



**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
May 6, 2024**

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
<https://cityofworchester.webex.com/meet/zoningboardofappealswebex> and
call-in number 1-844-621-3956 (Access Code: 2630 362 4924).

Zoning Board Members Present: Russell Karlstad, Chair
 Jordan Berg Powers, Vice-Chair – *Participated Remotely*
 George Cortes – *Participated Remotely*
 Eric Torkornoo – *Participated Remotely*

Zoning Board Members Absent: Dr. Anthony Dell'Aera – *Participated Remotely*
 Nathan Sabo – *Alternate*
 Shannon Campaniello – *Alternate*

Staff Participating: Michelle Smith, *Division of Planning & Regulatory Services*
 Andreaana Brenner, *Division of Planning & Regulatory Services*

Call to Order:

Mr. Berg Powers called the meeting to order at 5:43PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Continuances/Postponements

- Item 1. 11 (aka 8) Earle Terrace (ZB-2023-005) (MBL 01-026-0014A) Administrative Appeal Application**
Request to Postpone the Public Meeting to June 24, 2024
Extend the Constructive Grant Deadline to July 16, 2024
- Item 2. 17 Montclair Drive (ZB-2023-095) (MBL 21-11B-00035) Special Permit Application**
Request to Postpone the Public Meeting to June 3, 2024
Extend the Constructive Grant Deadline to June 25, 2024
- Item 4. 79 Pullman Street (ZB-2024-012) (MBL 23-01A-0006A) Special Permit Application**
Request to Postpone the Public Meeting to June 3, 2024
Extend the Constructive Grant Deadline to June 25, 2024
- Item 7. 188.5 Norfolk Street (ZB-2024-025) (MBL 19-011-0031A) Special Permit Application**
Request to Postpone the Public Meeting to June 3, 2024
Extend the Constructive Grant Deadline to June 25, 2024

Item 8. 487 Park Avenue (ZB-2024-029) (MBL 08-006-0004A) Variance Application

Request to Postpone the Public Meeting to June 3, 2024

Extend the Constructive Grant Deadline to June 25, 2024

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to grant all Continuances/Postponements.

New Business – Public Hearings

(Item 14 heard first due to attorney request; Board approved request)

14. 98 Beacon Street (ZB-2024-041) (MBL 03-001-00008)

Extension of Time:

Variance: For relief from the minimum front-yard setback in the CCOD Zone (Article IX, Section 6, A, 1a)

Petitioner: 98 Beacon Street LLC

Present Use: Presently on the premises at 96 Beacon Street is a vacant lot, and at 98-100 Beacon Street is a vacant 4-story, +/- 83,610 SF structure historically used for manufacturing purposes.

Zone Designation: Within an BG-6.0 (Business, General) and within the CCOD-D (Commercial Corridors Overlay District - Downtown) zoning district.

Petition Purpose: At 98-100 Beacon Street, the applicant seeks to convert to renovate the existing structure to construct 55 dwelling units, and at 96 Beacon Street, the applicant proposes to construct a 7-space parking facility for residents and to conduct associated site improvements.

Exhibits: Exhibit A: Variance Extension of Time Application; received 4/23/2024; prepared by Mark Borenstein.

Exhibit B: Plan; received 4/23/2024; prepared by Bohler.

Exhibit C: Recorded decision; received 4/23/2024; prepared by Mark Borenstein.

Public Hearing Deadline: N/A **Constructive Grant Deadline** 5/12/2024

Mr. Borenstein, representative, gave an overview of the project and stated that the applicant needs an extension of time for previously approved relief. The applicant is requesting a 6-month extension of time and stated that the application is moving forward.

Public Comment:
None.

Board Comment:
Mr. Cortes asked when the application would come back to the Board.

Mr. Karlstad asked if he meant how long will the extension be; Mr. Cortes said yes.

Mr. Borenstein said 6-months.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to grant a 6-month extension of time with all previously approved conditions, recommendations, and waivers.

