



**MINUTES OF THE PROCEEDINGS OF THE  
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER  
April 11, 2022**

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: 160 884 7670).

Zoning Board Members Present: Russell Karlstad, Chair  
Jordan Berg Powers, Vice Chair – *Participated Remotely*  
George Cortes  
Nathan Sabo – *Participated Remotely*  
Eric Torkornoo  
Anthony Dell’Aera – *Participated Remotely*

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services  
Rose Russell, Division of Planning & Regulatory Services  
John Kelly, Building Inspector

**Call to Order –**

Chair Karlstad called the meeting to order at 5:35 PM.

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

**Item 7: 21 Ascension Street (SP)**

Request to Postpone to May 2<sup>th</sup>, 2022  
Extend the Constructive Grant Deadline to May 24<sup>nd</sup>, 2022

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to postpone.**

**New Business:**

1. **525 Grafton Street (MBL 18-012-22+23) (ZB-2021-039)**  
**Special Permit:** To allow the extension, alteration, or change to a privileged pre-existing, non-conforming structure/use (Article XVI, Section 4)  
Petitioner: KLA Holdings, LLC  
Present Use: Privileged nonconforming two-family structure slated for demolition.  
Zone: BL-1.0 (Business, Limited) zoning district  
Designation:  
Petition Purpose: To demolish the existing structure and construct a new two-family detached dwelling

Donald O’Neil, an attorney spoke on behalf of the applicant, KLA Holdings, LLC. Mr. O’Neil described the existing two-family home, which has not been maintained. The applicant plans to replace the existing home with two

single-family semi-detached structures. The front portion of the lot is located in the BL-1.0 (Business, Limited) zoning district and the rear portion is located in the RG-5.0 (Residential, general) zoning district. In the rear portion, all of the setbacks and frontage requirements are in compliance with the zoning ordinance. Mr. O'Neil stated that the applicant is applicable to the conditions in the staff memo, and specifically mentioned the addition of more windows on the Grafton-facing side of the structure.

Mr. Rolle explained the reason this proposal is before the board because half of the parcel is within the CCOD zoning district which is intended to foster more intensive level of development. He noted that this parcel is on the outskirts of the CCOD zone and is surrounded by a residential area with many two-family dwellings similar to this proposal. He also noted that the special permit will only apply to the unit on Lot 1, the lot within the CCOD. Mr. Rolle reiterated the staff comment to widen the driveway to allow access to the second dwelling if there's vehicles parked in the driveway, which the applicant is amenable to.

Board Discussion

Mr. Cortes asked for clarification on how the light pole will be handled in this plan.

Mr. O'Neil described the location of the light pole, and that will not interfere with the curb cuts or driveway.

*No public comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to close the hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to grant the Special Permit with staff recommendations of approval, and requested waivers for 525 Grafton Street.**

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Item taken out of order:

- 3. 9 Dalton Street (MBL 34-019-00002) (ZB-2022-006)**
- Special Permit:** To allow single-family attached dwellings in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #12)
- Petitioner:** DiVerdi Builders, Inc.
- Present Use:** Existing mobile home and associated site improvements
- Zone Designation:** RL-7 (Residential, Limited) and BL-1.0 (Business, Limited) zoning districts
- Petition Purpose:** The applicant seeks to construct a single-family attached (townhouse style) dwelling with a total of 4 units with associated site improvements.

Carl Hultgren from Quinn Engineering spoke on behalf of the applicant DiVerdi Builders, Inc. Mr. Hultgren explained the request for a special permit to construct four single-family attached dwellings on 9 Dalton Street. Mr. Hultgren explained that the property allows for a maximum of four units due to frontage requirements. He explained that each of the four dwelling units will have a two-car garage with one entrance off of Dalton Street, and two designated guest parking spaces. Mr. Hultgren also noted that there are other townhouse style dwelling in the area, noting the similarities in the abutting property at 247-275 Sunderland Road.

Mr. Rolle explained this application is before the Zoning Board because a single-family attached dwelling (townhouse) is only allowed by special permit. Mr. Rolle also inquired about the lighting in the parking lot, if additional lighting would be necessary, and detailed the staff recommendations of approval.

Mr. Hultgren responded saying that the applicant is amenable to all staff conditions, and that there is no proposed lighting in the parking lot, in typical residential style.

Board Discussion

Mr. Cortes asked how the trash storage/pick-up is designed in this proposal. Mr. Hultgren explained each resident will have their own trash bin that has to be brought to the curb for pick-up.

