



The City of Worcester

Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
George Cortes
Anthony Dell'Aera
Eric Torkornoo
Nathan Sabo, Alternate
Shannon Campaniello, Alternate

MINUTES OF THE PROCEEDINGS OF THE ZONING BOARD OF APPEALS OF THE CITY OF WORCESTER August 5, 2024

Worcester City Hall – Levi Lincoln Chamber,
with remote participation options available via Webex online at:
<https://cityofworcester.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
Dr. Anthony Dell'Aera – Participated Remotely
Eric Torkornoo – Participated Remotely

Zoning Board Members Absent: Nathan Sabo – Alternate
Shannon Campaniello – Alternate

Staff Participating: Michelle Smith, Division of Planning & Regulatory Services
Victor Panak, Division of Planning & Regulatory Services
Rose Russell, Division of Planning & Regulatory Services
Amy Beth Laythe, Division of Planning & Regulatory Services
David Horne, Inspectional Services – Participated Remotely
Todd Miller, Inspectional Services

Call to Order:

Mr. Karlstad called the meeting to order at 5:54PM due to technical issues.

Requests for Continuances, Extensions, Postponements, and Withdrawals

Continuances/Postponements/Withdrawals

Item 6. 8 Nebraska Street & 14 Putnam Road (ZB-2024-063) Special Permit Application

Request to Postpone the Public Hearing to August 26, 2024
Extend the Constructive Grant Deadline to September 16, 2024

Item 9. 10 Grosvenor Street (ZB-2024-066) (MBL 05-014-0046A)

Request to Postpone the Public Hearing to August 26, 2024
Extend the Constructive Grant Deadline to September 16, 2024

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 4-0 to grant all Continuances/Postponements/Withdrawals.

Board member Torkornoo joined the meeting remotely at 6:10pm

Old Business – Public Hearings

1. 11 (aka 8) Earle Terrace (ZB-2023-005) (MBL 01-026-0014A)

Special Permit: To operate a motor vehicle/trailer/boat sales use in a BL-1.0 zone (Article IV, Section 2, Table 4.1, Business Use #15)).

Special Permit: To operate a motor vehicle service/repair/garage/display use in a BL-1.0 zone (Article IV, Section 2, Table 4.1, Business Use #16).

Petitioner: Steven Christopher

Present Use: Presently on the premises is a 1-story building being used for motor vehicle repair/garage/sales and a surface display lot.

Zone Designation: BL-1.0 (Business, Limited) zoning district

Petition Purpose: The applicant seeks to retroactively permit operations of a motor vehicle service repair/garage/display and sales use on the property (Article IV, Section 2, Table 4.1, Business Use #15 & 16).

Exhibits: Exhibit A: Special Permit Application; clerked 4/27/2023; revised 2/23/2024; prepared by Donald J.O’Neil
Exhibit B: Plan of Building Lots, Moore Terrace Subdivision Plan; dated 1898
Exhibit C: Plan of Lots; dated 3/21/1951.
Exhibit D: Class 2 License, WPD 1992-2021.
Exhibit E: Preliminary Sketch of Proposed Layout; received 2/9/2024.
Exhibit F: Abutter Letter; received on October 16, 2024

Public Hearing Deadline: TBD Constructive Grant Deadline TBD

Donald O’Neil, Attorney, said this is a continuation of a previous meeting and wanted to confirm who heard this issue previously.

Mr. Karlstad stated all five board members present heard this item previously.

Mr. O’Neil gave a shortened overview of the events up to the current time. He further stated that if the Special Permit is approved tonight, his client will withdraw the Administrative Appeal filing. Mr. O’Neil is hopeful his client can resume operation with the hope to enlarge in the future. His client understands that anything over 8 cars triggers a need for planning board approval. Mr. O’Neil went over the site plan and acknowledged notes from staff are agreeable regarding plantings, the driveway and side yard buffer. Mr. O’Neil suggested alternatives to staff comments regarding plantings and had an objection to removing a portion of the retaining wall that staff indicated was into the right of way. He asked the board to reconsider that the Special Permit approval be limited to Mr. Christopher (his client) personally as he was hoping to not have this restriction. Mr. O’Neil also requested the waivers included in staff memo.

