

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

**July 16, 2018**

**WORCESTER CITY HALL, 455 MAIN STREET, LEVI LINCOLN CHAMBERS**

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

**Staff Present:** Stephen S. Rolle, Division of Planning & Regulatory Services  
Michael Antonellis, Division of Planning & Regulatory Services  
David Horne, Department of Inspectional Services

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

**Approval of the Minutes**

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the minutes of June 24, 2018.

**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. Haddon the Board voted 5-0 to postpone the Special Permit & Variance applications to the September 17, 2018 Zoning Board of Appeals meeting and to extend the decision deadline until October 30, 2018.

**2. 33 Dominion Road (ZB-2018-035)**

- Special Permit:** To allow a multi-family low-rise dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #11)
- 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 minimum lot area dimensional requirement in an RL-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Silvertree Realty, LLC
- 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 multi-family dwelling (for a total of 12 dwelling units), along with associated site work and parking.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to postpone the Special Permit and Variance applications to the August 27, 2018 Zoning Board of Appeals meeting and to extend the decision deadline until September 30, 2018.

## **Unfinished Business**

### **3. 436 Shrewsbury Street (ZB-2018-026)**

**Special Permit Amend:** To allow a professional office use in an RG-5 Zone (Article IV, Section 2, Table 4.1, Business Use #19)

**Variance:** For relief from the rear yard setback dimensional requirement in an RG-5 & BG-3.0 Zone (Article IV, Section 4, Table 4.2)

**Variance:** For relief from the exterior side-yard setback dimensional requirement in an RG-5 Zone (Article IV, Section 4, Table 4.2)

**Petitioner:** Jagjit Walia

**Present Use:** Presently on the premises is an existing three-family detached dwelling and associated site improvements.

**Zone Designation:** BG-3.0 (Business, General), RG-5 (Residence, General) zoning district, and the Commercial Corridors Overlay District (CCOD-S)

**Petition Purpose:** The applicant seeks to amend the previously granted Special Permit by providing a single-floor office building with parking below and maintaining the existing three-family dwelling as residential use, along with related site work.

David Sadowski appeared upon behalf of the applicant, Jagjit Walia, and stated that the applicant is seeking to amend the previously granted Special Permit by providing a single-floor office building with parking below and maintaining the existing three-family dwelling as residential use. Mr. Sadowski stated that this item was continued at the last meeting due to concerns from DPW and one of the abutters and they have met with the abutter and have made changes to the plans so that the drainage is underground and all drainage will come down onto Daniels Street and they have also modified the door entrance.

Abutter Frank Fechner stated that he is happy with the changes to the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 5-0 to approve the waiver requested to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Haddon the Board voted 4-1 (Mr. Michajlow voting against) to approve the Amendment to the Special Permit and the Variances with conditions outlined in staff's memo.

#### *List of Exhibits:*

Exhibit A: Special Permit Application; received March 21, 2018; prepared by Jagjit Walia

Exhibit B: Site Plan; dated March 20, 2018 and revised through to July 3, 2018; prepared by Sadowski Engineering.

Exhibit C: Renderings and floor plans; dated April 15, 2018; prepared by MR.

**New Business**

**4. 1385 Main Street (ZB-2018-034)**

- Special Permit** To allow a motor-vehicle/trailer/boat sales and/or rental use in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #15)
- Special Permit** To allow a motor-vehicle service, repair, garage, display use in a BL-1.0 Zone (Article IV, Section 2, Table 4.1, Business Use #16)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Petitioner: JNC, LLC
- Present Use: Presently on the premises is a residential structure, with associated site improvements.
- Zone Designation: BL-1.0 (Business, Limited) zoning district
- Petition Purpose: The applicant seeks to use portion of the premises for motor vehicle sales and display purposes, along with associated site work.

Attorney Robert Longden, engineer Carl Hultgren and Tim Clark from JNC LLC appeared upon behalf of the petitioner. Attorney Longden stated that the applicant seeks to use a portion of the premises for motor vehicle sales and display purposes, along with associated site work and reviewed the plans for the site.

