



**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
March 13, 2023**

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: 160 884 7670).

Zoning Board Members Present: Russell Karlstad, Chair
Shannon Campaniello - *Participated Remotely*
Nathan Sabo
Anthony Dell'Aera - *Participated Remotely*
Jordan Berg Powers - *Participated Remotely*

Zoning Board Members Absent: George Cortes
Eric Torkornoo

Staff Participating: Michelle Smith, Division of Planning & Regulatory Services
Rose Russell, Division of Planning & Regulatory Services - *Participated Remotely*
Paul Dell'Aquila, Division of Planning & Regulatory Services
John Kelly, Building Commissioner - *Participated Remotely*

Call to Order:

Mr. Karlstad called the meeting to order at 5:38PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

- Item 3: 11 Earle Terrace (ZB-2022-076) Administrative Appeal**
Request to Postpone the Public Meeting to April 24, 2023
Extend the Constructive Grant Deadline to May 16, 2023
- Item 5: 112 Rodney Street (ZB-2023-007) Special Permit & Variance**
Request to Postpone the Public Meeting to April 3, 2023
Extend the Constructive Grant Deadline to April 25, 2023
- Item 6: 116 Rodney Street (ZB-2023-007) Special Permit & Variance**
Request to Postpone the Public Meeting to April 3, 2023
Extend the Constructive Grant Deadline to April 25, 2023
- Item 9: 1059 Grafton Street (ZB-2023-019) Special Permit**
Request to Postpone the Public Meeting to April 3, 2023
Extend the Constructive Grant Deadline to April 25, 2023

On a motion made by Mr. Berg Powers, seconded by Mr. Dell'Aera, the Board voted 5-0 to postpone the applications and extend the constructive grant deadlines.

Old Business – Public Hearings

1. 119 May Street (ZB-2022-066) (MBL 14-026-00032)

Special Permit: To allow placing, filling, dumping, and/or excavation of earth (Article IV, Section 5).
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: Dombroski Kynoch Properties, LLC
Present Use: Presently on the premises is a non-conforming multi-family low-rise dwelling with a total of 4-units.
Zone Designation: RL-7 (Residence Limited)
Petition Purpose: The applicant seeks to retroactively permit work conducted to place fill in order to expand the parking area.
Public Hearing Deadline: 3/13/2023 **Constructive Grant Deadline:** 4/4/2023

Brian Falk, Mirick-O’Connell, 100 Front Street, on behalf of the applicant, described the petition for retroactive permit of fill and the expansion of parking area being sought and the work that had been done since the previous hearing to address staff and Board concerns.

Ms. Smith detailed staff comments and stated new letter of authorization had been provided that evening and staff is satisfied to strike the condition 1f, and add “within six months” to condition 1a.

Mr. Karlstad asked if the authorizations from the neighbors are certified; Ms. Smith stated the City is comfortable with the letters as provided and noted the on-going case in land court.

No Board Discussion

No Public Comment

On a motion by Mr. Berg Powers, and seconded by Mr. Dell’Aera, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, and seconded by Mr. Dell’Aera, the Board voted 5-0 to permit the relief with changes to the conditions of approval as noted in the discussion.

2. 757 Salisbury Street (ZB-2023-003) (MBL 50-023-00001)

Variance: For relief from the maximum height requirement in an RS-10 Zone (Article IV, Section 4, Table 4.2)
Petitioner: UW Senior, LLC
Present Use: Presently on the premises is a vacant single-family detached dwelling and associated site improvements.
Zone Designation: RS-10 (Residence, Single Family)
Petition Purpose: The applicant seeks to construct a Continuing Care Retirement Community (CCRC) consisting of three 3-story multi-family low-rise buildings (with a total of ±123 dwelling units), one 1-story ±8,300 SF clubhouse building, an associated driveway network and parking (±163 spaces), and related site improvements on approximately 17 acres of land located off Salisbury Street.
Public Hearing Deadline: 3/23/23 **Constructive Grant Deadline:** 4/27/23

Attorney Robert Buckley, Kristine Hung and Jeff Smetana, Paul Marchionda, and Ken Syvertsen were present on half of the applicant. Mr. Smetana stated the applicant is seeking a variance from relief from the habitable story

requirement (2+) to allow 3 full habitable stories and briefly described the additional field work and exhibits provided to show the additional views from neighboring properties.

