

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
March 15, 2021**

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:	Russell Karlstad, Vice Chair
	Jordan Berg Powers
	George Cortes
	Robert Haddon, Alternate Member
	Nathan Sabo, Alternate Member

Zoning Board Members	Not
Participating:	

Staff Participating:	Stephen Rolle, 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

Old Business – Public Hearings

- 1. 298 Plantation Street (aka 2 Northboro Street) (MBL 17-025-04+05) (ZB-2020-065)**
- Special Permit:** To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use in a RL-7 zone (Article XVI, Section 4)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)
- Variance:** For relief from the minimum front-yard setback dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum exterior side-yard setback dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the maximum floor area ratio (FAR) requirements for the RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Rodney Haddad of Remp Realty LLC
- Present Use:** A +/- 2,979 SF non-conforming one-story commercial structure, formerly used as a dry cleaner, with associated off-street parking.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** To renovate and convert the existing structure into a food service establishment (deli), construct a second story addition with two dwelling units, construct off-street parking, and conduct associated site work.
- Testimony Date(s):** 2/11/2021 **Constructive Grant Deadline:** 5/15/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes (Mr. Haddon as alternate) the Board voted 5-0 to continue the Special Permit and Variance Applications to the April 5, 2021 Zoning Board of Appeals meeting and extend the Constructive Grant Deadline to April 27, 2021.

Old Business – Public Hearings

2. 33 Dominion Road (MBL 46-006-00180) (ZB-2021-007)

Amendment to:

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

Petitioner: William Dowell of Apogee Development, LLC

Present Use: A vacant lot. The applicant previously received approval to construct a single-family attached dwelling (with a total of 3 dwelling units), and to conduct associated site work.

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

Petition Purpose: To amend the existing approval to construct a single-family attached dwelling (with a total of 3 dwelling units) in order to reconfigure the site layout and access and to conduct related site work.

Testimony Date(s): 2/22/2021 **Constructive Grant Deadline:** TBD

Andy Baum from Summit Engineering called in for the applicant, William Dowell of Apogee Development, LLC.

Mr. Baum stated that the Board had asked for some changes on the plan at the last meeting and he reviewed the changes that had been made.

Ms. Molina-Dumas stated that the plans had been revised and reviewed by staff.

Mr. Baum requested the waivers suggested by staff and was in agreement with Conditions of Approval suggested by staff.

Public Comment

No public comment.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 (Mr. Haddon as alternate) to approve the Special permit amendment; approved with requested waivers; approved with Condition of Approval from staff memo which includes that prior to issuance of Building permit submission of final revised site plan-set & architectural plans that show current property lines & height of proposed buildings be submitted; recharge 100% of roof runoff; that parking and/or paved areas limited to those depicted on approved plan, other space shall remain permeable; and that the project will be built in substantial accordance with plans submitted.

New Business – Public Hearings

3. 45 (aka Lot 1A & 2A) Laurel Street (MBL 01-032-00053) (ZB-2020-041)

Lot 1A Laurel Street (Proposed):

Variance: For relief from the minimum lot area dimensional requirement for a single-family semi-detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum frontage dimensional requirement for a single-family semi-detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Lot 2A Laurel Street (Proposed):

Variance: For relief from the minimum lot area dimensional requirement for a single-family semi-detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum frontage dimensional requirement for a single-family semi-detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Jonathan Matos

Present Use: A two-car detached garage, with associated site improvements.

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

Petition Purpose: To demolish the existing garage, construct a single-family semi-detached (aka duplex) dwelling, and to conduct associated site work.

Public Hearing Deadline: 4/10/2021 **Constructive Grant Deadline:** 5/15/2021

David Sadowski called in for the applicant, Jonathan Matos.

Mr. Sadowski reviewed the plans for the project.

Ms. Molina-Dumas reviewed the scope of the work.

Mr. Wanat requested Mr. Sadowski to review the fencing for the property.

Mr. Sadowski requested the waivers suggested by staff and was in agreement with Conditions of Approval suggested by staff.

Mr. Cortes requested Mr. Sadowski to review the rain barrels for the site.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to close the Public Hearing.

