

Petitioner: Arthur Mooradian
 Present Use: Presently on the premises at 105 Piedmont Street is an autobody and motor vehicle service/repair shop with associated parking and at 101 Piedmont Street is a vacant lot.
 Zone Designation: RG-5 (Residence, General) zoning district
 Petition Purpose: The applicant seeks to appeal the Commissioner's order to cease and desist which asserted that the motor vehicle service, repair, and display use has been unlawfully extended to and that unregistered automobile storage is occurring at 101 Piedmont Street - each in violation of the Zoning Ordinance which prohibits such uses in an RG-5 Zone.
 Public Hearing Deadline: 2/6/2020 Constructive Grant Deadline: 3/12/2020

Upon a motion made by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to postpone the Special Permit application to the February 24, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to March 17, 2020.

Item #10 293 Lake Avenue North (MBL 38-033-54+57) (ZB-2020-008)

293 (aka Lot 45) Lake Avenue North (Existing):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
 Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
 Variance: For relief from the minimum front-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
 Variance: For relief from the minimum side-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)

Lot 46 Lake Avenue North (Proposed):

Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
 Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
 Petitioner: V & J, LLC
 Present Use: Presently on the premises at 293 Lake Avenue North (aka proposed Lot 45) is a privileged non-conforming single-family detached dwelling, and proposed Lot 46 is vacant.
 Zone Designation: RL-7 (Residence, Limited) zoning district
 Petition Purpose: The applicant seeks to divide the existing lot into two, with the existing dwelling at 293 Lake Avenue North to remain, and construct a single-family detached dwelling on proposed Lot 46, along with related site work.

Public Hearing Deadline: 2/14/2020 Constructive Grant Deadline: 3/20/2020

Upon a motion made by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to postpone the Special Permit application to the February 24, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to March 17, 2020.

Old Business

Item #3 **34 Wrentham Road (MBL 25-054-00014) (ZB-2019-051)**
Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
Petitioner: James Spahiu
Present Use: Presently on the premises is a single-family detached dwelling with associated site improvements.
Zone Designation: RS-10 (Residence, Single Family) zoning district
Petition Purpose: The applicant seeks to construct an addition and to conduct associated site work.
Hearing Opened: 10/28/2019 Constructive Grant Deadline: 2/25/2020

Mr. Haddon recused himself from the item and Mr. Wanat was not eligible to vote on the item.

James Spahiu appeared on behalf of the application. The applicant seeks to construct an addition and to conduct associated site work.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad, the Board voted 4-0 to close the public hearing.

Upon a motion made by Mr. Freilich and seconded by Mr. Cortes, the Board voted 4-0 to approve the Variance application for relief of 9.3 feet from the 20 foot minimum rear-yard setback dimensional requirement; approved requested waivers; approved with Conditions of Approval from staff memo (install plantings along southern side of addition; no increase in width of either curb-cut or size of the driveway; existing trees to remain to maximum extent practical; project shall be built in substantial accordance with the plans submitted).

List of Exhibits:

Exhibit A: Variance Application; received 9/9/2019; prepared by James Spahiu.
Exhibit B: Proposed Variance Plan; undated; received 9/9/2019; prepared by James Spahiu.
Exhibit C: Revised Architectural Plans; undated; received 1/7/2020; prepared by John Riel.
Exhibit D: Proposed Variance Plan (certified); dated 1/22/2020; received 1/22/2020; prepared by H.S. & T. Group, Inc.

Item #2 **51, 53 & 55 Windsor Street (MBL 09-011-00034, -00041, -00004) (ZB-2019-069)**
Variance: For relief from the minimum lot area dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum front-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum rear-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
Special Permit: To modify dimensional standards for a Residential Conversion (Article IV, Section 9)
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: Kensington Management, LLC
Present Use: Presently on the premises at 53 Windsor Street is a vacant lot, at 51 Windsor Avenue is a three-family dwelling, and at 55 Windsor Avenue is a three-family dwelling.
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: The applicant seeks to add an additional unit to each existing structure (for a total of 4 units each), to construct a new multi-family dwelling (with a total of 12 units) with an associated parking area, and to conduct related site work.

