

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

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS

December 9, 2019

Zoning Board Members Present: Joseph Wanat, Chair
Andrew Freilich, Vice Chair
George Cortes
Robert Haddon, Alternate Member

Zoning Board Members Absent: Jordan Berg Powers
Russell Karlstad, Alternate Member

Staff Present: Stephen S. Rolle, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services
David Horne, Department of Inspectional Services

Call to Order – 5:30 PM

Approval of Minutes – 1/14/19; 2/25/19; 3/18/19; 4/8/19; 4/29/19; 5/20/19; 6/10/19; 7/1/19; 7/22/19; 8/12/19; 9/9/19; 10/7/19; 10/28/19; 11/18/19 – Held to January 13, 2020

Requests for Continuances, Extensions, Postponements & Withdrawals

Leave to Withdraw

Item #4 **757 Salisbury Street (MBL 50-023-00001) (ZB-2019-041)**

Variance: For relief from the maximum height (stories & feet) dimensional requirements (Article IV, Section 4, Table 4.2)

Petitioner: HP Acquisitions, LLC

Present Use: Presently on the premises are vacant residential buildings.

Zone Designation: RS-10 (Residence, Single-Family) & RS-7 (Residence, Single-Family) zoning district

Petition Purpose: The applicant seeks to construct a Continuing Care Retirement Community consisting of three multi-family, low-rise buildings with a total of +/- 123 dwelling units, an associated driveway network, and related site work on approximately 17 acres of land (located off Salisbury Street).

Public Hearing Deadline: 12/9/19 Constructive Grant Deadline: 1/14/20

Upon a motion made by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to authorize the petitioner's request for leave to withdraw without prejudice for the aforementioned relief.

Item #6 **452 & 454 Southwest Cutoff & 40 Garnet Street (MBL 45-006-0001B, -0001A, -0001C) (ZB-2019-053)**

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

Petitioner: Joseph F. Shay, Jr.

Present Use: Presently on the premises are two detached dwellings with associated outbuildings.

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

Petition Purpose: The applicant seeks to import and place/stockpile fill at the sties, temporarily store soil materials on-site, conduct processing to screen, crush and sort materials, and export processed materials off-site. The applicant also seeks to conduct related grading and site work.

Public Hearing Deadline: 12/9/19 Constructive Grant Deadline: 1/14/20

Petitioner: James Spahiu
Present Use: Presently on the premises is a single-family detached dwelling with associated site improvements.
Zone Designation: RS-10 (Residence, Single Family) zoning district
Petition Purpose: The applicant seeks to construct an addition and to conduct associated site work.
Hearing Opened: 10/28/19 Constructive Grant Deadline: 1/14/20

Upon a motion made by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to continue the Variance application to the January 13, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 4, 2020.

Postponements

Item #5 539 Cambridge Street (MBL 07-042-00026) (ZB-2019-048)
Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)
Petitioner: Efran Candelaria
Present Use: Presently on the premises is a pre-existing non-conforming two-family detached dwelling.
Zone Designation: RG-5 (Residence, General) zoning district and partially within the Floodplain Overlay District
Petition Purpose: The applicant seeks to convert the existing two-family detached dwelling into a three-family detached dwelling and to construct associated parking.
Public Hearing Deadline: 12/9/19 Constructive Grant Deadline: TBD

Upon a motion made by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to continue the Special Permit application to the January 13, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 4, 2020.

Item #7 419 Grove Street (MBL 20-031-0019A) (ZB-2019-063)
Special Permit: To allow an automobile refueling station in a BG-3.0 zone (Article IV, Section 2, Table 4.1, Business Use #17)
Petitioner: Fouad Murad
Present Use: Presently on the premises is an automobile refueling station and a convenience store, with associated off-street parking.
Zone Designation: BG-3.0 (Business, General) zoning district
Petition Purpose: The applicant seeks to construct one (1) new refueling pump, extend the overhead canopy, and conduct related site work.
Public Hearing Deadline: 1/4/20 Constructive Grant Deadline: TBD

Upon a motion made by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to continue the Special Permit application to the January 13, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 4, 2020.