Michelle Smith gave an overview of the history of this submission with the Zoning Board dating back to 2023. She added as a response to Mr. O’Neil’s objection to moving the retaining wall that this staff comment was made in case a car needed to pull to the side or to widen the street at that location for cars/emergency vehicles. In response to Mr. O’Neil’s comments about plantings, that there are requirements in zoning ordinance for the types of trees to be used and encouraged the board to consider options as the purpose is to provide a buffer for abutters. Ms. Smith asked what the surface treatments for lot would be and if they would be changing from the existing conditions. Ms. Smith asked what the drainage for the lot would be and if there is a lighting plan as once winter comes, it will be dark earlier. Ms. Smith also asked if the applicant is proposing any improvements to the right of way, and if so, would need planning board approval. Ms. Smith continued that if there is any change in dimension of the driveway, the applicant would need to confirm that cars are still able to pass through the parking lot. The Variance granted in the past was granted to the owner at that time because approvals are specific to the applicant and not likely to transition to a new owner. Ms. Smith finished by reviewing prohibited activities and staff conditions prior to operation.

Public Comment

NONE

Board Discussion

Mr. Berg Powers said he would like to hear the applicant's responses to the items raised by Ms. Smith and maybe after he will circle back with questions.

Mr. Cortes said that this is the third time the board is discussing this project. He recalls discussing how right now this parcel looks bad. Applicant has not confirmed any specific improvements. Agree with staff comments and urge applicant to adhere to recommendations which would help get positive response.

Mr. O'Neil stated that he didn't understand the request to remove the retaining wall as the sidewalk abuts it and if it is in the right of way, it is not in the travel way. He said if the wall is removed, the sidewalk is still there. He added that lighting is not proposed, and signage is not proposed. The lot surface would be gravel and feels his client has made concessions to staff and will not be making improvements to Earle Terrace.

Mr. Dell'Aera stated that he would like to see recommendations from city staff adhered to and is not in favor of making the special permit transferrable. He stated that this usage of the property is suboptimal, but he is sympathetic to the applicant and the circumstances but believes by right uses in this zone would be better.

Mr. Torkornoo stated he had no questions.

Mr. Karlstad said he believes the applicant and the city can work out a planting plan. Mr. O'Neil asked if the board approval is gained, will it be that that code department will determine enforcement.

Mr. Karlstad said the permit should be tied to the operator and thinks the wall can stay. He said the city is requesting signage and asked if there is a functional restroom in the building. Mr. O'Neil answered that he doesn't believe so. Mr. Karlstad said Inspectional Services will have something to say about that. Mr. Karlstad asked where paperwork will be stored/filled out. Mr. O'Neil answered that activity will happen in a car onsite. Mr. Karlstad said that is not a perfect situation. He additionally asked Mr. O'Neil to talk about surface treatments. Mr. O'Neil said they are proposing gravel because if it were asphalt, the whole site would need to be reengineered. Mr. O'Neil said he believes this will be manageable.

Mr. Karlstad raised a concern about ADA accessibility and then took a straw poll of the board as to their opinions. Mr. Berg-Powers said to move forward. He continued to ask the applicant to remove the stone wall is onerous and that the Special Permit should be specific to this applicant. Mr. Cortes said to move forward and no transfer of the Special Permit. Mr. Dell'Aera said to move forward and keep everything described earlier. Mr. Torkornoo said to move forward and will leave the transfer of the Special Permit to the chair's decision.

David Horne, Inspectional Services, said he is not concerned about ADA.

Mr. Karlstad asked to change conditions for screening and said the wall can stay.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to approve the application with recommended/amended conditions, recommendations, and waivers.

Mr. O'Neil would like to push the administrative hearing two meetings to make sure the Special Permit decision is signed and passes without appeal.