Hearing Opened: 1/13/2020

Constructive Grant Deadline: 2/25/2020

Zac Couture from H.S. & T. appeared on behalf of the applicant, Kensington Management, LLC. The applicant seeks to add an additional dwelling unit to each existing three-family structure (for a total of 4 units each), to construct a new multi-family dwelling (with a total of 12 units) with an associated parking area, and conduct associated site work.

Mr. Couture stated that revisions were made based on feedback from the last meeting.

Ms. Smith stated that staff had concerns about the porches that were removed from the existing structures and recommends that the porches be replaces, as keeping the external appearance the same is part of the Special Permit criteria for Residential Conversion. Mr. Couture stated the porches would be restored.

Mr. Wanat asked Mr. Couture to review the lighting and screening for the site. Mr. Haddon recommended that trash receptacles be placed out of site from the street.

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

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Variances (relief of 1,058 SF from 23,000 SF min. lot area; relief of 6 feet from the 15 foot min. front-yard setback, relief of 5 feet from the 15 foot min. rear-yard setback; relief of 17 parking spaces from the min. parking requirements) and Special Permit (Residential Conversion, Modify Parking/Loading); approved requested waivers; approved with Conditions of Approval from staff memo (submission of revised plans prior to issuance of Building Permit; prior to issuance of Certificate of Occupancy, restore porches on existing structures; all waste management receptacles stored behind 51 & 55 Windsor Street; recharge 100% of roof run-off; all parking spaces shall be striped and accessible spaces shall be placarded; snow storage shall not be located in parking spaces or landscaped buffers and excess snow shall be removed; project to be built in substantial accordance with plans submitted).

List of Exhibits:

- Exhibit A: Special Permit & Variance Application; received 11/5/2019; prepared by H.S. & T. Group, Inc.
- Exhibit B: Proposed Special Permit & Variance Plan; dated 11/4/2019; received 11/5/2019; prepared by H.S. & T. Group, Inc.
- Exhibit C: Email Correspondence from DPRS to H.S. & T. Group, Inc. dated 11/22/2019.
- Exhibit D: Rendering of Proposed Structure at 53 Windsor Street; received 1/9/2020; revised 1/28/2020; prepared by H.S. & T. Group, Inc.

New Business

Item #6 58-60 Millbury Street (MBL 05-015-00040) (ZB-2020-002)

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

Petitioner: Robert Williams

Present Use: Presently on the premises is a one-story commercial building, with associated off-street parking spaces.

Zone Designation: BG-3.0 (Business, General) zoning district and within the Commercial Corridors Overlay District (CCOD-C) and the Downtown/Blackstone Canal Sign Overlay District (DSOD)

Petition Purpose: The applicant seeks to construct an addition to the existing structure in order to provide for a mixed use development, consisting of 10 residential dwelling units and ground floor commercial/retail space, and to conduct associated site work.

Public Hearing Deadline: 2/3/2020 Constructive Grant Deadline: 3/5/2020

Robert Williams and Jay Gallant appeared on behalf of the application. The applicant seeks to construct an addition to the existing structure in order to provide for a mixed-use development, consisting of 10 residential dwelling units and ground floor commercial/retail space, and to conduct associated site work.

Alex Corales, of Worcester Housing Authority, stated that they have a building in the area and they provide permit parking to tenants in a designated parking area. Asked how this development would affect parking in the area.

Mr. Williams stated he would explore renting spaces in private lots in the area.

Upon a motion by Mr. Freilich and second by Mr. Cortes, the Board voted 5-0 to close the public hearing.

Mr. Wanat designated Mr. Haddon as the alternate member to vote on the petition.

Upon a motion by Mr. Freilich and seconded by Mr. Cortes, the Board voted 4-1 (with Mr. Berg Powers voting against) to approve the Variance application for relief of 12 spaces from the minimum parking requirements of the CCOD; approved requested waivers; approved with Conditions of Approval from staff memo (parking Variance specific to uses and development as proposed, and not to a change in use or expansion of uses; all parking spaces shall be striped and accessible spaces shall be placarded; snow storage shall not be located in parking spaces or landscaped buffers and excess snow shall be removed; project shall be built in substantial accordance with the plans submitted).