Mr. Torkornoo asked Mr. Hultgren if this is exactly how the trash-pickup will work, or if this is just an idea of how it will work. Mr. Hultgren responded, noting that since the special permit had not yet been granted, the applicant has not contracted a trash service yet, but it's anticipated to work as described.

Mr. Karlstad noted the multiple abutter concerns, and suggested the applicant should improve on the façade/architectural design to make the proposal more appealing. He stated in his opinion, the structure is simply too big for the lot and the city of Worcester deserves better.

Public Comment

Jim Scannell, an abutter asked to comment. Mr. Scannell reiterated Mr. Karlstad's concerns, and stated that the façade of this development is unappealing and with the growth of the city, new developments should be improving the neighborhoods. Mr. Scannell spoke to the architectural character of Dalton Street, and cited the bungalow, colonial and farmhouse style homes on the street. He also described the residents of Dalton Street, many homeowners who have lived there for a long time who don't wish to have renters on the street.

Board Discussion

Mr. Cortes shared his feelings to the applicant that a proposal more consistent with the neighborhood character may be more amenable to the board and to the abutters.

Mr. Karlstad stated that the board has to consider the multitude of abutter comments and recommended the applicant continue the public hearing due to many Board members stated disapproval of the proposal.

*Inspectional Services had no comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to continue the public hearing to the next Zoning Board of Appeals meeting on May 2, 2022.**

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<b>2.</b>	<b>77 Seymour Street (MBL 05-035-00009) (ZB-2022-003)</b>
<b>Special Permit:</b>	To allow the extension, alteration, or change to a privileged pre-existing, non-conforming structure/use (Article XVI, Section 4)
<b>Special Permit:</b>	To allow a lodging house in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)
<b>Variance:</b>	For relief from the minimum parking requirements for a residential use (Article IV, Section 7, Table 4.4.)
Petitioner:	Maria Cuadro
Present Use:	Non-conforming three-family detached dwelling
Zone	RG-5 (Residential, General) zoning district
Designation:	

Petition Purpose: The applicant seeks to renovate and convert the existing structure into a lodging house (with +/-17 beds) and conduct related site work.

Maria Cuadro described her application to the Zoning Board for a variance for parking relief and a special permit to allow a lodging house in an RG-5 Zone, and to alter a privileged, pre-existing, non-conforming structure.

Mr. Rolle stated that there is no exterior expansion in the proposal, but the applicant intends to reconfigure the interior to allow for 17 lodging rooms, and reconfigure the parking lot to provide five off-street parking spaces. Mr. Rolle noted that the proposed parking area is very tight and the applicant may want to consider the addition of a ballard to protect from vehicle strikes. He also described the staff recommendations, including: a solid fence in the rear to prevent headlight shining into the neighboring lot; no additional areas be paved for parking; snow storage will not be located in any of the parking spaces; and that the special permit shall be carried with the current owner.

Mr. Rolle states a by-right alternative that if the applicant only applied for a special permit for a 12-room lodging house that a variance for parking would not be necessary. He also noted a lodging house anywhere in the city requires a special permit.

#### Board Discussion

Mr. Karlstad asked the applicant how many bedrooms are currently in the home. Ms. Cuadro responded that there are currently 12 bedrooms, and the architect has designed to put three more in the basement with sprinkler systems included. Mr. Rolle stated that all the code requirements have to be met after the special permit is granted and prior to the application going before the License Commission.

Mr. Karlstad asked the applicant if she would be owner-occupying the lodging house. Ms. Cuadro said she would be living there not too often because she will normally have a live-in manager/administrator, but she may live there next year. Ms. Cuadro also said she has multiple cameras in the house and stated she manages the house.

Mr. Torkornoo asked if the applicant lives in the city, and whether or not she will be living at 77 Seymour Street. Ms. Cuadro confirmed she does live in the city, and that she will be living in the house at 77 Seymour Street.

Mr. Dell'Aera asked what the grading of the site is. Mr. Rolle stated that Seymour Street is fairly steeply sloped, but there isn't a significant amount of grade between the front and back of the property. He also noted that the driveway is already paved. Mr. Dell'Aera asked if water coming into the basement is ever an issue. Ms. Cuadro stated that the house is always dry and she has a system in place in case water does flood into the basement.

