

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

February 12, 2018

**WORCESTER CITY HALL, 455 MAIN STREET, ESTHER HOWLAND CHAMBERS
CHAMBER**

Zoning Board Members Present: Vadim Michajlow, Chair
Joseph Wanat, Vice-Chair
Andrew Freilich
Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member

Staff Present: Stephen S. Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
Michael Antonellis, Division of Planning & Regulatory Services
John Kelley, Department of Inspectional Services

Call to Order – The meeting was called to order at 5:30 pm.

Former Board Member - Certificate of Service

Mr. Michajlow presented a Certificate of Appreciation to Timothy Loew for his 7 years of volunteer service to the Zoning Board of Appeals.

Approval of the Minutes

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 5-0 to approve the minutes of January 8, 2018.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 37 Fruit Street & 59 William Street (ZB-2018-003)

Special Permit: To allow a multi-family residence in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #5)

Special Permit: To allow a lodging house in an BO-1.0 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 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)

Variance: For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)

- Variance:** For relief from the minimum frontage dimensional requirements (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum front-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum side-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum rear-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum exterior side-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum lot area dimensional requirements (Article IV, Section 4, Table 4.2)
- Petitioner:** Hampton Properties, LLC
- Present Use:** Presently on the premises at 37 Fruit Street & 59 William Street are two residential/professional office structures.
- Zone Designation:** 37 Fruit Street - BO-1.0 (Business, Office) zoning district & 59 William Street - RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to convert the existing structure at 37 Fruit Street into a lodging house with a total of 12 dwelling units along with office space and to convert the existing structure at 59 William Street into a multi-family low-rise dwelling, with a total of 6 dwelling units, along with related exterior changes for egress, and to re-configure and expand the parking areas to be used in association therewith, along with related site work.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to continue the hearing to the March 5, 2018 Zoning Board of Appeals meeting.

2. 36 Mountain Street West (ZB-2017-054)

- Variance:** For relief from the minimum frontage dimensional requirement in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Lorne Johnson
- Present Use:** Presently on the premises is a partially paved lot.
- Zone Designation:** BL-1.0 (Business, Limited)
- Petition Purpose:** The applicant seeks to construct a two-family detached dwelling along with related site work.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to postpone the Variance request to the March 5, 2018 Zoning Board of Appeals meeting and to extend the constructive deadline to March 30, 2018.

3. 384 Southwest Cutoff (ZB-2017-065)

Special Permit: To allow filling and/or excavating of earth (Article IV, Section 5)

Petitioner: Joseph F. Shay, Jr.

Present Use: Presently on the premises is a vacant lot with an existing driveway and stormwater features servicing the abutting property, at 330 Southwest Cutoff.

Zone Designation: ML-0.5 (Manufacturing, Limited) zoning district

Petition Purpose: The applicant seeks to conduct granite quarrying operations at the site, along with related grading, drainage, and site work.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to postpone the hearing to the March 5, 2018 Zoning Board of Appeals meeting and to extend the constructive deadline to March 30, 2018.

4. 118 Commonwealth Avenue (ZB-2017-067)

Special Permit: To allow single-family attached dwellings in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)

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

Petitioner: Goldstar Builders, Inc.

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

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

Petition Purpose: The applicant seeks to construct a two dwelling unit addition to the existing structure, to be used as a single-family attached dwelling (total of three units), along with associated site work.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to postpone the Special Permit requests to the March 5, 2018 Zoning Board of Appeals meeting.

Unfinished Business

5. 496 Hamilton Street (ZB-2017-063)

Special Permit: To allow single-family attached dwellings in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)

Petitioner: Edward Kooyomjiam

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

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

Petition Purpose: The applicant seeks to demolish the existing structure and construct a development, consisting of 10 single-family attached dwelling units, along with related grading, paving, drainage, and site work.

Robert Murphy along with Chris Tully appeared upon behalf of the application. Mr. Murphy stated that the applicant seeks to demolish the existing structure and construct a development, consisting of 10 single-family attached dwelling units, along with related grading, paving, drainage, and site work and presented additional materials to the Board.

