



**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
June 13, 2022**

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
<https://cow.webex.com/meet/planningboardwebex> and
call-in number 415-655-0001 (Access Code: 160 884 7670).

Zoning Board Members Present: Russell Karlstad, Chair
 Jordan Berg Powers, Vice Chair – *Participated Remotely*
 George Cortes
 Anthony Dell'Aera – *Participated Remotely*
 Shannon Campaniello
 Eric Torkornoo – Participated Remotely (Joined at 7PM)

Zoning Board Members Absent: Nathan Sabo

Staff Participating: Stephen Rolle, Division of Planning & Regulatory Services
 Rose Russell, Division of Planning & Regulatory Services
 John Kelly, Building Commissioner

Call to Order –

Chair Karlstad called the meeting to order at 5:30 PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Item 1: 77 Seymour Street (ZB-2022-003) Special Permit & Variance
Request to Continue the Public Meeting to August 1, 2022
Extend the Constructive Grant Deadline to August 23, 2022

On a motion by Mr. Berg Powers, seconded by Mr. Cortes; 5-0; to accept the continuance.

Item 5: 16-18 Taunton Street (ZB-2022-037) Special Permit & Variance
Request to Postpone the Public Meeting to July 11, 2022
Extend the Constructive Grant Deadline to August 2, 2022

Item 8: 4 Lee Street (ZB-2022-041) Special Permit & Variance
Request to Postpone the Public Meeting to July 11, 2022
Extend the Constructive Grant Deadline to August 2, 2022

Item 9: 216 Park Avenue (ZB-2022-042) Special Permit & Variance
Request to Postpone the Public Meeting to July 11, 2022
Extend the Constructive Grant Deadline to August 2, 2022

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted 5-0 to postpone.

New Business:

2. 34 Barrows Road (MBL 50-019-00018) (ZB-2022-032)

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

Petitioner: Roland E Barrows, Trustee of JAMS Realty Trust

Present Use: Presently on the premises is a vacant lot

Zone Designation: RS-7 (Residence, Single-Family) zoning district

Petition Purpose: The applicant seeks approval to build a single-family detached dwelling.

Donald O’Neil, spoke on behalf of the applicant. Mr. O’Neil summarized the demolition of the previous single-family which left the property without the privileged, pre-existing status. He also described the easement, the relief requested and the proposed construction of a new single-family home.

Board Discussion

Mr. Karlstad asked what the last time the demolished house had been occupied. Mr. O’Neil stated it was demolished in 2021 and was unsure of the last occupant since the owner bought it in 2018.

Mr. Rolle described the application, how it lost its privileged status, and conditioned that the easement through 36 Barrows Road must be maintained.

Mr. Cortes asked why the applicant choose to use gravel for the easement rather than pavement; Mr. O’Neil described the applicant wishes to keep it as it was previously but would be amenable to paving it if necessary. Mr. Cortes stated he prefers pavement and believed it would be good for the neighborhood and require less maintenance.

Robert O’Neil, the Land Surveyor for the proposal described the slope as negative from the road

Mr. Berg Powers stated gravel is better for the environment but this is the ZBA not the Conservation Commission and it’s not within the purview of ZBA.

Roland Barrows, the owner of the property described that he felt demolishing the old house was the right thing to do since kids had been trespassing on the property and the house was in a dangerous condition.

Ms. Campaniello asked about the trees/foliage surrounding the house; Mr. Barrows answered.

Mr. O’Neil described the deeded easement and the right of way which has existed for many years.

Mr. Karlstad suggested a pre-condition survey to make sure no damage is done to the house at 36 Barrows Road from construction traffic through the 10ft easement.

Mr. O’Neil stated the applicant would be amenable to the condition and requested the waivers.

No public comment

Inspectional services had no comment.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera, 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Dell’Aera; 5-0 to approve the variance with an added condition that a pre-condition survey of the easement/property at 36 Barrows Road must be completed prior to construction.

Item taken out of order for interpretation.

7. 18 & 23 Hammond Street (MBL 06-034-00021 & 06-031-0015A) (ZB-2022-039)

18 Hammond Street

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 lot area dimensional requirements for a multi-family dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

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

23 Hammond Street

Special Permit: To allow a non-accessory residential parking facility in a RG-5 zone (Article IV, Section 2, Table 4.1, General Use #10)

Petitioner: Excellent Investment Corps

Present Use: Presently on the premises at 18 Hammond Street is a vacant structure, previously used as a 69 bed nursing home, and at 23 Hammond Street is a surface parking area.

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

Petition Purpose: The applicant seeks approval to convert the existing structure at 18 Hammond Street into a multi-family low-rise dwelling with a total of 18 units, with associated site improvements, and to use the parking lot at 23 Hammond Street to provide parking to serve the residential use.

Mr. Rolle confirmed the interpreter was present for the discussion, but the party who requested interpretation services was not in attendance.

