

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

**July 1, 2019**

**WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS**

**Zoning Board Members Present:**

Joseph Wanat, Chair  
Andrew Freilich, Vice-Chair  
George Cortes  
Jordan Berg Powers-Arrived late  
Robert Haddon, Alternate Member  
Russell Karlstad, Alternate Member

Absent: Andrew Freilich, Chair

**Staff Present:**

Stephen Rolle, Division of Planning & Regulatory Services  
Michelle M. Smith, Division of Planning & Regulatory Services  
Amanda Molina Dumas, Division of Planning & Regulatory Services  
John Kelly, Department of Inspectional Services  
David Horne, Department of Inspectional Services

**Approval of the Minutes** - 1/14/19, 2/25/19, 3/18/19, 4/8/19, 4/29/19, & 5/20/19

**Requests for Continuances, Extensions, Postponements, & Withdrawals**

**1. 33 Dominion Road (MBL 46-006-00180) (ZB-2019-017)**

Special Permit: To allow a multi-family low-rise structure in an RL-7 zone (Article IV, Section 2, Table 4.1, Residential Use #11)  
Petitioner: Silver Tree Realty, LLC  
Present Use: A vacant lot  
Zone Designation: RL-7 (Residence, Limited)  
Petition Purpose: The applicant seeks to construct a multi-family low-rise dwelling with 7 dwelling units and associated parking.  
Hearing Opened: 4/29/19; Constructive Grant Deadline: TBD

Upon a motion by Mr. Cortes and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Special Permit Application to the July 22, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to August 13, 2019.

**2. 3 Newton Avenue (MBL 11-013-00004) (ZB-2019-021)**

**3 (aka Lot 1) Newton Avenue (Existing):**

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

**Lot 2 Newton Avenue (Proposed):**

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
  - Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
  - Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
  - Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
  - Petitioner: Guri Dura and Marjeta Skenderi
  - Present Use: At 3 Newton Avenue (aka Lot 1) is a two-family dwelling & on proposed Lot 2 is a detached garage.
  - Zone Designation: RL-7 (Residence, Limited) zoning district
  - Petition Purpose: To convert the garage into a single-family dwelling.
  - Hearing Opened: 6/10/19; Constructive Grant Deadline: 7/23/19
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Upon a motion by Mr. Haddon and seconded by Mr. Karlstad the Board voted 4-0 to postpone the Variance applications to the July 22, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to August 13, 2019.

**3. 31 Greendale Avenue (MBL 2-018-00006) (ZB-2019-026)**

**31 (aka Lot 30) Greendale Avenue (Existing):**

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum front-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum setback dimensional requirement for an accessory structure in a residential zoning district (Article IV, Section 8)

**Lot 29 Greendale Avenue (Proposed):**

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Yuliya J. Hirnyk

Present Use: At 31 Greendale Avenue (aka Lot 30) is an existing non-conforming single-family detached dwelling and an accessory structure; Lot 29 is vacant.

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

Petition Purpose: The applicant seeks to divide the lot into two and construct a ~~two-family~~ **single-family** detached dwelling on Lot 29.

Hearing Opened: 6/10/19; Constructive Grant Deadline: 7/25/19

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Upon a motion by Mr. Cortes and seconded by Mr. Haddon the Board voted 4-0 to postpone the Variance applications to the July 22, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to August 13, 2019.

**4. 99 (aka 83 & 105) Crescent Street (MBL 09-024-0000C) (ZB-2019-030) –**

*Special Permit: To allow an automobile refueling station (Article IV, Section 2, Table 4.1, Business Use #17)*

*Petitioner: Santo Crescent LLC*

*Present Use: An existing commercial structure and automobile re-fueling station, with associated site improvements and surface parking.*

*Zone Designation: MG-2.0 (Manufacturing, General) zoning district*

*Petition Purpose: The applicant seeks to re-configure the existing vehicle refueling areas and conduct associated site work.*

*Public Hearing Deadline: 7/27/19; Constructive Grant Deadline: TBD*

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Upon a motion by Mr. Haddon and seconded by Mr. Cortes the Board voted 4-0 to allow for Leave to Withdraw for the Special Permit application.

**New Business**

**5. 287 & 301 Grove Street and 41 & 49 Park Avenue (MBL 01-01F-00004) (ZB-2019-029)**

**Special Permit:** To allow a Bank/Credit Union with Drive-thru use (Article IV, Section 2, Table 4.1, Business Use #4)

**Petitioner:** Galaxy Grove, LLC

Present Use: Four multi-tenant commercial buildings used for a variety of purposes including retail, office, and food-service with drive-thru, along with associated surface parking.