New Business – Public Hearings

2. 11 (aka 8) Earle Terrace (ZB-2022-076) (MBL 01-026-0014A)
Administrative Appeal: Of a determination issued by the Deputy Building Commissioner to cease and desist operation of a motor vehicle sales and/or repair/garage/display uses in a BL-1.0.
Petitioner: Steven Christopher
Present Use: Presently on the premises is a 1-story building being used for motor vehicle repair/garage/sales and a surface display lot.
Zone Designation: BL-1.0 (Business, Limited) zoning district
Petition Purpose: The applicant seeks to overturn the determination issued by the Deputy Building Commissioner to cease and desist operations of a motor vehicle service repair/garage/display & sales use on the property (Article IV, Section 2, Table 4.1, Business Use #15 & 16).
Exhibits: None
Public Hearing Deadline: 8/5/2024 Constructive Grant Deadline 8/27/2024

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to continue until the meeting on October 7, 2024 with a Constructive Grant Deadline of October 29, 2024

New Business – Public Hearings

3. 39 Lamartine Street (ZB-2024-055) (MBL 05-014-00008)
Variance: For relief from the minimum 200 FT frontage requirement for a multi-family high-rise dwelling use in a BG-3 (Business, General) Zone (Article IV, Section 4, Table 4.2)
Variance: For relief from the minimum off-street parking space requirement for a multi-family dwelling and retail use (Article IV, Section 7, Table 4.4)
Petitioner: Polar Views LLC
Present Use: Presently on the premises is a vacant lot consisting mostly of gravel and asphalt
Zone Designation: BG-3 (Business, General) zoning district
Petition Purpose: The applicant seeks to construct a ±6 story, ±48,613 SF mixed-use building with ±1,669 SF of commercial space on the first floor and ±36 units on upper floors, with subterranean parking and ground floor spaces (±40 parking spaces in total), and to conduct associated site improvements.
Exhibits: Exhibit A: Variance Application; clerked 6/25/2024; prepared by Joshua Lee Smith, Bowditch & Dewey LLP
Exhibit B: Site Plan; dated 6/6/2024; prepared by J.M. Grenier Associates Inc.
Exhibit C: Existing Conditions Survey; dated 2/24/2024; prepared by GEO/Network Land Survey Inc.
Exhibit C: Architectural Plans; dated 6/6/2024; prepared by Miguel DeStefano Architects
Exhibit D: Transportation Demand Management Program; dated 7/15/24; prepared by AK Associates
Public Hearing Deadline: 8/29/2024 Constructive Grant Deadline 10/3/2024

This item was taken first for the evening due to interpreters participating.

Joshua Lee Smith, Attorney for Bowditch & Dewey, spoke on behalf of Polar Views LLC, the applicant/developer and went through a slide presentation on the project. The property is currently a vacant lot and Mr. Lee Smith presented a rendering of the proposed building in relation to the City of Worcester Inspectional Services (ISD) building to the rear at Meade Street for scale. Mr. Lee Smith said the new building would be sixty-eight feet and the ISD building is fifty feet. He said the project is eligible for inclusionary zoning and there will be affordable units. He said his clients were mindful that parking is a concern and there are more than sufficient spaces where each unit will have a designated parking space. He said the project includes subterranean and ground level parking. Mr. Lee Smith shared a slide of the neighborhood and stated this project would be in harmony with what has been built and what is to come in relation to this project. He said this neighborhood is transforming, and this is a transitioning project. Mr. Lee Smith showed slides depicting the parking he spoke about.

Kiley Landry, architect of record, went over the floor plan including parking spaces, indoor bike storage, trash and recycling room and common amenities. She said the entry to the parking is on Grosvenor Street and will have safety alerts. She said there will be planters along the street with four levels of residential units including a sixth-floor penthouse with views of the city. Ms. Landry showed how materials and colors will be used to break up the massing of the building.

Michelle Smith, Planning Division gave an overview of the project. She stated the applicant is seeking a variance for two parking spaces as forty-two spaces are required. She said the lot is deficient by forty feet of frontage for anything other than a three-family structure. She added that across the street is a different zone with no frontage requirements. She said she views Lamartine Street as the transition to the Green Island neighborhood. Ms. Smith added that the applicant could provide parking within a thousand feet of the development if the Zoning Board added that as a requirement. Ms. Smith stated that the required parking is two spaces per unit. However, this project will take advantage of incentives through inclusionary zoning and assumes that a special permit will be granted through the planning board for a further reduction. Ms. Smith asked how parking is being managed with tenants and asked for an increase to one for one bike storage space. She asked that any additional improvements be made so storage is more convenient. She had questions as to the location of the transformer and concerns about subterranean parking. She said she would like to see a wider drive aisle and a drive turn analysis. Ms. Smith also asked for a reduction in the curb cut on the west side. She asked that at the intersection of Meade/Lamartine the building be adjusted to improve site lines for the sidewalk. She commented that the exterior on the side of the garage is not particularly activated, and she is looking for more design elements to break up the building massing.