Attorney Longden stated that the structure on site will remain and the applicant just wants to add sales for seven motor vehicles but there will be no car repairs done on site. Attorney Longden stated that a handicapped accessible entrance will be installed and parking for customers will be in the rear of the property.

Attorney Longden stated that there will not be much traffic to the site as most of the sales are done over the internet and with regard to noise that there will be no noticeable noise increase in the neighborhood and since no repairs are done on site there will be no dumpster located on the property. He stated that with regard to snow storage it will be removed to back area of the lot as Mr. Clark has been handling snow storage that way for years and has not had any problems.

Attorney Longden stated that there are four other display lots in this area so a new lot would not have an impact on the neighborhood.

Attorney Longden stated that a petition was provided to the Board showing that the immediate neighbors do not have any objection to the car used car lot and that a letter was sent to all abutters regarding the project with Mr. Clark's phone number and he has not received any phone calls from any of them regarding any concerns.

Mr. Rolle stated that there are other display lots in the area but in the immediate area where this lot is planned it is mainly a residential neighborhood and the site proposed is relatively tight and staff had concerns that cars may encroach onto the sidewalk.

Mr. Wanat stated that if the Board does approve they may want to condition the hours of operation for the site.

Mr. Clark stated that this lot will be a separate car lot from the other lot he owns on Main Street.

Mr. Karlstad stated that he like to see some type of guard rail be installed to keep the cars off the sidewalk. Attorney Longden stated that he would suggest that the lot be striped as none of the other display lots have that type of requirement but they could put bump stops in back of the vehicles.

Maureen Uryasz stated that she was an abutter to the property and submitted her comments to the Board and stated that with regard to the petition signed by abutters she is not sure the ones who signed the petition knew what was being proposed. Ms. Uryasz stated that her property faces the lot and there is no way that seven cars could fit on the site and this area of the city is saturated with used car lots.

The Board asked Mr. Hultgren to review the handicapped parking for the site and the Board stated that they would also to see what type of landscaping is planned for the site.

The Board stated that they would like to see a plan showing the handicapped parking and the landscaping for the site.

Mr. Rolle stated that if the item is being continued that the applicant could also address the sidewalk protection whether it be a curb stop or a low fence.

Attorney Longden requested that the application be continued so that they could address the Board's comments.

Upon a motion by Mr. Wanat and seconded Mr. Karlstad by the Board 5-0 to continue the Special Permit requests to the August 27, 2018 Zoning Board of Appeals meeting and to extend the constructive grant deadline until September 30, 2018.

*List of Exhibits:*

Exhibit A: Special Permit Application; received April 10, 2018; prepared by the applicant.

Exhibit B: Plan of Land; dated March 19, 2018 and revised through to July 9, 2018; prepared by Quinn Engineering, Inc.

Exhibit C: Letter from Attorney Robert Longden with Petition of Abutters Supporting the Proposal; dated July 9, 2018.

**5. 7 (aka 9) & 17A North Street (ZB-2018-048)**

**Special Permit:** To allow a bank, credit union with drive-thru in a MG-2.0 Zone (Article IV, Section 2, Table 4.1, Business Use #4)

**Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7), specifically as it pertains to the modified lengths of both the drive-thru and escape lanes from the 180 foot requirement.

**Petitioner:** Domar Realty Group, Inc.

**Present Use:** Presently on the premises at 7 (aka 9) North Street is a vacant structure, with associated site improvements, and at 17A North Street is an existing parking lot.

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

**Petition Purpose:** The applicant seeks to demolish the existing structure and construct a new structure, to be used as office, food-service, retail, and bank with drive-thru.

Attorney Annelle Benson along with representatives of Donmar Realty Group, Inc. appeared upon behalf of the application. Attorney Benson stated that the applicant seeks to demolish portions of the existing

structure and renovate the remaining structure, to be used as a food-service establishment and office/retail use and to re-configure the parking area and stated that there will be a drive thru component for the site and reviewed the plans for the location.

Mr. Michajlow stated that no rendering had been provided. Attorney Benson stated that she did have one that she could provide that was identified as Exhibit D.

