

**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
September 20, 2021**

Worcester City Hall - Levi Lincoln Chamber, with remote participation options available via Webex online at <https://cow.webex.com/meet/planningboardwebex> and call-in number 415-655-0001 (Access Code: 1601714991).

Zoning Board Members Participating: Joseph Wanat, Chair  
Russell Karlstad, Vice Chair  
Jordan Berg Powers  
George Cortes  
Robert Haddon, Alternate Member

Zoning Board Members Not Participating:

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services  
Stephen Cary, Division of Planning & Regulatory Services  
David Horne, Inspectional Services Division

**Call to Order** – 5:30 PM

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

**Item 1: 49 Chilmark Street**

Request to Continue the Public Hearing to October 18, 2021  
Extend the Constructive Grant Deadline to November 9, 2021

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to continue the hearing.**

**Item 2: 757 Salisbury Street**

Request to Postpone the Public Hearing to October 18, 2021  
Extend the Constructive Grant Deadline to November 9, 2021

Mark Borenstein, 80 Barry Road, stated that he would like to see item voted on as it has been before the Board a long time.

Mr. Wanat asked staff to contact applicant on behalf of the Board.

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the hearing.**

**Item 4: 43 Lancaster Street**

Request to Postpone the Public Meeting to October 18, 2021  
Extend the Constructive Grant Deadline to November 9, 2021

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the hearing.**

**Item 5: 34 William Street**

Request to Postpone the Public Meeting to November 8, 2021  
Extend the Constructive Grant Deadline to December 14, 2021

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the hearing.**

**Item 9: 49 Mountain Street East**

Request to Postpone the Public Meeting to November 8, 2021  
Extend the Constructive Grant Deadline to December 14, 2021

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the hearing.**

**Item 12: 15 Waban Avenue**

Request to Postpone the Public Meeting to October 18, 2021  
Extend the Constructive Grant Deadline to November 9, 2021

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the hearing.**

Mr. Cortes joined the meeting.

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**New Business – Public Hearings**

**3. 17 Jaques Avenue (MBL 06-17A-00032) (ZB-2021-031)**

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

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, A, 2)

Variance: For relief from the minimum parking requirements for a two-family detached dwelling in an RG-5 Zone (Article IV, Section 7, Table 4.4)

Petitioner: Artjan Nici

Present Use: A privileged non-conforming single-family detached dwelling

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

Petition Purpose: To convert the existing single-family detached dwelling into a two-family detached dwelling, and to conduct associated site work.

Mr. Cortes recused himself from the hearing, with Mr. Sabo taking his place.

Ray Lopolito of Worcester on behalf of the applicant; purchaser of property believed that property was a two-family, is requesting variances and special permits to make it so.

Mr. Rolle gave more information about what is being requested and existing conditions at the property; described staff-recommended conditions of approval involving landscape buffer and orientation of stairs.

Mr. Wanat asked Mr. Lopolito if he was amendable to conditions; Mr. Lopolito confirmed that he was; Mr. Wanat ask if Mr. Lopolito would request a waiver; Mr. Lopolito stated that he would.

No Board discussion.

**No public comment.**

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to close the public hearing.

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to grant requested special permits with staff-recommended conditions of approval and to grant waivers, and to grant Leave to Withdraw without Prejudice for the variance application.**

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**6. 19 Kingsbury Street (MBL 06-024-00013) (ZB-2021-046)**

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

Petitioner: Borin Hing  
Present Use: A privileged non-conforming single-family detached dwelling.  
Zone Designation: RG-5 (Residence, General) zoning district  
Petition Purpose: To convert the existing single-family detached dwelling into a two-family detached dwelling, and to conduct associated site work.

Calvin Reach, of Saugus, MA, on behalf of applicant, explained that it is a single-family to be converted to a two-family.

Mr. Rolle gave additional information; first unit is proposed to be in front of structure, second unit in the back; stated that it is privileged non-confirming; stated that applicant should request waiver.

Mr. Wanat asked the applicant if he was amenable to the conditions of approval and would request the waiver; Mr. Reach confirmed that he was and would.

Mr. Wanat stated that Mr. Haddon would not vote on this item; Mr. Sabo took his place.

No Board discussion.

