

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
October 18, 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
John Kelly, Inspectional Services Division

Call to Order – 5:30 PM

Requests for Continuances, Extensions, Postponements, and Withdrawals

Item 2: 757 Salisbury Street

Request Leave to Withdraw without Prejudice

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to grant Leave to Withdraw without Prejudice (Haddon alternate).

Item 3: 43 Lancaster 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. Cortes, the Board voted 5-0 to postpone the hearing and extend constructive grant deadline (Sabo alternate).

Old Business – Public Hearings

1. 49 Chilmark Street (MBL 16-019-00002) (ZB-2021-033)

Special Permit: To allow a single-family attached dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)

Lots 2 & 3 Chilmark Street (Proposed):

Variations: For relief from the minimum lot area dimensional requirement for a single-family attached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

Lots 1, 2, and 3 Chilmark Street (Proposed):

Variations: For relief from the minimum setback dimensional requirement for an accessory structure

(wall) in an residential zone (Article IV, Section 8, B. 10)

Petitioner: Harry Avery

Present Use: A vacant lot.

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

Petition Purpose: To construct a single-family attached dwelling (with a total of 3 units), dividing the lot into 3, and to construct various walls, including a retaining wall in excess of six feet spanning the three properties, and to conduct associated site work.

Mr. Wanat gave a summary of the application.

Harry Avery, Foxboro, applicant, described how the proposal has changed based on staff comments.

Andy Baum, engineer, gave additional details on the redesign of the project, specifically with regard to the retaining walls.

Mr. Rolle described the staff comments as this project developed and stated the staff recommended conditions of approval, including stipulations on chain link fence, tree plantings, and final grading.

Andy Baum stated they were amenable to conditions, though chain link would be desirable in the side-yard

Mr. Rolle suggest they change condition to say no chain link fence in the front yard.

Mr. Baum confirmed waivers being requested.

Mr. Wanat stated that he felt redesign addressed the Board’s concerns from the last time this development was before them.

No public comment.

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to close the hearing (Haddon as alternate).

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to grant Leave to Withdraw without Prejudice for area variances, and to approve special permit and variance with staff-recommended condition, modifying condition 1a to strike “side yard”, and to grant waivers (Haddon as alternate).

4. 15 Waban Avenue (MBL 38-023-40-43) (ZB-2021-053)

Lot 1L Waban Avenue (Proposed):

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

Lot 1R Waban Avenue (Proposed):

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

Lot 2 Waban Avenue (Proposed):

Variance: For relief from the minimum lot area dimensional requirement for a two-family detached dwelling in a RL-7 Zone (Article IV, Section 4, Table 4.2)

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

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: Harry Avery

Present Use: A vacant lot

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

Petition Purpose: The applicant seeks to divide the existing lot, construct two duplex dwellings (with a total of 4 units), and conduct associated site work.

Mr. Wanat provided a summary of the application.

Zac Couture on behalf of the applicant describe the approval history of the development and the reasons for the relief being requested; previously variances were granted by the Board, and now further relief is needed, but the site plan is essentially the same as the last time.

Harry Avery, applicant, explained that additional relief is needed due to clerical error that left end of Waban Ave off the official map.

Mr. Rolle reiterated that proposal remains unchanged, but relief needed has changed.

Mr. Rolle described conditions of approval.

John Kelly, Building Commissioner, asked for clarification on types of structures being proposed.

Mr. Cortes asked for clarification on density of structures being proposed.

Applicant confirmed waivers being requested.

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to close the hearing (Sabo as alternate).

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to approve variances and special permit with staff-recommended conditions and to grant waivers (Sabo as alternate).

5. 29 Glennie Street (MBL 13-30C-00006) (ZB-2021-055)

Special Permit: To allow a retail use within a MG-2.0 zoning district (Article IV, Section 2, Table 4.1, Business Use #26)

Petitioner: 29 Glennie Street LLC

Present Use: Auto repair shop

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

Petition Purpose: The applicant seeks to convert the building for warehousing and distribution of building materials, with a retail sales component.

Brian Falk, Mirick O'Connell, on behalf of applicant; described property and proposed use; stated that special permit is required for the retail component and described how customers would interact with the site; stated that they were amendable to staff-recommended conditions of approval; formally requested waivers.

Mr. Rolle further described the application and need for special permit.

Mr. Wanat expressed his concern about the three parking spaces at the northeast corner of the property; Mr. Rolle explained that staff has discussed them with the applicant and decided not to require their removal.