Mr. Murphy stated that since the last meeting they held an open house at the site and met with the neighbors.

Mr. Rolle stated that a revised staff memorandum had been given to the Board and reviewed the items that had changed from the initial meeting on the item and what changes had been made to the plan. Mr. Rolle stated that staff also had a concern regarding snow storage on the site.

Mr. Murphy stated that the snow storage on the plan has been revised and also the dumpster has been relocated.

Mr. Michajlow asked how the open house went. Mr. Murphy stated that about half of the neighbors came and seemed amenable to the changes but some do not want to see any changes in the area.

Mr. Freilich asked Mr. Rolle to review the by-right alternatives for the site.

The Board and the applicant discussed the design of the driveway on the site. Mr. Murphy stated that they could work with DPW on the design so project does not impact Hamilton Street.

Councilors George Russell and Candy Mero-Carlson expressed concern that this plan will change the character of the neighborhood.

Attorney Gary Brackett stated that he was representing the neighborhood in opposition to this proposal and expressed concern about how the application was filled out. Attorney Brackett also stated that neighborhood was concerned that this project would not fit into the neighborhood.

Mr. Michajlow stated that he had serious concerns about this project at last meeting and he still has the same reservations and would not be in support of the project.

Mr. Freilich stated that considering Mr. Michajlow is not in support of the application that maybe it would be better for the applicant to ask for Leave to Withdraw and that the neighbors need to understand that the applicant has by-right alternative uses that he can consider for the property which may not be as good as the plan being presented to the Board.

Mr. Murphy stated that they would like to withdraw their application.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 4-0 to allow for Leave to Withdraw for the Special Permit application. Mr. Karlstad did not vote on the application as he was not seated when the hearing opened.

List of Exhibits:

Exhibit A: Special Permit Application; received October 17, 2017; prepared by Edward Kooyomjiam.

Exhibit B: Site Plan; dated October 10, 2017 and revised on December 18, 2017; prepared by Robert G. Murphy & Assoc., Inc.

New Business

6. 249, 261 & 265 Lake Avenue (ZB-2017-058)

Special Permit:	To allow single-family attached dwellings in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)
Petitioner:	Cherele Gentile, Trustee of Manor Real Estate Trust
Present Use:	Presently on the premises at 249 Lake Avenue is a restaurant and at 261 & 265 Lake Avenue are residential structures with related site improvements.
Zone Designation:	RL-7 (Residence, Limited) zoning district
Petition Purpose:	The applicant seeks demolish the existing structures and construct 2 single-family attached structures, for a total of 7 dwelling units, along with associated parking and related site work.

Zac Couture from H.S.&T. Group appeared upon behalf of the applicant, Cherele Gentile and stated that 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 2 single-family attached structures, for a total of 7 dwelling units, along with associated parking and related site work.

Mr. Couture reviewed the plans for the site and stated that a new drainage system would be installed on the site and a six-foot fence would be installed for screening for the neighborhood and snow would be trucked off site.

Mr. Wanat asked if the garages would be one or two bays. Mr. Couture stated that they would be 2-car tandem garages. Mr. Wanat stated that he was not sure how that would work.

Mr. Freilich asked if year round on-site street parking was allowed on Lake Avenue. Mr. Couture stated that he did not believe so. Mr. Freilich stated that this plan has more problems than the first plan presented and expressed concern regarding the traffic speed on Lake Avenue.

Mr. Michajlow asked if the applicant had reach out to the residents. Mr. Couture stated after the last meeting he did meet with some of the abutters in the hallway but did not do a full neighborhood meeting.

Abutter Frank Denoy expressed concern that there has been an enormous of amount of change in the neighborhood and they keep getting barraged with commercial properties in the neighborhood and this proposal will change the character of the neighborhood.

Abutter Mike McKowen, of 258 Lake Avenue, expressed concern about the increased traffic.