Public Comment

No public comment.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes (Mr. Haddon as alternate) the Board voted 5-0 to approve the variances for frontage and lot area for proposed lots 1A & 2A; approved with requested waivers; approved with Conditions of Approval from staff memo which includes that prior to issuance of a Building Permit that there will be submission of final revised site plan-set & architectural plans; that the property limited to one 12 foot curb cut per lot; that parking and/or paved areas limited to those depicted on approved plan, other space shall remain permeable; and that the plan be built in substantial accordance with the plans submitted.

4. 757 Salisbury Street (MBL 50-023-00001) (ZB-2021-001)

Variance: For relief of the maximum height dimensional requirements (Article IV, Section 4, Table 4.2)

Petitioner: Premier Property Group, LLC

Present Use: Vacant residential buildings.

Zone Designation: RS-10 (Residence, Single Family) and RS-7 (Residence, Single Family) zoning districts

Petition Purpose: To construct a Continuing Care Retirement Community (CCRC) 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: 4/10/2021 **Constructive Grant Deadline:** 5/15/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to postpone the Variance Application to the May 17, 2021 Zoning Board of Appeal meeting and to extend the Constructive Grant Deadline to June 8, 2021. (Nathan Sabo as alternate).

5. 966 Grafton Street (MBL 34-025-0002C) (ZB-2021-008)

- Special Permit:** To allow a food service with drive-thru use in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #6)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)
- Petitioner:** Worcester AMA Realty Ventures LLC
- Present Use:** A +/- 4,190 SF commercial building, formerly used as a restaurant, with associated off-street parking.
- Zone Designation:** BL-1.0 (Business, Limited) zoning district
- Petition Purpose:** To renovate and add on to the existing building in order to enable use of the building for retail and food service, including drive-thru uses, to reconfigure the parking layout, and to conduct associated site work.
- Public Hearing Deadline:** 5/1/2021 **Constructive Grant Deadline:** TBD

Casey Birch, a civil engineer, called in for the applicant Worcester AMA Realty Ventures, LLC.

Mr. Birch presented a power point presentation of the project.

Mr. Rolle reviewed the scope of the project and the parking proposed for the site and what staff would like to see for parking on the site.

Mr. Birch stated they could make the changes requested by staff.

Mr. Cortes expressed concern about the signage for the property.

Mr. Birch was in agreement with Conditions of Approval suggested by staff.

Public Comment

No Public Comment

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes (Mr. Sabo as alternate) the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes (Mr. Sabo as alternative) the Board voted 5-0 to approve the Special Permit to allow drive-thru and Special Permit to modify parking (% compact spaces and ZBA waived 1 required parking space); approved with Conditions of Approval from staff memo which included that prior to issuance of a Building Permit that submission of final revised site plan-set & architectural plans reflecting changes; drive-thru shall not back into Grafton Street ROW; that snow storage shall not occupy any required parking spaces or landscape buffer; and that the project be built in substantial accordance with the plans submitted.

6. 37 (aka Lots 1 & 2) Trowbridge Circuit (MBL 27-002-00016) (ZB-2021-009)

Lot 1 Trowbridge Circuit (Proposed):

- 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)

Lot 2 Trowbridge Circuit (Proposed):

- 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: Kevin Kieler, of Permit Solutions Inc.

Present Use: A vacant lot.

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

Petition Purpose: To divide in the existing lot into two, construct a single-family detached dwelling on each lot, and to conduct related site work.

Public Hearing Deadline: 4/14/2021 **Constructive Grant Deadline:** 5/19/2021

Kevin Keeler of Permit Solutions, Inc. called in for the application.

Mr. Keeler stated that the location had a fire which caused substantial damage to the home and the structure was torn down and now they are looking to divide the lot in order to construct a single family home on each lot.

Ms. Molina Dumas reviewed the scope of the project including the parking for the site and the size of the structure proposed.

Ms. Molina Dumas stated that staff did receive one letter of opposition and the applicant submitted three letters of support of the project.

Mr. Keeler stated that he would request the waivers requested by staff and was in agreement with Conditions of Approval suggested by staff.

Mr. Wanat asked Mr. Keeler to review the grading for the site.

