



**MINUTES OF THE PROCEEDINGS OF THE
ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER
January 22, 2024**

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
<https://cityofworchester.webex.com/meet/zoningboardofappealswebex> and
call-in number 1-844-621-3956 (Access Code: 2630 362 4924).

Zoning Board Members Present: Russell Karlstad, Chair
 Jordan Berg Powers, Vice-Chair – *Participated Remotely*
 George Cortes
 Eric Torkornoo – *Participated Remotely joined @5:38 PM*
 Anthony Dell'Aera – *Participated Remotely*
 Shannon Campaniello – *Alternate*

Zoning Board Members Absent: Nathan Sabo – *Alternate*

Staff Participating: Michelle Smith, *Division of Planning & Regulatory Services*
 Victor Panak, *Division of Planning & Regulatory Services*
 Andreaa Brenner, *Division of Planning & Regulatory Services*

Call to Order:

Mr. Karlstad called the meeting to order at 5:37PM.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Continuances

Item 1 49 Upland Street (ZB-2023-088) Special Permit Application
Request to Continue the Public Meeting to February 12, 2024
Extend the Constructive Grant Deadline to March 5, 2024

Postponements

Item 3. 119 Rodney Street (ZB-2023-078) Special Permit & Variance Application
Request to Postpone the Public Meeting to February 12, 2024
Extend the Constructive Grant Deadline to March 5, 2024

Item 5 17 Montclair Drive (ZB-2023-095) Special Permit Application
Request to Postpone the Public Meeting to March 4, 2024
Extend the Constructive Grant Deadline to March 26, 2024

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

New Business – Public Hearings

2. 114 Austin Street (ZB-2023-077) (MBL 03-024-00002)

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 for a multifamily low-rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum side-yard setback dimensional requirement for a multifamily low-rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum exterior side-yard setback dimensional requirement for a multifamily low-rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum rear-yard setback dimensional requirement for a multifamily low-rise dwelling in an RG-5 Zone (Article IV, Section 4, Table 4.2)

Variance: For relief from the minimum lot area dimensional requirement for a multifamily low-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: Polar Views, LLC

Present Use: Presently on the premises is a low-rise multifamily dwelling, with 4 units, and an accessory structure

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

Petition Purpose: The applicant seeks to demolish the existing multifamily dwelling and a portion of the accessory structure, to construct a new single family attached (townhouse style) structure with associated parking, to renovate and connect the carriage house to the new structure (for a total of 5 dwelling units), and to conduct associated site work

Public Hearing Deadline: 1/22/2024 **Constructive Grant Deadline:** 2/13/2024

Mr. John Grenier from J Grenier and associates, representative, gave an overview of the project stating that the applicant seeks to redevelop the site with keeping the historical features. Mr. Grenier stated that currently there is a 4 unit apartment style structure on the site and a detached carriage house. Applicant has been working with the Crown Hill Historic District members to redevelop the site with keeping the historical district. It is an RG-5 zoning district. The existing structure is condemned. We are proposing to raze and reconstruct another 4 units with attached garages and attach that to the existing carriage house which will act as a 5th unit. Each unit will have an oversized 1 car garage. We have been working with staff to provide adequate vehicular access to the site off of Austin Street. We have also been working with the Historical Commission to keep the building with the historic district they are proposing to add a wrap around porch on the Quincy Street side of the property. This will increase the setbacks/nonconformities along Austin & Quincy Streets. We did receive a Certificate of Appropriateness from the Historical Commission for our design. This is consistent with other developments in the area and bringing this property back as housing for city residents. The carriage house would be completely renovated. If it wasn't in a historic district, it probably would have been demolished. Received comments from staff and have no issue with any of them.

Ms. Brenner gave an overview of the project restating what is currently on property and how the applicant is looking to redevelop the property as stated by Mr. Grenier. They are seeking a special permit in order to modify

parking/loading requirements as well as variances as they are deficient in lot area and set back requirements. The memo was revised for the project. Staff comments based on the revisions made by the applicant: A tree between the parking area and unit 5, a walkway from the parking area to unit 5, a functional front door to unit 5 - the applicant has stated that off of Austin Street the slope is too steep, but we would still like to see one possibly at a different entrance. We would like to see them maintain the wrap around porch because the house is historic/requires historical commission approval. There was a concern about vehicles parking in the driveway, the applicants agreed to install appropriate signage in order to discourage this. Staff recommends moving/rotating the building towards Quincy Street. The applicant is concerned for vehicles backing out of units 1-4 and have provided a turn radius analysis. Has the applicant considered vegetative screening and that be incorporated at the garage level along Austin Street. We asked the applicant to widen the drive path for accessibility and safety.