Mr. Cortes asked a question to code inspection, if a lodging house must meet ADA requirements in the same way a hotel would. Mr. Kelly stated that it may be required, and that determining accessibility will be part of the next steps after approval by the Zoning Board.

Mr. Berg Powers asked where the applicant is in the process of permitting, and the renovations being done. Ms. Cuadro stated she already has four bedrooms on each floor and she intends to add one more room on each floor. Mr. Rolle explained that the zoning board is the first step in the process.

#### Public Comment

Izabela Zapisek, an abutter asked to comment. She stated she owner-occupies a building on Vernon Street, and since there is no street parking on Vernon Street, her tenants and herself to rely on Seymour Street for overflow parking. She expressed her concerns about the parking situation being difficult already on the steep slope of Seymour Street especially during the winter months. Ms. Zapisek noted that many properties on Seymour Street

don't have driveways and rely fully on off-street parking, and expressed as an abutter, she is opposed to increased density on Seymour Street.

Ms. Cuadro responded that she understands the difficulty of parking on Seymour Street, but her property has a lot more available off-street parking than other properties. She also stated that many of her temporary residents don't have cars and she has experience renting out this property.

Ms. Zapisek responded that unless the applicant is willing to write into her application that some tenants may not be allowed vehicles, that she don't accept that. She also spoke to the difficulty of maneuvering in and out of the tight parking spaces, and some tenants may choose to park on the street because it's easier.

Mr. Karlstad references a previous application that the Zoning Board had approved with a large amount of parking relief due to the walkability of the neighborhood. Mr. Rolle noted that while Seymour Street is accessible by public transit and is fairly walkable, it isn't nearly as accessible for pedestrians as the project referenced by Mr. Karlstad.

#### Public Comment:

Kathryn Ferrazzi, an abutter, asked to comment. She stated she owns a multi-family property on Seymour Street and she reiterated the concerns about parking and simply about a lodging house and the proposed 17 tenants. Ms. Ferrazzi stated she feels as though this is not the direction she wants her neighborhood to go in.

Mike Ferrazzi, the husband of Kathryn Ferrazzi also asked to comment. He stated his biggest concern was the amount of people living in one house and potential crime it would bring, and stated his vehement opposition to the proposal.

#### Public Comment:

Joanne Slick, an abutter, asked to comment. She stated that she is a long-term resident of Seymour Street and feels a major reason the neighbor is declining is due to the lack of owner-occupied rental properties. Ms. Slick stated her main concern was whether or not the owner would be living in the property. She also commented on the increased police presence on Seymour Street, along with finding needles and open drinking that occurs in the neighborhood. Ms. Slick also commented on the difficult parking situation.

Ms. Cuadro responded that she will be living in the home, and may potentially bring in a manager as well to help her control the house.

#### Board Discussion

Mr. Cortes asked if it was possible to put fewer rooms in the basement to allow for room for laundry services for the tenants. Ms. Cuadro responded that she already had laundry services outlined in the plan and there is plenty of room for the laundry and for the same amount of rooms.

Mr. Cortes suggested the applicant simply reduce the number of rooms to appease the abutters concerns.

Ms. Cuadro responded that she would be amenable to reducing the number of rooms from four to three on the first floor and make her own apartment larger.

#### Inspectional Services Comments:

Mr. Kelly stated that if approved, all rooms would have to go to meet fire and building code.

Board Discussion

Mr. Karlstad said he would like to see an architectural plan of the existing conditions as well as the proposed plan. He suggested the applicant continue the discussion to the next meeting, consider the board/abutter concerns and supply the board with further materials.

Mr. Rolle asked the board to clarify the exact issues they would like the applicant to address before the next meeting. Mr. Karlstad stated the Zoning Board isn't against a high density use but he wants it to be done correctly and for more information on the effect of increased traffic on Seymour Street.

Mr. Torkornoo stated from his knowledge of the neighborhood around Seymour Street, he is against rooming houses. He fears this may set a precedent to allow more rooming houses, and he doesn't think this is the direction the neighborhood should go.

Mr. Karlstad reiterated that he felt the board needs more information before they can vote on the proposal and the applicant was amenable to continuing to the next board meeting.