Public Comment

Maureen Schwab spoke and identified herself as speaking on behalf of Green Island residents, 23 Canton Street. She said that the residents have been hearing about this project for over a year and wasn't until recently they saw the plans. She stated that the residents don't feel this project belongs on this side of Lamartine Street and noted that it is not part of Polar Park neighborhood, that it is part of the Green Island neighborhood. She said this neighborhood is made up of single-family homes to triple-deckers. Qualities of the project Ms. Schwab highlighted as issues were contributing to the heat island, there are not enough trees in the plan and a 6-bedroom penthouse is unusual. She also stated she wasn't sure why the applicant is saying if they are denied, why they wouldn't be able to develop more than a three-family house. She said that the new complex, District 120, on Washington/Madison is 100% affordable and had great response and interest as it fits the income level of the area. Ms. Schwab asked for more conversation with the neighborhood now that they have had a chance to see the plans.

Mr. Lee Smith said that the frontage is what is preventing the development. He stated that this development has frontage on three streets, but Worcester measures frontage on one street. He said the three-unit limit is a function of density as the zoning ordinance is laid out today and the reality is this is a typical project in Worcester. Mr. Lee Smith said the site was underutilized previously and this project is smaller than other projects being proposed. Mr. Lee Smith said the applicant is happy to have conversations with neighbors.

Shawn McClure, 12 Grosvenor Street, stated the building was previously an electrical contractor that fit in the neighborhood and the Inspectional Services building was a school. He said these uses fit in with the Kelly Square neighborhood. Mr. McClure lives across the street from the proposed project and the building will block all sun and will change the face of the neighborhood. He said that the parking will be entranced on Grosvenor Street and parking is tight already. Mr. McClure said on nights of ballgames people park on both sides of the street. In conclusion, he said that a property of that size does not fit.

Patricia Hobbs, 40 Grosvenor Street, stated that she prepared a packet to demonstrate history of the neighborhood. The packet was given to Rose Russell, Planning Division. Ms. Hobbs went over past happenings at meetings with the developer. She said it's been nearly two years since the conversation was started and there have been no answers, and the neighborhood never saw project designs. Ms. Hobbs said the last meeting was supposed to be a community meeting and the developer did not have architectural plans. She said she included a petition with her packet that has been signed by thirty-seven neighbors and eighteen abutters. She said the petition said that the neighborhood is opposing changing the zoning to the CCOD, but the elements are similar to this proposal. She said she also included a quote from prior City Manager, Ed Augustus, that talked about these properties being developed. She added that there was a statement tonight that the property was underutilized, and she provided documentation that the building was being used continuously since 1883, when it was a police station. She continued that Polar Views was incorporated in January 2022 and asked if they have a portfolio of projects they have done. She said she is opposed to the mixed use and neighbors have voiced to her that they are looking for townhouses or duplex sized buildings to match the neighborhood. She said she welcomes board members to walk down the neighborhood streets. Ms. Hobbs thinks the parking plan is unrealistic, and no one seems to be hearing the outcry from the neighborhood. Ms. Hobbs questioned the underground parking as Green Island is known for flooding. She said she opposes any decision to approve this project and presented to the board a book that a professor at Holy Cross wrote where they had students interview residents about gentrification in the Green Island area.

Mr. Lee Smith responded to the Polar Views becoming an LLC question with a brief history and portfolio of work. He said the projects are managed professionally and Polar Views has broken ground on many projects.

Board Comment:

Mr. Berg-Powers explained that the Zoning Board process is separate from the Planning Board process, and one informs the other to clarify for all. Zoning Board is being presented to approve a Variance for two parking spots and forty feet of frontage relief tonight and that is it.

