

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

April 24, 2017

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBER

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

Zoning Board Members Absent: Joseph Wanat

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

Approval of the Minutes - None

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 828 Pleasant Street (ZB-2016-047)

Variance: For relief from the side-yard setback dimensional requirement for two-family dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the rear-yard setback dimensional requirement for a two-family dwelling in a RL-7 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 RL-7 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the parking requirement for a two-family dwelling in a RL-7 Zone (Article IV, Section 7)

Petitioner: Rowaid Khudhur

Present Use: Presently on the property is a single-family detached dwelling, accessory structure, used as a garage, along with associated off-street parking.

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

Petition Purpose: The applicant seeks to convert the structures into one two-family detached dwelling, by connecting the two existing structures with an addition and converting the garage into a dwelling unit, along with associated site improvements.

Upon a motion by Mr. Haddon and seconded by Mr. Michajlow the Board voted 5-0 to postpone the item until the June 5, 2017 Zoning Board of Appeals meeting and to extend the Public Hearing Deadline until June 30, 2017.

2. 253-261 Lincoln Street (ZB-2017-004)

Variance: For relief from the frontage dimensional requirement for a residential use in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the front-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the side-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the rear-yard setback dimensional requirements in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the open space dimensional requirements for a new residential use in a BL-1.0 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the parking requirements (Article IV, Section 7, Table 4.4)

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

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)

Petitioner: Huy Nguyen

Present Use: Presently on the premises is an existing non-conforming commercial structure, used as a package store, with associated parking and site improvements.

Zone Designation: BL-1.0 (Business, Limited) and RG-5 (Residence, General) zoning districts

Petition Purpose: The applicant seeks to construct an addition, in order to add six-dwelling units above the existing commercial space and expand the first floor, and conduct modifications to the parking area along with related site improvements.

Upon a motion by Mr. Haddon and seconded by Mr. Michajlow the Board voted 5-0 to postpone the item until the May 15 2017 Zoning Board of Appeals meeting and to extend the Public Hearing Deadline until June 30, 2017.

3. 249, 261 & 265 Lake Avenue (ZB-2017-015)

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: Cherele Gentile, Trustee of Manor Real Estate Trust

Present Use: Presently located on the premises at 249 Lake Avenue is a former food-service establishment and both 261 & 265 Lake Avenue each contain single family dwellings, and related site improvements.

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

Petition Purpose: The applicant seeks to demolish the existing structures on the properties, with the existing single-family dwelling at 265 Lake Avenue to remain, and to construct a multi-family low-rise structure (for a total of 18 dwelling units) along with an associated off-street parking area and related site work.

Upon a motion by Mr. Haddon and seconded by Mr. Michajlow the Board voted 5-0 to postpone the item until the May 15 2017 Zoning Board of Appeals meeting and to extend the Public Hearing Deadline until June 15, 2017.

New Business

4. 1 & 2 Rice Street (ZB-2017-013)

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)

Petitioner: Worcester Country Club

Present Use: Presently on the premises is an existing non-conforming golf course and clubhouse, along with associated facilities and site improvements.

Zone Designation: RL-7 (Residence, Limited) zoning district and located within the Water Resource Protection Overlay (GP-2 & GP-3) Districts

Petition Purpose: The applicant seeks to construct two new maintenance buildings, to be used in association with facility maintenance, and to reconfigure paving and drainage in this area, along with related site work.

Mike Andre from Graves Engineering appeared upon behalf of the petitioner, Worcester Country Club. He stated that the Worcester Country Club would like to construct two new maintenance buildings. He stated that there would also be some paving and drainage improvements and stated that he had updated the plan.

Staff requested that Mr. Andre provide a copy of the updated plan to the Planning Division.

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

Upon a motion by Mr. Michajlow and seconded by the Board voted 5-0 to approve the application with conditions outlined in staff's memo as well as required waivers requested by the applicant.

List of Exhibits:

Exhibit A: Special Permit Application; received February 28, 2017; prepared by Graves Engineering, Inc.

Exhibit B: Definitive Site Plan and Special Permit – Maintenance Facility Improvements; dated February 24, 2017 and revised April 3, 2017; prepared by Graves Engineering, Inc.

Exhibit C: Elevations & Floor Plans; dated February 3, 2017; prepared by DP Architect.

Exhibit D: Stormwater Report – Worcester Country Club Maintenance Facility Improvements; dated February 24, 2017; prepared by Graves Engineering, Inc.

