

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER**

February 13, 2017

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

Zoning Board Members Present: Lawrence Abramoff, Chair
Vadim Michajlow, Vice-Chair
Joseph Wanat
Timothy Loew
George Valeri
Robert Haddon, Alternate Member
Thomas Dillon, Alternate Member

Staff Present: Stephen Rolle, Division of Planning and Regulatory Services
Michael Antonellis, Division of Planning and Regulatory Services
Domenica Tatasciore, Division of Planning and Regulatory Services
John Kelly, Department of Inspectional Services
David Horne, Department of Inspectional Services

Approval of the Minutes – November 28, 2016 & December 19, 2016

Upon a motion by Mr. Michajlow and seconded by Mr. Loew the Board voted 5-0 to approve the minutes of November 28, 2016 and December 19, 2016.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 649 Plantation Street (ZB-2017-002)

Special Permit: To allow a Lodging House in a RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

Variance: For relief from the side-yard setback dimensional requirement for an “other residential permitted use” in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the front-yard setback dimensional requirement for an “other residential permitted use” in a RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Jordan Frazier, of F.M.L. Wealth, LLC

Present Use: Presently on the property is an existing non-conforming single-family detached structure, along with associated site improvements.

Zone Designation: RG-5 (Residence, General) zoning district & Water Resources Protection Overlay District (WR(GP-2))

Petition Purpose: The applicant seeks to construct a ~2,280 SF, 3-story, addition to the existing structure, and to convert the structure to a lodging house use, for a total of 24 beds, along with related site improvements and off-street parking.

Upon a motion by Mr. Michajlow and seconded by Mr. Valeri the Board voted 4-0 to postpone the item until the March 6, 2017.

Unfinished Business

2. 2- 4 Clarkson Street (ZB-2016-050)

- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)
- Variance:** For relief from the front-yard setback dimensional requirement for a multi-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the exterior side-yard setback dimensional requirement for a multi-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the frontage dimensional requirement for a multi-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the lot area dimensional requirement for a multi-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the parking requirements for a multi-family dwelling (Article IV, Section 7, Table 4.4)
- Petitioner:** Kensington Management, LLC
- Present Use:** Presently located on the premises is an existing non-conforming multi-family low-rise structure with 4 dwelling units and site improvements.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to construct an additional multi-family low-rise structure with 6 dwelling units, for a total of 10 dwelling units on the property, and an accessory off-street parking area, and site work.

Y.Z. from H.S.&T. appeared upon behalf of the applicant, Kensington Management, LLC. He stated that the Board had requested additional information at last meeting and the client has provided that. The revised plans that were recently submitted continue to include 6 new residential units, in conjunction with the existing 4 units, for a total of 10 residential units onsite.

Ms. Tatasciore asked if applicant intended to go with red color shown on the rendering. Y.Z. stated that they will keep the color/material same as currently exists which is blue vinyl siding.

Nathan Gaval, Worcester, MA, stated that the property is currently low income housing.

Mr. Haddon expressed concern that one of the parking spaces shows an apartment door right on top on the space and expressed concern about where the dumpster was located. Y.Z. stated that they will make adjustment for when the dumpster is emptied that the space will be blocked off during that time.

Mr. Kelly suggested that the landscape buffer be reduced to make accommodations to the site.

Mr. Rolle suggested that two of the spaces #6, #7 be compact spaces.

Upon a motion by Mr. Valeri and seconded by Mr. Wanat the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Michajlow and seconded Mr. Loew the Board voted 5-0 to approve the petition with conditions outlined in staff's memo as well condition the property be remain similar color material of blue vinyl and approved the requested waivers.

List of Exhibits:

- Exhibit A: Variance & Special Permit Application; received October 18, 2016; prepared by Josh Gaval.
- Exhibit B: Site Plan; dated October 18, 2016 and revised on January 17, 2017; prepared by HS&T Group, Inc.
- Exhibit C: Letter to DPRS; undated; from Josh Gaval of Kensington Management, LLC.
- Exhibit D: Letter from Josh Gaval of Kensington Management with Property Assessing Card, LLC; received January 17, 2017 (with revised plan and application materials).
- Exhibit E: Rendering and Elevation; dated January 15, 2016; preparer unknown.

3. 157 Brookline Street (ZB-2016-056)

- Special Permit:** To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)
- Petitioner:** Daniel Ford
- Present Use:** Presently on the premises is an existing non-conforming single-family detached dwelling with associated site improvements.
- Zone Designation:** RS-7 (Residence, Single Family) zoning district
- Petition Purpose:** The applicant seeks retroactive approval to expand the existing non-conforming structure by constructing a deck, along with associated site work.

Raquel and Daniel Ford appeared upon behalf of the petition. Mr. Ford stated that he was seeking retroactive approval to expand the existing non-conforming structure by constructing a rear deck and front porch, along with associated site work.

Kevin Carlo, abutter to the property, expressed concerns about the proposal.

Mr. Kelly stated that building permits are going to be required for the work and stated that he would like more time to investigate previous building permits for the location and what work was done.