Mr. Cortes said parking in Worcester is difficult and it is difficult to provide the number of parking spaces required by the zoning ordinance. He acknowledged parking is a problem for the neighborhood and that he likes the project. Mr. Cortes said that Lamartine Street is the boundary between the Polar Park area and the family homes of Green Island. He said the city is moving forward and the neighborhoods are not like they used to be. Mr. Cortes asked the applicant to look at increasing the parking and reducing the number of units. He said it is good that six units will be affordable, but maybe it's not enough. Mr. Cortes asked Mr. Lee Smith if the developer has been at the neighborhood meetings. Mr. Lee Smith stated that he didn't represent the clients at that time but said his client did meet with the neighbors. Mr. Cortes said the Green Island neighborhood is one of the most active in the city and the residents can be helpful with input if there is still room for improvement.

Mr. Dell'Aera said he seconds all comments. He said a lot of the specific comments about this project are not in per view of this board. He added that this project is another example of five over one architectural design and it's unfortunate because it feels generic and bland. He challenged developers to be more creative in design choices and is hoping to move away from this type of design.

Mr. Torkornoo had no comment and said he supports the project.

Mr. Karlstad said this item will be continued as no traffic study has been submitted and there are a number of things outstanding. He suggested the applicant set up meeting with the neighbors, if not two. Mr. Karlstad believes the project is over scaled for neighborhood. He said the sixth floor can be pulled back to decrease the

massing. He suggested using the architecture to reflect the three decker characteristics of Worcester with details like the roofline, porch details, and window styles. He restated some of the staff comments that are supported. He questioned the retaining wall with the ramp down to the basement and asked if it was part of the foundation, and if so, the applicant will need additional relief. He asked if the applicant looked at the flooding as there is no generator on the plans. Mr. Karlstad believes this project should be reduced by six to eight units and believes that there should be no parking relief, just frontage relief. He challenged the applicant to do something stylistically to honor triple deckers and that the project needs to be massaged.

Mr. Lee Smith stated a community meeting is in the works and the earliest it can happen is August 23rd. Mr. Lee Smith requested to schedule the continuance to August 26th and if things haven't progressed, then we will further continue. Michelle Smith, Planning Division, said staff won't have time to review new plans if revisions are submitted after the neighborhood meeting on the 23rd and suggestion to continue until September 16th and staff comments will be provided. Mr. Lee Smith said he is amenable.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to continue meeting and public hearing to 9/16 Constructive Grant Deadline is 10/8.

New Business – Public Hearings

4. 225 Shrewsbury Street (ZB-2024-056) (MBL 16-032-02+2A)

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

Special Permit: To modify the parking dimensional, layout, and/or landscaping requirements, loading requirements, and/or the number of required parking spaces (Article IV, Section 7.A.2)

Petitioner: Lundgren Equity Partners LLC

Present Use: Presently on the premises is a commercial building with a variety of business uses, associated drive-through facilities, and a vacant warehouse building

Zone Designation: BG-2.0 (Business, General) zoning district, the Commercial Corridors Overlay District (CCOD-S), and the Union Station Sign Overlay District (USOD)

Petition Purpose: The applicant seeks approval to demolish the existing warehouse building and drive-through facilities, construct a new ±15,370 SF building with three retail units and a new accessory two-lane drive-through, and to conduct associated site improvements

Exhibits: Special Permit Application; clerked 6/25/2024; prepared by Joshua Lee Smith, Bowditch & Dewey LLP
Site Plan; dated 6/6/2024; prepared by Highpoint Engineering, Inc.
Traffic Impact and Access Study & Parking Assessment; dated 5/31/2024; prepared by Chappell Engineering Associates, LLC
Architectural Plans; dated 6/6/2024; prepared by NES Group Architects

Public Hearing Deadline: 8/29/2024 Constructive Grant Deadline TBD

Joshua Lee Smith, Bowditch & Dewey, on behalf of the applicants, said that he knows the board is familiar with this site when it was last approved for a two hundred- and eighteen-unit residential unit complex. He said his client has moved on from that project due in large part to economic conditions. He continued that this is a new project as an enhancement to the existing site. Mr. Lee Smith gave an overview of the shopping plaza configuration and reviewed slides submitted. He said the proposal is to raze the fifteen thousand square foot building with a drive through and the old ambulatory storage building. Mr. Lee Smith then showed the proposed new layout. He said the DCU bank will relocate to the far end with the drive through relocated along Albany Street with the main building that exists today to receive a makeover. Mr. Lee Smith went over the

parking plan and said that a full traffic study was submitted. He said there was a slight increase in traffic as a result of this addition and showed renderings of proposed exteriors. He finished by adding that on Casco Street this new building will be the backside of the new units.