Frank Caputo stated that no one would object to a single family home but the infrastructure for water and sewer is so bad as these types of projects it is taxing the existing infrastructure.

Paul Towler also expressed concern about the project.

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 5-0 to take a five minute recess.

After the five minute recess, the hearing resumed.

Councilor Candy Mero-Carlson expressed concern about the change in the character of the neighborhood if this proposal goes forward and expressed concern about increased traffic in the area. She stated that the developer has also not reached out to the neighbors regarding the project.

Jo Hart, Worcester resident, expressed concern about where the property would front.

Brian Mattis, expressed concern about how this proposal would change the character of the neighborhood.

Mr. Couture stated that the previous use was a restaurant and they are taking a commercial property and taking it back down to residential.

Mr. Haddon asked if the restaurant used could be used again. Mr. Kelly stated that he did not believe so as the use has been abandoned for over two years.

Mr. Freilich stated that he has problem with the application and thinks the proposal is too dense.

Mr. Wanat stated that he is struggling with the maneuverability on the site and doesn't feel this project fits.

Mr. Michajlow stated that his concern was number of buildings.

Mr. Couture requested a continuance to April 23, 2018.

Mr. Freilich stated that if they do allow a continuance he would request that the applicant meet with the neighborhood prior to the meeting date. Mr. Couture stated that they would be open to meeting with the abutters.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to continue the hearing to the April 23, 2018 Zoning Board of Appeals meeting.

List of Exhibits:

- Exhibit A: Special Permit Application; received September, 2017; prepared by Zac Couture of HS&T Group, on behalf of the property owner.
- Exhibit B: Special Permit Site Plan; dated September 26, 2017 and revised through to January 15, 2018; prepared by HS&T Group, Inc.
- Exhibit C: Rendering; undated; preparer unknown.

7. 5 Trowbridge Road (ZB-2017-066)

- Special Permit:** To allow a fraternity/sorority/cooperative residence in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #5)
- Petitioner:** AGD Fraternity Housing Corporation-Zeta Zeta (Worcester Polytechnic University), LLC
- Present Use:** Presently on the premises is a single-family detached dwelling, with associated site improvements
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to convert the existing structure into a sorority house and to construct a parking area to be used in association therewith, along with related site work.

Attorney Jonathan Finkelstein , Robert O'Neil and representatives of AGD Fraternity Housing Corporation appeared upon behalf of the applicant, AGD Fraternity Housing Corporation-Zeta Zeta (Worcester Polytechnic University) LLC.

Attorney Finkelstein stated that the applicant seeks to convert the existing structure into a sorority house and to construct a parking area to be used in association therewith, along with related site work. He gave a brief history of the property and Mr. O'Neil reviewed the plans for the site.

Attorney Finkelstein stated that the lodging house does have set rules and reviewed the parking for the site and stated that they usually do not require more than eight parking spaces.

Attorney Finkelstein stated that they had reached out to the neighborhood regarding their application and there was no response.

Mr. Karlstad expressed concern about where the dumpster was located on the site and the ADA accessibility to the site.

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

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by the Board voted 5-0 to approve the Special Permit with conditions outlined in staff as well as additional condition to modify the ADA space to include 96-inch striped aisle area.

List of Exhibits:

- Exhibit A: Special Permit Application; received October 31, 2017; prepared by Attorney Jonathan Finkelstein.
- Exhibit B: Site Plan; dated October 27, 2017 and revised on November 13, 2017; prepared by Robert D. O'Neil, Jr.
- Exhibit C: Fire Comments; dated December 18, 2017.

8. 11 Nathaniel Court (aka 80 Southwest Cutoff) (ZB-2018-002)

- Special Permit:** To allow for a change of a privileged non-conforming use to a use of a similar nature (Article XVI, Section 4)
- Petitioner:** David M. Abramo
- Present Use:** Presently on the premises is a vacant partially paved lot, previously used in association with a privileged non-conforming commercial use.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct a commercial structure, to be used an association with a motor-vehicle/trailer/boat sales/rental and/or motor vehicle service, repair, garage, and/or display use, & to conduct associated site work.