New Business – Public Hearings

3.	37 Natural History Drive (ZB-2024-004) (MBL 46-011-108-3)		
Variance:	For relief from the minimum frontage requirement for a single-family dwelling in a RL-7 (Residence, Limited) zoning district (Article IV, Section 4, Table 4.2)		
Variance:	For relief from the minimum access required for a single-family dwelling in an RL-7 (Residence, Limited) zoning district (Article IV, Section 4, Table 4.2, Note 3)		
Petitioner:	Rocco Leone		
Present Use:	Presently on the premises is an empty lot with a paved driveway		
Zone Designation:	RL-7 (Residence, Limited) zoning district		
Petition Purpose:	The applicant seeks to construct a single-family dwelling and conduct associated site improvements.		
Exhibits:	Exhibit A: Variance Application; received 12/21/2023; prepared by Raymund Lopolito. Exhibit B: Survey; revised 3/29/2024; prepared by Lebra Engineering Design, LLC. Exhibit C: Septic Design Plan; received 3/27/2024; prepared by Lebra Engineering Design, LLC. Exhibit E: Staff comments; received 2/3/2024		
Public Hearing Deadline:	6/2/2024	Constructive Grant Deadline	7/7/2024

Mr. Lopolito, representative, gave an overview of the project stating that there’s a driveway currently on the lot that they would like to use for access to a proposed single-family dwelling, to be built.

Ms. Smith gave an overview of the project stating that the applicant seeks to construct a single-family home and staff would like to see this application continued to the next meeting because they’re waiting on comments from the Fire Department and the Department of Public Works. Ms. Smith stated that at this time, staff cannot recommend conditions for this project.

Ms. Smith stated that there is an existing driveway on the lot, but there are concerns over access to the lot. Ms. Smith stated that Improvements to the lot are proposed by the applicant, as the lot currently doesn’t have connections to the required utilities, such as sewer. Ms. Smith stated than a plan submitted to the Planning Board stated that the lot was deemed not buildable, are there are other concerns related to emergency access.

Public Comment

None.

Board Comment:

Mr. Karlstad stated that there’s not enough information to discuss the application and he would vote no on the application as it stands right now. Mr. Karlstad suggested that the applicant request a continuance to the next available meeting.

Ms. Smith asked the other Board members to comment as well, and if they could do a straw poll.

Mr. Berg Powers stated that he needs more information and that there are some unanswered questions. Mr. Berg Powers stated that he's visited the site and asked for clarification on if the problems are the steepness of the site, the access for vehicles, and the amount of frontage available.

Ms. Smith stated yes, access to the lot is the main concern that staff has, as well as the amount of frontage.

Mr. Karlstad stated that it's labeled as an unbuildable lot which is also an issue.

Mr. Torkornoo asked if it's an investment property or unoccupied; Mr. Lopolito stated that it will be owner-occupied, and the applicant's daughters would live in the proposed house.

Mr. Torkornoo stated that he needs more information and that if he has to vote today, he will vote no.

Mr. Cortes had no comments.

Mr. Karlstad said they need more information and would like to hear what the Fire Department has to say. Mr. Karlstad asked what the next available date is; Ms. Brenner said June 24th.

Ms. Smith asked if June 3rd is the next meeting; Ms. Brenner said yes, and that June 24th would be the next meeting after that.

Mr. Karlstad asked if there's availability for June 3rd; Ms. Brenner said it's available.

Mr. Lopolito stated that they would like June 3rd, but if they need more time, they will request to continue the application to June 24th.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to continue the public hearing to June 3rd, 2024.

New Business – Public Hearings

5. 12 Oak Knoll Road (ZB-2024-017) (MBL 25-001-00008)

Special Permit: To allow placement, filling, or dumping of earth or other material not associated with any construction activities (Article IV, Section 5.A.4)

Petitioner: Frank Deboise & Marguerite Mullaney

Present Use: Presently on the premises is a single-family detached dwelling on a lot that slopes down towards the southeast

Zone Designation: RS-10 (Residence, Single Family) zoning district & RS-7 (Residence, Single Family) zoning district

Petition Purpose: The petitioner seeks retroactive approval to approve the unauthorized fill and approval to add more fill.

Exhibits: Exhibit A: Special Permit Application; received 2/8/2024; prepared by Daniel Sheehan.

Exhibit B: Survey; received 2/8/2024; prepared by GRAVES Engineering Inc.

Exhibit D: Staff comments; received 2/26/2024.