Mr. Freilich stated that he had concerns about the exit as at certain times traffic backs up on Sagamore Avenue and asked if the city has any plans to add another lane to Grove Street as with the new construction there will be triple the amount of cars and which will cause traffic jams.

Attorney Benson stated that the most people exiting to Grove Street from this project would be from the bank drive-thru and it would not be an excessive amount of people leaving the drive-thru.

Mr. Wanat asked what would be the bank drive-thru hours. Mr. Morton stated the bank opens at 9:00 a.m. and most days they close at 4:00 except they have on late night on Thursday or Friday.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the Special Permits with conditions outlined in staff's memo with amendment to strike condition #1.d. as it is no longer relevant and that a revised plan be submitted.

*List of Exhibits:*

Exhibit A: Special Permit Application; received May 23, 2018; prepared by Alice Lombardi.

Exhibit B: Site Plan of Plan; dated April 11, 2017 and revised through to July 11, 2018; prepared by Thompson-Liston Associates, Inc.

Exhibit C: Letter from Millbury Savings Bank; dated July 13, 2018.

Exhibit D: Rendering

**6. 26 & 26A Solferino Street (ZB-2018-047)**

*26 (aka Lot 1) Solferino Street:*

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

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

**Variance:** For relief from the minimum setback dimensional requirement for an accessory structure in an residential zone (Article IV, Section 8)

*Lot 26A (aka Lot 2) Solferino Street:*

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

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

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

Petitioner: Jason Roszkiewicz  
Present Use: Presently on the premises at 26 (aka Lot 1) Solferino Street is a two family dwelling attached to a single-family dwelling at 26A (aka Lot 2) Solferino Street  
Zone Designation: RL-7 (Residence, Limited) zoning district  
Petition Purpose: The applicant seeks to divide the property into two lots, along with associated site work.

Zac Couture from H.S.&T appeared upon behalf of the applicant, Jason Roszkiewicz and stated that the applicant seeks to divide the property into two lots.

Mr. Couture and the Board discussed where and the amount of green space that would be located on the site.

Mr. Roszkiewicz stated that he wants the site to look nice and reviewed where he could put the green space at the location.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver request to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded Mr. Karlstad the Board voted 5-0 to approve the Special Permit and the Variances with conditions outlined in staff's memo as well amendment to 1.c that 150 square feet of permeable landscaping be required on 26A Solferino Street as noted on Exhibit C as well as subject to reviewing the landscaping plan with DPW.

***List of Exhibits:***

Exhibit A: Special Permit & Variance Application; prepared by Jason Roszkiewicz; received May 22, 2018.

Exhibit B: Special Permit & Variance Plan of land; prepared by H. S. & T. Group; dated June 12, 2018

Exhibit C: Annotated Plan of Land submitted at meeting.

*The Board took a five minute recess*

**7. 82 Purchase Street (ZB-2018-049)**

- Variance:** For relief from the minimum side-yard setback dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)
- Petitioner:** Nicholas Laflin & Johanna Galindo de Laflin
- Present Use:** Presently on the premises is a single-family detached dwelling with associated site improvements.
- Zone Designation:** RS-7 (Residence, Single Family) zoning district & Water Resource Protection Overlay District (WR(GP-3))
- Petition Purpose:** The applicant seeks to construct a mudroom addition and expand the existing deck and to conduct associated site work.

Nicholas Laflin appeared upon behalf of the application and stated that he is seeking to construct a mudroom addition and expand the existing deck and the material will be cedar and the deck and the mud room will be connected.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver request to not to label abutters to abutters on the plan.

Upon a motion by Mr. Wanant and seconded by Mr. Karlstad the Board voted 5-0 to approve the Variance with conditions outlined in staff's memo.

*List of Exhibits:*

- Exhibit A:** Variance Application; received June 11, 2018; prepared by the applicant.
- Exhibit B:** Plan of Land; dated June 8, 2018; revised July 11, 2018; prepared by Tauper Land Survey, Inc..