Mr. Grenier stated that they cannot rotate the building to be parallel to Quincy Street because when you are pulling into/out of garage on unit 4, you would be back out towards the carriage house at an awkward angle, we are trying to keep it at a right angle. We are not opposed to looking at other options. We will be going back to the historical commission about a couple other small items so this is also something we can bring up with them.

Ms. Smith stated that staff has spoken to the project architect about rotating the building in order to allow for more maneuverability and the rotation would be small and require no extra relief in terms of setbacks.

Mr. Grenier stated that they are amenable to exploring the rotation.

Public Comment

None.

Board Comment

Mr. Berg Powers stated that he agrees with city staff.

Mr. Dell'Aera stated that if the applicant is amenable to city recommendations, he approves.

Mr. Torkornoo stated he is comfortable with the city's recommendations.

Mr. Karlstad stated that he likes the project and city comments are valid. I think we can do this conditionally and work it out with planning staff.

Mr. Grenier stated that he accepts the waivers.

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 application with all conditions, recommendations, and waivers.

New Business—Public Hearings

4. 20 Boyden Street (ZB-2023-081) (MBL 26-010-00038)

Special Permit: To allow placement of fill/earth excavation (Article IV, Section 5)

Petitioner: MJ Rentals, LLC

Present Use: Presently on the premises is a single-family dwelling with associated fill

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

Petition Purpose: The applicant seeks partially retroactive approval to re-grade the yard

Public Hearing Deadline: 1/22/2024 **Constructive Grant Deadline:** TBD

Mr. Howard Potash, representing MJ Rentals LLC, the applicant, gave an overview of the project stating that the applicant seeks to correct erosion issues which is why they are seeking a Special Permit. Mr. Potash stated that the work will include work on abutter properties, but the applicant has written authorization from both abutters. Mr. Potash stated that there are currently 2 open court cases involving the project, but they will soon be resolved in court, but the applicant is seeking relief to correct the previous work that occurred.

Ms. Smith gave an overview stating that the applicant is seeking retroactive approval in order to provide erosion control. Ms. Smith stated that the applicant is also seeking to control the water that has run down onto different properties and the street, which will potentially improve neighbor property conditions as well as the conditions onsite. Ms. Smith stated that staff would like to see work completed before the summer and prove that the fill has been stabilized by fall.

Mr. Glenn Krevosky, EBT Environmental Consulting, wetland specialist, gave an overview of the work they plan to do onsite and stated that trees will be planted, soil replaced, and other erosion control methods in place in order to stabilize the fill.

Public Comment

Mr. Tom Scannell, representing Karen McCarthy, abutter, stated that approval of the project will go a long way in correcting some of the issues that have occurred to his client’s property. Mr. Scannell stated that they agree with the proposal and is a great first-step in getting the issue resolved.

Board Discussion

Mr. Berg Powers stated that he agrees with staff comments.

Mr. Dell’Aeara agreed.

Mr. Cortes stated asked if the running water issue has been resolved.

Mr. Krevosky stated that the plan was revised in order to include the berm and that the land was inspected twice in order to ensure that no water was running downhill. Mr. Krevosky stated that there was previously water running down the slope, but there is now evidence that there is water running down the hill.

Mr. Cortes stated that heavy rain will still bring water down the slope and wants to make sure that it will not run into others’ properties.

Mr. Krevosky stated that the slope is short and does not see it having the velocity to bring water down into the streets and nearby properties. Mr. Krevosky stated that there is no evidence that water will run down into nearby properties.

Mr. Cortes asked if there’s a retaining wall; Mr. Krevosky said yes.

Mr. Cortes asked if the retaining wall could be higher; Mr. Krevosky said no because the water doesn't run in that direction and is not going over the wall.

Mr. Cortes asked if the proposal needs to be looked at further.

Mr. Karlstad stated that the work was already done, the applicant will follow what the city recommends, and the city will monitor the project.

Mr. Krevosky stated that the neighbors would like to not see trees next to their property because they are worried about the number of leaves. Mr. Krevosky stated that they would like to see bushes instead of trees due to this concern.

Mr. Karlstad stated that the number of trees will not be reduced and that if staff doesn't agree with this, the plan will have to stay the way it is.

Ms. Smith stated that staff wants to see a tree in the front yard and plantings can be shifted if the concern is leaves but the goal is to have the trees help with storm-water management. Ms. Smith stated we want to see no less than 7 trees and is unsure if the placement of the trees will prevent leaves on neighboring properties.

Mr. Karlstad stated that the city can modify the location of the trees, but he does not want to see the quantity changed. Mr. Karlstad stated that adding bushes is fine, but he would like to see this as a condition.

Ms. Smith wanted to clarify based on what was said tonight that there is not any work being proposed for a berm? Just want to understand what exactly is happening. And that condition 1F can be removed as it's specific to the berm.

Mr. Krevosky stated that it was investigated and that the soil will be smoothed, and the number of trees will remain, and water did go over the slope so they will correct this.

