

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

February 25, 2019

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS

Zoning Board Members Present: Joseph Wanat, Vice-Chair
Andrew Freilich
Jordan Berg Powers
George Cortes

Absent: Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member

Staff Present: Stephen R. Rolle, Division of Planning & Regulatory Services
Michelle M. Smith, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

Board Site Views

Call to Order – 5:30 pm

Requests for Continuances, Extensions, Postponements, and Withdrawals

Old Business

1. 3 Newton Avenue (ZB-2018-081)

3 (aka Lot 1) Newton Avenue (Existing):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)

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

Lot 2 Newton Avenue (Proposed):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)

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

Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Guri Dura and Marjeta Skenderi

Present Use: At 3 Newton Avenue (aka Lot 1) is an existing two-family dwelling and on proposed Lot 2 Newton Avenue is a detached garage.

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

Petition Purpose: To convert the existing garage on Lot 2 into a single-family dwelling and to conduct related site work.
Public Hearing Opened: 11/26/18
Constructive Grant Deadline: 3/19/19

Attorney Donald O'Neil appeared upon behalf of the application and requested Leave to Withdraw without Prejudice. He stated that he would be refileing the application, and intends to request that the Board waive the application fee minus the cost of legal advertising.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 4-0 to grant a Leave to Withdraw without Prejudice for the Variance applications, with a contingency that if new application is filed within sixty (60) days, the current application fee would be applied to the new application.

2. 133 Granite Street (MBL 44-019-00001) (ZB-2019-008)

Special Permit: To allow a multi-family low-rise structure in an RL-7 zone (Article IV, Section 2, Table 4.1, Residential Use #11)
Petitioner: Acquisition Trust, LLC
Present Use: Multiple buildings, used for religious and charitable uses, along with associated site improvements.
Zone Designation: RL-7 (Residence, Limited) zoning district
Petition Purpose: To demolish the existing site improvements and construct four multi-family low-rise dwellings (total of 48 units), an associated driveway network, and related surface parking areas and to conduct related site work.
Public Hearing Deadline: 3/28/19
Constructive Grant Deadline: TBD

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 4-0 to postpone the Special Permit application to the March 18, 2019 Zoning Board of Appeals meeting.

New Business

3. Lot 2 (fka part of 75) Eastern Avenue (part of MBL 16-012-0005A) (ZB-2019-007)

Variance: For relief of the lot-area dimensional requirements (Article IV, Section 4, Table 4.2)
Petitioner: Immeku Solutions LLC
Present Use: A vacant, partially paved lot.
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: To construct a two-family dwelling.
Public Hearing Deadline: 3/28/19
Constructive Grant Deadline: 5/2/19

Kevin Keeler of Permit Solutions appeared upon behalf of the applicant, Immeku Solutions, LLC. The petitioner seeks relief of 365 SF from the 6,000 SF lot area dimensional requirement for a two-family detached dwelling in an RG-5 zone. Mr. Keeler provided an overview of the proposal.

Mr. Wanat expressed his approval of revisions of the proposal.

Mr. Freilich noted that many 'side-by-side' developments do not fit the character of existing neighborhoods, and asked for insight as to why it is featured in so many developments. Mr. Keller stated that the design is more desirable as it gives impression that the home is like a duplex and gives a separation between the families. Mr. Freilich expressed concern that these project designs are changing the look of neighborhoods and suggested that the Board look into design guidelines for neighborhoods.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 4-0 to approve the requested waiver from the application requirement to label abutters and abutters thereto within 300 feet on the plan.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 4-0 to approve the Variance application with conditions outlined in the staff memo.

List of Exhibits:

- Exhibit A: Variance Application Materials; received January 22, 2019; prepared by Kevin Kieler.
- Exhibit B: Variance Plan; dated January 16, 2019, last revised February 20, 2019; prepared by HS&T Group, Inc.

Other Business

4. Remand from Superior Court (Civil Action No. 1485CV00512-A) regarding Appeal of Variances for 3 Homer Street (ZB-2013-060) – Order to update Findings of Fact, Conditions, and Plan Reference

Attorney Wayne LeBlanc, representing the owners of 3 Homer Street, appeared upon behalf of the request.

Mr. LeBlanc stated that an abutter had appealed the Variance that was approved by the Board and an agreement has been made between the applicant and the abutter. He stated that the applicant is reducing the three-car garage to a two-car garage and have added a drainage swale, which is satisfactory to both the applicant and the abutter.

Mr. Freilich asked if an appeal such as this usually takes five years to go through the courts. Attorney LeBlanc stated that, unfortunately, it is not unusual for it to take this long.

Mr. Freilich requested that all summons to court for Board members be sent to the City and not to their home addresses. Mr. Rolle stated that he would make the request to the Law Department.

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 4-0 to approve the updated plan, clarifying the original decision that shows a two-car garage and associated drainage.

5. Communications

6. Discussion of Board Policies and Procedures

The Board discussed procedures relative to the distribution of materials.

Approval of the Minutes

Upon a motion by Mr. Cortes and seconded by Mr. Freilich, the Board voted 4-0 to approve the minutes of November 26, 2018, December 17, 2018 and February 4, 2019.

7. Signing of Decisions from Prior Meetings

Adjournment

Upon a motion by Mr. Berg Powers and seconded by Mr. Freilich, the Board voted 4-0 to adjourn the meeting at 6:05 PM.