Patrick Burke appeared upon behalf of the applicant, Mr. Abramo and stated that the applicant seeks to construct a commercial structure, to be used an association with a motor-vehicle/trailer/boat sales/rental and display use. He stated that they would tie into existing utilities and they would like to put in 22-car display spaces and presented a plan of the configuration of the lot, known as Exhibit D.

Mr. Rolle gave a brief history of the property use.

The Board expressed concern over the proposed location of parking space #1 and its proximity to the driveway opening.

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

Upon a motion by Mr. Wanat, and seconded by Mr. Freilich, the Board voted 5-0 to approve the waiver to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to approve the Special Permit with conditions outlined in staff's memo and additional conditions that snow be trucked off site and that parking space #1 be removed.

List of Exhibits:

- Exhibit A: Special Permit Application; received December 5, 2017; prepared by David Abramo.
- Exhibit B: Plot Plan; prepared by HS&T Group, Inc; Received December 5, 2017; dated December 5, 2017.
- Exhibit C: Rendering & Floor Plans; dated November 28, 2017; prepared by J.R. Associates.
- Exhibit D: Revised Site Plan.

9. 182 Southwest Cutoff (ZB-2018-004)

- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Petitioner:** Sabatini Realty Trust/Dario Diesel, Inc.
- Present Use:** Presently on the premises is a structure that is under construction to be used for truck sales, maintenance, and repair.
- Zone Designation:** MG-2.0 (Manufacturing, General) zoning district
- Petition Purpose:** The applicant seeks to eliminate required landscaping.

Andy Baum appeared upon behalf of the petitioner, Sabatini Realty Trust/Dario Diesel, Inc. and stated that the applicant seeks to modify the requirements of the Ordinance with regard to the landscaping requirements for the parking area abutting a street. Mr. Baum stated that a few years ago there was a fire on the premises and they are looking to replace the building and would like to reduce the amount of landscaping required on the site. He reviewed the plans for the site and presented photos of similar neighboring site in the area that uses landscaping that they would like to use; photos identified as Exhibit D.

Mr. Freilich stated that he is fine with a minimal amount of landscaping in the buffer.

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

Upon a motion by Mr. Wanat, and seconded by Mr. Freilich, the Board voted 5-0 to approve the waiver to not show abutters to abutters within 300' on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to approve the Special Permit with conditions outlined in staff's memo minus item #1B.

List of Exhibits:

- Exhibit A: ZBA – Special Permit Application; received December 8, 2017; prepared by Sabatini Realty Trust d/b/a Dario Diesel Inc.
- Exhibit B: Site Plan – 182 Southwest Cutoff; dated March 1, 2017 and revised through to December 5, 2017; prepared by Summit Engineering & Survey, Inc.
- Exhibit C: Planning Board Parking Plan Decision; approved May 3, 2017.
- Exhibit D: Photos from Applicant showing neighboring site.

10. 15 Decatur Street (ZB-2018-006)

- Special Permit:** For relief of the dimensional requirements for a Residential Conversion in a RG-5 Zoning District (Article IV, Section 9)
- Petitioner:** Dariusz Pietron
- Present Use:** Presently on the premises is a pre-existing non-conforming three-family detached dwelling and associated site improvements.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to convert the existing structure to provide for an additional dwelling unit (for a total of 4 dwelling units), to be used as a multi-family low-rise, and to construct an associated off-street parking area, along with related site work.

Attorney Jonathan Finkelstein appeared upon behalf of the petitioner, Dariusz Pietron, and stated that the applicant seeks to convert the existing structure into a 4-unit dwelling along with off-street parking. Attorney Finkelstein passed out photo of the property; this photo was identified as Exhibit C.

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

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to approve the waiver request to not show abutters to abutters on the plan.