**On a motion by Mr. Cortes, seconded by Mr. Berg Powers, the Board voted 4-1 (Mr. Torkornoo; opposed) to continue the public hearing to the next Zoning Board of Appeals meeting on May 2, 2022.**

- 4. Country Club Acres (f/k/a Paradise Point) & 190 Mountain Street East (MBL 36-048-00002 & CO-NDO-02075) (ZB-2022-018)**
- Administrative Appeal:** Of a determination issued by the Deputy Building Commissioner finding there to be no zoning violations to enforce and declining to issue a cease and desist order to prohibit additional construction activity at the property.
- Petitioner:** Country Club Acres Trust
- Present Use:** A partially constructed Continuing Care Retirement Community (CCRC) condominium complex.
- Zone Designation:** RS-7 (Residential, Single-Family) zoning district and is within the Water Resources Protection Overlay District (WR(GP-3) & WR(GP-2)).
- Petition Purpose:** The applicant seeks to appeal the Deputy Building Commissioner's determination which asserted there has been no zoning violation to enforce and declined to issue a cease-and-desist order to prohibit additional construction activity at the property.

Thomas Moriarty, representing the Country Club Acres Trust called into the meeting. He described the Country Club Acres Trust as the unit owners of the Country Club Acres Condominium which is a 55+ Continuing Care and Retirement residential community. Mr. Moriarty stated the case of an administrative appeal of the building inspector's denial of an enforcement request, and the Trust is requesting the Zoning Board reverse the decision of the building inspector and issue a cease and desist to prevent the declarant of the condominium, Worcester Acres LLC from exercising any rights under its June 2002 Special Permit (Amended in 2019).

Mr. Moriarty stated clearly that he is only asking the Zoning Board to issue a cease and desist until the land court determines if the master deed includes the entire project as common area sand facilities as required by the conditions in the special permit grant.

Mr. Rolle stated the City did not have any comments at this time, and was interested in hearing the oral arguments by the applicant and comments from Inspectional Services.

Inspectional Services Comments:

Commissioner John Kelly said he had no comments at the time, and would need to discuss with the law department before commenting.

Board Discussion

Mr. Berg Powers stated he felt the best course of action is to continue this item to further understand the zoning violation that the City is being asked to enforce. To fully understand the legal nature of this item, Mr. Berg Powers stated his wish to continue the discussion.

Mr. Cortes stated this issue is beyond the scope of the powers of the Zoning Board of Appeals and he would vote to not get involved in this issue.

Ryan Forgione on behalf of the developer for Country Club Acres tried to further explain to the Board that there is no zoning violation to enforce, and they are in a private dispute.

Board Discussion:

Mr. Karlstad agreed with Mr. Cortes, and stated issuing a cease and desist in this case is beyond the scope of the Zoning Board.

Mr. Berg Powers stated that since the developers are not planning on building and have stopped since February 2021, issuing a cease and desist isn't really necessary but if they decided to build, the Zoning Board should issue one.

Mr. Karlstad suggested a moratorium on building rather than a cease and desist until the land case is settled.

Mr. Rolle also suggested the board may also vote to overturn the decision or ask for further research to be completed prior to voting on the item.

*No public comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 3-2 (Mr. Berg Powers; Mr. Dell'Aera; opposed) to close the hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 3-2 (Mr. Berg Powers; Mr. Dell'Aera; opposed) to continue the public hearing to the May 2, 2022 meeting of the Zoning Board to get legal counsel before voting on the administrative appeal.**

<b>5.</b>	<b>110 Orient Street (MBL 19-015-0003B) (ZB-2022-019)</b>
<b>Variance:</b>	For relief from the side-yard setback dimensional requirement for a single-family dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)
<b>Amendment to Variance:</b>	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)
<b>Special Permit:</b>	To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)
Petitioner:	Craig Thomas & Brandy Thomas
Present Use:	Presently on the premises is a privileged, non-conforming single-family detached dwelling and a detached garage, with associated site improvements.

Zone RL-7 (Residential, Limited) zoning district

Designation:

Petition Purpose: The applicant seeks to amend the approved special permit and variance in order to modify the proposed renovations to expand the existing structure, including attaching the garage, expanding the

Craig Thomas, owner and applicant of 110 Orient Street came before the board to describe his application. He described the ongoing renovations of the primary structure, and clarified the application only pertains to the garage. Mr. Thomas described the proposal to partially demolish the existing garage and construct an attached garage to the primary structure.

Mr. Rolle described the prior approved application by Mr. Thomas for relief for the garage setback, and how this application allows for a larger landscape buffer and less necessary relief. He also noted that a green roof was no longer proposed and to strike that from the conditions on approval.

