# MINUTES OF THE PROCEEDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER April 6, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 730323290#), which was publicized on the posted meeting agenda and during the video broadcast.

Zoning Board Members Joseph Wanat, Chair Participating: Jordan Berg Powers

**George Cortes** 

Robert Haddon, Alternate Member Russell Karlstad, Alternate Member

Zoning Board Members Not Andrew Freilich, Vice Chair

Participating:

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services

Michelle Smith, Division of Planning & Regulatory Services

Amanda Molina Dumas, Division of Planning & Regulatory Services

John Kelly, Department of Inspectional Services

### Call to Order - 5:30 PM

# Approval of Minutes – 1/14/2019; 2/25/2019; 3/18/2019; 4/8/2019; 1/13/2020 (Approved)

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the minutes of 1/14/2019; 2/25/2019; 3/18/2019; 4/8/2019; 1/13/2020

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; 2/3/20; 2/24/20 – Held to April 27, 2020

## Requests for Continuances, Extensions, Postponements & Withdrawals

#### **Leave to Withdraw**

Item #7 O Roslyn Road (aka Lot 2 or 37A & B Belcourt Road & 39 (aka Lot 1) Belcourt Road

(MBL 46-009-368-A & -00368) (ZB-2019-065)

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

Table 4.2)

Petitioner: Tony Nguyen of Worcester Affordable Housing Trust

Present Use: Presently on the premises at 39 Belcourt Road (Lot 1) is a single-family dwelling and

on proposed Lot 2 is a vacant lot.

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

Petition Purpose: The applicant seeks to construct a two-family detached dwelling and conduct related

site work.

Hearing Opened: 1/13/2020 Constructive Grant Deadline: 4/28/2020

Mr. Karlstad recused himself from this item.

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

**Postponements** 

Item #3 14 (aka Lots 1 & 2) Wendover Road (MBL 49-016-00014) (ZB-2020-016)

Lot 2 Wendover Road (Proposed):

Variance: For relief from the minimum frontage dimensional requirement in an RS-7 Zone

(Article IV, Section 4, Table 4.2)

Petitioner: Joshua & Aura Hernandez

Present Use: Presently on the premises at 14 Wendover Road (aka proposed Lot 1) is an existing,

single-family detached dwelling, proposed Lot 2 is vacant, and on both proposed Lot

1 and proposed Lot 2 is a 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

14 Wendover Road to remain, demolish the existing driveway, and construct a single-

family detached dwelling on proposed Lot 2, along with related site work.

Public Hearing Deadline: 4/16/2020 Constructive Grant Deadline: 5/21/2020

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the Special Permit application to the May 11, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to June 2, 2020.

Item #4 55 Greencourt Street (MBL 35-015-00003) (ZB-2020-018)

Variance: For relief from the minimum lot area dimensional requirement for a single-family

detached dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum frontage dimensional requirement for a single-family

detached dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Luigi DiGioia

Present Use: Presently on the premises is a vacant lot.

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

Petition Purpose: The applicant seeks to construct a single-family detached dwelling and conduct

related site work.

Public Hearing Deadline: 4/16/2020 Constructive Grant Deadline: 5/21/2020

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the Variance application to the June 2, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to June 23, 2020.

#### **New Business**

Item #2 33 Dominion Road (MBL 46-006-00180) (ZB-2020-011)

Special Permit: To allow a single-family attached dwelling in an RL-7 Zone (Article VI, Section 2, Table

4.1, Residential Use #12)

Petitioner: Silver Tree Realty, LLC

Present Use: A vacant lot.

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

Petition Purpose: The applicant seeks to construct a single-family attached dwelling (with a total of 3

dwelling units), and to conduct associated site work.

Public Hearing Deadline: 4/6/2020 Constructive Grant Deadline: TBD

Attorney Donald O'Neil appeared on behalf of the applicant, Silver Tree Realty, LLC. The applicant seeks to construct a single-family attached dwelling (with a total of 3 dwelling units), and to conduct associated site work.

Mr. Wanat asks for clarification on the width of the proposed driveways and height of the proposed retaining walls. Andy Baum of Summit Engineering and Survey, Inc., reviews the specifications with the Board.

Mr. Karlstad asks if the units will be rentals or for sale. Mr. O'Neil states his expectation is they would be sold separately.

Kathy Dulude, Joe DiRobeto, and Diane and Stuart McCarthy stated their opposition to the application, raising concerns that the project was too big for the site, and that the proposed driveways would be detrimental to current safety concerns on Dominion Road.

Mr. Haddon asked the applicant if they considered rotating the structure and providing a parking area to reduce the number of curb cuts. Mr. Wanat stated that three units would be pushing it from a safety perspective.

Mr. O'Neil asks for a straw poll. Members in favor of the current project: Mr. Berg Powers and Mr. Cortes. Members opposed to the current project: Mr. Wanat, Mr. Karlstad, and Mr. Haddon.

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to continue the Special Permit application to the May 11, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to June 2, 2020.

Item #5 5 (aka Lots 5A & 5B) Reeves Street (MBL 10-024-00022) (ZB-2020-020)

## **Proposed Lot 5A Reeves Street:**

Variance: For relief from the minimum lot area dimensional requirement for a single-family

semi-detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum frontage dimensional requirement in for a single-family

semi-detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

## **Proposed Lot 5B Reeves Street:**

Variance: For relief from the minimum lot area dimensional requirement for a single-family

semi-detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum frontage dimensional requirement in for a single-family

semi-detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Michelle M. and David D. Hutchins, Sr.

Present Use: Presently on the premises is a vacant lot.

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

Petition Purpose: The applicant seeks to construct a single-family semi-detached (aka duplex) dwelling

(with a total of 2 dwelling units), and conduct related site work.

Public Hearing Deadline: 4/19/2020 Constructive Grant Deadline: 5/24/2020

Attorney Donald O'Neil appeared on behalf of the applicants, Michelle and David Hutchins. The applicant seeks to construct a single-family semi-detached (aka duplex) dwelling (with a total of 2 dwelling units), and conduct related site work. Mr. O'Neil notes that this is multi-family neighborhood and that a two-family would be more in character than a one-family dwelling.

Ms. Smith asks about the two proposed driveways, noting that if the proposed Zoning Amendment relative to Front-Yard Paving is passed, the applicant would need to return to the ZBA to get waivers for the driveways, as the amendment would render them non-compliant.

Mr. Haddon recommends the applicant continue the application in order to consider alternate configurations.

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to continue the Variance application to the May 11, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to June 2, 2020.

# **Other Business**

- 6. Communications
- 7. Review & Approval of the Draft 2021 Schedule of Meeting Dates & Filing Deadlines

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the 2021 Meeting Dates & Filing Deadlines.

- 8. Discussion of Board Policies and Procedures
- 9. Signing of Decisions (from prior meetings)

# **Adjournment**

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to adjourn the meeting at 7:52 PM.