List of Exhibits:

Exhibit A: Variance Application; received 11/26/2019; prepared by Robert Williams.

Exhibit B: Proposed Variance Plan; dated 9/13/2019; received 11/26/2019; revised 1/20/2020; prepared by Jay Gallant, AIA, LEED AP

Item #6 110 Vernon Street (MBL 05-041-00023) (ZB-2020-004)

Special Permit: To allow a Bed & Breakfast Establishment in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #1)

Petitioner: Karla Christo

Present Use: Presently on the premises is a single-family detached dwelling.

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

Petition Purpose: The applicant seeks to use a portion of the property to operate a bed and breakfast establishment, and to conduct associated site work.

Public Hearing Deadline: 2/6/2020 Constructive Grant Deadline: TBD

Karla Christo appeared on behalf of the application. The applicant seeks to use a portion of the property to operate a bed and breakfast establishment, and to conduct associated site work.

Ms. Christo stated that the bed and breakfast will be a boutique establishment.

Mr. Berg Powers stated that he appreciates the applicant going through the process for permission to operate, as many others do not.

Monica Cohen spoke in support of the application.

Tom Rafferty asked for clarification on the parking requirements, how long tenants could stay and how it would be enforced. Ms. Smith replied that the requirements of the Special Permit address length of stay.

Upon a motion by Mr. Berg Powers and second by Mr. Haddon, the Board voted 5-0 to close the public hearing.

Mr. Wanat designated Mr. Haddon as the alternate member to vote on the petition.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Special Permit application to allow a Bed & Breakfast Establishment in an RG-5 zone; approved requested waivers; approved with Conditions of Approval from staff memo (submission of revised to-scale parking plan & installation of any fire suppression system required by Worcester Fire Department, prior to issuance of Certificate of Occupancy; establishment shall meet definition of Bed & Breakfast as outlined in Zoning Ordinance; shall be operated by Karla Christo dba Vida Boutique Inn LLC and the Special Permit is not transferrable; Bed & Breakfast shall not occupy more than 50% of gross floor area; architectural character shall be maintained except as needed for other code requirements; all parking shall be striped; snow storage

shall not be located in parking spaces or landscaped buffers and excess snow shall be removed; project shall be used in substantial accordance with plans submitted).

List Exhibits:

- Exhibit A: Special Permit Application Materials; received 12/3/2019; revised 1/1/2020; prepared by Karla Christo.
- Exhibit B: Floor Plans; undated; received 12/3/2019; revised 1/1/2020; prepared by Karla Christo.
- Exhibit C: Worcester Fire Department Comments & E-mails; multiple dates.

The Board took a 10 minute recess.

Item #7 **26 (aka Lots 1 & 2) Hermitage Lane (MBL 16-002-00031) (ZB-2020-005)**

26 (aka Lot 1) Hermitage Lane (Existing):

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum front-yard setback dimensional requirement (Article IV, Section 4, Table 4.2)
- Variance: For relief from the minimum parking requirements (Article IV, Section 7, Table 4.4)

Lot 2 Hermitage Lane (Proposed):

- Variance: For relief from the minimum frontage dimensional requirement (Article IV, Section 4, Table 4.2)
- Petitioner: Eric M. Figueiredo
- Present Use: Presently on the premises at 26 Hermitage Lane (aka proposed Lot 1) is a privileged non-conforming two-family detached dwelling, and on proposed Lot 2 is a vacant lot.
- Zone Designation: RG-5 (Residence, General) zoning district
- Petition Purpose: The applicant seeks to divide the existing lot into two, with the existing dwelling at 26 Hermitage Lane to remain, and to construct a two-family detached dwelling on proposed Lot 2, along with related site work.
- Public Hearing Deadline: 2/12/2020 Constructive Grant Deadline: 3/18/2020

Kevin Quinn of Quinn Engineering appeared on behalf of the applicant, Eric. M Figueiredo. The applicant seeks to divide the existing lot into two, with the existing dwelling on 26 Hermitage Lane to remain, and to construct a two-family detached dwelling o proposed Lot 2, along with related site work.