Public Hearing Deadline: 5/6/2024 **Constructive Grant Deadline** TBD

Mr. Sheehan, representative, gave an overview of the project stating that the applicant is seeking retroactive approval for filling that has already occurred onsite.

Mr. Sheehan stated that there's a revised plan that includes 6 shade trees.

Ms. Brenner gave an overview of the project stating that there's a steep slope onsite and the applicant is seeking retroactive approval as unpermitted work has already occurred onsite. Ms. Brenner stated that there were trees onsite that got cleared, which why staff would like to see trees added to the premises. Ms. Brenner stated the applicant received a cease in desist letter from the Inspectional Services Department which is why they're now seeking approval. Ms. Brenner stated that the unauthorized fill occurred because the applicant was unaware of the permitting requirements.

Ms. Brenner stated that staff would like to know the purpose of the work as this is unclear, see pictures of the original grade, drainage evaluation reports, source of the fill material, compaction of the fill, and the construction sequence.

Ms. Brenner stated that there is an abutter comment from a Scott Pearson at 5 Hilltop Circle who has stated that he is in support of the project.

Ms. Brenner stated that staff would like the applicant to accept all of the waivers, and for the application to get continued to the next available meeting because the existing conditions are unclear.

Mr. Sheehan stated that revised drawings of existing and proposed contours, as well as photos from LIDAR were submitted and that most of the proposed grading will fall under what was previously existing on the 2015 LIDAR. Mr. Sheehan stated that the applicant is not proposing to clear anymore trees, and that they chose 6 trees instead of the recommended 10 trees because it allowed them to be evenly spaced on the slope. Mr. Sheehan stated that no testing has been done on the existing material, but that there were sedimentation issues, which was determined by the Department of Public Works. Mr. Sheehan stated that sediment erosion controls along the bottom of the slope to prevent further sedimentation.

Mr. Karlstad asked if there's any Geotech fabric under the soil; Mr. Sheehan said not currently but they plan to do this as well as loam and seed the slope.

Mr. Karlstad asked if there are any staff comments related to Geotech; Ms. Smith stated that it's not currently listed as one of the conditions of approval, but the Board can make it a condition if they want.

Mr. Karlstad asked if the Geotech is listed on the plan's detail sheet; Mr. Sheehan said no, but on the sheet notes it does state that anything 2:1 should use Geotech.

Mr. Karlstad stated that this should be added as a condition; Ms. Smith asked for clarification on if he wants landscape fabric, loaming and seeding, and an erosion control blanket.

Mr. Karlstad stated that he wants to see a structural fabric, honeycomb style or something else to that effect. Ms. Smith asked if he wants something more robust than an erosion control blanket; Mr. Karlstad said no erosion control blanket.

Ms. Smith stated that staff would like to review the specification for this.

Public Comment:

Mr. Henchie, 5 Blair Street, stated that he lives south of Oak Knoll Road and that in terms of drainage, he wanted to know if there was an assessment of any other drainage because there's an excess of water flowing down from the top of Oak Knoll Road to Blair Street, and another nearby street. Mr. Henchie asked if an assessment can be made in order to determine whether the water can get redirected as the issue seems to be getting worse.

Joshua Rigberg, 95 Hillcrest Avenue, stated that the drainage is significantly different than it used to, it's going down the street, and it's constant water. Mr. Rigberg stated that there's a lot of water going through his property and his neighbors below him, and that he's tried to redirect the water but it's not working. Mr. Rigberg stated that the conditions are unsafe, there's a lot of runoff that has caused damage to his property, and that he can send pictures showing the damage. Mr. Rigberg stated that he would like to be testing done in order to understand what the clean fill is.

Board Comment:

Mr. Karlstad asked when the work started; Mr. Sheehan said he's not sure but based on aerial photos between 2019 and 2020.

Mr. Karlstad said BMP is pre-imposed drainage and he would like to see the applicant maintain that standard. Mr. Sheehan said that most of the drainage patterns are the same pre-work and post-work and that with the ground not yet being stabilized and with heavy rain, there will be more run-off. Mr. Sheehan said once the site is fully stabilized, there should be less water.