Mr. Smetana described the neighboring properties and the clearing that had been done by the abutting development which the applicant is hoping to avoid; stated an additional development in the area was permitted to allow 3+ stories. Mr. Smetana described the site conditions; proposed screening; topographic conditions; and the need for senior housing in the City.

Mr. Buckley described the commitment by the applicant to contribute \$100,000 to the affordable housing trust fund to show their commitment to the City. Mr. Smetana stated they have formed a good relationship working with the City and hope to improve the housing stock through their development and use the contribution as an act of good will.

Mr. Karlstad asked to view the landscaping plan and asked for additional landscaping to be added at the entrance from Salisbury Street; Mr. Marchionda described the proposed landscaping and stated the detention basin at the entrance is not designed to hold standing water outside of extreme events. Mr. Huckley stated the project team could administratively review further landscaping and add a condition for the increased landscaping. Mr. Dell'Aera stated he was happy the chair raised the issue of landscaping. Mr. Buckley suggested a friendly amendment; Mr. Karlstad stated he would like to condition a significant amount of additional landscaping added in this area.

Ms. Campaniello asked the applicant to describe the landscaping proposed abutting to Barrows Road; Mr. Smetana answered.

Public Comments

Christopher Beckman, Barrows Road, stated he isn't opposed to construction on the site, but is concerned about the viewpoint from Barrows Road and described the neighboring developments, Salisbury Green and Salisbury West. He noted the land the applicant stated will be left undisturbed will be disturbed given the utilities being located on this portion of the property.

Patrick Cherry, 39 Barrows Road, described his concern about viewpoints during the winter seasons and the time it will take for trees to mature. Mr. Cherry asked the applicant to describe construction activities, stating his concerns for potential foundation issues if the project requires blasting. Mr. Smetana stated they believe the ledge has been avoided on-site and don't expect to blast.

Kelly Ralston, 59 Barrows Road, stated her concern about the utility easement and what trees will need to be removed for installation; Mr. Smetana described the proposed utilities and stated the easement is also used by the neighboring Salisbury Hill development.

Mr. Sabo asked for further clarification on the utility installation and the undisturbed area on the plan; Mr. Smetana described.

Ben Bruneau, 61 Barrows Road, asked if the Board previous concerns had adequately been satisfied and finds this development to be the worst-case scenario.

Patrick Cherry, 39 Barrows Road asked if a pressure test had been done for utilities; Mr. Karlstad stated it had been reviewed through the Site Plan approval process.

Board Discussion

Mr. Berg-Powers stated he isn't in favor of a more sprawling development and finds the attempt to preserve green space adequate. He stated he in favor of a more landscaped entrance but is in favor of this proposed development and noted the City does need senior housing; Mr. Sabo agreed.

Mr. Buckley stated they will explore additional landscaping and will make a financial contribution to the Affordable Housing Trust Fund. Mr. Karlstad stated additional conditions.

Ms. Smith asked the Board to conduct a straw poll; all Board members stated they are in favor.

Public Comments

Cathy Coleman asked if Tacoma Street had been discussed; Ms. Smith confirmed it was later in the meeting.

Mr. Sabo asked for clarifications on the conditions.

On a motion by Mr. Berg Powers, and seconded by Dell’Aera, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, and seconded by Mr. Dell’Aera, the Board voted 5-0 to approve the requested relief with an added condition to provide an updated planting plan that shows increased vegetation along entrance to improve the view from Salisbury Street, and to add additional screening to the extend possible on the northern view property line to further screen the utility easement.

Motion to recess.

New Business – Public Hearings

4. 79 Sussex Lane (ZB-2022-092) (MBL 47-19H-00079)

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 side-yard setback requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the front-yard setback requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Ana De la Torre and Rocco DeMalia

Present Use: Presently on the premises is a non-conforming single-family detached dwelling with accessory structures.

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

Petition Purpose: The applicant seeks to construct an addition and to conduct associated site work.

Public Hearing Deadline: 4/29/2023 **Constructive Grant Deadline:** 6/3/2023

Michael DeMalia joined on behalf of the applicant and described the petition.

Ms. Russell described the staff recommendations, the existing site and the proposed conditions.

Mr. Karlstad asked for the applicant to consider moving the addition further into the property to allow for two full size parking spaces for any future owners or if this creates a hardship for the existing owner.

Mr. DeMalia stated he would like a continuation to explore this option.

