

**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
April 5, 2021**

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 Participating: Joseph Wanat, Chair
Russell Karlstad, Vice Chair
Jordan Berg Powers
George Cortes
Robert Haddon, Alternate Member
Nathan Sabo, Alternate Member

Zoning Board Members Not Participating:

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services
Amanda Molina Dumas, Division of Planning & Regulatory Services
David Holden, Department of Inspectional Services

Call to Order – 5:30 PM

Old Business – Public Hearings

- 1. 1193 (aka 1239) & 1243 (aka 1241) Millbury Street (MBL 31-003-00011, -00005) (ZB-2020-036)**
- Special Permit:** To allow open lot storage of more than one (1) unregistered automobile in excess of seven (7) days (Article IV, Section 2, Table 4.1, General Use #13)
- Special Permit:** To allow open lot storage and/or salvage recycling operations (Article IV, Section 2, Table 4.1, Manufacturing Use #8)
- Petitioner:** Boakye Osei Bonsu
- Present Use:** At 1243 (aka 1241) Millbury Street are two buildings – a +/-1,319 SF commercial building, formerly used as convenience store, and a +/- 3,480 SF commercial building, formerly used for retail food sales – each with associated surface parking and at 1193 (aka 1239) Millbury Street is a parking lot used for open lot storage
- Zone Designation:** MG-1.0 (Manufacturing, General) zoning district and the Blackstone River Parkway Sign Overlay District (BSOD)
- Petition Purpose:** To allow open lot storage of vehicles on both lots, to convert the existing +/- 3,480 SF commercial building into a garage to be used for dismantling of vehicles.
- Testimony Date(s):** 10/5/2020; Constructive Grant Deadline: TBD
2/11/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 (Mr. Haddon and Mr. Sabo as alternates) to continue the application to the April 26, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to May 18, 2021.

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- 2. 298 Plantation Street (aka 2 Northboro Street) (MBL 17-025-04+05) (ZB-2020-065)**
- Special Permit:** To allow the extension, alteration or change of a privileged pre-existing, nonconforming

structure and/or use in a RL-7 zone (Article XVI, Section 4)

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, A, 2)

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

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

Variance: For relief from the maximum floor area ratio (FAR) requirements for the RL-7 Zone (Article IV, Section 4, Table 4.2)

Petitioner: Rodney Haddad of Remp Realty LLC

Present Use: A +/- 2,979 SF non-conforming one-story commercial structure, formerly used as a dry cleaner, with associated off-street parking.

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

Petition Purpose: To renovate and convert the existing structure into a food service establishment (deli), construct a second story addition with two dwelling units, construct off-street parking, and conduct associated site work.

Testimony Date(s): 2/11/2021 Constructive Grant Deadline: 5/15/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 (Mr. Haddon and Mr. Sabo as alternates) to continue the application to the April 26, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant Deadline to May 18, 2021.

New Business – Public Hearings

3. 39 Narragansett Avenue (MBL 29-001-00012) (ZB-2020-023)

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

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, A, 2)

Petitioner: Brian W. McDonnell

Present Use: A single-family detached dwelling and detached garage, with associated site improvements.

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

Petition Purpose: To construct an addition in order to convert the existing dwelling into a single-family attached (aka townhouse style) dwelling with a total of 4 dwelling units, and to conduct associated site work.

Public Hearing Deadline: 4/28/2021 Constructive Grant Deadline: TBD

Norman Hill and Brian McDonnell called in for the application.

Mr. Hill reviewed the plans for the site and explained that they are looking to demolish the shed on the property and then build new dwelling units on the site which requires a Special Permit.

Mr. Rolle reviewed the scope of the project and the infiltration proposed for the site. Mr. Rolle stated that the decks will also need to be moved to another location of the property.

Ms. Molina Dumas stated that the second Special Permit will not be required.

Mr. Hill stated that he would request the waivers suggested by staff and was in agreement with the Condition of Approval suggested by staff.