Mr. Karlstad asked if there's any warranty period; Ms. Smith stated that in the conditions, condition 3 states that a letter from a professional engineer be provided by the end of the growing season certifying that everything is stable. Ms. Smith stated that this is not a warranty period but is a requirement from a professional engineer.

Mr. Karlstad asked where the soil came from; Mr. Sheehan said other construction sites in the city, and they believed it was clean fill.

Mr. Karlstad asked if the owner is a CSL licensed contractor; Mr. Sheehan said he believes he is but he's not entirely sure.

Mr. Karlstad stated that there should be soil testing done to make sure it's clean, and that they'll refer this to the Inspectional Services Department in order for them to make a determination.

Ms. Smith asked if the Board wants to continue the item, receive the results of the testing, and discuss after the results are in.

Ms. Smith asked if 54 Millbrook Street is where the soil is coming from; Mr. Sheehan said yes.

Ms. Smith stated that there should be a typical analytical for metals and hydrocarbons associated with release of waste associated with typical construction-related vehicles.

Mr. Karlstad said yes and also anything petroleum based. Mr. Karlstad asked if the fill came off of Millbrook Street; Mr. Sheehan said to his understanding, yes.

Mr. Karlstad said it needs to be tested and with condition 3, he would like to add language to say that if it's not suitable to the Board, everything will need to be replanted and redone. Mr. Karlstad stated that the owner needs to show up at the next meeting, or the Board will deny the application.

Mr. Karlstad stated that he wants detail on the soil-stabilization products, and he wants to see 10 trees or more, and that they should not do this kind of work without a permit.

Ms. Smith asked if the Board would like to see them do any compaction testing related to the slope; Mr. Karlstad said yes.

Ms. Smith recommended that the applicant request to continue the application to June 24th because the analytical panel will take time; Mr. Sheehan said he is amenable.

Mr. Berg Powers asked if this application is coming before the Conservation Commission; Ms. Smith said not at this time.

Mr. Berg Powers stated that if it were before the Conservation Commission, they would want to also see a post-plan to ensure that the slope was stabilized and that everything was all set, and that he would like to see proof and/or a condition that ensures that the work done is permanent and will not get undone as time goes on.

Mr. Karlstad asked about erosion control barriers; Mr. Berg Powers said yes, he would like to see them if they're not already there but also a final report/proof around 3 & 6 months after and so forth that outlines the state of the site to make sure the corrections are permanent.

Mr. Karlstad said that's condition 3; Mr. Berg Powers said yes, he's fine with condition 3.

Ms. Smith asked what the current condition of the slope is today, if it's been hydroseeded, and if there is currently any growth. Mr. Sheehan stated that it's a graveled surface, with no seeding yet.

Mr. Cortes stated that there's too many unanswered questions and he is not ready to vote on this application. Mr. Cortes asked the applicant to address all of the comments addressed by staff before the next meeting.

Mr. Karlstad asked if a licensed contractor was a part of the work; Ms. Smith said staff can try to find out that staff recommends that the slopes be hydroseeded as soon as possible to promote growth.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to continue the public hearing to June 24th, 2024.

New Business – Public Hearings

- 6. 4 (Lot B) & 6 (Lot A) Cliff Street (ZB-2024-022) (MBL 31-002-002+5)**
- Special Permit:** To modify the parking dimensional and layout requirements, loading requirements, and/or the number of required parking spaces (Article IV, Section 7.A.2)
- Variance:** For relief from the minimum frontage requirement for a single-family dwelling in an RL-7 (Residence, Limited) zoning district (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum side-yard requirement for a single-family dwelling in an RL-7 (Residence, Limited) zoning district (Article IV, Section 4, Table 4.2)
- Petitioner:** B+V
- Present Use:** Presently on the premises of 4 Cliff Street is an existing single-family detached dwelling
- Zone Designation:** RL-7 (Residence, Limited) zoning district & MG-1.0 (Manufacturing, General) zoning district
- Petition Purpose:** The petitioner seeks to divide the lot and construct a 2-story, 3-bedroom, single-family detached dwelling at 6 Cliff Street (Lot A)
- Exhibits:**
 - Exhibit A: Application; revised 3/29/2024 prepared by Rose Kempton.
 - Exhibit B: Plan; revised 4/24/2024 prepared by Merrimack Engineering Services.
 - Exhibit C: Architecture; received 4/24/2024 by Vina Design Inc.
 - Exhibit D: Sales Report; received 4/2/2024 by Rose Kempton.