*No board discussion*

*No public comment*

*Inspectional Services had no comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to close the hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to approve, striking “green-roof (including plantings)” from the conditions of approval clause 1C, and adding “as applicable” at the end of the sentence.**

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**6. 1454 Grafton Street (MBL 34-036-0004A) (ZB-2022-020)**

**Special Permit:** To allow animal hospital, clinic, or pet shop in an BL-1.0 zone (Article IV, Section 2, Table 4.1, Business Use #2)

Petitioner: Kirstie Viens

Present Use: Presently on the premises is a partially-vacant commercial structure and associated parking.

Zone RL-1.0 (Business, Limited)

Designation:

Petition Purpose: The applicant seeks to operate a dog-training business on a portion of the premises.

Joe Boynton, an attorney for the applicant Kirstie Viens came to speak before the board. He described the nature of Ms. Viens’ business. Ms. Viens proposes a dog training business at 1454 Grafton Street, where the training is typically done at a nearby park, and dogs are never boarded overnight.

Mr. Rolle explained that no exterior changes are proposed, that an interior fitting is the only proposed change. He mentioned planning staff concerns about dogs running out onto busy Grafton Street, and the immediate removal of any dog waste.

Mr. Boynton stated that the dogs will always be on a leash and that Ms. Viens does have a dog gate to prevent any dogs from potentially getting out of the building.



Board Discussion

Mr. Cortes expressed concerns about removal of dog waste and how it’s planned to be done. Ms. Viens described that she used dog waste baggies and has a specific container to put the bags in before they get transferred to the dumpster. She also noted she will throw the bags in the trash at when she is training the dogs at the park or if trash cans are unavailable she will transport it home and throw it away accordingly.

*No public comment*

*Inspectional Services had no comment*

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to close the hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to approve the special permit.**

**8. 112, 114, 116, 120 & 120 ½ Houghton Street & 1 Nuttall Lane (aka Blaire House) (MBL 35-006, -00085, -00086, -00094, 35-007-87-92, -00019) (ZB-2022-00023)**

**Extension of time:** To allow a Nursing Home (General Use # 12, Table 4.1) in a RG-5 (Residence, General) zoning district)

**Special Permit:**

Petitioner: Houghton Street Holdings, LLC

Present Use: On the premises at 112, 114, 120 and 120 ½ Houghton Street are single-family detached dwellings and at 116 Houghton Street is an existing nursing home with associated site improvements, and at 1 Nuttall Lane is an existing three-family dwelling.

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

Petition Purpose: The applicant seeks to extend the previously granted approval for demolition of most of the existing site improvements (including the residential dwellings, nursing home and related parking) and construction of a new 87-bed nursing home (+/- 17,350 SF) with 38 parking spaces, along with associated site work.

Donald J. O’Neil, an attorney representing Houghton Street Holdings, LLC came before the board to explain the application. Mr. O’Neil described the supply chain issues and delays that resulted from Covid-19, and especially how hard nursing homes were hit by the pandemic. Mr. O’Neil described that delays from Covid-19 and with state oversight of nursing homes, the applicant is requesting an extension of time to complete the work approved in the previous special permit.

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the board voted 5-0 to close the public hearing.**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the board voted 5-0 to approve the request to amend the special permit to grant a 1-year extension retaining all original findings and facts of the original approval.**

**Other Business:**

**9. Scrivener’s Error Decision Correction for a Special Permit and Variance for 49 Chilmark Street (ZB-2021-033)**

**On a motion by Mr. Cortes, seconded by Mr. Berg Powers, the board voted 4-0 (Mr. Torkornoo; Mr. Dell'Aera; abstained) to correct the Scrivener's Error for a Special Permit and Variance for 49 Chilmark Street.**

**10. Communications**

a. Letter regarding 15 Waban Avenue; from Donna Flood and John Swiatlowski, dated March 16, 2022  
Mr. Karlstad read the letter regarding 15 Waban Avenue into the record, no further discussion was had.

**11. Approval of Minutes – 1/31/2022; 2/7/2022; 3/24/2022**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the minutes from Zoning Board of Appeals meetings on 1/31/22; 2/7/22; 3/24/22 were approved 4-0 (Mr. Dell'Aera abstained)**

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

Mr. Cortes inquired if there was any training available for board members since there is a new member joining the Zoning Board soon, and a lot of newer members currently. Mr. Rolle stated he would look into it, and there had been some training pre-covid-19 that was available through Citizen Planner Training Collaborative.

**Adjournment**

**On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted unanimously to adjourn at 8:03 PM.**