Ms. Campaniello, Mr. Sabo, Mr. Dell’era and Mr. Berg Powers all agreed this is the best path forward and are in favor to continue this application and explore providing two full parking spaces.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the Board voted 5-0 to continue this application to the meeting on April 3, 2023 and to move the constructive deadline to April 25, 2023.

7. 77 Cohasset Street (ZB-2023-011) (MBL 18-022-00005)

Lot 1 (Existing):

- Special Permit:** To expand, alter, or change a privileged non-conforming use/structure (Article XVI, Section 4)
- Variance:** For relief from the minimum lot area requirement in an RG-5 zone. (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum frontage requirement in an RG-5 zone. (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum setback requirement for accessory structures in an RG-5 zone. (Article IV, Section 4, Table 4.2)

Lot 1 & 2 (Proposed):

- Variance:** For relief from the minimum lot area requirement in an RG-5 zone. (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum frontage requirement in an RG-5 zone. (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum side setback requirement in an RG-5 zone. (Article IV, Section 4, Table 4.2)

Petitioner: 28 Kitchen Cabinet LLC

Present Use: Presently on the premises is a three-family detached dwelling with a detached garage.

Zone Designation: The property is located within an RG-5.0 (Residence, General) zoning district.

Petition Purpose: The applicant seeks to maintain the existing structure, divide the property into three lots and construct a single-family semi-detached structure with associated site improvements.

Public Hearing Deadline: 3/11/23 Public Hearing Deadline: 4/15/23

Donald O’Neil, representative for the applicant, described the petition before the Board; the existing site conditions and the proposed conditions.

Mr. Dell’Aquila described the requested relief and gave a description of the site; history of the site and the future approvals required. Mr. Dell’Aquila asked if Mr. O’Neil can provide additional information as requested in the memo; Mr. O’Neil described.

Board Discussion

Mr. Karlstad asked for clarification that the curb cut is allowed to be that width and there is no building/fire concerns regarding parking so close to the house. Ms. Smith described the curb cut is not preferred but is preexisting and described the garage door is proposed to be expanded across the width of the structure. Mr. O’Neil requested the waivers as identified by staff.

No Public Comment

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the Board voted 5-0 to approve the application.

8. 143 Blithewood Avenue (ZB-2023-015) (MBL 34-29D-00048)

Parcel A:

Variance: For relief from the minimum frontage requirement in an RS-7 zone. (Article IV, Section 4, Table 4.2)

Petitioner: David Cole DiRoberto

Present Use: Presently on the premises is a single-family detached dwelling with associated site improvements.

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

Petition Purpose: The applicant seeks to divide the existing property into two lots, with the existing structure to remain on Parcel A in order to create a second buildable lot (Parcel B) to construct a single-family detached dwelling and to conduct associated site improvements.

Public Hearing Deadline: 4/29/2023 **Public Hearing Deadline:** 6/3/2023

Donald O’Neil, representative for the applicant, described the petition before the Board; access to the existing house; the proposed house which is dimensionally conforming; and described the division of land to be done through the Planning Board.

Mr. Dell’Aquila gave a brief history of the parcel, the relief requested, and the existing and proposed conditions. Mr. Dell’Aquila asked the applicant to comment on any proposed landscaping and the 3’ setback from the driveway at 137 Blithewood Avenue; Mr. O’Neil described.

Public Comments

Ludmilla Leonor, 21 Ferraro Street, described her property which is located directly behind the proposed structure. Ms. Leonor stated her concern about a fence and trees that are in bad condition abutting her property and asked to see the property cleaned up and supports the petition.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the Board voted 5-0 to approve the application.

10. 67 & 69 Tacoma Street (ZB-2023-018) (MBL 52-004-00001 & a portion of 52-INX-003H)

Variance: For relief from the minimum parking requirements for an office use (Article IV, Section 4, Table 4.4)

Special Permit: To allow a professional office use in an RG-5 zoning district (Article IV, Section 2, Table 4.1, Business Use #19)

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 Housing Authority

Present Use: Presently on 67 Tacoma Street is a single-story structure operated as a maintenance facility and on the subject portion of 69 Tacoma Street is a single-story office building and associated surface parking.

Zone Designation: RG-5 (Residence, General) zoning district and within the Water Resource Protection Overlay District (WRPOD (GP-3)).

Petition Purpose: The applicant seeks to demolish the existing two non-residential structures and construct a two-story, ±30,916 GSF building (aka Economic Opportunity Center) to be used as WHA offices, a public library, and related community space, to construct a ±45 space surface parking lot, and to conduct associated site improvements.