Mr. Valeri stated that the Board needs all the information before they vote on the item.

Upon a motion by Mr. Wanat and seconded by Mr. Michajlow the Board voted 5-0 to continue the item until the March 28, 2017 Zoning Board of Appeals meeting.

List of Exhibits

- Exhibit A: Special Permit Application; prepared by Daniel Ford; received November 2, 2016.
- Exhibit B: Certified Plot Plan; dated October 5, 2016; prepared by H.S. & T. Group, Inc.
- Exhibit C: Certified Plot Plan; dated October 5, 2016; revised January 12, 2017 prepared by H.S. & T. Group, Inc.
- Exhibit D: Building permits provided by Daniel Ford at February 23, 2017 meeting.

4. 15 Hamilton Street (ZB-2016-064)

- Special Permit:** To allow a Food Service (includes the consumption/sale of alcoholic beverages) and/or providing dancing or entertainment use in a BL-1.0 zone (Article IV, Section 2, Table 4.1 Business Use #8).
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and also landscaping requirements (Article IV, Section 7)
- Variance:** For relief from the parking requirements for a food-service/lounge/nightclub (Article IV, Section 7, Table 4.4)
- Petitioner:** Chalita A. Yossef, of 15 Hamilton, LLC
- Present Use:** Presently on the premises is an existing non-conforming structure, used as a professional office space, along with associated site improvements and parking.
- Zone Designation:** BL-1.0 (Business, Limited) zoning district & Commercial Corridors Overlay District (CCOD-E)
- Petition Purpose:** The applicant seeks to convert the existing structure into a hookah and cigar bar, along with associated site improvements and related site work.

Attorney Michael Jalbert along with Chalita Yossef appeared on behalf of the application.

Mr. Jalbert stated that after the last meeting the applicant and the neighbors have met and have come up with provisions that everyone could live with and reviewed what was proposed.

Ms. Tatasciore asked if any fencing had been discussed with the neighbors. Mr. Jalbert stated that a stockade fence is being proposed.

Joanne Lozzi representing St. Stephen's School stated that one of the business uses that could be used at the site is a marijuana dispensary so they just want to make sure that use could not be used in the future.

Upon a motion by Mr. Valeri and seconded by Mr. Loew the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Loew the Board voted 5-0 to approve the petition with conditions outlined in staff's memo as well as conditions outlined in Exhibit F, that no outdoor dining be permitted, that a stockade fence be installed and the requested waivers be approved.

List of Exhibits

- Exhibit A: Special Permit & Variance Application; received December 7, 2016; prepared by Chalita A. Youssef of 15 Hamilton, LLC.
- Exhibit B: Parking Plan; dated November 28, 2016; prepared by AA Design Services, LLC.
- Exhibit C: Floor Plan; dated November 16, 2016, prepared by AA Design Services, LLC.
- Exhibit D: MACRIS listing for subject property.
- Exhibit E: Fire Department comments; dated December 21, 2016 and revised on January 20, 2017.
- Exhibit F: Proposal submitted by Attorney Jalbert at the February 13, 2017 Zoning Board of Appeals meeting.
- Exhibit G: Revised plans submitted by Attorney Jalbert at the February 13, 2017 Zoning Board of Appeals meeting.

New Business

5. 800 & 828 Grafton Street (ZB-2016-051)

Amendment to Special Permit: To allow a Multi-family low-rise dwelling in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #11).

Petitioner: Dominic Paldino, of Chanty Realty Trust

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

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

Petition Purpose: The Zoning Board of Appeals previously granted a Special Permit for the construction of a Multi-family low-rise dwelling at 800 Grafton Street. The petitioner now seeks to amend this Special Permit to include an additional property at 828 Grafton Street and, in doing so, expand the proposed structure, increasing the number of proposed dwelling units, parking and related site work.

Zac Couture from H.S.&T. appeared on behalf of the petitioner, Dominic Paldino. Mr. Couture now seeks to amend this Special Permit to include an additional property at 828 Grafton Street and, in doing so, expand the proposed structure, increasing the number of proposed dwelling units, parking and related site work. He stated that it adds about 18,000 square feet of land.

Mr. Couture reviewed the plans and changes to the project.

Mr. Loew asked if there would be a sign at the entranceway. Mr. Couture stated not at this time.

Mr. Abramoff stated that he would request the house # be clearly displayed. Mr. Couture stated he had no problem with that.

Mr. Michajlow stated that he had concerns with this project and had concerns when this was first proposed due to the traffic in the area.

Upon a motion by Mr. Valeri and seconded by Mr. Loew the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Valeri the Board voted 5-1 (Mr. Michajlow voted against) to approve the petition with conditions outlined in staff's memo as well as the requested waivers.

List of Exhibits:

Exhibit A: Special Permit Application; received October 18 2016; prepared by Vader Realty LLC.

Exhibit B: Site Plan; dated October 18, 2016 and revised through to February 8, 2017; prepared by HS&T Group, Inc.

Exhibit C: Special Permit Findings of Fact and Decision; 800 Grafton Street; ZB-2016-060; received by City Clerk on March 24, 2016 (included in application materials).