Item #8 0 Dearborn Street (MBL 35-014-47-01) (ZB-2019-066)
Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
Petitioner: Michael Lapomardo Jr. & Mark A. Lapomardo
Present Use: Presently on the premises is a vacant lot.
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: The applicant seeks to construct a single-family detached dwelling and conduct related site work.

Public Hearing Deadline: 1/9/20

Constructive Grant Deadline: 2/13/20

Upon a motion made by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to continue the Variance application to the January 13, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 4, 2020.

Item #8 1 Nuttall Lane, 112, 114, 116, 120, 120 ½ Houghton Street

(MBL 35-006-00094, -00085, -00086, 35-007-87-92, 35-007-00019) (ZB-2019-067)

Special Permit: To allow a Nursing Home (General Use # 12, Table 4.1) in a RG-5 (Residence, General) zoning district.

Petitioner: Houghton Street Holdings, LLC

Present Use: Presently on the premises at 112, 114, 120 and 120 ½ Houghton Street are single-family detached dwellings and at 116 Houghton Street is an existing nursing home with associated site improvements, and at 1 Nuttall Lane is an existing three-family dwelling.

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

Petition Purpose: The applicant seeks to demolish most of the existing site improvements (including the residential dwellings, nursing home and related parking) and construct a new 87-bed nursing home (+/- 17,350 SF) with 38 parking spaces, and conduct associated site work.

Public Hearing Deadline: 1/9/20

Constructive Grant Deadline: TBD

Upon a motion made by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to continue the Special Permit application to the January 13, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 4, 2020.

Item #11 51, 53 & 55 Windsor Street (MBL 09-011-00034, -00041, -00004) (ZB-2019-069)

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

Variance: For relief from the minimum front-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)

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

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: Kensington Management, LLC

Present Use: Presently on the premises at 53 Windsor Street is a vacant lot, at 51 Windsor Avenue is a three-family dwelling, and at 55 Windsor Avenue is a three-family dwelling.

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

Petition Purpose: The applicant seeks to add an additional unit to each existing structure (for a total of 4 units each), to construct a new multi-family dwelling (with a total of 12 units) with an associated parking area, and to conduct related site work.

Public Hearing Deadline: 1/9/20

Constructive Grant Deadline: 2/13/20

Upon a motion made by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to continue the Special Permit & Variance application to the January 13, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 4, 2020.

Item #12 10 Ockway Street (MBL 38-033-54+57) (ZB-2019-070)

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

Table 4.2)

Petitioner: Ronald Bouthiller & Kevin J. Menard
Present Use: Presently located on the premises is a single-family detached dwelling.
Zone Designation: RL-7 (Residence, Limited) zoning district
Petition Purpose: The applicant seeks to demolish the existing single-family dwelling, construct a two-family detached dwelling and conduct related site work.
Public Hearing Deadline: 1/10/20 Constructive Grant Deadline: 2/14/20

Upon a motion made by Mr. Cortes and seconded by Mr. Haddon, the Board voted 4-0 to continue the Variance application to the January 13, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to February 4, 2020.

New Business

Item #10 **102 Randolph Road (MBL 22-002-00002) (ZB-2019-068)**

Amendment to:

Special Permit: To allow a Nursing Home (General Use # 12, Table 4.1) in a RG-5 (Residence, General) zoning district.

Petitioner: KMRN Investment, LLC

Present Use: The applicant previously received approval for the phased construction, of which phase 1 is complete, of an 82-bed nursing home (+/- 57,175 SF) with 36 parking spaces and associated site work.

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

Petition Purpose: The applicant seeks to modify the existing approval for Phase 2 to reconfigure and decrease the size and layout of the proposed structure and parking area, reducing the overall number of beds to 75, and conduct associated site work.

Public Hearing Deadline: 1/9/20 Constructive Grant Deadline: TBD

Attorney Todd Rodman, Michael Andrade of Graves Engineering, Inc., and representatives from KMRN Investment, LLC presented testimony on behalf of the application.

