



The City of
WORCESTER

Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
George Cortes
Anthony Dell'Aera
Eric Torkornoo
Nathan Sabo, Alternate
Shannon Campaniello, Alternate

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
January 5, 2023**

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
George Cortes
Shannon Campaniello
Nathan Sabo
Eric Torkornoo - *Participated Remotely*
Anthony Dell'Aera- *Participated Remotely*

Zoning Board Members Absent: Jordan Berg Powers

Staff Participating: Michelle Smith, Division of Planning & Regulatory Services
Rose Russell, Division of Planning & Regulatory Services
Paul Dell'Aquila, Division of Planning & Regulatory Services
John Kelly, Building Commissioner - *Participated Remotely*

Call to Order:

Mr. Karlstad called the meeting to order at 7:30PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Item 3: 119 May Street (ZB-2022-066) Special Permits
Request to Postpone the Public Meeting to January 23, 2023
Extend the Constructive Grant Deadline to February 14, 2023

On a motion made by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 to postpone the applications (Mr. Sabo voting).

New Business – Public Hearings

Mr. Karlstad moved item 5 on the agenda to be heard first.

5. 300 Coburn Avenue (41-016-27+28) (ZB-2022-094)

Variance: For relief from the minimum front-yard dimensional requirement in a BL-1.0 zone (Article IV, Section 4, Table 4.2)

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

Petitioner: Alex Abdow

Present Use: Presently on the premises is a vacant lot.

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

Petition Purpose: The applicant seeks to construct a single-family dwelling and to conduct associated site improvements.

Public Hearing Deadline: 1/13/2023 **Constructive Grant Deadline:** 2/17/2023

Alex Abdow, owner, and petitioner, described his petition before the Zoning Board.

Mr. Dell'Aquila gave a description of the application.

Mr. Cortes asked if the applicant understood staff recommendations of approval; Mr. Abdow stated he did.

Mr. Karlstad asked if the applicant requested the waivers in the staff memo; Mr. Abdow requested the waivers.

Public Comments

Charles Moehring, (280 Coburn) stated he was approached by the applicant and that he has no objections to the proposal.

Constance Plante Cypos (25 Palisades Street) stated her objections to the proposal. She stated the dwelling is triple the lot area that would be required. She stated this will negatively impact the existing residents' safety; she asked a question about the location of the entrance; asked for clarification on what is "grandfathered" as described in the application and that this property is not consistent with the rendering as proposed.

Mr. Karlstad stated that a variance for lot area is not required here and doesn't see an issue with safety with such a low-density dwelling. Board could condition that the house will remain a single-family.

Ms. Smith described the lot area exemption in the City Ordinance and State law and stated that the Law Department has confirmed that this property qualifies for the exemption on lot size.

Christine Charette (29 Palisades) stated she agrees that this proposal is too large for the lot and is concerned about this project and impact on Touraine Street; Mr. Karlstad responded.

Board Discussion

Mr. Cortes asked for the applicant to speak about the applicant downsizing; Mr. Abdow stated he lives on 475 Lake Avenue currently and his kids are grown. His current house is 3100 SF. Mr. Abdow stated he intends to improve Touraine Street with his development and choose to front his property for increased safety on Touraine instead of Coburn. He clarified that there will be no in-law apartment and would like to have positive neighbor relations and improve the neighborhood character.

Mr. Cortes asked how the applicant would change the address from Coburn to Touraine Street; Ms. Smith described process is currently through DPW.

Mr. Karlstad described the full plans that will need to be prepared for the building permit; he stated he would like to add a condition to remain a single family. Mr. Kelly stated only a building permit would be granted for a single-family home and would not be permitted to build a two-family or any other type of dwelling.

Mr. Torkornoo asked about changing the address to Touraine Street; Mr. Kelly stated that is a function of DPW. Ms. Smith stated this could be a potential condition of approval; Mr. Karlstad stated he doesn't think it's necessary.

Public Comment

Elizabeth Plante (previously of 29 Palisades) stated that previously other residents were denied for a house number in this section of Touraine Street and stated her concern about the condition of the road. Ms. Smith stated any house abutting Touraine Street are responsible for maintenance of the private way.

Charles Moehringer (280 Coburn Avenue) asked for explanation on the "grandfathering" of the lot; Ms. Smith explained. Mr. Moehringer described the poor condition of Touraine Street.

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

On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 (Sabo as Alternate) to approve the requested relief with an added conditions of approval for "100% of roof runoff be held by subsurface containment" and "provided the dwelling be maintained a single-family dwelling".