Exhibit E: Fire Comments; dated April 7, 2017.

5. 72 Bay Edge Drive (ZB-2017-014)

Variance: For relief from the side-yard setback dimensional requirements for a single-family detached dwelling in a RS-7 zone (Article IV, Section 7, Table 4.2)

Variance: For relief from the front-yard setback dimensional requirements for a single-family detached dwelling in a RS-7 zone (Article IV, Section 7, Table 4.2)

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming use/structure (Article XVI, Section 4)

Petitioner: Joseph & Jodi Fontecchio

Present Use: Presently on the premises is an existing non-conforming single-family detached dwelling associated with site improvements.

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

Petition Purpose: The applicant seeks to construct an attached garage and to construct a second habitable story, along with related site improvements.

Joseph & Jodi Fontecchio along with their architect, Jay Gallant, appeared on behalf of the application. Mr. Fontecchio stated that they are looking to construct an attached garage and to construct a second story.

Mr. Gallant reviewed the plans for the property.

Mr. Rolle reviewed the relief needed for the site and the variances needed.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Dillon the Board voted 5-0 to allow the petitioners request to leave to withdraw without prejudice for the parking space Variance since a parking space is able to be located in front of the proposed 1 car garage and outside of the existing and proposed dimensions; additionally, there is an existing paved driveway that is located along the westerly lot line where a parking space, outside of the existing front-yard setback, is still privileged non-conforming and to approve the requested Variance relief and Special Permit having found that said extension is an intensification of an existing non-conformity and will not be substantially more detrimental to the neighborhood with conditions outlined in staff's memo.

The Board also approved the waivers requested by the applicant.

List of Exhibits:

Exhibit A: Variance & Special Permit Application; received March 7, 2017 and revised April 14, 2017; prepared by Joseph Fontecchio.

Exhibit B: Plan of Land; dated February 17, 2017; prepared by Jarvis Land Survey, Inc.

Exhibit C: Rendering, Floorplan and Elevation; undated; prepared by Gallant Architecture.

6. 55 Vale Street (ZB-2017-018)

- Variance:** For relief from the frontage dimensional requirements for a two-family detached dwelling in a RG-5 zone (Article IV, Section 7, Table 4.2)
- Variance:** For relief from the front-yard setback dimensional requirements for a two-family detached dwelling in a RG-5 zone (Article IV, Section 7, Table 4.2)
- Variance:** For relief from the lot area dimensional requirements for a two-family detached dwelling in a RG-5 zone (Article IV, Section 7, Table 4.2)
- Petitioner:** Nicholas Rivarola, of Sonic Real Estate, LLC
- Present Use:** Presently on the premises is a partially paved vacant lot.
- Zone Designation:** RG-5 (Residence, General) zoning district
- Petition Purpose:** The applicant seeks to construct a two-family detached dwelling and related site improvements.

Nicholas Rivarola appeared on behalf of the application. He stated that he would to like construct a two-family house.

Mr. Rolle stated that staff reviewed the application and only one variance is needed.

Ms. Tatasciore asked if the chain link fence was going to be removed. Mr. Rivarola stated that all the neighborhood homes have chained link fence.

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

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon to approve a Leave to Withdraw without Prejudice from the front-yard setback dimensional requirements for a two-family detached dwelling in a RG-5 zone (Article IV, Section 7, Table 4.2) and relief from the lot area dimensional requirements for a two-family detached dwelling in a RG-5 zone (Article IV, Section 7, Table 4.2)

Upon a motion by Mr. Michajlow and seconded by Mr. Haddon to approve the request Variance relief of 5 feet from the frontage dimensional requirements for a two-family detached dwelling in a RG-5 zone (Article IV, Section 7, Table 4.2)

The Board also approved the waivers requested by the applicant.

List of Exhibits:

- Exhibit A:** Variance Application; prepared by Nicholas Rivarola, representative; received March 15, 2017.
- Exhibit B:** Proposed Plot Plan for 55 Vale Street; dated March 3, 2017; prepared by Jarvis Land Survey, Inc.
- Exhibit C:** Rendering; dated April 13, 2016; prepared by Beyond Basics.

Other Business

- 7. Communications**

- 8. Signing of Decisions from prior meetings**

Adjournment

Upon a motion the Board voted to adjourn the meeting at 6:14 p.m.