**No public comment.**

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to close the public hearing.

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to approve the requested special permit with staff-recommended conditions and to grant waivers.**

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**7. 59 Institute Road (MBL 02-037-00040) (ZB-2021-048)**

Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)

Variance: For relief from the minimum parking requirements for a three-family detached dwelling in an RG-5 Zone (Article IV, Section 7, Table 4.4)

Petitioner: Alethia Bess Mariotta and Athena Finger

Present Use: A two-family detached dwelling

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

Designation:

Petition Purpose: To convert the existing two-family detached dwelling into a three-family detached dwelling, and to conduct associated site work.

Joe Boynton on behalf of applicant described the building and that the owners seek to convert the attic into a third apartment; stated that conversions like this are common in this neighborhood; stated that lack of parking is not an issue because it is a student area.

Mr. Rolle gave additional details about the application and the site conditions; stated that applicant should request a waiver from strict plan requirements; Mr. Boynton stated that the waiver has already been requested.

Mr. Boynton confirmed that he was amendable to staff-recommended conditions of approval.

Mr. Wanat agreed that there was no need for additional parking in the area.

Mr. Karlstad requested that applicant install a fence to prevent cars from parking on grass in front of house.

Mr. Boynton asked for additional details about what is being requested; Board stated that even shrubs would serve the purpose.

Mr. Rolle suggested that condition be included to have "physical barrier be installed along the driveway edge to prevent vehicles from parking off of the driveway"; Mr. Boynton stated he was amenable.

Mr. Cortes asked about who would use the existing garage; Mr. Boynton clarified.

Mr. Berg Powers stated that he was in favor of the proposal because it would help with the housing shortage around WPI.

Mr. Wanat stated that Mr. Sabo would not vote on this item; Mr. Haddon took his place.

**No public comment.**

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to close the hearing.

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to grant requested special permit and variance with staff-recommended conditions of approval, with an additional condition being that:**

**A barrier will be installed to prevent cars from parking in the front yard, with barrier to be determined by the applicant.**

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- 8. 360 & 370 Park Avenue (MBL 06-021-00022 & 06-021-19-21) (ZB-2021-049)**
- Special Permit: To allow an automobile refueling station in a BG-4.0 Zone (Article IV, Section 2, Table 4.1, Business Use #17)
- 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: Prayosha Realty Trust
- Present Use: At 360 Park Avenue is a vacant office building, and at 370 Park Avenue is an approximately +/-15,706 SF commercial building containing a liquor store, with associated off-street parking.
- Zone Designation: BG-4.0 (Business, General) zoning district and partially within the Floodplain Overlay District
- Petition Purpose: To demolish the existing, vacant office building at 360 Park Avenue in order to construct a new automobile refueling station and multi-bay carwash spanning both parcels, with the existing retail building at 370 Park Avenue to be renovated to add a convenience store, and to conduct associated site work.

Mr. Haddon recused himself; Mr. Sabo took his place.

Joshua Lee Smith, on behalf of applicant, gave some background on the project and the existing conditions on the site; explained that client is looking to construct a refueling station and carwash bay structure; stated that reduction in parking is aligned with City interests for Park Avenue; Austin Liquors to remain as liquor store but will be converted to both liquor and convenience; stated that client will engage in beautification efforts, as current site is dilapidated and looks abandoned; explained that client is bringing site into greater compliance; explained purpose of special permits being requested; stated that client is installed a rain garden.

Hussein Sevinchkin, civil engineer, stated that applicant is proposing one new driveway and would remove an existing median, described other site improvements.

Mr. Lee Smith reiterated that the project would bring more vitality to the commercial corridor.

Mr. Rolle gave additional information about the proposed layout and the rationale behind it, and the reasons for the special permits being requested; explained that applicant would create a pedestrian connection from Park Avenue to existing building; described queueing for the car wash; described recommended conditions of approval.

Mr. Rolle asked the applicant whether the applicant intends to limit exiting traffic from southern curb cut to right-turns only; Mr. Sevinchkin stated that they were amendable to that.

Mr. Rolle stated waivers that applicant should request.

Mr. Lee Smith stated that they would label Winfield Street on the plan as a discontinued street, which is its legal status.