1. 111 Austin Street (MBL 03-016-00022) (ZB-2022-033)

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: Daniel Yarnie

Present Use: Presently on the premises is a vacant lot.

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

Petition Purpose: The applicant seeks to construct a multi-family low-rise dwelling (total of ±11 units) and to conduct associated site improvements.

Public Hearing Deadline: 2/16/2023 **Constructive Grant Deadline:** NA

John Grenier gave overview of the project for a low-rise multifamily building with 12 garage and 8 surface parking spaces, which is a 2-space reduction from underlying requirement. Project has already received Historical Commission approval as it is in the Crown Hill district.

Mr. Karlstad asked about snow storage, which will be at rear of property near dumpster per Mr. Grenier.

Mr. Karlstad asked about runoff; Mr. Grenier described treatment in subsurface chambers and are vacuumed out as needed. Project is sized for 100-year storm event.

Ms. Russell shared the staff report and outlined requested relief. Project will need Planning Board approval. Ms. Russell asked the applicant to describe the layout of floor plans. Mr. Grenier outlined the breakdown: four units on 1st and 2nd floors, and three units on 3rd floor due to mechanical equipment and roof lines.

Mr. Grenier noted he is fine with proposed conditions and waivers.

Board Comments

Mr. Cortes asked about the number of total bedrooms. Mr. Grenier noted plans have 3 BR per unit in the first floor Bedrooms. Mr. Cortes asked how will parking be managed/assigned? Mr. Grenier wasn't sure but assumed

the interior spaces would be assigned. Ms. Smith suggests noting parking management plan could be a condition of approval.

Mr. Torkornoo asked if units would be for sale or rental. Mr. Grenier confirmed the units would be rentals.

No public comment.

On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 (Ms. Campaniello as Alternate) to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 (Ms. Campaniello as Alternate) to approve the requested relief and requested waivers; and adding a condition for a parking management plan to be submitted as part of the building permit application process.

2. 1 & 7 Brattle Street (MBL 49-010-00003; 0004A) (ZB-2022-062)

1 Brattle Street

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 off-street parking requirements (Article IV, Section 7, Table 4.4)

7 Brattle Street

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: Konstantinos and Fotini Angelis

Present Use: Presently on the premises at 1 Brattle Street is a three-story, mixed use structure with the Brattle Market operating on the first floor and four dwelling units on the upper floors and associated surface parking (±15 spaces).

Zone Designation: The property at 1 Brattle Street is located within the BL-1.0 (Business, Limited) zoning district while the property at 7 Brattle Street is split zoned, located in both a BL-1.0 and RL-7 (Residence, Limited) zoning district.

Petition Purpose: The applicant seeks to demolish the structure on 1 Brattle Street, construct a new two-story, mixed-use structure with ±6,330SF of retail/food-service use on the first floor, 4 dwelling units on the second floor, and ±28 surface parking spaces and to conduct associated site work.

Public Hearing Deadline: 1/5/2023 **Constructive Grant Deadline:** 1/24/2023

Ms. Campaniello recused herself from the hearing.

Attorney Don O’Neil, on behalf of the owners, briefly described the project. Mr. O’Neil described the existing site layout and the proposed changes to access and site circulation, and stated there are 15 spaces behind the current building that get no use.

Mr. O’Neil noted that there was a zoning change for the property approved by the City Council. He described the property at 7 Brattle Street, owned by the applicant’s daughter and a 10’ easement strip is proposed to be retained for delivery access. He described the improvements proposed; 28 parking spaces; landscape buffers and preventing cut-through traffic.

Mr. O’Neil described the relief requested; one parking space encroaches 1-2’ into the 5’ landscape buffer; the rear driveway straddles the property line and there is no buffer. A landscaping buffer would be provided, but

just not on property line. He stated as a convenience store, people are in and out within a short period of time and the business has been successfully operating with 8 spaces for years and this will address any parking concerns. He stated there will be four 2-bedroom apartments will be located above the commercial space. He stated the proposal is scheduled to be heard Planning Board for Definitive Site Plan approval next week.

Carl Hultgren from Quinn Engineering spoke about drainage, mitigation and described the project design. He stated there will be deep sump catch basins, which is discharged to subsurface units and underground retention area, which then gets discharged to Holden Street since Brattle was recently paved. He stated there is an O&M plan that must be approved by the Conservation Commission.