Mr. Kelly stated that Inspectional Services was not concerned with the parking spaces.

Mr. Karlstad asked about roofing; applicant clarified.

Mr. Wanat stated that Mr. Haddon would serve as alternate on this vote.

No public comment.

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to close the hearing (Haddon alternate).

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to approve the special permit with staff-recommended conditions and waivers (Haddon alternate).

6. 23 Pullman Street (MBL 23-01A-00002) (ZB-2021-056)

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: MG Pullman Realty LLC

Present Use: Presently on the premises is a multi-tenant commercial building with associated surface parking

Zone Designation: MG-0.5 (Manufacturing, General) zoning district

Petition Purpose: The applicant seeks to construct a retaining wall and expand the paved parking area.

Mr. Wanat summarized the application.

Brian Falk, Mirick O’Connell, on behalf of applicant; described the purpose of the requested special permit; stated that area served by reduced aisle width would be gated and not accessible to the public; stated that they are amenable to conditions; formally requested waivers.

Mr. Rolle described approval history of this development and the changes applicant is proposing.

Mr. Wanat stated that he is in support.

No public comment.

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to close the hearing (Sabo alternate).

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to approve the special permit with staff-recommended conditions and waivers (Sabo alternate).

7. 97 Natural History Drive (MBL 46-015-00081) (ZB-2021-057)

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

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)

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

Petitioner: Andrew Morgan

Present Use: Presently on the premises is a single-family detached dwelling

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

Petition Purpose: The applicant seeks convert the structure to a two-family dwelling and to install a staircase, expand the driveway and reconstruct a retaining wall.

Mr. Wanat summarized the application.

Kevin Quinn, engineer on behalf of applicant, described difficult site conditions and existing retaining wall, described proposed staircase and wall to be rebuilt; described reason for relief being requested; stated that this would improve the site; described limitations posed by soils and topography; described hardship necessitating variances.

Mr. Kelly suggested that a site visit with Inspectional Services would be necessary and suggested a continuance so that a site visit could take place.

Mr. Rolle summarized staff review comments and suggested conditions of approval.

Mr. Wanat expressed that site is unusual; agreed that construction needs to be managed; asked for clarification about work within right-of-way; Mr. Rolle clarified that applicant has filed for Chapter 12 Section 12 approval.

Mr. Cortes agreed that this is a difficult site; stated he supported Mr. Kelly's suggestion for a continuance so that ISD can have a better look at the site.

Mr. Berg Powers expressed his confusion about legality of approving work within the right-of-way; Mr. Wanat stated he shared Mr. Berg Power's concerned but stated that this is a substantial improvement and it is not a further encroachment into the right-of-way; Mr. Berg Powers suggested that it be recorded that the Board discussed the encroachment.

Mr. Quinn stated that plan has been thoroughly vetted by his office and it is not possibly to remedy encroachment; Mr. Wanat agreed.

Mr. Karlstad stated that he was okay with approval going forward this evening without a continuance; Mr. Wanat agreed.

Public Comment

Francisco Gill of Wauwinet Road stated that he was an abutter and was given a notification to attend; Mr. Cary clarified where Mr. Gill lived in relation to the development.

Mr. Kelly stated that it was up to the Board whether to proceed with or without the continuance.

Mr. Wanat asked the applicant how they would like to proceed; Mr. Quinn stated that for financial reasons the applicant would like to proceed with a vote this evening.

Mr. Haddon asked if they could approve this subject to applicant meeting with Mr. Kelly; Mr. Wanat confirmed that they could.

Mr. Cortes asked what would happen if something is discovered that requires a change to the plan; Mr. Wanat stated that would be part of the condition.

Mr. Kelly clarified about purview of building permit.

Mr. Rolle stated that a substantial deviation would require an amendment to the special permit.

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to close to hearing (Haddon alternate).

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to approve the variance and special permits with staff-recommended conditions of approval, adding condition 5 that applicant will meet on-site with a representative of the Inspectional Services Division to review plans as approved at meeting, and to grant waivers (Haddon alternate).

Other Business

8. Communications

9. Discussion of Board Policies and Procedures

10. Approval of Minutes – 10/5/2020, 10/19/2020, 11/9/2020, 11/30/2020, 3/15/2021, 4/5/2021, 4/26/2021, 5/17/2021, 6/7/2021, 7/19/2021, 8/9/2021, 8/11/2021, 9/20/2021

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted 5-0 to approve the minutes (Sabo alternate).

Adjournment

On a motion by Mr. Karlstad, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 6:59pm.