**8. 725 Grafton Street (ZB-2018-050)**

- 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)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and landscaping requirements (Article IV, Section 7)
- Variance or Special Permit:** To modify the dimensional requirements (number and/or size) for a freestanding pole sign (Article IV, Section 6)
- Petitioner:** Thebe Enterprises, LLC
- Present Use:** Presently on the premises is a retail facility with a large surface parking lot.
- Zone Designation:** BL-1.0 (Business, Limited) and RL-7 (Residence, Limited) zoning district
- Petition Purpose:** The applicant seeks to construct a new structure, to be used as a food-service establishment with a drive-thru, with associated surface parking, to install an additional permanent accessory freestanding pole sign, and to conduct related site work.



Attorney Todd Brodeur along with representatives from Thebe Enterprises, LLC appeared upon behalf of the application.

Attorney Brodeur stated that they are requesting Leave to Withdraw for the free standing sign relief and they are just looking for the Special Permits for the drive thru lanes.

Attorney Brodeur stated that the applicant is seeking to construct a new structure, to be used as a food-service establishment with a drive-thru, with associated surface parking. Attorney Brodeur stated that this will for a Dairy Queen restaurant and there will be some outside seating and a fence and landscaping will be added to the site and the lighting is compliant.

Abutter Mr. Charpenter asked about three parking spaces off to the side and whether they could be used for landscaping. It was explained those spaces were to be used if someone placed a large order at drive thru the car would be sent to those spaces to wait so it does not back up the drive thru.

Abutter Lynn Assad expressed concern about whether the lighting from the premises would impact her property. It was explained that to the greatest extent possible they will try to shield the light from the abutting properties.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to allow for Leave to Withdraw for the Variance/Special Permit request modify the dimensional requirements (number and/or size) for a freestanding pole sign.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver request to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the Special Permit for the food service drive thru and the Special Permit to modify the parking with conditions outlined in staff's memo with amendment that snow would be removed off site.

*List of Exhibits:*

- Exhibit A: Special Permit & Variance Application; received June 14, 2018; prepared by Attorney Mark Donahue.
- Exhibit B: Site Development Plan; dated May 8, 2018 and revised on June 7, 2018; prepared by Bohler Engineering.
- Exhibit C: Traffic Impact & Access Study; dated June 2018; prepared by Green International Affiliates, Inc.
- Exhibit D: Letter from Attorney Mark Donahue; dated July 11, 2018.

**9. 7 Oak Street (ZB-2018-051)**

- Special Permit:** To allow a lodging house in a BO-1.0 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)
- Petitioner:** Andrew Consigli, Albert LaValley, & Taylor Bearden
- Present Use:** Presently on the premises is a 7,300 SF structure, formerly used as a group residence, and associated site improvements with surface parking.
- Zone Designation:** BO-1.0 (Business, Office) zoning district
- Petition Purpose:** The applicant seeks to convert the existing structure into a lodging house.

Taylor Bearden appeared upon behalf of the application and stated that they are seeking to convert the existing structure into a lodging house and stated that they have a tenant lined up, Seven Hills Foundation, and Mr. Bearden stated that the property will remain as a similar use that it has been for the past 30 years.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the waiver request to not label abutters to abutters on the plan.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to close the public hearing.

Upon a motion by Mr. Wanat and seconded by Mr. Karlstad the Board voted 5-0 to approve the Special Permit with conditions outlined in staff's memo striking condition #1.a. and #1.b.

*List of Exhibits:*

- Exhibit A: Special Permit Application; received June 15, 2018; prepared by Taylor Bearden.
- Exhibit B: Site Plan; dated June 12, 2018; prepared by Sustainable Comfort.
- Exhibit C: Floor Plans; dated June 12, 2018; prepared by Sustainable Comfort.
- Exhibit D: Lodging House Rules; dated June 12, 2018; prepared by Sustainable Comfort.
- Exhibit E: MACRIS Property Listing Sheet.

**Other Business**

**10. Communications**

**11. Signing of Decisions from prior meetings**

**Adjournment**

Upon a motion the Board voted 5-0 to adjourn the meeting at 8:36 p.m.