Mr. Quinn provided an overview of the proposal.

Ms. Dumas stated that staff has concerns about the parking configuration and the amount of impervious surface located in the front-yard. Mr. Wanat stated that he would agree and asked Mr. Quinn if the layout could be revised. Mr. Quinn stated that their reasoning for the proposed layout is so each tenant will have adequate access. The Board and the applicant’s representative discussed options for the parking layout.

Upon a motion by Mr. Berg Powers and seconded by Mr. Freilich, the Board voted 5-0 to close the public hearing.

Mr. Wanat designated Mr. Karlstad as the alternate member to vote on the petition.

Upon a motion by Mr. Berg Powers and seconded by Mr. Freilich, the Board voted 5-0 to approve the Variances (for Lot 1: relief of 5 feet from the 55 foot minimum frontage dimensional requirement; relief of 3.9 feet (stairs) and 1.4 feet (structure) form the 7.8 foot* minimum front-yard setback dimensional requirement (*requirement based on front-yard alignment provisions); relief of 2 spaces from the minimum parking requirements) and (for Lot 2: relief of 5 feet from the 55 foot minimum frontage dimensional requirement); approved requested waivers; approved with Conditions of Approval from staff memo (recharge 100% roof

run-off; proposed curb-cut shall be limited to 24 feet; one tree shall be planted on each lot; one curb-cut and one driveway per lot as per the plan; project shall be used in substantial accordance with plans submitted).

List of Exhibits:

- Exhibit A: Variance Application; received 12/9/2019; prepared by Kevin J. Quinn, P.E.
- Exhibit B: Proposed Variance Plan; dated 12/6/2019; received 12/9/2019; revised 12/13/2019 & 1/9/2020; prepared by Kevin J. Quinn, P.E.

Item #8 96 William Street(MBL 02-047-00046) (ZB-2020-006)

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)

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)

Petitioner: PMNI, LLC

Present Use: Presently on the premises is a single-family detached dwelling with associated site improvements.

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

Petition Purpose: The applicant seeks to convert the existing single-family detached dwelling into a multi-family use with six (6) dwelling units and to conduct associated parking and site work.

Public Hearing Deadline: 2/13/2020 Constructive Grant Deadline: TBD

David Sadowski and Rafael Hernandez appeared on behalf of the applicant, PMNI, LLC. The applicant seeks to convert the existing single-family detached dwelling into a multi-family use with six (6) dwelling units and to conduct associated parking and site work. Mr. Sadowski reviewed the proposed parking area for the site, and stated that mature trees will not be removed and instead they are working around the trees to create parking. Mr. Sadowski also stated that the applicant has met with some neighbors.

Mr. Berg Powers and Mr. Freilich expressed concerns that properties like this are being turned into units for college students, and particularly if the properties become non-profit under the University and taken off the tax rolls.

Frances Lundblad, spoke in opposition to the project, as she sees the project as a significant change to the house, and expressed concerns that multiple dwelling units will bring more cars to an area where parking is already an issue. Patricia Glennon also expressed similar concerns about parking.

Ed Carr stated that this section of William Street is predominantly single-family homes and this project will change the character of the neighborhood.

Mr. Freilich and Mr. Wanat raised concerns about the number of units being proposed and asked the applicants if less dense uses were considered. Mr. Hernandez replied that the number of units is correlated to the renovation cost, and a decrease in units would not work financially for the project.

Upon a motion by Mr. Cortes and seconded by Mr. Freilich, the board voted 5-0 to table the item for five minutes so the applicant’s representatives could call the applicant.

Upon returning, Mr. Sadowski stated that the application meets all the requirements of the Ordinance, and that the applicant is willing to reduce the number of units to 5 dwelling units, three bedrooms each.

