

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
JULY 19, 2021**

Worcester City Hall - Levi Lincoln Chamber, with remote participation options available via Webex online at <https://cow.webex.com/meet/planningboardwebex> and call-in number 415-655-0001 (Access Code: 1601714991).

Zoning Board Members Participating: Joseph Wanat, Chair
Russell Karlstad, Vice Chair
Jordan Berg Powers (remote)
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 (remote)

Call to Order – 5:30 PM

Old Business – Public Hearings

1. 1193 (aka 1239) & 1243 (aka 1241) Millbury Street (MBL 31-003-00011, -00005) (ZB-2020-036)

Special Permit: To allow open lot storage of more than one (1) unregistered automobile in excess of seven (7) days (Article IV, Section 2, Table 4.1, General Use #13)

Special Permit: To allow open lot storage and/or salvage recycling operations (Article IV, Section 2, Table 4.1, Manufacturing Use #8)

Petitioner: Boakye Osei Bonsu

Present Use: At 1243 (aka 1241) Millbury Street are two buildings – a +/-1,319 SF commercial building, formerly used as convenience store, and a +/- 3,480 SF commercial building, formerly used for retail food sales – each with associated surface parking and at 1193 (aka 1239) Millbury Street is a parking lot used for open lot storage

Zone Designation: MG-1.0 (Manufacturing, General) zoning district and the Blackstone River Parkway Sign Overlay District (BSOD)

Petition Purpose: To allow open lot storage of vehicles on both lots, to convert the existing +/- 3,480 SF commercial building into a garage to be used for dismantling of vehicles.

Testimony Dates: 10/5/2020; Constructive Grant Deadline: TBD

2/11/2021

The applicant did not appear or call in for the meeting.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to continue the Variance application to the September 20, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 19, 2021.

2. 0 Hartford Road (MBL 23-038-19+21) (ZB-2021-037)

Variance: For relief from the lot area dimensional requirement for a single-family detached dwelling in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Christopher DeSantis

Present Use: A vacant lot.

Zone Designation: RS-7 (Residence, Single Family) zoning district
Petition Purpose: To construct a single-family detached dwelling and to conduct associated site work.
Testimony Dates: 6/7/2021 Constructive Grant Deadline: 8/29/2021

Kevin Quinn the engineer for the project and Christopher DeSantis appeared in person for the meeting.

Mr. Quinn stated that they are looking to now reduce the size of the building and they have created greater separation from the neighbor and have added landscaping to add to the privacy of the neighbors.

Ms. Molina Dumas reviewed the changes that had been made to the proposal.

The Board and the applicant discussed the landscaping for the project.

Mr. Quinn stated that they would be requesting the waivers 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 to approve the Variance application with waivers requested by the application. Approved with Conditions of Approval from staff memo which includes submission of final revised plans prior to the issuance of a Building permit and amendment that 12 foot buffer to the left of the driveway remain landscaped and that the project be built in substantial accordance with the plans submitted.

New Business – Public Hearings

3. 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: 7/19/2021 **Constructive Grant Deadline:** 8/10/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to continue the Variance application to the September 20, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to October 19, 2021.

4. 116 Malvern Road (MBL 26-022-00003) (ZB-2021-030)

Variance: For relief from the minimum lot area requirement for a three-family detached dwelling in an RL-7 zone (Article IV, Section 4, Table 4.2)

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

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: Wilbert DeLaRosa

Present Use: A two-family detached dwelling with off-street parking

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

Petition Purpose: To construct an addition to convert the existing two-family detached dwelling into a three-family detached dwelling, with associated site improvements.

Public Hearing Deadline: 7/25/2021 Constructive Grant Deadline: 8/29/2021

David Sadowski and Wilbert DeLaRosa appeared in person on behalf of the application.

Mr. Sadowski stating they are looking to obtain a Variance to make the property a three family. Mr. Sadowski stated that one of the Special Permits need to be withdrawn as they applied for that one erroneously.

Mr. Sadowski presented some photos of the proposal.

Mr. Sadowski requested the waivers suggested by staff.

Ms. Molina Dumas reviewed the proposal and stated that that Special Permit for the parking lot layout is not required so applicant is requesting Leave to Withdraw for that portion of the application.

Public Comment

Shaun Reidy stated that he was an abutter to the property and stated that the applicant had permission to do a two family and now with a three family there will be an increase in size and expressed concern how this will effect his property.

Richard Fox stated that he had also sent an email relative to his concerns which is concern that this will be a three family and that the applicant just plans to flip the property.

Stephen Fox read a letter from abutter Judith Warren in opposition to the proposal. Mr. Fox also spoke in opposition.

Mr. (could not hear name) stated that several other neighbors are in opposition to the application but do not know how to use the video meeting and did not come in person as this application has been continued/postponed so they didn't know if hearing would take place.

The Board requested that Inspectional Services do an inspection for the site. Mr. Kelly stated that would be done.

Mr. Sadowski stated that they were fine if the Board wanted to continue the application so Inspectional Services could do view of the property and could review the neighbor concerns.

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to continue the applications to the August 8, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant deadline to August 31, 2021.

Board took a five minute recess.

