

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
July 13, 2020**

Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting was conducted through remote participation. The meeting was livestreamed from the City of Worcester website and via the local cable access channel and is available for streaming online. Public participation was facilitated through a call-in number, 415-655-0001 (Access Code: 730323290#), which was publicized on the posted meeting agenda and during the video broadcast.

Zoning Board Members Joseph Wanat, Chair
Participating: Andrew Freilich, Vice Chair
Jordan Berg Powers
George Cortes
Russell Karlstad, Alternate Member

Zoning Board Members Not Participating: Robert Haddon, Alternate Member

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services
Michelle Smith, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
John Kelly, Department of Inspectional Services

Call to Order – 6:00 PM

New Business – Public Hearings

Item #1: **40 (aka 42) Harlow Street (MBL 09-033-0001B) (ZB-2020-015)**
Special Permit: To allow a Non-Accessory Freestanding Billboard Sign in a MG-2.0 Zone (Article IV, Section 6)
Petitioner: Murray Marketing, Inc.
Present Use: Presently on the premises is a garage, a surface parking lot (used for bus storage), and a billboard with static faces.
Zone Designation: MG-2.0 (Manufacturing, General) zoning district
Petition Purpose: To relocate the existing billboard to another location on the site and to convert the billboard faces to digital display, and to conduct associated site work.
Hearing Opened: 7/13/2020 Constructive Grant Deadline: 8/4/2020
Hearing Opened with: JW, JBP, AF, GC, RK

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the Special Permit application to the August 3, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline until August 25, 2020.

Item #2: **137 Millbury Street (MBL 05-020-00013) (ZB-2020-017)**
Special Permit: To Reconstruct, Modify or Relocate a Non-Accessory Freestanding Billboard Sign in a BG-3.0 Zone and the Downtown/Blackstone Canal Sign Overlay District Zone (Article IV, Section 6)
Variance: For relief from the minimum setback dimensional requirement for a Digital Display Sign to a residential dwelling (Article IV, Section 6)
Petitioner: Murray Marketing, Inc.
Present Use: Presently on the premises is a surface parking lot and billboard with static display faces.

Zone Designation: BG-3.0 (Business, General) zoning district, the Commercial Corridors Overlay District (CCOD-C), and the Downtown/Blackstone Canal Sign Overlay District (DSOD)
Petition Purpose: To convert the north side of the existing billboard face to a digital display, with the south face of the billboard to remain static, and conduct associated site work.
Hearing Opened: 7/13/2020 Constructive Grant Deadline: 8/4/2020
Hearing Opened with: JW, JBP, AF, GC, RK

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to postpone the Special Permit application to the August 3, 2020 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline until August 25, 2020.

Item #3: 110 Orient Street (MBL 19-015-0003B) (ZB-2020-027)

Special Permit: To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use in an RL-7 Zone (Article XVI, Section 4)
Variance: For relief from the minimum height 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)
Petitioner: Brandy N. Williams and Craig A. Thomas
Present Use: Presently on the premises is a surface parking lot and billboard with static display faces.
Zone Designation: RL-7 (Residence, Limited) zoning district
Petition Purpose: To construct an addition that will connect the existing single-family detached dwelling to the existing garage and renovate the existing structure, adding another story in height, and to conduct associated site work.
Hearing Opened: 8/30/2020 Constructive Grant Deadline: 10/4/2020
Hearing Opened with: JW, JBP, AF, GC, RK

Craig Thomas and Brandy Williams spoke on behalf of the application. Ms. Williams provided a brief summary, stating they seek to construct an addition onto the existing single-family detached dwelling to accommodate a growing family.

Ms. Smith provided a review of the proposal to the Board.

The Board and the applicant discussed the stormwater management system and location of the existing garage on the property.

Public Comment

John Morocco, 108 Orient Street, stated he just wanted to thank the City and the applicant for working with him.

Mr. Thomas requested the two waivers suggested by staff and agreed to the conditions of approval in the staff memo.