The Board discussed if the reduction in units was a reasonable compromise, with Mr. Freilich stating that he always considers the by-right development alternatives which would not come under the purview of the Board, but at least with the Special Permit process, the Board can place conditions on the project.

Upon a motion by Mr. Cortes and seconded by Mr. Freilich, the Board voted 4-1 (with Mr. Berg Powers voting against) to close the public hearing.

Mr. Wanat designated Mr. Haddon as the alternate member to vote on the petition.

Upon a motion by Mr. Haddon and seconded by Mr. Freilich, the Board voted 4-1 (with Mr. Berg Powers voting against) to approve the Special Permit to allow a multi-family low-rise in an RL-7 zone and the Special Permit to modify the parking layout; approved with Conditions of Approval from staff memo (submission of revised plans prior to issuance of Building Permit; additional tree along Somerset frontage; parking and/or paved areas limited to those areas depicted on approved plan; tandem spaces shall be assigned to same unit; building shall not be expanded or extended; all parking spaces shall be striped and accessible spaces shall be placarded; snow storage shall not be located in parking spaces or landscaped buffers and excess snow shall be removed; no more than five (5) three-bedroom units; basement shall not be habitable space; project shall be used in substantial accordance with plans submitted).

List of Exhibits:

Exhibit A: Special Permit Application; received 12/10/2019; revised 1/16/2020; prepared by D.J. & Associates.

Exhibit B: Proposed Special Permit Site Plans; dated 11/4/2019; received 12/10/2020; revised 1/9/2020; prepared by D.J. & Associates.

Item #9 9 & 11 (aka Lots 1 & 2) Devens Road (MBL 36-010-00143) (ZB-2020-007)

11 (aka Lot 2) Devens Road (Existing):

Special Permit: To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use (Article XVI, Section 4)

Variance: For relief from the minimum side-yard setback dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard setback dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Lot 1 Devens Road (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 rear-yard setback dimensional requirement in an RS-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Gene Abbascia

Present Use: Presently on the premises at 9 & 11 Devens Road (aka Lot 2) is a privileged, nonconforming two-family detached dwelling, and on proposed Lot 1 is a vacant lot.

Zone Designation: RS-7 (Residence, Single Family) zoning district and within the Water Resource Protection Overlay District (WR(GP-3))

Petition Purpose: The applicant seeks to divide the existing lot into two, with the existing dwelling at 9 & 11 Devens road to remain, and construct a single-family detached dwelling on proposed Lot 1, along with related site work.

Public Hearing Deadline: 2/13/2020 Constructive Grant Deadline: 3/19/2020

Zac Couture from H.S. & T. appeared on behalf of the applicant, Gene Abbascia. The applicant seeks to divide the existing lot into two, with the existing dwelling at 9 & 11 Devens road to remain, and construct a single-family detached dwelling on proposed Lot 1, along with related site work.

Robert Clouthier spoke in opposition of the application, raising concerns that the proposed frontage for the new lot is not adequate and that the project would compromise the integrity of the neighborhood.

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

Mr. Wanat designated Mr. Karlstad as the alternate member to vote on the application.

Exhibit D: E-mail from Michael Hennessy; received 1/22/2020.

Item #12 **Public Hearing Regarding Proposed Amendment to the ZBA Rules & Regulations**
Petition Purpose: To amend the requirements of the Zoning Board of Appeals' Rules and Regulations to require that plans submitted shall show existing and proposed topography.

The Board and staff discussed the proposed amendment.

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes, the Board voted 5-0 to close the public hearing. Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes, the Board voted 5-0 to amend the ZBA Rules & Regulations.

Other Business

13. Communications

- a) Save the date (3/21/2020) for the Citizen Planner Training Collaborative (CPTC) Conference – *No comment.*

15. Discussion of Board Policies and Procedures

- a) Policy regarding complete and timely submittal of application materials and revisions.

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon, the Board voted 5-0 to adopt the policy.

16. Signing of Decisions (from prior meetings)

Adjournment

Upon a motion by Mr. Berg Powers and seconded by Mr. Cortes, the Board voted 5-0 to adjourn the meeting at 9:37 PM.