Public Hearing Deadline: 6/2/2024 Constructive Grant Deadline: 7/7/2024

Ms. Kempton & Mr. Valentine, representatives, gave an overview of the project stating that the applicant seeks to split the lot and build a second single-family home on the second lot in order to provide a second house for the applicant's family members.

Ms. Smith gave an overview of the project and stated that staff has some questions. Ms. Smith stated that the height of the proposed house is too tall, and it would need to be reduced. Ms. Smith also stated that the floorplans showing the attic and basement level are missing, so this would need to be provided in order to ensure they're in compliance with the maximum number of habitable stories allowed.

Ms. Smith stated that there's a street opening moratorium because of the time within which it was paved, and this could affect the applicant. Ms. Smith stated that staff wants to know if the mature trees in the rear will be removed, as this is not recommended.

Ms. Smith stated that staff wants to see the excess pavement removed and the driveway width of the existing driveway reduced to 24 FT. Staff would also like to see existing vegetation maintained as well as trees planted, and an explanation on how utilities will be connected to the property given the moratorium in place. Ms. Smith stated that there are also waivers that the applicant should request.

Mr. Karlstad asked how long the moratorium is; Ms. Smith said they're waiting on a response from Public Works, but they're typically around 5 years.

Mr. Karlstad asked if the applicant understands the moratorium; Mr. Valentine said yes, he spoke to the Department of Public Works and he was told that they would need a Special Permit or Variance from the City Council. Mr. Valentine said they're trying to everything as soon as possible as the owner currently has an overcrowding situation.

Mr. Karlstad asked if the applicant understands all of the conditions of approval and if they accept the waivers; Mr. Valentine said yes to both.

Public Comment:

None.

Board Comment:

Mr. Berg Powers stated that he thinks the project is appropriate and that there's plenty of space on the lot.

Mr. Cortes stated that he thinks it's a good project for the neighborhood and that they should follow-up with the staff recommendations.

Mr. Torkornoo stated that he likes the project.

Mr. Karlstad stated that the main issue is the height of the house, so they need to submit the plans so that the use of the attic can be determined.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to close the public hearing. On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to approve the application with all recommendations, conditions, and waivers.

9. 115 & 125 Northeast Cutoff (ZB-2024-030) (MBL 52-006-01+02)

Special Permit: To modify the parking dimensional and layout requirements, loading requirements, and/or the number of required parking spaces. (Article IV, Section 7.A.2)

Petitioner: 115 Northeast Cutoff Realty Trust, Meletios D. Chacharone, and Zachary M. Curzan, Trustees

Present Use: Presently on the premises is a vacant manufacturing facility and an occupied office facility (formerly home to Allegro Microsystems), comprised of multiple buildings on approximately 40 acres of land. The City of Worcester School Department occupies the southerly building and stores its school bus fleet on the property

Zone Designation: The property is located in the BG-2 (Business, General) zoning district and the WRPOD-GP2 (Water Resource Protection Overlay District) overlay district

Petition Purpose: The applicant seeks to separate the property into two lots, retain the existing pavement along the new interior property line, and not provide the required 5 FT setback or landscaped buffer.

Exhibits: Exhibit A: Special Permit Application; received 4/2/2024; prepared by Stephen Madaus.
Exhibit B: Pavement & Lot Line Exhibit; received 4/2/2024; prepared by Thompson-Liston Associates, Inc.

Public Hearing Deadline: 6/21/2024 Constructive Grant Deadline TBD

Mr. Foley, representative, gave an overview of the project stating that the lot has already been split, which was approved by the Planning Board. Mr. Foley stated that one of the lots is used by Worcester Public Schools and the other lot will be transferred to an employer in the city who is moving their operations to the site. Mr. Foley stated that the area seeking relief is located towards the rear of the lot, and they are requesting relief because there's a catch-basin that would be impacted if the relief were not granted. Mr. Foley stated that the applicant requests the waivers, and that in terms of the conditions, the Planning Board has already issued a condition stating that shade trees need to be planted, so they would like to strike that condition. Mr. Foley stated that no cross-easements have been obtained and the deal is between two private properties which means cross-easements would likely be outlined in their deeds.