Board Discussion

Mr. Karlstad asked about the proposed fencing at the retaining wall and asked if there was residentially appropriate solid vinyl or stockade fencing available; Mr. Hultgren stated they would use residentially appropriate fencing.

Ms. Smith asked the applicant to confirm that there would be no outdoor dining and that there would be a temporary lease for the railroad ROW lease during construction which would be ceased after construction. Ms. Smith noted staff-suggested conditions waivers; Mr. O'Neil confirmed.

Mr. Karlstad asked about current parking; Mr. O'Neil described.

Mr. Karlstad asked about site lighting; Mr. Hultgren noted photometric plan submitted to Planning Board; Ms. Smith noted that dark sky compliance is a standard Planning Board condition.

Mr. Kelly asked about whether permits are needed from MassDOT due to proximity of foundations next to rail ROW. Ms. Smith noted that this is usually addressed in Site Plan and there is a process with DOT. Mr. O'Neil noted that the new building will be further back than the existing structure.

Mr. Cortes asked how parking spaces will be divided for residents, employees and customers. Mr. O'Neil noted that parking will be designated for tenants. Mr. Cortes suggested that residents-only signage is needed. Mr. Karlstad suggested that a parking plan be submitted for resident and employee parking.

Public Comment

Michael Malley, 24 Florida Ave., said the new plan is great and will enhance neighborhood safety.

Mr. Karlstad asked about the number of bedrooms per unit and Mr. O'Neil answered.

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

On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 (Mr. Sabo as Alternate) to approve the requested relief and waivers, with the additional conditions for: a parking plan designating 8 spaces as resident-only shall be provided as part of the building permit process; a solid fence of stockade or vinyl style shall be provided; a maximum of two bedrooms is allowed per apartment.

4.	1059 Grafton Street (MBL 38-035-00002) (ZB-2022-68)		
Special Permit:	To allow a motor vehicle service, repair, garage, display use (Article IV, Section 2, Table 4.2, Business Use #16) in a BL-1.0 zone		
Petitioner:	Michael Pizzarella, Trustee of Pizzarella Irrevocable Trust 2019		
Present Use:	Presently on the premises is a vacant lot.		
Zone Designation:	The property is split zoned BL-1.0 (Business, Limited) and RL-7 (Residence, Limited) zoning district.		
Petition Purpose:	The applicant seeks relief to construct and operate a car wash facility on the BL-1.0 portion of the parcel.		
Public Hearing Deadline:	2/18/2023	Constructive Grant Deadline:	N/A

Attorney Don O'Neil representing the owners introduced Steve Lukin, Principal, of 1059 Grafton Street LLC, Steve Cabral from Crossman Engineering, and Jason Rice from CBRE.

Mr. O'Neil described the project, stating, the parcel was carved off from the AP Fish parcel; the rear of the property is zoned residential with wetlands; the project will need Conservation Commission review and Planning Board Definitive Site Plan approval; this will be strictly a car wash with no other auto uses. Mr. O'Neil addressed possible queuing on Grafton Street and noted there will be space for 27 cars, which is more than they anticipate on the site at any given time.

Mr. Cabral described the design on the 4.4-acre site, with the business portion (1.1 acres) in front and the rear of the property will be undeveloped and provide a natural buffer of 300 ft; there will be an infiltration pond with screening on the rear residential portion. He also described the circulation for users of the car wash and noted that there is ample room for queuing before pay stations; the building has a 120 ft tunnel and about 4000 sf of area; all stormwater runoff will be collected into water quality receptors and discharged into basin in the rear, which will meet City & DEP and water quality standards.

Mr. Cabral described landscaping and they will add evergreen screen at rear. A snow storage area will take place in strip between rear of site and infiltration basin. He discussed lighting and traffic analysis based on ITE standards for single bay which add 3 seconds of travel and Grafton St. will still perform at Level A.

Ms. Smith discussed auto uses and potential other uses, she suggested adding a condition of approval to provide traffic study based on ITE & queue during peak per the Department of Transportation and Mobility. Ms. Smith stated she would like to see better pedestrian connections into the site and asked about whether EV-ready conduit can be installed with vacuums so lot doesn't need to be dug up later on. Ms. Smith asked for clarification on hours of operation and suggested a reorientation of configuration in consultation with DTM. Ms. Smith noted that more trees 25' on center are required along Grafton Street and solid-style fencing/screening adjacent to residential use, and additional vegetation to decrease heat island.