Public Comment

No Public Comment.

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 Mr. Haddon and Mr. Sabo as alternates and Mr. Cortes not present) to approve the Special Permits. The Special Permit relative to parking was advertised in error. The application was approved with requested waivers; approved with Conditions of Approval from staff memo which includes that prior to issuance of Building Permit that submission of final revised site plan set & architectural plans be submitted; that recharge 100% of roof runoff; and that the project will be substantial accordance with the plans submitted.

4. 43 Oread Street (MBL 06-028-00016) (ZB-2020-061)

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/or landscaping requirements (Article IV, Section 7, A, 2)
Variance: For relief from the minimum parking requirements for a residential use (Article IV, Section 7, Table 4.4.)
Petitioner: Elvis Cruz of 43 Oread Street LLC
Present Use: A privileged, non-conforming three-family detached dwelling, with associated site improvements
Zone Designation: RG-5 (Residence, General) zoning district
Petition Purpose: To convert the existing three-family detached dwelling into a multi-family low-rise dwelling (with a total of 5 units), to expand and reconfigure the parking area, and to conduct associated site work.
Public Hearing Deadline: 6/2/2021 Constructive Grant Deadline: 7/7/2021

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers (Mr. Haddon and Mr. Sabo as alternates) the Board voted 5-0 to the application to the April 16, 2021 Zoning Board of Appeals meeting and to extend the Constructive Grant deadline to May 18, 2021.

5. 169 Grand Street (aka 1 Carson Court) (MBL 07-023-00019) (ZB-2021-014)

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, A, 2)
Variance: For relief from the minimum lot area dimensional requirement for a two-family detached dwelling in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum rear-yard setback dimensional requirement for a two-family detached dwelling in a BL-1.0 Zone (Article IV, Section 4, Table 4.2)
Petitioner: Gold Star Builders, Inc.
Present Use: A vacant lot.
Zone Designation: BL-1.0 (Business, Limited) zoning district
Petition Purpose: To construct a two-family detached dwelling, and to conduct associated site work.
Public Hearing Deadline: 6/2/2021 Constructive Grant Deadline: 7/7/2021

Attorney Donald O'Neil called in for the Gold Star Builders, Inc.

Mr. O'Neil stated that staff had discussed relocating the driveways on site and the applicant has no problem with that so he will be requesting to withdraw the Special Permit for that request.

Mr. O'Neil reviewed the project which is to a two family home and Mr. O'Neil stated that they would be requesting the waivers suggested by staff and were in agreement with the Conditions of Approval suggested by staff.

Ms. Molina Dumas reviewed the scope of the project and asked Mr. O'Neil if there were any plans for decks or stairs. Mr. O'Neil stated that there would be no decking or stairs to the rear of the property.

Mr. Karlstad stated that he would just like a condition that lighting in the back of the house be reduced so not to shine onto adjacent properties.

Public Comment

No Public comment.

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

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 (Mr. Haddon and Mr. Sabo as alternates. Mr. Cortes was not present for vote) to approve Variances for lot and RYS (Special Permit relative to parking was withdrawn as relief was not necessary); approved with requested waivers; approved with Conditions of Approval from staff memo which included that prior to issuance of Building Permit that submission of final revised site plan set & architectural plans reflecting recreational area, relocation of driveway and secondary entry door; addition of windows); parking/paved areas limited to those depicted on plan be submitted and that the project be built in substantial accordance with the plans submitted.

Mr. Cortes joined the meeting.

6. 1023-1025 (fka 1029) Southbridge Street (MBL 26-020-0005A) (ZB-2021-016)

Special Permit: To allow a service shop/personal services in a MG-2.0 Zone (Article IV, Section 2, Table 4.1, Business Use #27)

Petitioner: Timothy DeSantis

Present Use: A +/- 9,355 SF one-story commercial building, with associated off-street parking.