Zone Designation: BG-3.0 (Business, General) zoning district

Petition Purpose: The applicant seeks to add a bank/credit union with drive-thru and to conduct associated site work.

Public Hearing Deadline: 7/26/19; Constructive Grant Deadline: TBD

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Attorney Todd Brodeur and Patrick Doherty appeared upon behalf of the applicant, Galaxy Grove, LLC. The applicant seeks to add a bank/credit union with drive-thru and to conduct associated site work. Mr. Brodeur gave an overview of the proposal for the drive thru for the proposed bank on the site.

The Board and the applicant discussed the landscaping and the accessible parking for the site.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers the Board voted 5-0 to approve the Special Permit with conditions outlined in staff's memo and approving the requested waiver to label abutters and abutters thereto within 300 ft. on the plan and to accept the Findings of Facts as proposed by the applicant and modified by staff.

#### ***List of Exhibits***

Exhibit A: Special Permit Application; received May 22, 2019; prepared Galaxy Grove, LLC

Exhibit B: Site Plan Showing Proposed Conditions; dated September 18, 2017; revised May 14, 2019; prepared by MidPoint Engineering + Consulting.

Exhibit C: Renderings with Elevations; dated April 12, 2019; revised May 6, 2019; prepared by DRL Architects PC (located at rear of plan set).

#### **New Business**

#### **6. 128 Chandler Street & 75 Piedmont Street (MBL 06-17D-00030 & 06-016-00033) (ZB-2019-031)**

**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)

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

Petitioner: Stamp Factory Lofts, LLC

Present Use: At 128 Chandler Street is an existing warehouse, with associated surface parking, and at 75 Piedmont Street is a surface parking lot.

Zone Designation: BG-3.0 (Business, General) zoning district and within the Commercial Corridor Overlay District (CCOD-E)

Petition Purpose: The applicant seeks to convert the existing warehouse into a multi-family use with +/- 47 dwelling units and to conduct associated site work.

Public Hearing Deadline: 8/1/19; Constructive Grant Deadline: 9/5/19

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Daniel Straw from Stamp Factory Lofts LLC and Leslie Wilson from H.S.&T. Group appeared upon behalf of the application.

The applicant seeks to convert the existing warehouse into a multi-family use with +/- 47 dwelling units and to conduct associated site work.

Ms. Wilson gave an overview of the proposed plan for the site.

Mr. Straw stated that they would use decorative metal fencing for the site except around dumpster as that would be wood.

The Board and the applicant discussed the location of the dumpster and transformers for the site and where on the site would be the best locations for these items.

Ms. Wilson requested that application be continued to the July 22, 2019 Zoning Board of Appeals meeting in order that she could make some revisions to the plan based on the comments from the Board.

Upon a motion by Mr. Cortes and seconded by Mr. Haddon the Board voted 5-o continue the Special Permit and Variance applications to the July 22, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to August 13, 2016.

***List of Exhibits***

Exhibit A: Variance Application; received May 28, 2019; revised June 18, 2019; prepared by H.S. & T. Group, Inc.

Exhibit B: Site Plan Showing Existing and Proposed Conditions; dated May 28, 2019; revised June 2019; prepared by H.S. & T. Group, Inc.

Exhibit C: 128 Chandler Street Elevations; dated May 15, 2019; prepared by Ganek Architects Inc.

**7. 17 Mattson Avenue (MBL 13-005-0026A) (ZB-2019-032)**

**Variance:** For relief from the minimum frontage dimensional **requirement** (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the lot area dimensional requirement (Article IV, Section 4, Table 4.2)

Petitioner: Artan Ametaj

Present Use: Presently on the premises is an existing, non-conforming two-family detached dwelling.

Zone Designation: RG-5 (Residence, General) zoning district

Petition Purpose: The applicant seeks to construct an addition in order to convert the existing two-family detached dwelling into a three-family detached dwelling and to conduct associated site work.

Public Hearing Deadline: 8/1/19; Constructive Grant Deadline: 9/5/19

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Artan Ametaj, Charles Wilmont, the contractor, and Leslie Wilson from H.S.& T. Group appeared upon behalf of the application.

The applicant seeks to construct an addition in order to convert the existing two-family detached dwelling into a three-family detached dwelling and to conduct associated site work.

Ms. Wilson gave an overview of the plan for the site.

The Board and the applicant discussed how much parking would be utilized on site and the plan for the porches on the home.