Ms. Smith gave an overview of the project stating that part of the property has been converted into storage for Worcester Public School's school busses, but the area affected is the Northern section used by the applicant. Ms. Smith stated that the tree condition was pulled from the Planning Board's decision and staff requested this in order to ensure the plans are consistent across Boards. Ms. Smith stated that 35 trees would need to be planted under this condition, and that staff would like to see cross-easements. Ms. Smith stated that the location is also in the water resource protection overlay district zone, so previous relief in the past has likely been sought.

Mr. Karlstad asked if the agreements made with the abutter's are satisfactory; Ms. Smith said yes but staff just wants to know who will be responsible if there's an issue onsite.

Mr. Karlstad stated that the language to condition 1F can be modified; Ms. Smith stated that the Board can vote to add a condition to read, "provide a copy of recorded cross-easements before the occupancy certificate is issued."

Mr. Karlstad said yes, he would like to add this condition if the applicant is amenable. Mr. Foley said they are amenable to this condition.

Public Comment:

None.

Board Comment:

Mr. Berg Powers had no comment.

Mr. Cortes asked if any testing was done on the sewer capacity in the area and asked about drainage.

Mr. Healey, engineer, stated that a comprehensive assessment was done for the site and a storm-water management system was created to improve the infiltration. Mr. Healey stated that additional catch-basins and treatments were put in the area to help with runoff. Mr. Healey stated that he does not believe there are any issues in the area with the sewer capacity.

Mr. Torkornoo stated that he is comfortable with the project.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to close the public hearing. On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to approve the application with all recommendations, conditions, waivers, and with the added condition to provide a copy of the recorded cross-easements before the occupancy certificate is issued.

10. 1059 Grafton Street (ZB-2024-031) (MBL 38-035-00002)

Extension of Time:

Special Permit: To allow a motor vehicle service, repair, garage, display use in a BL-1.0 zone. (Article IV, Section 2, Table 4.2, Business Use #16)

Petitioner: 1059 Grafton Street, LLC

Present Use: Presently on the premises is a vacant lot

Zone Designation: BL-1.0 (Business, Limited) and RL-7 (Residence, Limited) zoning district

Petition Purpose: The applicant seeks relief to construct and operate a car wash facility on the BL-1.0 portion of the parcel.

Exhibits: Exhibit A: Special Permit Application; received 4/2/2024; prepared by Donald J. O’Neil.

Exhibit B: Plan; received 4/2/2024; prepared by Crossman Engineering.

Exhibit C: Recorded Decision; received 4/2/2024.

Public Hearing Deadline: N/A Constructive Grant Deadline 5/18/2024

Mr. O’Neil, representative, gave an overview of the project stating that the applicant is seeking a 1-year extension of time due to delays in sewer extension lines.

Ms. Smith stated that staff would like to see all previously approved recommendations, conditions, and waivers retained.

Mr. Karlstad asked if the applicant understands this; Mr. O’Neil said yes.

Public Comment:

None.

Board Comment:

None.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to grant a 1-year extension of time with all previously approved conditions, recommendations, and waivers.

New Business – Public Hearings

11. 875 B Main Street (ZB-2024-034) (MBL 06-035-00009)

Special Permit: To allow food service (including the consumption/sale of alcoholic beverages) and/or providing dancing or entertainment in the BL-1.0 zone. (Article IV, Section 2, Table 4.1, Business Use #8)

Petitioner: Luis A. Alvarenga

Present Use: Presently on the premises is a ±800 SF restaurant known as Hacienda Don Juan Restaurant

Zone Designation: BL-1.0 (Business, Limited) zoning district

Petition Purpose: The applicant seeks to serve beer & wine on the premises.

Exhibits: Exhibit A: Special Permit Application; revised 4/12/2024; prepared by Hong V. Tran.

Exhibit B: GIS sketch; created 4/2/2024; prepared by Planning Staff.

Exhibit C: Lease agreement; received 4/2/2024; prepared by Hong V. Tran.

Exhibit D: Photos; received 4/5/2024; prepared by Hong V Tran.