Michelle Smith, Planning Division, gave an overview of the special permits requested. She stated that the applicant does not have the required loading space and that when the CCOD was established this site already existed. She explained the CCOD stated that there could not be connections to Shrewsbury Street and this project would like to maintain the curb cut to Shrewsbury Street and maintain drive through. She said staff comments were provided and there are some questions. She asked for clarification around pedestrian convenience as to how people on foot/bike/public transit access the site. She asked the applicant to consider additional bike storage racks on Casco Street. She said the business spaces being proposed could be divided in the future and anticipate use on from the rear as entry from Casco Street. She suggested edits to the exterior elevations on Casco Street and to denote the central corridor more prominently between buildings. She asked for this corridor to remain accessible, so pedestrians do not have to walk around the building for access. She said this project does have to go to the Planning Board and architectural details could be developed through that process. She offered additional suggestions regarding dumpsters, parking, and drive through/drive aisle screening/landscaping. Ms. Smith asked for a turning analysis for reducing pavement to provide additional landscaping at the drive through exit and asked where loading takes place now and in the future. She offered suggestion for the walkways and sidewalks around the site and added comments that were received from the Department of Transportation and Mobility.

Public Comment:

NONE

Board Comment:

Mr. Berg-Powers said that if this project was larger, he may feel more strongly. Mr. Cortes said this is a great project and improvement. He questioned the landscape on the bottom of plan and why trees were on left but not on right. Michelle Smith said the three-foot buffer/plantings are not required and the board is welcome to consider. She said the project does meet minimum electric vehicle chargers in that area and said staff asked for trees along Shrewsbury Street and by Albany Street. Mr. Cortes said he is familiar with what is there now, and the Café has small patio. He asked the applicant to add benches throughout the complex or another patio. Mr. Dell'Aera said this is a good thoughtful project and seconds Mr. Cortes comment about more benches or a patio. He said he is not a fan of drive throughs but it is not realistic not to have. Mr. Torkornoo said he had no comment. Mr. Karlstad said he likes the project and would like to see the plans celebrate the alleyway and elevate Casco Street. He talked about sidewalks, trees, and greenspace.

Danell Baptiste, designer, commented on sidewalks/crosswalks and stated that would impact catch basins and storm water runoff. He said they would be amenable to adding signage to bring attention to pedestrian pathways. He spoke about bike rack locations and adding more trees as well as the turning analysis for the drive through. Mr. Karlstad commented on how to make the site more walkable and asked if there is room for a walkway on Albany Street for outdoor dining. Mr. Cortes asked what the city plans are for the Albany Street area and feels the entrance is very dangerous. He said if the board wants to make an impact, maybe look at moving the driveway off Shrewsbury Street. Mr. Karlstad said maybe just move the entry south to line up with lower parking and revise the bicycle plan.

Mr. Lee Smith referenced a comment in the staff memo that says relocation farther from Shrewsbury Street, but hearing that location can remain though maybe a second location is necessary.

Ms. Smith said that the Planning Division will work with the applicant offline before the Planning Board meeting.

Mr. Karlstad said he likes an elevated crosswalk at the drive through and walkway on Albany Street

Mr. Baptiste will look at the plan to address concerns and believe Casco Street to Albany Street has four to five feet of space. He said he will take a deeper dive to see if it is feasible.

Mr. Lee Smith – in terms of a condition for tonight, ok with elevated crosswalk, but need to explore further about sidewalk so not sure that can be conditioned tonight.

Ms. Smith said the board can defer to the Planning Board and the Planning Board can decide if determined to be feasible.

Mr. Karlstad said he would like to add wording to maximize greenspace.

Mr. Lee Smith went through the rest of the conditions as to what was agreeable and what he would like to still be discussed.

Mr. Baptiste said a three-foot buffer wouldn't be enough for trees. He said If buffer were made larger, it would impede on parking requirements. Mr. Lee Smith said the buffer on the right has shorter parking spaces. Mr. Karlstad asked the applicant to please investigate if trees can be placed onsite.