Mr. O’Neil representing the applicant, Excellent Investments Corp., spoke before the Board. He described the relief needed, and stated the property is currently in tax title and his client is a potential buyer but reuse for the property is limited. He stated that the applicant is willing to rent 18 additional spaces if required by the ZBA. He noted the two crosswalks from the parking area to the apartments.

Mr. Rolle asked for confirmation of the square footage relief requested; Mr. O’Neil stated 22,000 SF is the required with 8,682 SF relief requested. Mr. Rolle noted this is a by-right development and described the Zoning Ordinance regulation that parking has to be on-site for residential use. He’s comfortable but stressed importance for crossing at the sidewalk, and listed the conditions of approval.

Mr. Karlstad described his approval for reuse of property, but stated his concerns about dangerous traffic condition with lots of residential crossings. Mr. O’Neil suggested signage and/or flashing lights, and requested waivers.

No public comments

Inspectional services had no comments

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the board voted 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the board voted 5-0 to approve the requested relief.

New Business:

- 3. 44 Esther Street (MBL 10-011-00022) (ZB-2022-035)**
- Special Permit:** To modify dimensional standards for a Residential Conversion (Article IV, Section 9)
- Variance:** For relief from the minimum parking requirements for a residential use (Article IV, Section 7, Table 4.4.)
- Petitioner:** Nguyen Do and Hao Quach
- 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 convert the single-family detached dwelling into a two-family detached dwelling with no exterior changes to the structure.

David Sadowski spoke on behalf of the applicant. He described the existing conditions of the lot, and described no exterior changes are proposed, only interior reconfigurations are planned for the property. Mr. Sadowski also responded to some abutter comments. He described the changes undergone to the site plan to reflect the two-parking spaces dimensioned.

Mr. Rolle explained the proposal, the privileged status of the property and the conditions of approval; described the abutter comments and concerns for parking; and recommended conditions of approval.

Mr. Karlstad reiterated some abutter concerns about parking and photos transmitted to the Board from the parking situation the night before which showed cars parked illegally in front of the fire hydrant.

Nguyen Do, the applicant stated he is not able to constantly monitor the parking situation or control his tenants every move. He also stated that this isn’t the example of what happens on a daily basis, and he does check in on the property and with his tenants on a regular basis.

Mr. Karlstad asked if adding a third parking space is a possibility. Mr. Sadowski stated the possibility of removing the retaining wall to add a third parking space.

Public Comment:

Kevin Durkin, an abutter asked to comment. Mr. Durkin described the chain link fence has been there for 30 years; the crumbling front stairs; issues with snow removal and overgrowth in the past. He stated his biggest

concern was traffic safety lack of parking in the neighborhood. He stated cars routinely park in front of the fire hydrants, and described the lack of parking as a “quality of life issue”.

Laura Rodriguez, an abutter asked to comment. Ms. Rodriguez asked if her vacant lot at 40 Esther Street will aid in the parking issue since no residents from her property are using on-street parking.

Brian Cormier an abutter asked to comment. Mr. Cormier stated the lack of on-street parking and the dangerous curve in Ether Street that is exasperated by cars parked on the street. He stated his own home had been hit by a car due to the dangerous road conditions. He stated he would be amenable to a third parking space by the fire hydrant.

Mr. Karlstad suggested contacting the police department with any parking issues.

Mr. Durkin reiterated that as a single-family they already have parking issues, and one additional parking space will not solve the already dangerous traffic situation. He stated he has tried calling the police to aid in the parking issues and not had any success improving the traffic situation.

Board Discussion

Mr. Karlstad asked to postpone to allow the applicant to get more information on adding a third parking space. The Board unanimously agreed.

Mr. Sadowski said the applicant would be amenable to postponing.

Mr. Rolle clarified that an expansion of the driveway would need to be 18ft from the existing driveway to towards the fire hydrant.

Inspectional Services had no comments.

On a motion by Mr. Berg Powers, seconded by Mr. Sabo, the Board voted 5-0 to continue the public hearing.

Eric Torkornoo joined the meeting

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| 4. | 120 Stafford Street (MBL 15-031-00020) (ZB-2022-036) |
| Special Permit: | To allow a food-service use (including consumption/sale of alcoholic beverages) and/or providing dancing and/or entertaining in a BL-1.0 zone (Article IV, Section 2, Table 4.2, Business Use #8) |
| Petitioner: | Justin R. Kazmierczak |
| Present Use: | Presently on the premises 120 Stafford Street is a multi-tenant commercial building with a mix of uses and associated surface parking. |
| Zone Designation: | BL-1.0 (Business, Limited) zoning district. |
| Petition Purpose: | The applicant seeks approval to operate a food-service establishment, with alcohol and entertainment, within a vacant portion of the premises. |

Justin Kazmierczak described his application before the board, detailing the menu, dining hours target audience, and occupancy.

Mr. Rolle described the application and stated that a restaurant had previously been in this location. He described the recommended conditions of approval, and noted the final occupancy will be determined by Inspectional Services.

Public Comment

Robert Johnson, an abutter asked to comment. Mr. Johnson stated his concerns about the proximity to Varnum Street, which is single-family zoned properties. He stated it's very close to residential housing and school-aged children. Mr. Johnson strongly voiced his disapproval and asked if the Board could change the permit.