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

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Special Permit to allow alteration of privileged pre-existing, non-conforming structure, Variance for relief of .2 from the 2 story maximum height dimensional requirement, and Variance for relief of 6.1 feet from the 8 foot minimum dimensional requirement; to approved requested waivers requested by the applicant; approved with Conditions of Approval from staff memo which includes submission of final revised plans prior to issuance of a Building Permit; recharge 100% of roof runoff; that proposed garage roof & gutters shall encroach no further toward southerly lot line than existing; that prior to the Certificate of Occupancy a registered Professional Engineer shall provide written certification re drainage system; height dimensional

variance permits relief of 1 story to allow maximum of 3 stories in height (i.e. no relief granted to max. height in feet); and that the project be built in substantial accordance with the plans submitted.

Item #4: **28 Water Street & 0 Winter Street (MBL 04-020-0001A & -000B2) (ZB-2020-030)**
Special Permit: To modify parking, loading, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7)
Variance:: For relief from the minimum parking requirements for a multi-family use in the Commercial Corridors Overlay District (Article IV, Section 7, Table 4.4 & Article IX, Section 7, Table 9.1)
Petitioner: B1 Water Street, LLC and B2 Water Street, LLC
Present Use: Presently on the premises is a vacant, five-story, mill building, under renovation, with associated surface parking and a billboard
Zone Designation: BG-3.0 (Business, General) zoning district and within the Commercial Corridors Overlay District (CCOD-C) and the Union Station Sign Overlay District (USOD)
Petition Purpose: To amend the previous approval in order to modify the parking area to reduce the amount of parking provided (total of 7 spaces proposed) and add landscaping.
Hearing Opened: 8/30/2020 Constructive Grant Deadline: 10/4/2020
Hearing Opened with: JW, JBP, AF, GC, RK

Attorney Donald O'Neil spoke on behalf of the applicant, B1 Water Street, LLC and B2 Water Street, LLC.

Mr. O'Neil stated that this applicant had previously appeared before the Board last year and they are now looking to amend the parking provided and add landscaping.

Mr. O'Neil stated that the plan by the owner is for studio apartments so would not require a lot of parking and a lot of people renting would take the train into Boston.

Mr. O'Neil stated that he would request the waivers suggested by staff and is an agreement with Conditions of Approval suggested by staff.

Ms. Dumas gave a brief overview of the scope of what is being proposed and what has changed from the original request from the applicant

Mr. O'Neil reviewed the landscaping and trees proposed for the site.

Mr. Wanat stated that he would be in support of applicant due to the proximity of the trains.

Mr. Berg Powers stated that he would not be in support as feel that applicant has already received more than relief than is necessary.

Mr. Freilich expressed concern that there is not enough parking on the street but agrees with Mr. O'Neil that they are studio apartments and if tenants have issue with not have a parking space they will not rent at location but the city needs to look at the parking in that area of the City.

No Public Comment.

Upon a motion by Mr. Berg Powers and seconded by Mr. Karlstad, the Board voted 5-0 to close the Public Hearing.

Upon a motion by Mr. Freilich and seconded by Mr. Karlstad, the Board voted 4-1 (Mr. Powers voting against) to approve the Special Permit and Variance amendment, for relief of 60 spaces from minimum parking requirements; approved requested waivers requested by applicant ; Approved with Conditions of Approval from staff memo which include submission of final revised plans prior to issuance of a Building Permit; one minimum 3.5" caliper tree; planting plan demonstrating mix of tree species; parking variance specific only to uses and development as proposed and not to any change in use or expansion of uses; that 7 parking spaces shall be depicted on approved plan and striped/placarded as required; that snow storage shall not occupy required parking spaces or landscaped buffer, and that snow shall be removed from site once it exceeds storage capacity; and that project will be built in substantial accordance with plans submitted.

