

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER**

November 26, 2012

WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN ROOM

Zoning Board Members Present:

Andrew Freilich, Chair
Lawrence Abramoff, Vice-Chair
Vadim Michjlow
Timothy Loew
Kola A. Akindele

Staff Present:

Joel Fontane, Division of Planning & Regulatory Services
Marlyn Feliciano, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

Board Site Views

CALL TO ORDER

Chair Freilich called the meeting to order at 5:29 PM.

APPROVAL OF THE MINUTES

The Board accepted the minutes for September 17, 2012.

NEW BUSINESS

1. 101 Randolph Road (ZB-2012-066)

Relief Requested:

Special Permit: Expansion, alteration or change of a privileged pre-existing nonconforming uses and structures (Article XVI, Section 4) with respect to the side yard setback.

Variance: Relief of 16.3 ft from the 20 ft side yard setback requirement.

Petitioner: HSM Investment, LLC

Present Use: Nursing home

Zone Designation: RS-7 (Residential, Single Family)

Petition Purpose: Alter existing nonconforming structure by enclosing the building's existing deck on the east side to create a sunroom facing Dodge Park Road. The petitioner is also seeking relief from the 20 ft side yard setback requirement for the enclosed porch proposed with a 3.7 ft side yard setback

Attorney Todd Rodman representing HSM Investment, LLC introduced Micah Shaleb, operator of the Dodge Park Nursing Home. Atty. Rodman stated that the purpose of this request is to

enclose the existing deck to allow the nursing home residents to sit outside all year long. It is proposed to improve the quality of life of the residents. There will be no operational change; the number of beds will remain the same. They will not be extending the non-conformity just enclosing it in glass and they have no abutters along that lot line.

Mr. Fontane, Director of Planning and Regulatory Services, stated that if approved, it is recommended the following conditions of approval:

- Six copies of final revised plan are submitted prior to issuance of a Building Permit:
- Provide one Asian Long-horned beetle resistant tree north of the proposed sunroom (as there is insufficient space for planting between the sunroom and property line)
- Show the existing curb cuts along Dodge Park Road and Holt Avenue
- Show parking spaces available on site and provide a parking table
- Provide a rendering (6 copies) showing the proposed sunroom from north and east elevations

Mr. Kelly, Commissioner of Inspectional Services, stated prior to the installation of the windows the applicant should call Inspectional Services for an inspection to ensure the deck is structurally sound to support the weight of the glass.

Mr. Freilich asked if there were any future plans to have Dodge Park Road developed. Mr. Fontane stated that the city did not have any plans to open that road. Mr. Freilich also asked if there was ever a permit issued to build the deck. Atty. Rodman stated he had not been able to find one but the deck was built in the 1960s or 1970s and his client has only owned the property since 2003.

Mr. Lowe asked if the deck is wheelchair accessible and Atty. Rodman stated that the deck is wheelchair accessible from the interior of the building. There are no plans to change the existing exterior stairs.

Upon a motion by Mr. Abramoff and seconded by Mr. Akindele, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Abramoff and seconded by Mr. Michajlow, the Board voted 5-0 to approve the petition subject to the conditions in the DPRS memo and modifying the finding of fact as presented by the petitioner and modified by staff.

List of Exhibits.

- Exhibit A: Special Permit and Variance Application; received October 16, 2012; prepared by HSM Investment, LLC.
- Exhibit B: Plot Plan of Proposed Deck Enclosure; dated October 15, 2012; prepared by Samiotes Consultants Inc.
- Exhibit C: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 101 Randolph Road; dated November 16, 2012; revised on November 20, 2012.
- Exhibit D: rendering of Deck enclosure; received November 26, 2012 prepared by Patio Enclosures.

2. 21 North Street (aka 23 North Street) and 3 Milton Street (ZB-2012-067)

Relief Requested:

Special Permit: Expansion, alteration or change of a privileged pre-existing nonconforming uses and structures (Article XVI, Section 4)
Variance: Relief of 4.1 ft from the 7.5 exterior side yard requirement (3.4 ft is proposed)
Petitioner: Greater Worcester Properties, LLC
Present Use: 1200 SF commercial warehouse building
Zone Designation: MG-2.0 (Manufacturing, General)
Petition Purpose: Construct a second story addition on the existing building. The petitioner is seeking relief to expand the existing nonconforming structure and a variance for 4.1 ft of relief from the exterior side yard setback. The Zoning Ordinance allows the exterior side yard setback for corner lots to be one half (.5) of the respective front yard requirements (15 ft front yard set back in MG-2.0 zone)

Rob Luukko stated that the petition is to expand the building on the corner of North Street and Milton Street. The proposal is to construct a second floor on the Milton Street side cantilevered on the front and the rear of the building. The expansion will house the office staff of Kidd-Luukko Corporation.

Mr. Fontane stated that there were no changes to the applicant's findings of fact and that if approved, it is recommended the following conditions of approval:

- Six copies of final revised plan are submitted prior to issuance of a Building Permit:
 - Provide a separate existing conditions sheet
 - Screen the existing dumpster with a six foot stockade fence
 - Provide a 5' landscape buffer along the westerly property line and adjacent parcels (N/F John Paul Realty, Inc. and N/F Maki) and between the two curb cuts along North Street
 - Show installation of Asian Long-horned beetle resistant trees and shrubs in 5' landscape buffer (minimum four (4) trees along westerly property line and two (2) trees along North Street planted ever 20-25' on center). Provide a landscaping table noting landscaping species and quantity.
 - Remove the snow storage area along North Street
- Submit revised rendering (6 copies) noting direction of elevation, preparer and date created.

Mr. Kelly added that they should install handicapped sign on the space provided to the side of the building.

Mr. Luukko stated he was amenable to the conditions.

Upon a motion by Mr. Abramoff and seconded by Mr. Loew, the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Abramoff and seconded by Mr. Loew, the Board voted 5-0 to approve the petition subject to the conditions in the DPRS memo and identification of the handicapped parking space.

List of Exhibits.

- Exhibit A: Special Permit and Variance Application; received October 16, 2012; prepared by Greater Worcester Properties, LLC.
- Exhibit B: Certified Plot Plan; dated October 15, 2012; prepared by O'Driscoll Land Surveying Co.
- Exhibit C: Rendering; undated; unknown preparer.
- Exhibit D: Memorandum from the City of Worcester Division of Planning & Regulatory Services to the Zoning Board of Appeals; re: 21 North St (aka 23 North St) & 3 Milton St; dated November 16, 2012; and revised on November 26, 2012.

DECISIONS FROM PRIOR MEETINGS

The decisions for 47 Westminster Street (45 Westminster Street, 12 Forbes Street, & 17 Perkins Street) (ZB-2012-062), 10-14 East Worcester Street & 49 Shrewsbury Street (ZB-2012-064), and 545 Salisbury Street and 5, 7, & 9 Flower Hill Drive (ZB-2012-065) were signed.

ADJOURNMENT

Upon a motion by Mr. Abramoff and seconded by Mr. Akindele, the Board voted 5-0 to adjourn the meeting. Chair Freilich adjourned the meeting at 5:46 p.m.