

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

March 26, 2018

**WORCESTER CITY HALL, 455 MAIN STREET, ESTHER HOWLAND CHAMBERS
CHAMBER**

Zoning Board Members Present: Vadim Michajlow, Chair
Joseph Wanat, Vice-Chair
Andrew Freilich
Robert Haddon, Alternate Member

Absent: Russell Karlstad, Alternate Member

Staff Present: Stephen S. Rolle, Division of Planning & Regulatory Services
Domenica Tatasciore, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services
David Horne, Department of Inspectional Services

Call to Order – The meeting was called to order at 5:30 pm.

Requests for Continuances, Extensions of Time, Postponements, Withdrawals

1. 37 Fruit Street & 59 William Street (ZB-2018-003)

Special Permit: To allow a multi-family residence in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #5)

Special Permit: To allow a lodging house in an BO-1.0 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming structure/use (Article XVI, Section 4)

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

Variance: For relief from the minimum frontage dimensional requirements (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum front-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum side-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum exterior side-yard setback dimensional requirements (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirements (Article IV, Section 4, Table 4.2)

Petitioner: Hampton Properties, LLC

Present Use: Presently on the premises at 37 Fruit Street & 59 William Street are two residential/professional office structures.

Zone Designation: 37 Fruit Street - BO-1.0 (Business, Office) zoning district & 59 William Street - RL-7 (Residence, Limited) zoning district

Petition Purpose: The applicant seeks to convert the existing structure at 37 Fruit Street into a lodging house with a total of 12 dwelling units along with office space and to convert the existing structure at 59 William Street into a multi-family low-rise dwelling, with a total of 6 dwelling units, along with related exterior changes for egress, and to re-configure and expand the parking areas to be used in association therewith, along with related site work.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to continue the hearing to the April 23, 2018 Zoning Board of Appeals meeting and to extend the constructive grant deadline to May 30, 2018.

2. 118 Commonwealth Avenue (ZB-2017-067)

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

Special Permit: To allow the extension, alteration, or change to a privileged non-conforming structure (Article XVI, Section 4)

Petitioner: Goldstar Builders, Inc.

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 to construct a two dwelling unit addition to the existing structure, to be used as a single-family attached dwelling (total of three units), along with associated site work.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to allow for Leave to Withdraw without Prejudice for the Special Permits.

3. 329 (aka Lot 1 & 2) June Street (ZB-2018-017)

Lot 2 - Existing

- Variance:** For relief from the frontage dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum dimensional requirement for an accessory structure in a residential zoning district (Article IV, Section 8)
- Petitioner:** Lawrence Hammond
- Present Use:** Presently on Lot 2 is a two-family detached dwelling with associated site improvements and Lot 1 is presently vacant.
- Zone Designation:** RS-7 (Residence, Single Family) zoning district
- Petition Purpose:** The applicant seeks to divide the property into two lots and construct a new single-family detached dwelling on Lot 1, along with associated site work.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to postpone the hearing to the April 23, 2018 Zoning Board of Appeal meeting and to extend the constructive grant deadline until May 30, 2018.

4. 513 (aka Lot 73R & 74R) Burncoat Street (ZB-2018-020)

513 (aka Lot 74R) Burncoat Street - Existing:

- Variance:** For relief from the minimum lot area dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the side-yard setback dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum frontage dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Special Permit:** To allow an extension, alteration, or change of a privileged non-conforming use (Article XVI, Section 4)

511 (aka Lot 73R) Burncoat Street - Proposed:

- Variance:** For relief from the minimum frontage dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum lot area dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Robert Loring
- Present Use:** Presently on the premises is an existing two-family detached dwelling with associated site improvements.
- Zone Designation:** RL-7 (Residence, Limited) and an IN-S (Institutional, Educational) zoning district
- Petition Purpose:** The applicant seeks to add one additional dwelling unit thereby converting the existing structure into a three-family dwelling, along with associated site work.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to postpone the hearing to the April 23, 2018 Zoning Board of Appeals meeting and to extend the constructive grant deadline until May 30, 2018.

5. 19 Northboro Street (ZB-2018-022)

- Variance:** For relief from the frontage dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** New American Tree & Landscaping, Inc.
- Present Use:** Presently located on the property is a two-family detached dwelling.
- Zone Designation:** RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to develop the abutting property at 17 Northboro Street which will cause the frontage dimensional requirement of 19 Northboro Street to become non-conforming.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the board voted 4-0 to postpone the hearing to the April 23, 2018 Zoning Board of Appeals meeting and to extend the constructive grant deadline until May 30, 2018.