Item #5: **151 Coburn Avenue (MBL 17-021-06+08) (ZB-2020-032)**
Variance: For relief from the minimum frontage dimensional requirement for a single-family detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2)
 Petitioner: Christopher and Lisa Bousbouras
 Present Use: Presently on the premises at 151 Coburn Avenue (aka Lot 1) is an existing, single-family detached dwelling, and on proposed Lot 2 is a vacant lot.
 Zone Designation: RL-7 (Residence, Limited) zoning district
 Petition Purpose: To divide the existing lot into two, with the existing dwelling at 151 Coburn Avenue to remain (on Lot 1), and to construct a new single-family detached dwelling on proposed Lot 2, and to conduct related site work
 Hearing Opened: 8/30/2020 Constructive Grant Deadline: 10/4/2020
 Hearing Opened with: JW, JBP, AF, GC, RK

Attorney Donald O’Neil called in for the applicant, Christopher and Lisa Bousbouras. Mr. O’Neil stated that Ms. Bousboras parents lives next to the property and she is looking to build a home on this site to be next to her parents.

Mr. O’Neil reviewed the scope of what is being proposed.

Ms. Dumas reviewed the application with the Board.

Mr. O’Neil reviewed the width of the driveway, the utility pole and storm water recharge proposed for the site.

Mr. O’Neil requested the waivers suggested by staff and was agreement with Conditions of Approval suggested by staff.

No Public Comment

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. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to approve Variance for relief of 10 feet from the 65 foot minimum frontage dimensional requirement; approved requested waivers requested by the applicant; approved with Conditions of Approval from staff memo which includes submission of final revised plans prior to issuance of BP; recharge 100% of roof runoff; that prior to issuance of a Building Permit that the applicant provide O & M plan and schedule for any stormwater infiltration system; that prior to issuance of a Certificate of Occupancy a registered Professional Engineer shall provide written certification re drainage system; curb-cut on Lot 1 shall not be expanded; the conditions of the Variance apply to and carry with affected land, known as Lots 1 & 2; and that the project be built substantial accordance with the plans submitted.

Item #6: **284 Highland Street (MBL 11-010-00004) (ZB-2020-034)**
Special Permit: To allow a three-family detached dwelling in an RL-7 Zone (Article IV, Section 2, Table 4.1, Residential Use #16)
 Petitioner: The Guild of Saint Agnes of Worcester
 Present Use: Presently on the premises is a large single-family detached dwelling, formerly used as a day care center, and associated site improvements.
 Zone Designation: RL-7 (Residence, Limited) zoning district
 Petition Purpose: To convert the existing structure into a three-family detached dwelling (total of 3 units), and to conduct associated site work.
 Hearing Opened: 8/30/2020 Constructive Grant Deadline: 10/4/2020
 Hearing Opened with: JW, JBP, AF, GC, RK

Attorney Mark Bornstein and Ed Madaus from The Guild of Saint Agnes of Worcester called in for the item.

Mr. Bornstein gave an overview of the scope of the project.

Mr. Bornstein requested the waivers requested by staff and was in agreement with Conditions of Approval suggested by staff.

Ms. Dumas reviewed the scope of the project.

Public Comment

Janelle Wilson stated that she supports the project.

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

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to approve the Special Permit to allow three-family detached dwelling in RL-7; approved requested waivers requested by the applicant; approved with Conditions of Approval from staff memo which include submission of final revised plans prior to issuance of the Building Permit; parking spaces to west of structure shall be constructed with pervious materials; that prior to the issuance of a Building Permit a copy of specs and O & M plan for previous pavement to DPRS; parking and/or paved areas limited to those areas depicted on approved plan, curb-cut width to remain unchanged and all other areas shall be permeable landscaped areas; exterior appearance shall remain unchanged; snow storage shall not be located in parking spaces or landscaped buffers and excess snow shall be removed; and that the project be built substantial accordance with the plans submitted.

Other Business

- 7. Communications**
- 8. Discussion of Board Policies and Procedures**

Adjournment

Upon a motion by Mr. Freilich and seconded by Mr. Berg Powers, the Board voted 5-0 to adjourn the meeting at 7:51 p.m.