Public Hearing Deadline: 6/21/2024 **Constructive Grant Deadline** TBD

Mr. Tran, representative, gave an overview of the project stating that the applicant seeks a Special Permit in order to sell liquor, specifically beer and wine at the restaurant located onsite, Hacienda Don Juan. Mr. Tran stated that staff wants to see bike racks onsite, and so the applicant has already bought bike racks, specifically 2 sets of 4 bike racks, that will be installed on the site. Mr. Tran stated that the property is in compliance with ADA regulations for building accessibility, and would like to request the waivers, including the waiver to not provide a survey as no external changes are proposed.

Mr. Karlstad asked what the hours of operation are; Mr. Tran said 10 AM – 10 PM Monday-Sunday.

Mr. Karlstad asked if they're not proposing to change the hours of operation and if the applicant saw the condition on the dumpster; Mr. Tran said yes to both.

Ms. Brenner gave an overview of the project stating that the restaurant is Hacienda Don Juan restaurant and that the applicant is not seeking to make any external changes to the restaurant. Ms. Brenner stated that since no changes are proposed, the applicant is seeking a waiver from the survey/plan requirement. Ms. Brenner stated that the occupancy is 30 people, there are 15 parking spaces provided onsite, and no alcohol will be served at the neighboring property, 875A Main Street. Ms. Brenner stated that the hours of operation are 10 AM – 10 PM, 7 days a week and that the applicant would need to obtain Zoning Board approval, License Commission approval, and state licensure.

Public Comment:

None.

Board Comment:

Mr. Berg Powers asked if the property was owned by one family and now since ownership is changing, the new owner needs to seek a Special Permit.

Ms. Smith stated that the alcohol use is new for the site and no permit has ever been issued to serve alcohol for this site. Ms. Smith stated that alcohol can't be sold on the property without the Special Permit from the Zoning Board.

Mr. Berg Powers asked what the hours of operation are; Mr. Karlstad said 10 AM – 10 PM.

Mr. Cortes stated that he's familiar with the area and that during summer there's a lot of drinking in the area outside, and he wants signage inside the restaurant as well as the owner to take action if they do see drinking outside.

Mr. Karlstad said the ABC and other agencies will handle that, but he agrees.

Ms. Smith stated that there is currently no condition that limits the hours of operation, but there is one that limits outdoor entertainment. Ms. Smith stated that the Board could condition on the hours or outdoor dining in order to address this concern, but it would be perpetual, and the License Commission or ABC would handle that concern.

Mr. Cortes said he is not concerned about the hours, but the control of alcohol outside.

Ms. Smith stated that the Board could limit any outdoor dining to cease at 10 PM if that would suffice.

Mr. Karlstad asked if the applicant is amenable; Mr. Tran said yes.

Mr. Karlstad asked Mr. Cortes if he was amenable to this condition; Mr. Cortes said yes.

Mr. Torkornoo asked for clarification on the hours in which alcohol would be allowed. Ms. Smith said the Special Permit would be for alcohol indoors and outdoors, but alcohol could be prohibited outside if the Board wants this.

Mr. Tran stated that there are 10 seats in the outdoor dining area.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to close the public hearing. On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to approve the application with all recommendations, conditions, waivers, and with the added condition that no outdoor dining shall be permitted after 10 PM.

12. 1 & 2 Chestnut Place (ZB-2024-038) (MBL 03-031-2404)

Variance: For relief from the minimum front yard setback requirement for a multifamily high-rise building in a BG-6.0 (Business, General) zoning district (Article IV, Section 4, Table 4.2)

Petitioner: Chestnut Place Worcester Owner, LLC

Present Use: Presently on the premises at 1 Chestnut Place is a ±196,380 SF office building with 11 stories, and at 2 Chestnut Place is ±50,900 SF office building with 4 stories

Zone Designation: BG-6.0 (Business, General) zoning district.

Petition Purpose: The applicant seeks to divide the lot into 2 separate lots and convert both of the office buildings into multifamily high-rise dwellings with 198 units at 1 Chestnut Place and 22 units at 2 Chestnut Place.