Ms. Smith gave edited conditions for approval. Mike Barron, Architect of record, said trees on the greenspace mean closer to the drive through side. Ms. Smith clarified that she is looking closer to the drive through side for adding additional trees. Mr. Barron stated that is the snow pile area, so we will need to be mindful of that.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to approve the application with all amended conditions, recommendations, and waivers.

5. 65 Cedar Street (ZB-2024-062) (MBL 02-048-00023)

Variance: For relief from the minimum off-street parking requirements for a lodging house use (Article IV, Section 7, Table 4.4)

Amendment to **Special Permit:** To allow a lodging house in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8).).

Petitioner: C&S Cedar Street Housing LLC

Present Use: Presently on the premises is a ±2,943 SF lodging house, previously permitted with 28 beds, and associated off-street parking.

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

Petition Purpose: The petitioner seeks to increase the number of beds in the lodging house from 28 to 36; no exterior site improvements are proposed.

Exhibits: Exhibit A: Special Permit Amendment & Variance Application; clerked 7/17/2023; prepared by Attorney Brian Falk, Mirick O'Connell
Exhibit B: Site Plan; revised 8/16/2021; prepared by The Engineering Corp. Inc.

Public Hearing Deadline: 9/20/2024 Constructive Grant Deadline 10/25/2024

Brian Falk, Myrick O'Connell spoke on behalf of the applicants seeking an amendment and variance. Mr. Falk reviewed the proposal history and the current use. He stated there are no plans for structural changes, just adding eight beds and that there will be the same onsite managers. He said the ownership stays the same as well. He continued that they are seeking a parking variance and there are fourteen spaces on site which is short four spaces with the increase in beds. He said most players do not bring cars for the short season and anticipates the increase will have no impact. The staff memo asks for bike storage and the applicants are amenable and they are okay with all conditions in staff memo and accept waiver.

Rose Russell, Planning Division, went over the proposal and history of property. She asked the applicant to speak about bike use and clarify the breakdown of rooms again and manager rooms.

Mr. Falk said there are twenty-two bedrooms broken down to four singles, twelve doubles, two triples, two manager rooms, and two common rooms

Public Comment:

NONE

Board Comment:

Mr. Berg-Powers said that the applicants have done a good job fixing up building and the parking lot had been empty on his drive by.

Mr. Cortes had no comment. Mr. Dell'Aera had no comment. Mr. Torkornoo had no comment. Mr. Karlstad had no comment. He said there was public comment when it first came up and haven't heard anything since. Ms. Russell said that the Planning Division received a letter in support from an abutter.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to approve the application with all conditions, recommendations, and waivers.

7. 70 Wall Street (ZB-2024-064) (MBL 04-011-00001)

Special Permit: To allow a tattoo shop in an RG-5 Zone (Article IV, Section 2, Table 4.1, Service shop, personal services, Business Use #27).

Petitioner: Maks Perini

Present Use: Presently on the premises is a +900 SF structure, most recently operated as a general store (Retail sales, Business Use #26) or in conjunction with the automotive repair shop in the adjacent property (Motor vehicle service/repair, Business Use #16) but has been vacant for a number of years.

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

Petition Purpose: The applicant seeks to open a tattoo shop at the site, provide two parking spaces in the rear of the building and to conduct façade repairs and other site improvements

Exhibits: Exhibit A: Special Permit Application; submitted 7/1/2024; prepared by Maks Perini

Exhibit B: Site Plan; received 7/3/2024

Exhibit C: Project Statement; received 7/8/2024; prepared by Maks Perini

Public Hearing Deadline: 10/04/2024 Constructive Grant Deadline TBD

Maks Perini, Athol, tattooer and petitioner would like a Special Permit to run a tattoo shop in this location. He said that the industry has changed in the past five years and this would be a private studio situation that would be by appointment clients and there would be no foot traffic or changes. He said the previous use as tire shop would have had more traffic. He said he will improve the exterior of the building and it will be good for the neighborhood. He said he can see a vision for the neighborhood with a little bit of love. He said his hours of operation would be 12pm and 3pm.