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

List of Exhibits:

- Exhibit A: Special Permit Application; received December 8, 2017; prepared by Dariusz Pietron.
- Exhibit B: Plan of Land; dated November 20, 2017 and revised on December 14, 017; prepared by Robert D. O'Neil, Jr.
- Exhibit C: Photo of the subject property; taken by applicant.

11. 231 Lake Avenue (ZB-2018-007)

- Special Permit:** To allow a Three-Family Dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)
- Petitioner:** One Waterfront, LLC
- Present Use:** Presently on the premises is a two-family detached dwelling and associated site improvements.
- Zone Designation:** RL-7 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to convert the existing structure to provide an additional dwelling unit (for a total of 3 dwelling units), to be used as a three-family dwelling, along with related site work.

James Soffan from One Waterfront, LLC appeared upon behalf of the petition and stated that he is seeking to convert the existing two-family residential structure to a three-family dwelling by providing an additional dwelling unit within. Mr. Soffan stated that he is also seeking a waiver not to label abutters to abutters on the plan and from providing a to-scale plan.

Mr. Michajlow asked how the former restaurant structure became a two family home. Mr. Soffan stated that he converted it last year. Mr. Kelly asked if he had received a building permit to convert it to a two family. Mr. Soffan said that he had. Mr. Rolle stated that would be allowed by right.

Mr. Haddon asked if there was a plan showing the work. Mr. Soffan stated that there was no interior work. Mr. Haddon stated that the applicant did not submit enough information for a comprehensive review of the proposal.

Mr. Kelly asked if Mr. Soffan had received a certificate of occupancy for the two family structure and if there were families currently living there. Mr. Soffan stated that he had received the certificate and that there are people living at the property.

Mr. Rolle stated that there no changes to the exterior of the building and there is sufficient on-site parking.

Abutter Paul Towler stated that he is not happy with what is going on the area and he has been in the area for 78 years. Mr. Towler stated that he had a copy of the building permits which showed conversion to a two family and now all of sudden they want to add another unit to make it a three family and this changes the character of the neighborhood.

Mr. Michajlow asked Mr. Kelly if he could check on the building permits. Mr. Kelly stated that he would need to check that in his office tomorrow.

Mr. Freilich stated that this is a far less intense than the previous restaurant use.

Abutter Pattie Britton stated that if the applicant puts in three apartments now then five years down the road can he put condos in. Mr. Rolle reviewed the by right alternatives for the site and stated that the Board could put as a condition of approval that it be no more than three units for the property.

Mr. Freilich stated his concern was that in the future, the applicant may come back and asks for more and asked Mr. Soffan if he was okay with condition that property be no more than three units. Mr. Soffan stated that he was.

Mr. Haddon stated that he would like to see a site plan that shows the landscaping for the site.

Abutter Frank (no last name provided) of 231 Lake Avenue, asked why a Special Permit was not required when applicant converted to a duplex. Mr. Rolle explained that property was not considered a duplex under the zoning ordinance.

Mr. Haddon stated that the Board should not vote on the item until they see the landscaping plan. Both Mr. Michajlow and Mr. Freilich concurred.

Abutter Mike McCuen expressed concern that the applicant has restricted the parking on the site and asked if applicant could come back for more relief. Mr. Michajlow stated that the Board can only review what is before them tonight.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to continue the Special Permit request to the March 5, 2018 Zoning Board of Appeals meeting.

List of Exhibits:

Exhibit A: Special Permit Application; received December 12, 2017; prepared by One Waterfront, LLC.

Exhibit B: Floor Plans; dated December 7, 2017; preparer unknown

12. 646 (aka Lot 1) Salisbury Street (ZB-2018-008)

Special Permit: To allow for a change of a privileged non-conforming use to a use of a similar nature (Article XVI, Section 4)

Petitioner: Jewish HealthCare Center, Inc.

Present Use: Presently on the premises is structure and associated parking area used as a privileged non-conforming business use.

