

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
May 11, 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: Andrew Freilich, Vice Chair
Jordan Berg Powers
George Cortes
Robert Haddon, Alternate Member
Russell Karlstad, Alternate Member (Item #1 only)

Zoning Board Members Not
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 – 6:00 PM

Approval of Minutes – 7/22/2019; 4/27/2020 (Approved)

Upon a motion made by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 6-0 to approve the minutes from 7/22/2019; 4/27/2020.

7/1/2019; 8/12/2019; 9/9/2019; 10/7/2019; 10/28/2019 – Held to June 15, 2020

Requests for Continuances, Extensions, Postponements & Withdrawals

Old Business

Item #1 **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.
Hearing Opened: 4/6/2020 Constructive Grant Deadline: TBD
Hearing Opened with: JW, JBP, GC, RH, RK

Attorney Donald O’Neil spoke 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. Attorney O’Neil discussed the revisions made to the plan based on feedback from the initial hearing, including the consolidation of the 3 (separate) proposed driveways into a single driveway, and alternate siting of the single-family attached dwellings.

Staff asked for clarification for proposed building height; Andy Baum of Summit Engineering confirms overall height will be 33 feet.

Mr. Haddon comments that articulation of units and/or second story off-set would make structure more appealing.

The Board discusses the proposed driveway width and if a reduction to 20 feet would be allowed. Ms. Smith provides clarification that the driveway can be reduced to 20 feet in width.

Joe DiRoberto, 36 Dominion Road, comments about general safety concerns, and asks for clarification regarding land labeled "Parcel A" on plans. Also expressed frustration over multiple iterations of the project over last few years.

Upon a motion made by Mr. Cortes and seconded by Mr. Berg Powers, the Board voted 5-0 to close the public hearing.

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the SP to allow a single-family attached dwelling in an RL-7 zone; approved requested waivers; approved with Conditions of Approval from staff memo (SP only applies to parcel identified as 33 Dominion Road as shown on plans; Parcel A is not subject to SP; recharge 100% of roof run-off; property limited to one 22 foot curb-cut; driveway shall be reduced by 2 feet unless required to be wider by the Ordinance, pursuant to Article IV, Seciton 7, Notes to Table 4.4 and staff will evaluate against ZO amendment; parking and/or paved areas shall be limited to those areas depicted on approved plan, other areas shall remain permeable, landscaped areas; project shall be used in substantial accordance with plans submitted).

Item #2 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.

Hearing Opened: 4/6/2020 Constructive Grant Deadline: 6/2/2020

Hearing Opened with: JW, JBP, GC, RH (4 member board).

Attorney Donald O'Neil spoke 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.

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

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 4-0 to approve the Variances (frontage & lot area for 5A; frontage & lot area for 5B); approved requested waivers; approved with Conditions of Approval from staff memo (submission of final revised plans prior to issuance of BP demonstrating 50% or less imperviousness within the front-yard; recharge 100% of roof run-off; on minimum 3.5" caliper tree shall be planted on each lot; properties shall be limited to and served by one common driveway, per the plan, and curb-cut shall not exceed 22 feet; conditions of Variances apply to an carry with

the affected land, known as lots 5A & 5B; project shall be used in substantial accordance with plans submitted).

Item #3 **320 (aka Lots 1 & 2) Massasoit Road (MBL 45-025-00214) (ZB-2020-021)**

Lot 2 Massasoit Road (Proposed):

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: David Cole DiRoberto

Present Use: Presently on the premises at 320 Massasoit Road (aka proposed Lot 1) is a privileged, non-conforming two-family detached dwelling, proposed Lot 2 is vacant, and on both proposed Lot 1 and proposed Lot 2 is a paved 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 320 Massasoit Road to remain, to demolish the existing driveway, to construct a single-family detached dwelling on proposed Lot 2, and to conduct related site work.

Hearing Opened: 4/27/2020 Constructive Grant Deadline: 6/5/2020

Hearing Opened with: JW, AF, JBP, GC, RH

Kevin Quinn of Quinn Engineering spoke on behalf of the applicant, David Cole DiRoberto. The applicant seeks to divide the existing lot into two, with the existing dwelling at 320 Massasoit Road to remain, to demolish the existing driveway, to construct a single-family detached dwelling on proposed Lot 2, and to conduct related site work.

Mr. Quinn provides an overview of the proposal.

Upon a motion made by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to close the public hearing.

Upon a motion made by Mr. Haddon and seconded by Mr. Freilich, the Board voted 5-0 to approve the Variance for relief of 16.63 feet from the 65 foot minimum frontage dimensional requirement; approved with Conditions of Approval from staff memo (submission of final revised plans prior to issuance of BP; snow shall not be stored in proposed rain gardens; utilities proposed for lot 2 shall be underground; properties shall be limited to one shared curb-cut for a common driveway, no greater than 20 feet in width & copy of common driveway easement shall be provided to DPRS; stormwater shall be managed on-site in accordance with final approved plans; conditions of Variance shall apply to and carry with the affected land, known as lots 1 & 2; birch trees along Massasoit Road to remain; project shall be used in substantial accordance with plans submitted).

New Business

Item #4 **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: 5/11/2020 Constructive Grant Deadline: 6/2/2020

Zac Couture from H.S. & T. spoke on behalf of the applicants, Joshua & Aura Hernandez. 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.

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

Upon a motion made by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Variance for relief of 10 feet from the 65 foot minimum frontage dimensional requirement; approved requested waivers; approved with Conditions of Approval from staff memo (one tree, minimum of 3.5" caliper shall be planted in the front-yard of each lot; recharge 100% of roof run-off; properties shall be limited to one curb-cut and one driveway per lot, per the plans, and curb-cut on each lot shall not exceed 12 feet in width; conditions of Variance apply to and carry with the affected land, known as Lots 1 & 2; project shall be used in substantial accordance with plans submitted).

Other Business

5. Communications
6. Discussion of Board Policies and Procedures
 - a. Consideration of adoption of M.G.L. c.110G, regarding the use of electronic signatures by Board members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020. **Motion to adopt (AF; JBP; 5-0).**

Adjournment

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to adjourn the meeting at 8:13 PM.