5. 49 Chilmark Street (MBL 16-019-00002) (ZB-2021-033)

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

Lot 2 Chilmark Street (Proposed):

Variance: For relief from the minimum lot area dimensional requirement for a single-family attached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

Lot 3 Chilmark Street (Proposed):

Variance: For relief from the minimum lot area dimensional requirement for a single-family attached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Harry Avery

Present Use: A vacant lot.

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

Petition Purpose: To construct a single-family attached dwelling (with a total of 4 units), and to conduct associated site work.

Public Hearing Deadline: 7/25/2021 Constructive Grant Deadline: 8/29/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to continue the Special Permit Application to the August 9, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to August 30, 2021.

6. 43 Lancaster Street (MBL 02-043-00094) (ZB-2021-038)

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/or landscaping requirements (Article IV, Section 7, A. 2)
Petitioner: Gregory Lavelle
Present Use: A low-rise residential building with 3 units and associated off-street parking.
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: To convert a portion of the existing building into one (1) additional dwelling unit (for a total of 4 dwelling units), and to conduct associated site work.
Public Hearing Deadline: 7/25/2021 **Constructive Grant Deadline:** TBD

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to continue the Special Permit applications to the August 9, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant deadline to August 30, 2021.

7. 34 William Street (MBL 02-039-0039A) (ZB-2021-040)

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)
Variance: For relief from the minimum parking requirements for a three-family detached dwelling in an RG-5 Zone (Article IV, Section 7, Table 4.4)
Petitioner: Eileen Milton
Present Use: A two-family detached dwelling.
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: To convert the existing two-family detached dwelling into a three-family detached dwelling, and to conduct associated site work.
Public Hearing Deadline: 7/25/2021 **Constructive Grant Deadline:** 8/29/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to continue the Special Permit and Variance Applications to the August 9, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to August 30, 2021.

8. 638 (aka 642) Chandler Street (MBL 40-010-00017) (ZB-2021-044)

Special Permit: Extension, Alteration, or Change of a Privileged Pre-existing, Nonconforming Structure and/or Use (Article XVI, Section 4)
Petitioner: 638 D Chandler Street, LLC
Present Use: Two structures, one non-conforming multi-tenant commercial structure containing a pharmacy and restaurant, and a structure used as a bank with ATM.
Zone Designation: RS-7 (Residence, Single Family) and a BL-1.0 (Business, Limited) Zoning District and partially within the Floodplain Overlay District
Petition Purpose: To construct a permanent outdoor seating area/patio at the front of the structure for use by the privileged non-conforming restaurant/bar (aka Scruffy Murphy's) and to conduct associated site work.
Public Hearing Deadline: 9/5/2021 **Constructive Grant Deadline:** TBD

Attorney Donald O'Neil and other representatives, 638D Chandler Street, LLC. participated remotely for the meeting.

Mr. O'Neil stated that the applicant is looking to make the temporary outdoor permit permanent which requires that a previous Special 2018 be modified. Mr. O'Neil stated that the outdoor space would be for 5 tables and the occupancy inside would not increase and the outdoor area would be 11:00 a.m. to 11:00 p.m. and there be no outdoor entertainment of any type.

Mr. O'Neil stated that he would request the waivers suggested by staff.

Mr. Rolle gave a brief overview of the proposal and reminded the applicant that they would need to also go before the License Commission for the outdoor approval.

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 to approve the Special Permit Amendment to expand/alt/change a pre-existing, nonconforming structure; approved with waivers requested by the application; approved with Conditions of Approval from staff memo which includes submission of final revised plans prior to issuance of Building Permit (reverse patio footprint, depict aisle width, use land markings, demonstrate compliance with accessory setback requirements); total occupancy not to exceed 100 (interior + exterior); outdoor seating shall be limited to patio area; outdoor dining area shall end no later than 11:00 PM nightly; no audible noise; and that the project be built in substantial accordance with the plans submitted.

9. 320 (aka Lots 1 & 2) Massasoit Road (MBL 45-025-00214) (ZB-2021-045)

**Lot 2 Massasoit Road:
Extension of Time -**

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: At 320 Massasoit Road (aka Lot 1) is a privileged, non-conforming two-family detached dwelling, Lot 2 is vacant, and on both Lot 1 and Lot 2 is a paved driveway.

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

Petition Purpose: The applicant seeks a six month extension of time for the relief previously approved (final action June 30, 2020) for a recently subdivided the lot with the existing dwelling at 320 Massasoit Road proposed to remain on Lot 1, and the existing driveway to be demolished and a single-family detached dwelling to be constructed on Lot 2, along with related site work.

Public Hearing Deadline: 9/5/2021 **Constructive Grant Deadline:** 10/10/2021

David Cole DiRoberto participated remotely for the hearing.

Mr. DiRoberto stated that he was looking for an extension of time for the previous Variance the Board approved. He stated that there would be no changes from what was originally approved.

Ms. Molina Dumas stated that the original conditions of approval would remain in place.

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 to approve extension of time for Variance for minimum frontage through December 30, 2021; Conditions of Approval from original approval remain in effect.

Other Business

10. Communications

11. Discussion of Board Policies and Procedures

12. Approval of Minutes – 8/3/2020; 8/24/2020; 2/22/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to approve the minutes of August 3, 2020, August 24, 2020 and February 22, 2021.

Adjournment

Upon a motion by Mr. Karlstad and seconded by Mr. Cortes the Board voted 5-0 to adjourn the meeting at 7:47 p.m.