Mr. Wanat stated that he would also like to see a right-turn only at southern curb cut.

Mr. Wanat stated that loading for Austin Liquors would not be affected; stated that he was in favor of a car wash that does not exit into the right-of-way; stated that he saw this as an improvement.

Mr. Karlstad asked staff as to why there was not landscaping introduced between site and Parker Street; Mr. Rolle stated that utilities at that location were an impediment; Mr. Lee Smith agreed and stated that landscaping buffer at that location would require a loss of parking.

Mr. Sabo echoed Mr. Karlstad that he would like to see landscaping there.

Mr. Cortes stated his concerns with regard to trash receptacles and snow storage.

Mr. Sevinchkin stated that applicant would have them adjacent to vacuums; applicant stated where the trash receptacles on site would be; Mr. Sevinchkin explained where snow storage on site would be,

Mr. Cortes asked what hours the car wash would be operated until and the proposed lighting.

stated that they haven't finalized hours but it wouldn't be later than 9-10pm.

Mr. Rolle explained that a photometric plan would need to be proposed as part of site plan review before Planning Board.

Mr. Cortes asked about encroachment on to Austin Liquors operator; Mr. Sevinchkin explained that they would be on the same property.

Mr. Wanat asked applicant again to explain why they could not have landscape buffer at Parker Street; Mr. Sevinchkin stated what would be possible; Mr. Wanat suggested that the landscape buffer be a COA.

Mr. Rolle suggested that they condition a three-foot buffer.

Mr. Karlstad suggested it double as a snow storage area.

Mr. Berg Powers asked if development has been before Conservation Commission; Mr. Sevinchkin explained that they had not been; Mr. Berg Powers asked about EV charging on site; Mr. Sevinchkin explained where EV charging spaces would be.

Mr. Berg Powers stated his strong opposition to this use, which he stated should be dead industry, at this site.

Mr. Sabo agree and stated his opposition.

Mr. Karlstad stated that this site could later be converted to a more green use.

Mr. Cortes stated that the concentration of gas stations in the area is only indicative of competition and that this would be an improvement.

Mr. Sabo stated improvements to a site does not mean it is an improvement to the City.

**No public comment.**

Mr. Wanat stated his support, asked for a straw poll; Mr. Karlstad stated his support; Mr. Berg Powers and Mr. Sabo stated their opposition; Mr. Cortes stated his support.

Mr. Rolle offered that staff could perform an analysis of nearby similar uses if that would aid Board decision-making; Mr. Berg Powers and Mr. Sabo stated it would not influence their decision.

Mr. Lee Smith re-iterated that this is a vacant and blighted site and that it would ward off development for years if the Board says no; stated that this sort of use is in-line with zoning; made further case to the Board that this is a dead site and needs some kind of use.

Yogash Patel, one of the property owners, stated that they are amenable to installing more green technology on site including additional EV spaces and solar charging.

Mr. Berg Powers stated that there is life around this site and is concerned about this killing it; it does not move the City forward; re-iterated his concern of its proximity to Beaver Brook.

Mr. Sabo stated that he agrees with Mr. Berg Powers.

Mr. Cortes asked about whether the owner/operator is local; applicant stated that he is from Hopkington and his partners are from Metro-West area; stated their charity efforts during COVID and their community participation; Mr. Cortes expressed that there will be other checks on this project and that they may be overstepping their purview to say no.

Mr. Karlstad stated that car-washes are environmental in that they prevent home car washing; stated that this could be converted to EV charging later; stated that this would add to tax base and remediate a blight.

Mr. Sevinchkin explained why they were going to Conservation Commission and the environmental protection measures being taken to protect catch basins and Beaver Brook and manage stormwater; further explained street trees that would be installed; stated that improvement would deter illegal activity on site.

Mr. Wanat stated that this would not change the no votes' minds; explained the applicants' options – to ask for a vote, a continuance, or a Leave-to-Withdraw.

Mr. Berg Power and Mr. Sabo both stated that a gas station would not get a yes vote from them.

Mr. Lee Smith stated that they would like the opportunity to change the mind of the no votes and would like to request a continuance.

Mr. Cortes suggested that staff conduct analyses as suggested by Mr. Rolle earlier.