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 application with all conditions, recommendations, waivers, with the removal of condition 1F and with changed language to the trees, and with the changed language from "prior to issue of building permit "to "prior to commencement of work "

New Business—Public Hearings

6. 30 Tyler Prentice Road (ZB-2024-002) (MBL 39-030-04-06)

Special Permit: To allow a personal wireless service facility in a BG-4.0 (Business, General) and BL-1.0 (Business Limited) Zoning District (Article IV, Section 2, Table 4.1, General Use #15)

Variance: For relief from the maximum 40 FT height requirement for a personal wireless service facility in the BL-1.0 zoning district (Article IV, Section 12

Petitioner: Cellco Partnership d/b/a Verizon Wireless

Present Use: Presently on the premises is a church with associated structures

Zone Designation: BG-4.0 (Business, General) and BL-1.0 (Business, Limited) zoning districts and within the WR(GP-S) overlay district

Petition Purpose: The applicant seeks to install a new free-standing Personal Wireless Service Facility monopole tower with accessory ground equipment inside a gravel base compound

Public Hearing Deadline: 3/08/2024 **Constructive Grant Deadline** 4/12/2024

Mr. Carl Gehring, representing Verizon Wireless, gave an overview of the project stating that the applicant is seeking to install a personal wireless service facility for the purpose of cell service. Mr. Gehring stated there is a specific need for it and it is essentially a tall pole. Mr. Gehring went through the different components of the

application and stated that they meet the requirements for the special permit and respectfully request approval for the height variance due to the zoning.

Ms. Smith stated gave an overview stating they're seeking relief for the use & height of the facility. We recommended conditions of approval. We would like a storm water report along with other standard conditions for this circumstance. Listed painting the pole as a condition, the board can decide on that.

Public Comment

None.

Board Discussion

Mr. Karlstad stated that the acoustical engineering could be waived because it's not a residential area. Mr. Karlstad asked about the paint and if it will wear off.

Mr. Berg Powers stated that he is fine with the other conditions but thinks the applicant should request the waiver for the acoustic engineer and defer to the chair about the painting.

Mr. Dell'Aeara stated he agrees with Mr. Berg Powers.

Mr. Cortes stated that towers that are a certain height require Federal Aviation requirements and wants to know if the flashing light will interfere with helicopters or planes.

Mr. Gehring stated that there's no light required, and they have submitted an FAA report that addresses this issue.

Ms. Smith stated this was reviewed by staff and it's not required unless the tower is over 200ft.

Mr. Cortes asked if it would interfere with police and fire department radio waves.

Mr. Gehring stated that it's not an issue because it's on a different radio frequency.

Mr. Karlstad stated that the pole can be galvanized and doesn't need to be repainted and doesn't agree with this city staff recommendation but does agree with the rest of them.

Ms. Smith stated that the painting is a standard condition that has been approved previously for other applications, but the condition can be eliminated.

Mr. Karlstad said he didn't know this but would like to strike this condition for this case.

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 application with all conditions, recommendations, waivers, and with the removal of the condition requiring painting.

New Business—Public Hearings

7. 8 Standish Street (ZB-2024-003) (MBL 18-022-0011A)

Special Permit: To allow an Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure and/ or Use (Article XVI, Section 4)

Petitioner: Laurance Aulo

Present Use: A single-family detached dwelling with a one-story garage attached

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

Petition Purpose: The petitioner seeks to demolish the existing one-story garage and construct a two-story garage with a bedroom on the second floor

Public Hearing Deadline: 3/02/2024 **Constructive Grant Deadline** TBD

Mr. Aulo, 8 Standish Street, owner & applicant, gave an overview of the project stating that he wants to demolish the existing garage and build a new one that is 2 stories with a bedroom & bathroom.

Mr. Panak gave an overview of the project stating that the applicant is seeking to demolish the existing garage and construct a 2-story garage with a bedroom/bathroom on the second floor. Mr. Panak stated that the existing garage is non-conforming, and the new structure will still be non-conforming. Mr. Panak stated that staff is seeking pavement removal in rear yard and vegetation implanted.

Mr. Karlstad asked what's the surface material; Mr. Aulo said grass.
Mr. Karlstad asked if the applicant was ok with removing the paved area.
Mr. Aulo stated that the pavement was due to storm-water issues.
Mr. Karlstad asked if the applicant accepts the waivers; Mr. Aulo said yes.

Public Comment

None.

Board Discussion

None.

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 application with all conditions, recommendations, and waivers.

13. Communications – *None.*

13. Approval of Minutes

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted to approve the **9/18/2023; 10/16/2023; 11/6/23; 11/27/2023 minutes.**

14. Discussion of Board Policies and Procedures – *No discussion*

Adjournment:

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, the Board voted unanimously to adjourn at 6:30pm.