Exhibit D: Approved Special Permit Plan of Land; titled "Special Permit Site Plan"; 800 Grafton Street; dated November 9, 2015 (included in application materials).

Exhibit E: Rendering; undated; preparer unknown.

Exhibit F: Fire Department Comments; Re: 800 Grafton Street, February 8, 2017.

Exhibit G: DPW comments; Email from DPW: February 8, 2017.

6. 88 Birch Street (ZB-2016-054)

- Special Permit:** To allow a Lodging House use in a RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and also landscaping requirements (Article IV, Sec. 7)
- Variance:** For relief from the parking requirements for a lodging house use (Article IV, Sec. 7)
- Petitioner:** Gold Star Builders, Inc.
- Present Use:** Presently on the premises is a multi-family structure along with associated off-street parking.
- Zone Designation:** RG-5 (Residence, General) zoning district and partially within a BG-2.0 (Business, General) zoning district
- Petition Purpose:** The petitioner seeks to construct an addition to the existing structure, to convert the use into a lodging house (with a total of 31 bedrooms), and an off-street parking area, along with related site improvements.

Attorney Don O'Neil appeared upon behalf of the petitioner, Gold Star Builders, Inc. along with Tony Nguyen and Robert O'Conner.

Attorney O'Neil stated that the applicant seeks to construct an addition to the existing structure, to convert the use into a lodging house (with a total of 31 bedrooms), and an off-street parking area, along with related site improvements. He stated that this was a condemned structure and his clients have renovated it and currently rent it out to students and there are only two residents with cars.

Mr. Abramoff expressed concern that if residents did have cars where would they park.

Attorney O'Neil stated that they could make condition in lease that tenants be required to secure parking elsewhere but most residents would be students who would not have cars.

Mr. Abramoff stated that the application stated that the owner will only rent to college student and asked if that would be legal. Mr. Rolle stated that is a grey area and owner could run into fair housing laws.

Ms. Tatasciore stated that a variance was granted for neighboring property, of which a portion of the project site was originally combined, to allow division of the property into its current configuration. The variance included conditions related to the landscaping of the 88 Birch Street proposal which are not consistent with the plan as depicted – such as one 3” caliper shade tree be planted in the lot fronting Birch Street and that each side of the driveway on Birch Avenue remains as green space and not be paved and asked how those conditions had been addressed.

Attorney O'Neil reviewed what changes had taken place and would take place to address the conditions.

Mark Eagleton, Linda Reed Powell, Steve Teasdale, Kevin Michaud,

Eileen Michaud, abutters to the property, expressed concerns about the project.

The Board and Attorney O'Neil discussed whether they could condition the application to just students and expressed concerns about parking.

Mr. Abramoff stated that he would like to continue to the item as he has outstanding questions:

Upon a motion by Mr. Valeri and seconded by Mr. Leow the Board voted 5-0 to continue the item until the March 27, 2017 Zoning Board of Appeals meeting.

List of Exhibits:

- Exhibit A: Special Permit Application; received October 19, 2016 and revised on February 8, 2017; prepared by Attorney Donald O’Neil.
- Exhibit B: Proposed Building Plan; dated February 25, 2016 and revised on February 8, 2017; prepared by B&R Survey, Inc.
- Exhibit C: Elevations & Floorplans; dated June 3, 2016; prepared by Acropolis Design Consultants.
- Exhibit D: Declaration of Easement & accompanying Easement Plan; May 2016.
- Exhibit F: Worcester Fire Department Comments; dated November 22, 2016.

7. 113 Harrison Street (ZB-2017-001)

- Variance:** For relief from the side-yard setback dimensional requirement for a two-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the frontage dimensional requirement for a two-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the lot area dimensional requirement for a two-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the front-yard setback dimensional requirement for a two-family dwelling in a RG-5 Zone (Article IV, Section 4, Table 4.2)
- Petitioner: Valdete K. Manfron
- Present Use: Presently located on the premises is a vacant lot
- Zone Designation: RG-5 (Residence, General) zoning district
- Petition Purpose: The applicant seeks to construct a two-family detached dwelling and associated off-street parking on the property, along with related site work.

Joe Goodman appeared on behalf of the application. He stated that he is looking to construct a two-family detached dwelling and reviewed the proposal.

The Board expressed some concerns about the parking in the front of the home and stated that they do not want to see the property remaining vacant but do not see how this proposal would work with the parking proposed.

Mr. Goodman requested to withdraw the application.

Upon a motion by Mr. Valeri and seconded by Mr. Loew the Board voted 5-0 to allow for Leave to Withdraw for the application.

List of Exhibits

- Exhibit A: Variance Application; prepared by Valdete K. Manfron; received December 12, 2016.
- Exhibit B: Plan with Rendering; dated December 10, 2016 and revised Jan. 24, 2017; prepared by Robert D. O’Neil, Jr.

Other Business

8. Communications

9. Signing of Decisions from prior meetings

Adjournment

Upon a motion the Commission voted to adjourn the meeting at 8:45 p.m.