Exhibits:

- Exhibit A: Variance Application; received 4/3/2024; prepared by Joshua Lee Smith.
- Exhibit B: Site Plan; revised 4/12/2024; prepared by VHB.
- Exhibit C: Architectural Plans; dated 3/27/2024; prepared by DMS Design, LLC
- Exhibit D: Survey; revised 3/3/2015; prepared by Odone Survey & Mapping
- Exhibit E: State Business Verification; received 4/5/2024; sent by Joshua Lee Smith.
- Exhibit F: Staff comments; received 4/12/2024.

Public Hearing Deadline: 6/23/2024 Constructive Grant Deadline 7/28/2024

Mr. Smith, representative, gave an overview of the project stating that the applicant is seeking to convert two large-scale office buildings into multi-family dwellings. Mr. Silveira, architect, stated that the footprint isn't changing, the historic fabric will be restored, doors restored, and windows replaced. Mr. Silveira stated that the existing buildings would receive other improvements as well.

Mr. Smith stated that the area between the two buildings will be a common area.

Mr. Silveira stated that the building is not currently accessible, but they are making improvements to ensure that it is. Mr. Silveira stated that restoration of the buildings will also be taking place.

Mr. Smith stated that an elevated pool is proposed onsite, and that the applicant is amenable to all of the conditions of approval.

Mr. Karlstad stated that he loves the project and the conversion occurring.

Ms. Smith gave an overview stating that most staff comments are being addressed, but staff specifically wanted to see entryways reopened, and window enhancements and the applicant is willing to address this. Ms. Smith stated that staff still has questions regarding surface treatments and parking tables, and that the applicant needs to request the waivers.

Ms. Smith stated that the surface parking deck is accessed through the city's municipal garage, which means further relief with the Planning Board may be needed. Ms. Smith stated that cross-easements with the new lot line will need to be provided to staff.

Public Comment:

None.

Board Comment:

Mr. Berg Powers stated that he likes the project.

Mr. Cortes stated that the project will be good for the downtown area.

Mr. Torkornoo stated that he’s in support of the project.

Mr. Karlstad stated that he likes the proposed use and the incorporation of affordability into the project.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to close the public hearing. On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to approve the application with all recommendations, conditions, waivers, and with the added condition to provide a copy of the recorded cross-easements before the occupancy certificate is issued.

13. 153 Green Street (ZB-2024-040) (MBL 05-005-00001)

Variance: For relief from the minimum front yard setback requirement for a multifamily low-rise dwelling in a BG-6.0 (Business, General) zoning district (Article IV, Section 4, Table 4.2

Petitioner: 153 Green Street, LLC

Present Use: Presently on the premises is a two-story commercial building under renovation

Zone Designation: BG-6.0 (Business, General) zoning district

Petition Purpose: The applicant seeks to convert first-floor space into 9 dwelling units.

Exhibits: Exhibit A: Variance Application; received 4/9/2024; prepared by Don O’Neil.
Exhibit B: Survey; revised 4/12/2024; prepared by Engineering Alliance, Inc.
Exhibit C: Architecture; received 4/9/2024; Paul S. Lessard.

Public Hearing Deadline: 6/22/2024 Constructive Grant Deadline TBD

Mr. O’Neil, representative, gave an overview of the project stating that there’s an existing building and the applicant is proposing three storefronts in the building on Green Street and nine units on the first floor, located at the rear of the building. Mr. O’Neil stated that the applicant is amenable to all of the conditions of approval and requests the waivers.

Ms. Smith gave an overview of the project, stating that the residential use is in the rear of the building and that the Planning Board has already approved the application. Ms. Smith stated that design changes occurred, but staff has visited the site and things are moving along.

Public Comment:

None.

Board Comment:

Mr. Berg Powers said the project is great.

Mr. Cortes said he also thinks the project is great.

Mr. Torkornoo had no comment.

Mr. Karlstad stated that the project is good for the city.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to approve the application with all recommendations, conditions, and waivers.

12. Communications

None.

13. Approval of Minutes – 3/25/24; 4/17/24

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 4-0 to approve the 3/25/2024 minutes. 4/17/24 minutes to be approved at the next meeting.

14. Discussion of Board Policies and Procedures

Adjournment:

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, Board voted 5-0 to adjourn @7:24 PM.