Public Hearing Deadline: 4/28/2023 Public Hearing Deadline: 6/2/2023

Peter Glick, along with a number of members from the project team from the Worcester Housing Authority appeared before the Board. Mr. Glick described the existing use and conditions of the site and the proposal to develop an Economic Opportunity Center. He stated 40 of the 45 parking spaces will be demarked for employee parking and described the greater development of the entire Great Brook Valley area and parking will be available adjacent to the future park across the street if needed for overflow parking.

Mr. Russell described the proposal; the existing site conditions; the requested relief; and the exemption given to the library use and parking requirements since it is municipally operated.

Ms. Smith noted there is a typo in the memo and should request relief of 20 parking spaces.

Board Discussion

Mr. Karlstad stated he was happy to see this proposal before the Board and stated he liked the architecture. Mr. Berg-Powers, Mr. Dell’Aera both stated their happiness to see the investment and opportunity this will provide to the community.

Public Comments

Cathy Coleman, asked for more information on parking available on site and stated her support for the project.

Mr. Glick requested the waivers.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, the Board voted 5-0 to approve the application.

11. 47 Westminster Street (ZB-2023-019) (MBL 09-002-00013)
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: Capstone Realty Trust
Present Use: Presently on the premises is a vacant lot.
Zone Designation: RG-5 (Residence, General)
Petition Purpose: The applicant seeks to construct a two-family dwelling with associated site improvements.

Public Hearing Deadline: 4/9/2023 Public Hearing Deadline: NA

12. 45 Westminster Street (ZB-2023-020) (MBL 09-002-00016)
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: Capstone Realty Trust
Present Use: Presently on the premises is a vacant lot.
Zone Designation: RG-5 (Residence, General)
Petition Purpose: The applicant seeks to construct a two-family dwelling with associated site

improvements.

Public Hearing Deadline: 4/9/2023

Public Hearing Deadline: NA

The Board heard both applications together.

Donald O'Neil, attorney on behalf of the applicant described both applications and detailed the requested relief from the required 3' parking buffer between the two driveways.

Mr. Dell'Aquila described the two applications and asked the applicant to respond to questions regarding buffering and parking management as outlined in the memo.

Mr. O'Neil described the potential to manage parking but noted that it is fairly low-density development.

Board Discussion

Mr. Karlstad requested the applicant explore shifting the two houses to the edge of the extent possible within the side yard setbacks to allow for a greater landscape buffer between the driveways. Mr. O'Neil stated he would be amenable to exploring a wider landscape.

Public Comments

John, Forbes Street stated he was happy to see on-street parking provided on site but described the existing parking stress in this area. He stated he would prefer to see the driveway entrance off Forbes Street and stated concerns about silt runoff into the catch basin.

Board Discussion

Mr. Berg-Powers asked if this project will be required to go to the Conservation Commission; Ms. Smith stated an erosion control plan was submitted to the Planning Board but is not required to submit a filling to the Conservation Commission. Mr. Berg Powers stated he visited the site and noted the dense on-street parking in the neighborhood.

Mr. Karlstad asked if the existing tree looks unhealthy and may not survive construction; Ms. Smith noted that the conditions state that a street tree will replace the existing tree if damaged. Mr. Karlstad stated he would like to see landscaping added to the buffer between the driveways.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, the Board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell'Aera, the Board voted 5-0 to approve the application, with the condition 1a to set the house along the exterior setback and for an additional condition to 45 Westminster to provide a street tree every 25' on center and revise 1a to reflect if the existing shade tree is damaged on through construction will be replaced, condition 1b to shift 47 Westminster to the exterior lot line and install landscaping such as shrubs in the buffer between the landscaping.

13. Communications

a. Approval of Updated Zoning Board Application Forms

Ms. Smith described the changes to the application forms and the intent to make applications available online and modernize the application. Ms. Smith noted that the Board can take additional time to review and endorse the piloting of the application at the following meeting.

b. Worcester Now | Next – Public Draft Plan Workshop

Ms. Smith described the upcoming public workshops and encouraged Board members to attend.

14. Approval of Minutes –2/13/2023

On a motion by Mr. Berg Powers, and seconded by Mr. Dell’Aera, the Board voted 5-0 to approve the minutes from 2/13/2023.

15. Discussion of Board Policies and Procedures

Mr. Karlstad encouraged Board members to join the meetings in-person.

Adjournment:

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera the Board voted unanimously to adjourn at 8:24pm.