan Frazier, of F.M.L. Wealth, LLC

**Present Use:** Presently on the property is an existing non-conforming single-family detached structure, along with associated site improvements.

**Zone Designation:** RG-5 (Residence, General) zoning district and within the Water Resources Protection Overlay District (WR(GP-2))

**Petition Purpose:** The applicant seeks to construct a ~2,280 SF, 3-story, addition to the existing residence, and to convert the entire structure to a 6-unit multi-family low-rise residence, along with related site improvements and off-street parking.

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

**New Business**

**2. 253-261 Lincoln Street (ZB-2017-004)**

- Variance:** For relief from the frontage dimensional requirement for a residential use in a BL-1.0 zone (Article IV, Section 7, Table 4.2)
- Variance:** For relief from the front-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)
- Variance:** For relief from the side-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)
- Variance:** For relief from the rear-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)
- Variance:** For relief from the open space dimensional requirements for a new residential use in a BL-1.0 zone (Article IV, Section 7, Table 4.2)
- Variance:** For relief from the parking requirements (Article IV, Section 7, Table 4.4)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)
- Petitioner:** Huy Nguyen
- Present Use:** Presently on the premises is an existing non-conforming commercial structure, used as a package store, with associated parking and site improvements.
- Zone Designation:** BL-1.0 (Business, Limited) and RG-5 (Residence, General) zoning districts
- Petition Purpose:** The applicant seeks to construct an addition, in order to add six-dwelling units above the existing commercial space and expand the first floor, and conduct modifications to the parking area along with related site improvements.

Tim Callahan appeared on behalf of the petitioner, Huy Nguyen. He stated that they are looking to add another story to the building. The first floor would be a package store and the other floors would be residential. He reviewed on the plans where the open space would be.

Mr. Callahan stated that there would be 22 spaces with two designated as handicapped spaces.

Mr. Callahan requested a Leave to Withdraw for two of the Variances and a waiver from labeling abutters to abutters on the plan.

Mr. Wanat asked what type of landscaping would be on site. Mr. Callahan stated that it would be low profile.

Mr. Abramoff asked what the plan for the south side of the property. Mr. Callahan stated that they plan to put up PVC fencing. Mr. Abramoff asked about the older chain link fence on other side of the properties. Mr. Callahan stated that would probably with another chain link fence.

Mr. Rolle stated that they would see a solid style fence that is black vinyl coated in area that abuts the residential side.

Mr. Michajlow expressed concern about increased traffic in the area. Mr. Callahan stated that this will be an improvement for the area.

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

Upon a motion by Mr. and seconded by the Board voted 5-0 to approve the application with conditions outlined in staff's memo, requested waivers, withdrawal of three variances and that the parking lot be entirely fenced in with PVC fencing.

*List of Exhibits:*

- Exhibit A: Variance & Special Permit Application; received January 17, 2017; prepared by Huy Nguyen.
- Exhibit B: Plot Plan; dated December 30, 2016 and revised through to May 4, 2017; prepared by Hawk Consulting, Inc.
- Exhibit C: Rendering, Elevations and Floorplans; dated January 12, 2017; prepared by Vina Design, Inc.
- Exhibit D: Open Space/Landscaping Plan; dated February 2, 2017 and revised through to May 4, 2017; prepared by Hawk Consulting, Inc.
- Exhibit E: Fire Department Comments; dated January 31, 2017.

**3. 249, 261 & 265 Lake Avenue (ZB-2017-015)**

- 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:** Cherele Gentile, Trustee of Manor Real Estate Trust
- Present Use:** Presently located on the premises at 249 Lake Avenue is a former food-service establishment and both 261 & 265 Lake Avenue each contain single family dwellings, and related site improvements.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to demolish the existing structures on the properties, with the existing single-family dwelling at 265 Lake Avenue to remain, and to construct a multi-family low-rise structure (for a total of 18 dwelling units) along with an associated off-street parking area and related site work.

Zac Couture appeared on behalf of the applicant, Cherele Gentile, and requested to postpone the application.

Upon a motion by Mr. Dillon and seconded by Mr. Michajlow the Board voted 5-0 to postpone the item to the June 26, 2017 Zoning Board of Appeals and extend the public hearing deadline until July 30, 2017.

Don DiLeo, Patrick Bricke, Eileen Penschaw, abutters to the property, expressed concern that neighbors have to keep coming back to meeting and not being notified. Mr. Rolle explained the law regarding abutter notification.

*List of Exhibits:*

- Exhibit A: Special Permit Application; received March 13, 2017; prepared by Zac Couture of HS&T Group, on behalf of the property owner.
- Exhibit B: Special Permit Site Plan; dated March 14, 2017; prepared by HS&T Group, Inc.
- Exhibit C: Fire Department Comments; dated March 20, 2017.

**4. 350 Greenwood Street (ZB-2017-016)**

- Special Permit:** To allow an automobile refueling station in a BG-2.0 zone (Article XVI, Section 4, Table 4.1, Business Use #17)
- Petitioner:** Petrogas Group New England, Inc.
- Present Use:** Presently on the premises is a vacant commercial structure with associated site improvements.
- Zone Designation:** BG-2.0 (Business, General) zoning district
- Petition Purpose:** The applicant seeks to demolish the existing structure and construct a new commercial structure, to be used as a convenience store, to install a fuel dispensing area, fuel tanks, and new canopy, in association with the proposed automobile refueling station use, and to re-configure the parking area, along with related grading, paving, and site work.