Mr. Lee Smith stated that applicant has a good track record on environmental cleanliness and that there would be a number of regulatory checks; reiterated concern about existing blight.

Mr. Sabo stated that the arguments being made have already been said.

Mr. Karlstad stated that a similar project was approved by the Board last year.

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to continue the hearing to the November 8, 2021 meeting of the Zoning Board.**

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**10. 610 Park Avenue (MBL 08-020-18+19) (ZB-2021-051)**

Special Permit: To modify the dimensional requirements for accessory signs in a BG-2.0 Zone (Article IV, Section 6)

Variance: For relief from the maximum height dimensional requirement for accessory signs in a BG-2.0 Zone (Article IV, Section 6)

Petitioner: Pollo Centro c/o The Sign Center

Present Use: A pre-existing, non-conforming food service establishment with associated parking.

Zone Designation: BG-2.0 (Business, General) zoning district

Petition Purpose: To construct a +/-26.5 foot tall sign on a pre-existing pole, and to conduct associated site work.

Jay Kahn on behalf of applicant, explained the purpose of the proposed signage.

Mr. Rolle gave additional details about what is being requested.

Mr. Wanat asked that Mr. Sabo not vote; Mr. Haddon took his place.

**No public comment.**

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to close the hearing.

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to approve the request special permit and variance with staff-recommended conditions of approval and to grant waivers.**

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**11. 110 Orient Street (MBL 19-015-0003B) (ZB-2021-052)**

Amendment to:

Special Permit: To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use in an RL-7 Zone (Article XVI, Section 4)

Variance: For relief from the maximum height dimensional requirement for a single-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)

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

Petitioner: Brandy N. Williams and Craig A. Thomas

Present Use: A privileged, non-conforming single-family detached dwelling and a detached garage, with associated site improvements

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

Petition Purpose: To amend the approved special permit and variances in order to modify the proposed renovations to expand the existing structure and garage, including an expanded second story and addition of a third story, and to conduct associated site work.

Craig Thomas, applicant, explained the reasoning for the proposed design changes and the change in relief being requested.

Mr. Rolle gave some background on the project and the changes from what was previously approved.

Mr. Wanat stated that conditions of approval have not changed; stated waivers that should be requested; Mr. Thomas requested the waivers.

No Board discussion.

**No public comment.**

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to close the hearing.

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 approve the request amendment to special permits and variances with staff-recommended conditions and waivers.**

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**13. 135 & 139 Gold Star Boulevard (MBL part of 13-021-10-01) (ZB-2021-054)**

Special Permit: To allow a bank/credit union with drive-thru (Article IV, Section 2, Table 4.1, Business Use #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, A, 2)

Petitioner: K&L Worcester LLC

Present Use: 2 buildings totaling +/- 65,000 SF, and an associated surface parking lot

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

Petition Purpose: To construct a +/-5,000 SF structure at the south end of the parcel, to be used as a bank with drive-thru, re-configure the parking area and to conduct associated site work

Patrick Healy on behalf of applicant described the proposed development.

Mr. Rolle gave additional details on the proposed landscaping; described staff comments with regard to circulation and plantings.

Mr. Wanat stated his thoughts on vehicular entrance and egress to and from the site.

Mr. Cortes agreed that proper signage is necessary.

Mr. Wanat stated that Mr. Haddon would not vote; Mr. Sabo took his place.

**No public comment.**

Mr. Wanat asked applicant whether they would like Gold Star curb cut to remain entrance only and have signage, or have it be an egress as well; Mr. Healy stated he was amendable to having it two-way.

Mr. Healy confirmed he was requesting two waivers suggested by staff.

Mr. Cortes asked about signage on the bank itself; rendering showed proposed sign.

On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to close the hearing.

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to approve the requested special permits with staff-recommended conditions, adding a condition that:**

**The northern curb cut is to be a two-way entry and egress.**

**Other Business**

**14. Communications**

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

**16. Approval of Minutes – 10/5/2020 & 10/19/2020**

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted 5-0 to approve the minutes.**

**Adjournment**

**On a motion by Mr. Karlstad, seconded by Mr. Berg Powers, the Board voted unanimously to adjourn at 8:30pm.**