Dick Williams, abutter to the property, expressed concern about the parking for the site as didn't believe there would be enough square footage on the site for parking.

Donna Walsh, abutter to the property, expressed concern about the project and that a third floor house will look right into her living room and will effect her privacy. She also commented that there is problem with not sufficient parking for the site.

Mr. Ametaj stated that when he bought home the porches were illegal and he took them down.

The Board noted that the applicant had not provided any information on the application for the Finding of Facts on a portion of the application so the Board has unanswered questions.

Mr. Wanat expressed concern that the plan did not show dimensions and would like to see that on the plan.

Ms. Wilson requested that the item be continued to address the Board concerns.

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon the Board voted 5-0 to continue the Variance applications to the July 22, 2019 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to August 22, 2019.

### ***List of Exhibits***

Exhibit A: Variance Application; received May 28, 2019; revised June 13, 2019; prepared by H.S. & T. Group, Inc.

Exhibit B: Site Plan Showing Existing and Proposed Conditions; dated May 28, 2019; revised June 13, 2019; prepared by H.S. & T. Group, Inc.

**The Board took a five minute recess**

### **New Business**

#### **8. 28 Water Street & 0 Winter Street (MBL 04-020-0001A & -000B2) (ZB-2019-033)**

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

**Variance:** For relief from the minimum front-yard setback requirements (Article IX, Section 6)

**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)

Petitioner: B1 Water Street, LLC and B2 Water Street, LLC

Present Use: Presently on the premises is a vacant, five-story, mill building with associated surface parking and a billboard.

Zone Designation: BG-3.0 (Business, General) zoning district and within the Commercial Corridors Overlay District (CCOD-C) and the Union Station Sign Overlay District (USOD).

Petition Purpose: The applicant seeks to convert the existing building into a multi-family use with +/- 62 dwelling units and to conduct associated site work.

Public Hearing Deadline: 8/1/19; Constructive Grant Deadline: 9/5/19

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Attorney Donald O’Neil along with Anthony Rossi from B1 Water Street, LLC and B2 Water Street, LLC appeared upon behalf of the application.

The proposal is as follows;

- Presently on the premises is a vacant, five-story mill building with surface parking and a billboard.
- The applicant seeks to convert the existing building into a multi-family use with 62 studio dwelling units and to conduct associated site work.

Mr. O’Neil stated that they are requesting Leave to Withdraw for the Variance request for relief of the front yard setback.

Mr. O’Neil stated that this was an abandoned building that his client is rehabbing.

Mr. O’Neil stated that Mr. Rossi will be putting in apartments at the building but will maintain the historic character of the building while upgrading the building so that it is ADA compliant.

Mr. Rossi gave an overview of other projects he had worked on and what the proposed work would be on this building.

The Board and the applicant discussed the parking for the site.

Eric Appleton spoke in support of the application.

Paul Giorgio spoke in support of the application.

Nathan Sabo spoke in support of the application.

The Board and the applicant discussed snow removal and Mr. Rossi stated that over a certain amount the snow would be trucked off site.

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Haddon and seconded by Commissioner Berg Powers the Board voted 5-0 to allow for Leave to Withdraw for the Variance: For relief from the minimum front-yard setback requirements (Article IX, Section 6). Approval of the Variance: For relief from the minimum front-yard setback requirements (Article IX, Section 6) and the 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) and approval of the requested waiver to not label abutters to abutters within 300 feet on the plan and to approve the Findings of Facts as proposed by the applicant and modified by staff.

***List of Exhibits***

Exhibit A: Special Permit & Variance Application; received May 28, 2019; revised June 19, 2019; prepared by Attorney Donald J. O’Neil.

Exhibit B: Site Plan Showing Existing and Proposed Conditions; dated May 15, 2019; revised June 19, 2019; prepared by Engineering Alliance, Inc.

Exhibit C: Architectural Plans; dated May 16, 2019; prepared by Paul R. Lessard, Registered Architect.

**9. Public Hearing Regarding Proposed ZBA Rules & Regulations Amendment**

Purpose: To amend all of the Zoning Board of Appeals’ Rules and Regulations to remove the application requirement to label the names of owners of properties up to abutters of abutters within 300 feet of the applicant’s property lines on plans submitted to the Board.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes the Board voted 5-0 to approve the ZBA Rules & Regulations Amendment.

**Other Business**

**10. Communications**

**11. Discussion of Board Policies and Procedures**

**12. Signing of Decisions from prior meetings**

**Adjournment**

Upon a motion the Board voted 5-0 to adjourn the meeting at 8:31 p.m.