Attorney Robert Longden appeared upon behalf of the petitioner, Petrogas Group New England, Inc.

Mr. Longden stated that there is an abandoned building currently on the site in bad condition and the applicant would like to tear it down and replace it with a Seven Eleven store with a gas station.

Mr. Longden reviewed the plans for the site. He stated that the convenience store and gas station would be 24 hours a day. However, the liquor license hours would be regulated by the License Commission.

Mr. Longden stated that they would like a waiver from labeling abutters to abutters on the plan.

Mr. Longden stated that they are asking for a change in the site design with regard to the placement of the underground storage tanks as well as two parking spaces to the west of the site and they will submit revised plan reflecting the change.

Mr. Rolle stated that the request for the the slight change he does not see a problem with that but there would be landscaping requirements.

Mr. Abramoff and Mr. Michajlow stated that this would be an improvement to the site.

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

Upon a motion by Mr. Michajlow and seconded Mr. Wanat the Board voted 5-0 to approve the application with conditions outlined in staff's memo, waiver requested and an additional condition that revised plans be submitted.

*List of Exhibits*

- Exhibit A: Special Permit Application; received April 3, 2017; prepared by Petrogas Group New England, Inc.
- Exhibit B: Plan of Land; dated March 31, 2017 and revised on April 28, 2017; prepared by MHF Design Consultants, Inc.
- Exhibit C: Rendering; prepared by High Point Engineering, received April 3, 2017 (part of submitted application materials).
- Exhibit D: Sign Rendering; prepared by Harbinger; received April 3, 2017 (part of submitted application materials).
- Exhibit E: Photo Renderings; prepared by unknown; undated; received April 3, 2017 (part of submitted application materials).

**5. 131 Lincoln Street (ZBA-2017-017)**

- Special Permit:** To modify the dimensional requirements for an accessory freestanding monument sign (Article IV, Section 6. J.)
- Petitioner:** Signarama Worcester
- Present Use:** Presently located on the premises is a professional office and related site improvements.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to install an accessory freestanding monument sign and conduct related site work.

Mike Woods, from Signarama Worcester, appeared on behalf of the petition and reviewed the proposal.

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

Upon a motion by Michajlow and seconded Mr. Wanat the Board voted 5-0 to approve the application with conditions outlined by staff and waiver requested by the applicant to not show abutters to abutters on the plan.

*List of Exhibits:*

- Exhibit A: Special Permit &/or Variance Application Form for Signs; received April 5, 2017 and supplemental findings of fact received on April 28, 2017; prepared by Robert Kovac.
- Exhibit B: Concept Art Signage Plan; undated; prepared by Signarama.

**6. 6 Salisbury Crag (ZB-2017-020)**

- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming use/structure (Article XVI, Section 4)
- Petitioner:** Donald and Leona Ricklin
- Present Use:** Presently on the premises is an existing non-conforming single-family detached dwelling with associated site improvements.
- Zone Designation:** RS-10 (Residential, Single-Family) zoning district
- Petition Purpose:** The applicant seeks to construct an addition to the front of the existing structure and conduct related site work.

Donald Ricklin appeared upon behalf of the petition. Mr. Ricklin stated that he looking to add a mud room and he plans to make the addition look like the rest of the house.

Mr. Abramoff asked if there was any change from original proposal. Mr. Ricklin stated no.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Dillon the Board voted 5-0 to approve the application as said extension is an intensification of an existing non-conformity and will not be substantially more detrimental to the neighborhood with conditions outlined in staff's memo and waiver to not show abutters to abutters on the plan.

*List of Exhibits:*

- Exhibit A:** Special Permit Application; received April 7, 2017; prepared by Donald & Leona Ricklin.
- Exhibit B:** Instrument Survey Plan; dated November 23, 2015; prepared by Robert J. Smith, Professional Land Surveyor, B&R Survey, Inc.
- Exhibit C:** Rendering; submitted with application on April 7, 2017.
- Exhibit D:** ZBA Special Permit Finds of Fact and Decision; endorsed March 21, 2016.

**7. 5 Lanark Street (ZB-2017-021)**

- Variance:** For relief from the setback requirement for an accessory structure in a residential district (Article V, Section 8)
- Petitioner:** Donna and Steven Ostiguy
- Present Use:** Presently on the premises is an existing non-conforming single-family detached dwelling and detached garage, along with associated site improvements
- Zone Designation:** RS-7 (Residence, Single-family) zoning district
- Petition Purpose:** The applicant seeks to demolish the existing garage and construct a new larger detached garage, along with related site work.

Donna and Steve Ostiguy appeared on behalf of the petition and stated that they are looking to install a two car garage.

A brief discussion was held on the height of the structure and staff explained to the applicant how high the structure can be built.

Mr. Ostiguy stated that he is requesting a waiver from showing abutters to abutters on the plan.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Wanat the Board voted 5-0 to approve the application with conditions outlined in staff's memo as well as the waiver requested for showing abutters to abutters on the plan.

*List of Exhibits:*

Exhibit A: Variance Application; prepared by Steven & Donna Ostiguy; received April 11, 2017.

Exhibit B: Proposed Garage Certified Plot Plan; Survey; prepared by Land Planning, Inc.

Exhibit C: Garage Elevations & Rendering; preparer by unknown; dated March 4, 20107

**Other Business**

**8. Communications**

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

**Adjournment**

The Commission adjourned the meeting at 6:18 p.m.