The applicant seeks to modify the existing approval for Phase 2 in order to reconfigure and decrease the size and layout of the proposed structure and parking area, reducing the overall number of beds to 75, and conduct associated site work.

Mr. Rodman reviewed the proposal and provided a rendering for the project.

Upon a motion made by Mr. Haddon and seconded by Mr. Freilich, the Board voted 4-0 to close the public hearing.

Upon a motion made by Mr. Haddon and seconded by Mr. Cortes, the Board voted 4-0 to approve the Special Permit Amendment in order to modify the existing approval for Phase 2 construction (reconfigure and decrease size and layout of proposed structure and parking area; approved requested waivers (to provide distances to adjacent buildings on plan); approved Conditions of Approval from staff memo (landscaped setback areas and required parking spaces shall not be used for snow storage and once designated areas are full, shall be trucked off-site; project shall be constructed in substantial accordance with the plans submitted).

List of Exhibits:

Exhibit A: Special Permit Amendment Application; received 11/5/19; prepared by Attorney Todd Rodman.

Exhibit B: Proposed Special Permit Amendment Plan; dated 10/31/19; received 11/5/19; prepared by Graves Engineering, Inc.

Item #13 **26 (aka Lots 1 & 2) Hapgood Road (MBL 21-003-0007A) (ZB-2019-071)**

Lot 1 Hapgood Road (Proposed):

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Petitioner: John Prunier
- Present Use: Presently on the premises at 26 Hapgood Road (aka proposed Lot 2) is an existing, non-conforming two-family detached dwelling, proposed Lot 1 is vacant, and on both proposed Lot 1 and proposed Lot 2 is a detached garage and driveway.
- Zone Designation: RS-7 (Residence, Single Family) zoning district
- Petition Purpose: The applicant seeks to divide the existing lot into two, with the existing dwelling at 26 Hapgood Road to remain, demolish the existing detached garage, and construct a single-family detached dwelling on proposed Lot 1, along with related site work.
- Public Hearing Deadline: 1/12/20 Constructive Grant Deadline: 2/16/20

Attorney Mark Borenstein appeared on behalf of the applicant and presented testimony on behalf of the application.

The applicant seeks to divide the existing lot into tow, with the existing dwelling at 26 Hapgood Road to remain, demolish the existing detached garage, and construct a single-family detached dwelling on proposed Lot 1, along with related site work.

Mr. Borenstien gave an overview of the proposal. Mr. Freilich asked Mr. Borenstein to review where the telephone pole would be relocated to on the site.

William Tyler Green, abutter to the subject property, commented on the application, stating that when he purchases his home, which is adjacent to the proposed lot, he was under the impression that the lot was not buildable.

Corrine Green, also abutter to the subject property, raised concerns about the possibility of blasting, and whether construction vehicles would be staged on the street.

Mr. Borenstein stated that the application still needs to go before the Planning Board and if there is aneed for blasting, they would be addressed then.

Upon a motion made by Mr. Haddon and seconded by Mr. Freilich, the Board voted 4-0 to close the public hearing.

Upon a motion made by Mr. Haddon and seconded by Mr. Freilich, the Board voted 4-0 to approve the Variance application for relief of 2.5 feet from the 65 foot minimum frontage dimensional requirement; approved requested waivers, approved with Conditions of Approval from staff memo (submission of revised plans prior to issuance of Building Permit; relief specific to proposed Lot 1; re-charge 100% of roof runoff; each property shall be limited to one curb cut and one driveway per lot; project shall be constructed in substantial accordance with the plans submitted).

List of Exhibits:

- Exhibit A: Variance Application; received 11/8/19; prepared by Bowditch & Dewey, LLP.
- Exhibit B: Proposed Variance Plan; dated 11/7/19; received 11/8/19; prepared by Bowditch & Dewey, LLP.

Other Business

14. Communications
15. Discussion of Board Policies and Procedures
16. Signing of Decisions (from prior meetings)

Adjournment

Upon a motion by Mr. Cortes and seconded by Mr. Freilich, the Board voted 4-0 to adjourn the meeting at 6:14 PM.