Zone Designation: RS-10 (Residence, Single-Family) zoning district

Petition Purpose: The applicant seeks to allow the structure to be used in association with a proposed nursing home use.

Attorney Jonathan Finkelstein appeared upon behalf of the applicant, Jewish HealthCare Center, Inc. and stated that the applicant seeks to allow the structure to be used in association with a proposed nursing home use and that there would be no changes to the structure or the parking lot.

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

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to approve the waiver request to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to approve the Special Permit application.

List of Exhibits:

Exhibit A: Special Permit Application; received December 18, 2017; prepared by Attorney Jonathan Finkelstein.

Exhibit B: Plan for Special Permit; dated December 14, 2017; prepared by B&R Survey, Inc.

Exhibit C: Special Permit Decision; signed June 22, 1972.

13. 9 Mount Pleasant Street (ZB-2018-009)

- Variance:** For relief from the frontage dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Matthew 25 Inc.
- Present Use:** Presently on the premises is a vacant partially paved lot.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to construct to construct 2 two-family detached dwellings (for a total of 4 units), along with associated site work.

Chris Burke and Mark Henderson appeared upon behalf of the application and stated that they are seeking to construct to construct 2 two-family detached dwellings (for a total of 4 units), along with associated site work.

Mr. Burke stated that the property had been vacant for a number of years and their organization was given the lot and they would like to develop it for housing.

Mr. Michajlow stated that typically the Board receives a rendering. Mr. Burke presented a hand drawn sketch, identified as Exhibit C. Mr. Michajlow stated that the rendering presented did not have enough detail.

Mr. Burke gave an overview of the plan for the property.

Abutters Tracy Snow and her son expressed concern that the only driveway access is through their driveway and they cited concerns about who has the rights to the property.

The Board stated that they had concern about who had rights to the property and Mr. Michjlow stated that he would like to see a rendering for the site.

Mr. Henderson requested to continue the item.

Rebecca Thresh appeared upon behalf of Ignatius Chang who owns the property next door and stated that that Mr. Chang is full support of the application.

Upon a motion Mr. Haddon and seconded by Mr. Wanat the Board voted 5-0 to continue the Variance request to the March 5, 2018 Zoning Board of Appeals meeting.

List of Exhibits:

- Exhibit A:** Special Permit Application; received December 18, 2017; prepared by Matthew 25, Inc.
- Exhibit B:** Plan of Land; dated December 6, 2017 & revision date not provided; prepared by Jarvis Land Survey, Inc.
- Exhibit C:** Rendering; undated; preparer unknown.

14. 52 Queen Street (ZB-2018-010)

Special Permit: To allow a Professional Office Use in an RG-5 Zone (Article IV, Section 2, Table 4.1, Business Use #19)

Petitioner: Matthew 25 Inc.

Present Use: Presently on the premises multi-family dwelling and associated site improvements.

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

Petition Purpose: The applicant seeks to convert one dwelling unit into professional office space, along with associated site work.

Chris Burke and Mark Henderson appeared upon behalf of the application. Mr. Burke stated that they are seeking to convert one existing dwelling unit into professional office space, along with associated site work. Mr. Burke also requested a fee waiver for the application.

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

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the waiver to not label abutters to abutters on the plan and from providing a to-scale plan.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted against the waiving the application fee.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the Special Permit.

List of Exhibits:

Exhibit A: Special Permit Application; received December 19, 2017; prepared by Fred Enman.

15. 131 (aka Lot 47 & 48) Sachem Avenue (ZB-2018-011)

131 (aka Lot 47) Sachem Avenue:

Variance: For relief from the minimum lot area dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

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

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

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

Lot 48 Sachem Avenue:

Variance: For relief from the minimum lot area dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

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

Petitioner: V&J, LLC

- Present Use: Presently on the premises at 131 (aka Lot 47) Sachem Avenue is a single-family dwelling and associated improvements and Lot 48 is presently vacant.
- Zone Designation: RS-7 (Residence, Single-Family) zoning district & Water Resources Overlay District (WR(GP-3))
- Petition Purpose: The applicant seeks to construct a new single-family detached dwelling on Lot 48, along with associated site work, with no exterior changes to 131 (aka Lot 47) proposed.