Mr. O'Neil requested the recommended waivers. He doesn't think pedestrian access is needed but will provide if required. He described relocated employee parking space and questioned whether charging is needed for this use

Mr. Cabral clarifies whether only conduit, not actual stations, is acceptable. Ms. Smith confirmed and noted condition c can be struck.

Board Comments

Mr. Sabo expressed concern about the benefits and appropriateness of the proposal due to residential and other car washes adjacent.

Mr. Torkornoo expressed concerned about adjacent school drop-off traffic and traffic congestion between Stop & Shop and Sunderland Rd. and asked for clarification on traffic management.

Mr. O'Neil noted a professional traffic study was done and comments were received form DTM. This is not a residential property and the rear 3 acres will be a buffer.

Mr. Cabral said the traffic study was done once school was back in session to get the most accurate data, and stated the site is not suitable for residential given surrounding uses in area.

Mr. O'Neil said that fast food would be allowed by right, and this proposal is less intensive than others. Mr. Dell'Aera asked and Ms. Smith clarified that a drive-thru would need a Special Permit. Mr. Dell'Aera said he is opposed to the project.

Mr. Cortes asks about the possibility of providing fencing to screen residential homes and Mr. O'Neil said they would just be fencing woods if they did.

Mr. Karlstad asked the Board for a straw poll.

Mr. O'Neil asks if additional traffic analysis would change the Board's mind.

Mr. Karlstad suggested the applicant ask for a continuance to the next meeting to provide additional information.

Mr. Dell'Aera noted additional traffic analysis wouldn't change his mind, stated he's conceptually opposed to a car wash for this location.

Ms. Smith suggested the possibility of a land use and demand analysis for this location and more compact drainage design.

Mr. Cortes noted abutter comments and concerns and proximity of other new car washes.

Mr. O'Neil requested a Leave to Withdraw the application based on Board feedback and apparent lack of favorable votes.

Ms. Smith suggested the Board hear public comments before voting despite the request for the Leave to Withdraw.

Public Comment

Donna Dickey, 1 Pine Hill Road, noted traffic concerns, potential flooding of O'Hare Brook and Pine Hill Road during certain times of year, light intrusion during winter, and two carwashes already nearby.

Ron Dickey, 1 Pine Hill Road, noted that Pine Hill Road has over 70 houses with 200 cars driving out of a dead-end street and he would be okay if there was a traffic light at the intersection with Grafton Street. He also expressed concerns about existing noise from vacuums, hours of operation, and residents' ability to exit onto Grafton Street.

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

On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 (Mr. Sabo as Alternate) to accept the request to withdraw application without prejudice.

6. 11 (Lot A & Lot B) Sever Street (MBL 06-005-00039) (ZB-2023-002)

11 (aka Lot A) Sever Street (Existing):

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 high-rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum parking requirements for residential use (Article IV, Section 7, Table 4.4).

11 (aka Lot A) Sever Street (Proposed):

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 high-rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum parking requirements for residential use (Article IV, Section 7, Table 4.4).

Petitioner: Sever Street Development LLC

Present Use: Presently on the premises at 11 Sever Street (aka Lot A) is an existing non-conforming 10-story multi-family high-rise dwelling (with 98 units total), with associated parking areas on both proposed Lot A and Lot B

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

Petition Purpose: The applicant was previously approved for the above referenced relief in order to divide the existing lot into two, with the existing 98-unit multi-family high-rise dwelling known as 11 Sever Street to remain on Lot A, and to construct a new 4-story multi-family high-rise

dwelling (with 49 units) on proposed Lot B, and to re-configure and expand parking areas and make associated site improvements. The applicant now seeks an extension of time for the same.

Public Hearing Deadline: N/A

Constructive Grant Deadline: N/A

Attorney Joshua Lee Smith described the request an extension of time on previously-granted variances and special permits. The project is 100% affordable, so it requires unique funding that can take several rounds of requests through DHCD before an award is granted, which was the case here.

Ms. Smith and Ms. Russell gave staff comments and explained that approval will extend the variance for six-months and one-year extension for the special permits.

No Public Comments

No Board Discussion

On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 (Ms. Campaniello as Alternate) to close the public hearing.

On a motion by Mr. Cortes, seconded by Mr. Torkornoo, the Board voted 5-0 (Ms. Campaniello as Alternate) to approve the extension.

7. Communications

None

8. Approval of Minutes

Held to the next meeting

9. Discussion of Board Policies and Procedures

No discussion

Adjournment:

On a motion by Mr. Sabo, seconded by Mr. Torkornoo, the Board voted 5-0 to adjourn the meeting at 10:00pm.