Mr. Karlstad offered that the board would stipulate that general hours will be 12pm – 8pm Monday through Friday and Saturdays 12pm – 4pm. Mr. Perini said he accepted the waivers.

Rose Russell, Planning Division, gave an overview of the proposal and there is no feasible residential use on this property. She said there will be no change in required parking and asked the applicant to stripe parking on the lot. She said the building is owned by the property owner of building behind and would like to see a copy of the easement once that is determined. She stated that the hours of operation will be limited under the conditions of approval.

Public Comment:

NONE

Board Comment:

NONE

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to approve the application with all conditions, recommendations, and waivers.

8. 24 Simone Street (aka 0 Valmor Street & 0 Maranda Street) (ZB-2024-065) (MBL 34-010-00004)

Lot 3A, Lot 3B, Lot 4A, Lot 4B, Lot 5A, Lot 5B, Lot 6A, Lot 6B: For relief from the maximum height dimensional requirement for a single-family semi-detached dwelling in an RL-7 Zone (Article IV, Section 4, Table 4.2).

Variance:

Lot 3A: For relief from the minimum exterior side yard setback requirement for a single-family semi-detached dwelling in an RL-7 Zone (Article IV, Section 4, Note 7 to Table 4.2).

Variance:

Petitioner: JAE Wor LLC

Present Use: Presently on the premises of Lots 3A and 3B are two single-family semi-detached dwellings under construction and the six remaining lots have been cleared for construction.

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

Petition Purpose: The applicant seeks to construct four semi-detached (duplex) single-family dwellings (total of 8 units), each on their own lot.

Exhibits: Exhibit A: Variance Application; clerked 7/17/2024; prepared by Donald J. O’Neil
Exhibit B: As Built Survey; dated 7/18/2024; prepared by Robert D. O’Neil Jr.
Exhibit C: Site Plan; dated 6/10/2024; prepared by Robert J. O’Neil Jr. P.L.S. & Joe Graham P.E.
Exhibit D: Architectural Plans; 06/10/2024; by Dixon Salo Architects Incorporated
Exhibit E: Photos; provided by the applicant on 7/17/2024

Public Hearing Deadline: 9/20/2024 Constructive Grant Deadline 10/25/2024

Don O’Neil, Attorney, spoke on behalf JAE Wor LLC for this project. He said his property has had previous submissions. He said Lot 3A is built but code department raised concern about the height. The top height was not called out on the plans and was not the measurement used under the zoning ordinance. He said three additional buildings are proposed by his client. He said the variance is for height for the existing structure to remain and for the yet to be built units. Mr. O’Neil already spoke with David Horne in Inspectional Services about how to measure the height and is looking for a variance of 7.16 feet of relief. He also stated the foundation was not set correctly and is about one foot out of line from the exterior side yard setback.

Rose Russell, Planning Division, gave an overview of the project and the retroactive variance for the already built building and the variance for the exterior side yard setback. She said additional variances are for buildings not yet built and the applicant will further divide into individual lots once they have all approvals. Ms. Russell's only question for the applicant is for the plan to mitigate future construction issues.

Mr. O'Neil said the contractor will construct to plans on file and he accepts waivers.

Public Comment:

NONE

Board Comment:

Mr. Karlstad said the applicant needs to double check this work as the relief is being asked after all the work is done. Mr. Berg-Powers said he drove by and the building looked a little crooked. He said he feels the board can move it along. Mr. Cortes and Mr. Dell'Aera agreed with what has been said. Mr. Torkornoo said there is nothing the board can do now.

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

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to approve the application with all conditions, recommendations, and waivers.

Other Business:

10. Communications

a. Scrivener's Error Decision – 22 Enid Street (ZB-2024-011)

Rose Russell, Planning Division, reviewed an application from March and whether the decision and approval is an appropriate reflection of the discussion that was had. She said the conditions of approval and findings need to be changed and she read decision into the record.

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to accept the scrivener's error.

11. Approval of Minutes – 6/3/2024; 6/24/2024; 7/15/20024

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to approve minutes from 6/3/2024, 6/24/2024, & 7/15/24.

12. Discussion of Board Policies and Procedures

Adjournment:

On a motion by Mr. Berg Powers, seconded by Mr. Cortes, Board voted 5-0 to adjourn @ 9:33 PM.