Lowell Alexander, an abutter asked to comment. He stated he is also on Varnum Street, and stated since the previous restaurant did not serve alcohol that he believes the noise level from the establishment will be significantly higher.

Russell and Shelby Clark, abutters asked to comment. Mr. Clark stated that the couple had lived there for 30 years, and the previous restaurant often left their backdoor open which was very noisy. He also stated they have issues with rats due to the dumpsters in close proximity to their home. He stated his disapproval with application as a whole. Ms. Clark stated that parking has also been an issue on weekends, and worried about overflow parking onto Varnum Street. She also stated her concern about increased noise levels with alcohol at the restaurant.

Mr. Rolle suggested the abutters reach out to the city to help with the rats since they have been an issue this year across the city.

Mr. Cortes suggested a larger fence to help with the noise issue and trash going into the neighboring property. Mr. Rolle said the applicant may not be able to commit to fencing since they are not the owner.

Mr. Alexander stated his issues with trash coming from the property blocking the right of way. He stated this application will exacerbate the current issues with noise, and snow removal. He voiced his opposition to the added noise from restaurant and had prior issues with previous tenant of this property

Mr. Rolle responded to the abutter comments.

Board Discussion

Ms. Campaniello asked the applicant for his familiarity with sanitary codes and grease traps regulations.

Mr. Kazmierczak stated that he is knowledgeable through his past restaurant experience, and an owner and operator wants to have a clean and presentable space.

Mr. Berg Powers stated his approval, and abutters need to have an expectation of business if they live near a commercial space. He stated that a tapas/piano bar is a more appropriate occupant of the space with an owner that has restaurant experience.

Monica Hawes, a friend of the applicant stated her empathy for people who live nearby, but defended the difficult position as a business owner herself.

Mr. Rolle suggested the Board may regulate the time the business can close to aid abutter concerns.

Mr. Dell’Aera asked if there is a “transition zone” in this area. Mr. Rolle said this is something may be addressed by the upcoming long range plan and the BL-1.0 zone may be categorized as a transition zone. Mr. Rolle noted there is another transition zone that does not include alcohol.

Inspectional Services had no comments.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, 5-0 to close the public hearing.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, 4-1; Anthony Dell’Aera opposed; to approve with added conditions to not remain open later than 12AM.

6. 11 Sever Street (MBL 06-005-00039) (ZB-2022-038)

11 (aka Lot A) Sever Street (Existing):

Extension of Time

Variance: For relief from the minimum lot area dimensional requirement for a multi-family high-rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

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

Lot B Sever Street (Proposed)

Extension of Time

Variance: For relief from the minimum lot area dimensional requirement for a multi-family high-rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

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

Petitioner: Sever Street Development LLC

Present Use: Presently on the premises at 11 Sever Street (aka Lot A) is an existing non-conforming 10-story multi-family high-rise dwelling (with 98 units total), with associated parking areas on both proposed Lot A and Lot B.

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

Petition Purpose: The applicant seeks to divide the existing lot into two, with the existing 98-unit multi-family high-rise dwelling known as 11 Sever Street to remain on Lot A, and to construct a new 4-story multi-family high-rise dwelling (with 49 units) on proposed Lot B, and to re-configure and expand parking areas and make associated site improvements.

Joshua Lee, an attorney with Boditch and Dewey spoke on behalf of the applicant. Mr. Lee described the prior applications and the approved plans. He described the lengthy process to gain federal funding from DHCH for the affordable housing. Since COVID has pushed timelines back, it requires the applicant to get an extension until December to gain funding and break ground on the project.

Mr. Rolle described the process for extending variances. He stated this is a very routine process for such large projects as seen before the Board.

Board Discussion

Mr. Cortes asked if there is a limit on the amount of extensions and applicant is allowed to apply for. Mr. Rolle stated there is no limit.

Mr. Berg Powers stated he recused himself from the prior discussion and asked if he would be able to participate since he lived in close proximity. Mr. Rolle stated he would not need to recuse himself. Mr. Berg Powers stated while he is pro-affordable housing, he reiterated prior concerns about affordable housing not being appropriately spread throughout the city. He also stated concerns about overflow parking into neighboring streets.

No public comments.

Inspectional Services had no comment.

On a motion by Mr. Berg powers, seconded by Mr. Cortes, 5-0 to close the public hearing.

On a motion by Mr. Berg powers, seconded by Mr. Cortes, 5-0 to approve the extension of time.

Other Business:

9. Communications

a. Worcester Now/Next Citywide Plan – Notice of Public Workshops (in-person 6/23, virtual 7/7)

Mr. Rolle described the upcoming Public Workshops for the Citywide plan.

10. Approval of Minutes

No discussion

11. Discussion of Board Policies and Procedures

No discussion

Adjournment

On a motion by Mr. Berg Powers, seconded by Mr. Torkornoo, the Board voted unanimously to adjourn at 7:33PM.