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

Petition Purpose: To occupy a portion of the existing structure (+/-6,149 SF) to operate a business of salon suites (+/- 33) for lease, and to conduct related site work.

Public Hearing Deadline: 6/2/2021 **Constructive Grant Deadline:** TBD

Patrick Healey from Thompson and Healey and Timothy DeSantis called in for the application.

Mr. Healey stated that this project has gone through other city boards including Planning Board and Conservation Commission and they are here tonight requesting a Special Permit from the Zoning Board to operate a business of salon suites. Mr. Healey stated that there is sufficient parking for the site.

Mr. Healey stated that he does not believe the first waiver requested by staff is not necessary but would request the second waiver and would be an agreement with Conditions of Approval suggested by staff.

Ms. Molina Dumas reviewed the type of business uses proposed for the site.

Mr. DeSantis reviewed how trash would be handled on the site.

Public Comment

No public comment.

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

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 to approve the Special Permit application with waivers, except first one, recommended by staff along with Conditions of Approval from staff's memo which included that the project will be built in substantial accordance with the plans submitted.

fraternity house, and to conduct related site work.

Public Hearing Deadline:

6/2/2021

Constructive Grant Deadline:

7/7/2021

Attorney Stephan Madaus and Mr. Fitzgerald from FA Morse and Carl Hultgren the engineer called in for the application.

Mr. Madaus stated the location has been a fraternity for 120 years so pre dates zoning so this is a preexisting non-conforming use and they would like to demolish the existing structure and build a new home of a similar nature but the home which will then be conforming under zoning and reviewed the plans for the site.

Mr. Madaus stated that they would request the waiver requested by staff and would be in agreement with Conditions of Approval suggested by staff.

Ms. Molina Dumas reviewed the existing structure and what the new structure would look like and the parking that will be provided.

Mr. Wanat asked if the maple tree on the site was staying. Mr. Fitzgerald stated that during construction the tree would likely be damaged and he has been told would probably not survive but they can look at some other plantings after construction is done.

Mr. Wanat stated that he would just like to be on record that he would be disappointed if that tree was not saved.

Mr. Karlstad stated that he likes the construction but would ask that some large tree be put in replacement of the tree removed.

Mr. Berg Powers stated that he would agree with the comments of his fellow board members regarding the tree.

Public Comment

No Public Comment

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

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 (Mr. Haddon was the alternate to approve the Special Permit and the Variance with Waiver suggested by staff and with Conditions of approval suggested by staff which includes;

1. Prior to the issuance of a Building Permit, provide one (1) full-size, to-scale, stamped/sealed original of a final revised site plan-set and architectural plans, and a PDF file of the same, to the Division of Planning & Regulatory Services.
2. That the parking variance specifically applies only to the uses and development as proposed and not to a change in use or expansion of such use. Any change in use shall meet applicable parking requirements or receive the necessary relief from said requirements.
3. Provided that the project is constructed in substantial accordance with the findings of fact and all final revised plans on file with the City of Worcester and in accordance with all applicable governmental codes.
4. That tree on property will be replaced with suitable replacement and that rock on the property will remain.

Other Business

9. Communications

- a. Before and After Photos of 37 Fruit Street; submitted by Attorney Mark Borenstein on behalf of Russ Haims; received March 10, 2021. No comments.

10. Discussion of Board Policies and Procedures

- a. Draft Meeting Schedule for 2022.

Upon a motion by Mr. Haddon and seconded by Mr. Berg Powers the Board voted 5-0 to approve the Draft Meeting Schedule for 2022.

11. Approval of Minutes – 1/27/2021; 2/11/2021

Upon a motion by Mr. Berg Powers and seconded by Mr. Haddon (Mr. Karlstad abstained from vote) the Board voted 5-0 to approve the minutes of January 27, 2021 and February 11, 2021.

Adjournment

Upon a motion by Mr. Karlstad and seconded by Mr. Berg Powers the Board voted 5-0 to adjourn the meeting at 6:58 p.m.