Attorney Donald O'Neil appeared upon behalf of the applicant, V&J LLC and stated that the applicant is seeking to construct a new single-family detached dwelling on Lot 48, along with associated site work, with no proposed changes to 131 (aka Lot 47) Sachem Avenue and gave a brief overview of the plans for the site.

The Board discussed the size and the history of the lot, the application proposal and voiced concern about the telephone pole on the site.

Abutter Paul Garuson spoke in opposition to the proposal saying it would change the character of the neighborhood.

Abutter Melissa McQuaide spoke in opposition to the proposal.

Abutter Ann Neechan presented some photos to the Board, identified as Exhibit D, and stated that the proposal would greatly decrease the value of her home and does not want this built next to her.

Abutter Linda Marcasanon stated that she is afraid this proposal would bring down the value of her home.

Abutter Joe Marcasanon stated that if the applicant is asking for this many variances, then a house should not be built on the lot.

Mr. Freilich stated that the applicant is trying to put something in that will not fit the lot size.

Mr. Michajlow stated that this is a lot of relief being requested.

Mr. Wanat stated that he would agree with Mr. Freilich that this is quite a bit that is proposed to be squeezed into this lot and he would not be in favor of it.

Attorney O'Neil stated that they applicant would like to withdraw the application.

Upon a motion by Mr. Freilich and seconded by Mr. Haddon the Board voted 5-0 to allow for Leave to Withdraw for the Variances requested.

List of Exhibits:

- Exhibit A: Variance Application; received December 19, 2017; prepared by Donald J. O'Neil.
- Exhibit B: Variance Plan; dated December 15, 2017; preparer by B & R Survey, Inc.
- Exhibit C: Rendering & Floorplans; undated; preparer unknown.
- Exhibit D: Photos taken by Abutter.

16. 124 (aka 118) Highland Street (ZB-2018-012)

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

Amend to Variance: For relief from the minimum side-yard setback dimensional requirement in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)

Amend to Variance: For relief from the rear-yard setback dimensional requirement in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Sole Proprietor, Inc.

Present Use: Presently on the premises is an existing non-conforming structure used as a restaurant.

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

Petition Purpose: The applicant seeks to construct an addition to the existing structure, along with associated site work.

Attorney Mark Donahue appeared upon behalf of the applicant Sole Proprietor Inc. and stated that the applicant is seeking to construct an addition to the existing structure and conduct related site work. Attorney Donahue reviewed the original plans approved by the Board in 2017 and the new revised plan that the applicant is requesting approval for.

Mr. Wanat asked if the dumpster on the location could be re-located. Attorney Donahue stated that the dumpster was originally put there at the request of the city so that the dumpster did not abut the residential properties.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to approve the applicant's waiver request to label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to approve the Amendment to the Special Permits and Amendment to Variances.

List of Exhibits:

Exhibit A: Amendment to Variance & Special Permit Application; received December 26, 2017; prepared by Robert B. Ahlquist.

Exhibit B: Parking Plan; dated July 17, 2017; prepared by Thompson-Liston Associates, Inc.

Exhibit C: Recorded ANR Plan; endorsed December 6, 2017.

17. 982 Grafton Street & 275 Sunderland Road (ZB-2018-013)

Amend Special Permit: To allow an extension, alteration, or change of a privileged 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 landscaping requirements (Article IV, Section 7)

Petitioner: McDonalds USA, LLC

Present Use: Presently on the premises is a food-service restaurant with a drive-through and associated site improvements and parking.

Zone Designation: BL-1.0 (Business, Limited) & RL-7 (Residence, General) zoning district

Petition Purpose: The applicant seeks to conduct renovations to the existing structure and re-configure the existing drive-through and parking areas, along with associated site work.

