

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
October 19, 2020**

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 730323290#), which was publicized on the posted meeting agenda and during the video broadcast.

Zoning Board Members Joseph Wanat, Chair
Participating: Jordan Berg Powers
George Cortes
Robert Haddon

Zoning Board Members Not Participating: Russell Karlstad

Staff Participating: Michelle Smith, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

Call to Order – 5:30 p.m.

Approval of Minutes – 5/11/2020 – Held to November 9, 2020.

New Business – Public Hearing – Postponements.

Item #1 **32 Tirrell Street (MBL 07-014-00009) (ZB-2020-047)**
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 lot area dimensional requirement for a multi-family low-rise use in an RG-5 Zone (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum parking requirements for a residential use (Article IV, Section 7, Table 4.4)
Petitioner: 32 Tirrell Street, LLC
Present Use: Presently on the premises is an existing single-family detached dwelling and a detached garage and shed, with associated site improvements
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: To demolish the existing dwelling and site improvements in order to construct a multi-family low-rise dwelling (with a total of 6 units), to construct associated parking, and conduct related site work.

Upon a motion by Mr. Cortes and seconded by Mr. Haddon the Board voted 4-0 to postpone the Special Permit and Variance applications to the November 9, 2020 Zoning Board of Appeals and to extend the Constructive Grant Deadline to December 1, 2020.

Item #4 **36 & 40 Jackson Street (MBL 03-002-12+13 & -08+11) (ZB-2020-052)**

Variance For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)
 Petitioner: The Corner Emporium LLC
 Present Use: Presently on the premises is a privileged, non-conforming multi-tenant commercial structure (+/- 22,697 SF), mainly used as offices, and associated surface parking.
 Zone Designation: MG-2.0 (Manufacturing, General) zoning district
 Petition Purpose: To renovate a portion of the existing structure and conduct associated site work in order to add an adult-use marijuana establishment – storefront retailer use within the building.

Upon a motion by Mr. Cortes and seconded by Mr. Haddon the Board voted 4-0 to postpone the Variance application to the November 9, 2020 Zoning Board of Appeals and to extend the Constructive Grant Deadline to December 31, 2020.

New Business – Public Hearings

Item #2 **185 Madison Street (MBL 05-008-00010) (ZB-2019-064)**
Special Permit To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure(s) and/or use(s) (Article XVI, Section 4)
 Petitioner: J+K Gas, Inc
 Present Use: Presently on the premises is an automobile refueling station with a convenience store, donut-shop with drive-thru, carwash, and associated site improvements
 Zone Designation: BG-3.0 (Business, General) zoning district, Commercial Corridors Overlay District (CCOD-C) and the Downtown/Blackstone Canal Sign Overlay District (DSOD)
 Hearing Opened: 10/19/2020 Constructive Grant Deadline: TBD

Hearing Opened with: JW, JBP, GC, RH

Patrick Healey and Robert Branca called in for the application.

Mr. Healey reviewed the scope of the project.

Mr. Branca reviewed the project and stated that he had built similar projects in the City of Worcester.

Ms. Smith stated that the applicant had received Planning Board approval for the application.

Mr. Wanat requested the applicant to review the trash removal and the lighting for the site.

Mr. Berg Powers requested that the applicant to review the stormwater controls for the site.

Mr. Healey reviewed how snow removal would be handle.

Mr. Healey stated that they would request waiver #1 requested by staff and were fine with Conditions of Approval suggested by staff.

Public Comment

No Public comment.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers 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 4-0 to approve the Special Permit application with requested waivers (#1 only); and approved with Conditions of Approval from staff memo which includes;(traffic exiting to Madison Street (either driveway) shall be limited to right-turn traffic only; landscaping located east of Building 2 shall be limited to low-lying plants so as to not obstruct sightlines for traffic on Harding Street approaching Kelley Square; and that the project be built in substitutional accordance with the plans submitted.

Item #3 **13 Butternut Hill Drive (MBL 21-014-00003) (ZB-2020-051)**

Special Permit To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use (Article XVI, Section 4)

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

Petitioner: Guy Rososhansky

Present Use: Presently on the premises is a privileged, non-conforming single-family detached dwelling with an attached two-car garage and associated site improvements.

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

Hearing Opened: 10/19/2020 Constructive Grant Deadline: 12/27/2020

Hearing Opened with: JW, JBP, GC, RH

Attorney Todd Rodman and Guy Rososhansky and Michael Andre called in for the application.

Mr. Rodman gave a brief overview of the scope of the project.

Ms. Dumas reviewed the scope of the project and requested Mr. Rodman review the connectivity for the site.

Mr. Rodman requested the waivers suggested by staff and stated they were in agreement with Conditions of Approval suggested by staff.

Public Comment

No Public comment.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers the Board voted 4-0 to approve the Special Permit to allow alteration of PENCU, SP to modify parking layout, and V for relief of 24 FT from FYS requirement; approved requested waivers requested by applicant; approved with Conditions of Approval from staff memo which includes submission of final revised site plan-set & architectural elevations; recharge 100% of proposed garage's roof runoff; proposed garage shall not be habitable; no change to existing curb-cut; SP applied to driveway configuration as proposed and not to any future expansions of imperviousness without amendment; V shall apply to structure as proposed and not to any expansion; and that project be built in substantial accordance with the plans submitted.

Item #5 **49 Arlington Street (MBL 05-037-00031) (ZB-2020-054)**

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 side-yard setback dimensional requirement for a three-family detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum front-yard setback dimensional requirement for a three-family detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum frontage dimensional requirement for a three-family detached dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Fortin Investments, LLC

Present Use: Presently on the premises is a vacant lot

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

Petition Purpose: To construct a three-family detached dwelling with associated retaining walls and

parking, and to conduct associated site work

Hearing Opened:

12/18/2020

Constructive Grant Deadline:

1/22/2021

Hearing Opened with: JW, JBP, GC, RH

Attorney Todd Rodman and Javier Fortin from Fortin Investments LLC called in for the application.

Mr. Rodman stated that they are looking for an Extension of Time.

Ms. Dumas reviewed the scope of the project.

Public Comment

No Public comment.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers the Board voted 4-0 to close the Public Hearing.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers the Board voted 4-0 approve Special Permit to modify parking layout, and Extension of Time for Variances for relief of 10 FT from frontage requirement, relief of 15 feet from front yard setback requirement, and relief of 6.2 FT from side-yard setback requirement; previously approved Conditions of Approval would remain in effect which include relief for front yard setback specific to proposed stairs and retaining walls as depicted on plans; and that the project be built in substantial accordance with the plans submitted.

Other Business

6. Communications

7. Discussion of Board Policies and Procedures

a. Policy on Withdrawal before Denials

The Board reviewed the policy.

8. Elections of Officers Held to 11/9

Adjournment

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers voted 4-0 to adjourn the meeting at 7:09 p.m.