Public Comment

No Public Comment.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 (Mr. Haddon as alternate) to approve variances for lot are and frontage for proposed lots 1 & 2; approved with requested waivers; approved with Conditions of Approval from staff memo which includes that prior to issuance of a Building Permit that there be submission of final revised site plan-set & architectural plans; recharge 100% of roof runoff; prior to issuance of Certificate of Occupancy, provide written certification from Professional Engineer or Architect re: stormwater system; one tree shall be planted in the front yard of each lot; and that the plan be built in substantial accordance with plan submitted.

7. 57 Richmond Avenue (MBL 11-021-00016) (ZB-2021-012)

Special Permit: To allow a three-family detached dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)

Petitioner: LGBT Asylum Task Force, LLC

Present Use: A privileged non-conforming residential structure, most recently used as a lodging house, with a detached garage and shed, with associated parking.

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

Petition Purpose: To convert the existing residential structure into a three-family detached dwelling, and to conduct related site work.

Public Hearing Deadline: 5/1/2021 **Constructive Grant Deadline:** TBD

Attorney Todd Rodman along with representatives for the applicant, LGBT Asylum Task, Force, LLC. Called in for the application.

Mr. Rodman reviewed the scope of the project.

Mr. Rodman stated that one letter of support for the project had been given to planning staff.

Mr. Rodman requested the Waivers suggested by staff and was in agreement with Conditions of Approval suggested by staff.

Ms. Molina Dumas reviewed the scope of the project and stated that Mr. Rodman had addressed staff comments relative to parking.

Mr. Kelly asked if sprinklers planned for the site. Mr. Rodman stated that sprinklers will be provided.

Mr. Cortes asked Mr. Rodman to review the parking for the site.

Public Comment

No Public Comment

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to close the Public Hearing. (Mr. Sabo as alternate).

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes (Mr. Sabo as alternate) voted 5-0 to approve Special Permit to allow drive-thru and Special Permit to allow three-family detached dwelling in an RL-7 zone; with Waivers requested by applicant and approved with Conditions of Approval from staff memo that prior to issuance of a Building Permit that submission of final revised site plan-set & architectural plans reflecting changes; reflect that southwester most surface space and garage space are let to the same dwelling unit; parking and/paved areas limited to those areas depicted on approved plan; exterior appearance of structure shall remain unchanged except for the existing ramp to be removed, new windows/doors/fire escapes/etc; that snow storage shall not occupy any required parking spaces or landscape buffer; and that the project will be built in substantial accordance with the plans submitted.

8.	33 Dellwood Road (MBL 30-019-00016) (ZB-2021-013)		
Variance:	For relief from the minimum side-yard setback dimensional requirement for a single-family detached dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2)		
Petitioner:	Michael P. and Jacqueline A. Grady		
Present Use:	A privileged non-conforming single-family detached dwelling with associated site improvements.		
Zone Designation:	RS-7 (Residence, Single Family) zoning district		
Petition Purpose:	To demolish a portion of the existing structure, to construct a slightly larger addition on the north side of the dwelling, and to conduct related site work.		
Public Hearing Deadline:	5/1/2021	Constructive Grant Deadline:	6/5/2021

Attorney Donald O'Neil and Jacqueline Grady called in for the application.

Mr. O'Neil stated that Ms. Grady is looking to demolish the structure on site and build an addition which will require a Variance.

Ms. Molina Dumas reviewed the scope of the project.

Mr. Cortes asked Mr. O'Neil to review how the water runoff be handled for the site.

Public Comment

No Public Comment.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes (Mr. Haddon as alternate) the Board voted 5-0 to approve the Variance with Conditions of Approval from staff memo (variance of 3.92 feet, leaving 4.08 feet shall apply to the proposed addition only, none of the structures may extend into this required setback; and that the project be built in substantial accordance with plans submitted.

Other Business

9. Communications

10. Discussion of Board Policies and Procedures

- Draft Meeting Schedule for 2022-Held to April 5, 2021 meeting.

11. Approval of Minutes – 1/27/2021; 2/11/2021-Held to April 4, 2021 meeting.

Adjournment

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to adjourn the meeting at 7:45 p.m.