Eric Dibeault from Bohler Engineering appeared upon behalf of the applicant, McDonald's USA, LLC and stated that the applicant seeks to conduct renovations to the existing structure and re-configure the existing drive-through & parking areas. He reviewed the site plans and requested a waiver from labeling abutters to abutters on the plan.

Mr. Rolle suggested that the Board remove staff's proposed condition #1.b. from consideration and recommended adding the condition that the drive thru lane be shifted fourth feet to the south.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 5-0 to approve the applicant's waiver request to label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the Amendment to the Special Permit and the Special Permit with conditions outlined in staff's memo with amendment to remove condition #1.b. and shift the drive thru lane four feet to the south to improve circulation.

List of Exhibits:

- Exhibit A: Special Permit Application; received January 9, 2018; prepared by John Kucich of Bohler Engineering.
- Exhibit B: McDonald's Site Plan; dated December 31, 2017; prepared by Bohler Engineering.
- Exhibit C: McDonald's "Demo Red" Plan; dated December 31, 2017; prepared by Bohler Engineering.
- Exhibit D: McDonald's "Car Turn" Plan; dated December 31, 2017; prepared by Bohler Engineering.
- Exhibit E: Zoning Board of Appeals Special Permit Approval; dated June 9, 1976.
- Exhibit F: Zoning Board of Appeals Special Permit Approval; endorsed March 14, 2005.

18. 89 Kenberma Road (ZB-2018-014)

- Special Permit:** For relief of the dimensional standards for a residential conversion (Article IV, Section 9)
- Variance:** For relief from the parking requirements for a two-family dwelling (Article IV, Section 4, Table 4.4)
- Petitioner:** 28 Kitchen Cabinet, LLC
- Present Use:** Presently on the premises is a single-family detached dwelling and associated site improvements.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct to convert the structure into a two-family detached dwelling, along with associated site work.

Attorney Donald O’Neil along with a representative from 28 Kitchen Cabinet LLC appeared upon behalf of the application stated that the applicant is seeking to convert the structure into a two-family detached dwelling, along with associated site work. Attorney O’Neil stated that this was a conversion done by a prior owner who did not obtain the proper building permits and they are looking to obtain a Special Permit to bring the site into compliance.

Mr. Rolle stated that there is no exterior worked proposed to the house.

Mr. Freilich asked if the house meets the current codes for a two family. Attorney O’Neil stated that if they receive permission tonight from the Board, it would have to comply with code requirements.

Abutter John Masselh of 87 Kenberma Road expressed concern about the increased traffic and safety hazard if residents have to park in the street.

The Board questioned when the building was converted from a two family back to a single family and whether the lots were non-conforming.

Attorney O’Neil stated that he was unsure of the status of the ownership and history of the property.

The Board stated that they were not very comfortable voting on the item tonight due to the information that was just brought up tonight.

Attorney O’Neil stated that he could look into the title ownership of the property.

Abutter Arlene Abraham stated that she lives across the street and expressed concern about the increased traffic and lack of parking for the site.

Abutter Diana (no last name given) of 82 Kenberma Road expressed concern about the lack of parking for the site.

Abutter Tom Bowser stated that any foreclosure will clearly state what type of property is being sold.

Attorney O’Neil requested to continue the item.

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 5-0 to continue the Special Permit and Variance application to the March 5, 2018 Zoning Board of Appeals meeting.

List of Exhibits:

- Exhibit A:** Variance Application; received January 9, 2018; prepared by Attorney Donald J. O’Neil.
- Exhibit B:** Variance Plan; dated December 28, 2017; preparer by B & R Survey, Inc.

Other Business

19. Communications

- a. Letter from ATC Group Services, dated December 18, 2017 re: AUL for 47 Indian Lake Parkway.

The Board had no comments regarding this communication item.

20. Signing of Decisions from prior meetings

Adjournment

Upon a motion the Board voted 5-0 to adjourn the meeting at 11:37 p.m.