New Business

6. 60 Dover Street (ZB-2018-019)

- Variance:** For relief from the minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the minimum frontage dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Variance:** For relief from the parking requirement in an residential zone (Article IV, Section 7, Table 4.4)
- Special Permit:** To allow a three-family detached dwelling in a RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)
- Special Permit:** To allow an extension, alteration, or change of a privileged non-conforming structure/use (Article XVI, Section 4)
- Petitioner:** Robert Loring
- Present Use:** Presently on the premises is an existing two-family detached dwelling with associated site improvements.
- Zone Designation:** RL-7 (Residence, Limited) and an IN-S (Institutional, Educational) zoning district
- Petition Purpose:** The applicant seeks to add one additional dwelling unit thereby converting the existing structure into a three-family dwelling, along with associated site work.

Robert Loring appeared upon behalf of the application and stated that he is seeking to add one additional dwelling unit, thereby converting the existing 2-family structure into a three-family dwelling. He stated that the house is in bad condition and he will be making improvements to it.

The Board and the applicant discussed the location of existing and proposed parking and green space for the site.

Abutter Carmino Zamarao spoke in support of the application.

Justin Raphaelson, attorney for the applicant, discussed the findings of fact for the requested relief and stated that the proposal will have minimal effect on the neighborhood.

Abutter Steve (last name unknown) spoke in support of the application.

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to approve the waiver to not to label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to approve the three Variances and the two Special Permits with all the conditions outlined in staff's memo with a modification to condition #1 to include that the proposed parking space in the front of the structure not be paved but that the applicant use pavers. The Board also voted that an additional shade tree be provided in the front of the house.

List of Exhibits:

- Exhibit A: Variance & Special Permit Application; received February 15, 2018 and revised March 15, 2018; prepared by Robert Loring.
- Exhibit B: Plan of Land; dated February 7, 2018 and revised on March 15, 2018; prepared by Jarvis Land Survey, Inc.
- Exhibit C: Fire Department Comments; dated February 28, 2018.

7. 3 Arlington Street (ZB-2018-021)

Special Permit: To modify the dimensional standards for a Residential Conversion in an RG-5 Zone (Article IV, Section 9)

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

Petitioner: James Spahiu

Present Use: Presently located on the premises is an existing two-family detached dwelling.

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

Petition Purpose: The applicant seeks to convert the structure into a three-family detached dwelling, along with associated site work.

James Spahiu appeared upon behalf of the application and stated that he would like to convert the two-family structure into a three-family detached dwelling and reviewed the history of the house and stated that there is parking on the street.

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to approve the waiver requested to not label abutters to abutters on the plan and from the requirement of providing a to-scale plan of land.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to approve the Special Permit and the Variance with conditions outlined in staff's memo.

List of Exhibits:

- Exhibit A: Variance Application; received February 20, 2018; prepared by James Spahiu.
- Exhibit B: Cease & Desist Letter from Department of Inspectional Services; dated Feb. 14, 2018.

8. 590 & 610 Southbridge Street and 4 Washburn Street (ZB-2018-023)

- Special Permit:** To allow an automobile refueling station in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #17)
- Special Permit:** To allow a food-service (drive-thru) in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #6)
- Petitioner:** Branded Realty Group 2, LLC
- Present Use:** Presently on the premises are two existing commercial structures.
- Zone Designation:** BL-1.0 (Business, Limited) zoning district
- Petition Purpose:** The applicant seeks to demolish the existing structures and to construct a gas station with a convenience store, including a drive-through food-service use, along with associated grading, paving, drainage, and site work.

Robert Branca appeared upon behalf of the application and stated that he is seeking to demolish the existing structures and to construct a gas station with a convenience store, including a drive-through food-service use.

Mr. Branca reviewed the stormwater controls planned for the site. He also addressed staff's concern regarding residential neighbors and the noise generated from the proposed drive-thru speaker and said that the proposed speaker tower will not be situated facing towards the residences.

Patrick Healey, engineer with Thompson & Liston, provided revised plans and a rendering for the site and reviewed them with the Board.

Upon a motion by Mr. Freilich and seconded by Mr. Wanat the Board voted 4-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to approve the waiver requested to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Freilich the Board voted 4-0 to approve the two Special Permits with conditions outlined in staff's memo.

List of Exhibits:

- Exhibit A: Special Permit Application; received February 21, 2018; prepared by the applicant.

Exhibit B: Site Plan of Land; dated February 12, 2018; prepared by Thompson-Liston Associates, Inc.

Exhibit C: Rendering with elevations and floorplans; dated June 1, 2016; prepared by AADesign.

Other Business

9. Communications

10. Signing of Decisions from prior meetings

Adjournment

Upon a motion the Board voted 4-0 to adjourn the meeting at 6:29 p.m.