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**SPECIAL PERMIT FOR INCLUSIONARY ZONING INCENTIVES**

2024 SEP 27 PM 2: 53

CITY OF WORCESTER PLANNING BOARD  
455 Main Street, Room 404, Worcester, MA 01608  
Phone 508-799-1400 ext. 31440 - Fax 508-799-1406



**THIS APPLICATION IS FOR PROJECTS SEEKING TO BENEFIT FROM THE DENSITY BONUSES AND DIMENSIONAL RELIEF AVAILABLE UNDER ARTICLE VII, SECTION 6 OF THE WORCESTER ZONING ORDINANCE. TO BE ELIGIBLE FOR SUCH BONUSES, PROJECTS MUST INCLUDE A MINIMUM OF 5% OF PROPOSED UNITS FOR HOUSEHOLDS EARNING 60% OR LESS OF THE AREA MEDIAN INCOME.**

**STEP 1: PROVIDE THE FOLLOWING ITEMS, 1 DIGITAL COPY IN PDF FORMAT VIA EMAIL TO [PLANNING@WORCESTERMA.GOV](mailto:PLANNING@WORCESTERMA.GOV) AND CONFIRM WITH STAFF BEFORE SUBMISSION OF 2 PHYSICAL COPIES BY HAND DELIVERY OR MAIL:**

- Application with original signatures by all petitioners/owners; if you are not the owner of subject property, it is recommended that you provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property
- Inclusionary Zoning Determination Form obtained from the Inspectional Services Division (email [inspections@worcesterma.gov](mailto:inspections@worcesterma.gov) or call 508-799-1198 for more information)
- A Certified Abutters List(s) issued within 3 months of this application's filing date which includes all properties affected and includes any contiguous, commonly owned property(s). This can be obtained from the Assessor's Office and includes all abutters and abutters to abutters within 300' of the edge of the land owner's property.  
*Note: if the property(s) is within 300 ft. of another town an abutters list from that town may be required*
- If the applicant is NOT the Owner, the Owner(s) Authorization for the applicant to apply is attached (page 4)
- Certification of Tax/Revenue Collection Compliance - All current owners of subject property and applicants must certify that all local taxes, fees, assessments, betterments, or any other municipal charges of any kind are current with the City Treasurer's Office (page 11)
- Site Plan showing the full project scope and all elements listed on page 12 of this application, stamped and signed by all applicable professionals
- Architectural drawings or renderings showing exterior elevation, height in feet and stories, exterior materials for all structures, and corresponding floor plans stamped and signed by all applicable professionals
- Transportation Management Plan, if necessary based on what type of relief is being sought under the Special Permit
- Traffic Study, if necessary based on expected traffic generation (*contact staff to confirm*)

**Note:** Any application items not produced electronically, such as hand-drawn plans or schematics, handwritten applications, or other materials created prior to March 2013 that are not available to the applicant in electronic format, are not required to be submitted electronically.

**STEP 2: ONCE STAFF CONFIRMS VIA EMAIL REPLY THAT YOUR APPLICATION IS COMPLETE, SUBMIT THE FOLLOWING TO THE DIVISION OF PLANNING AND REGULATORY SERVICES:**

- A. Two Sets of Stamped Envelopes with Assessor's Address Labels for abutters and applicant.
  - Request two (2) sets of Assessor's Address Labels (listing all abutters and abutters to abutters) from the Assessor's Office (2<sup>nd</sup> floor, City Hall)-prepared for a fee
  - Create two (2) separate sets of stamped envelopes with Assessor's labels.
  - Include two stamped, addressed envelopes for each applicant.

(For office use only: Project Number: PB-20\_\_\_\_-\_\_\_\_)

- The return address on the envelopes should be: City of Worcester, Division of Planning and Regulatory Services; 455 Main Street, Room 404; Worcester, MA 01608
- These envelopes will be used to send notices of the public hearing and outcome.

**B. Appropriate fee.** Please make checks payable to the City of Worcester and list your project number on the memo line. Please confirm amount with staff prior to submission.



**SPECIAL PERMIT FOR INCLUSIONARY ZONING INCENTIVES - APPLICATION**

**CITY OF WORCESTER PLANNING BOARD**  
455 Main Street, Room 404, Worcester, MA 01608  
Phone 508-799-1400 ext. 31440 - Fax 508-799-1406

**1. Property Information**

a. **22 Waverly Street, 54 Harrison Street**

Address(es) – please list all addresses the subject property is known by

b. **Map 4 - Block 26 - Lot 13 and Map 4 - Block 26 - Lot 18**

Parcel ID or Map-Block-Lot (MBL) Number

c. **Worcester District Registry of Deeds, Book 69969**

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Current Owner(s) Recorded Deed/Title Reference(s)

d. **RG-5**

Zoning District and all Zoning Overlay Districts (if any)

The former St. Casimir School is located on the 22 Waverly Street, and a paved parking lot is located on the 54 Harrison Street property. Please refer to the attached Project Impact Statement for a summary of the proposed use.

e. Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use; attached separate narrative if necessary):

31 Units are proposed, with a total of 31 bedrooms. The property has 0 bedrooms currently.

f. If residential, describe how many bedrooms are existing and how many are proposed

**2. Applicant Information**

a. **John D. Mulryan / 22 Waverly, LLC**

Name(s)

b. **23 Curtis Street, Auburn MA 01501**

Mailing Address(es)

c. **jdmulryan@gmail.com 508-713-2212**

Email and Phone Number(s)

d. **Owner of Record**

Interest in Property (e.g., Lessee, Purchaser, etc.)

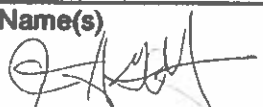
**I certify that I am requesting the Worcester Planning Board to grant the Special Permit as described below**

(Signature)

**3. Owner of Record Information (if different from Applicant)**

- a. \_\_\_\_\_  
Name(s)
- b. \_\_\_\_\_  
Mailing Address(es)
- d. \_\_\_\_\_  
Email and Phone Number

**4. Representative Information**

- a. **Jay Gallant**  
Name(s)
- b.   
Signature(s)
- c. 42 Maple Street, Paxton, MA 01612  
Mailing Address(es)
- d. **jay@gallant-arch.com 774-245-7643**  
Email and Phone Number
- e. **Architect**  
Relation to Project (Architect/Attorney/Engineer/Contractor, etc.)

**5. Owner Authorization**

Authorization I, \_\_\_\_\_, Owner of Record of the property listed with the  
 Assessing Division of the City of Worcester, Massachusetts as Map 4 Block 26 Lot(s) 13 + 18, do hereby  
 authorize \_\_\_\_\_ to file this application with the Division of Planning &  
 Regulatory Services of the City of Worcester on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**6. Proposal (attach a separate narrative if necessary)**

We are proposing to provide 32 apartment units at the former St. Casimir School property. The building has four stories, and the units will be dispersed throughout the building. Parking and site amenities will be provided. Please refer to the Project Impact Statement and Transportation Management Plan included in this application package.

a. \_\_\_\_\_  
The applicant seeks to (Describe what you want to do on the property in as much detail as possible)

Article IV, Section 2, Table 4.1

b. \_\_\_\_\_  
Such a use is permitted only by the City of Worcester Zoning Ordinance under Article (Insert Article, Section (s) of the Zoning Ordinance which permits the proposed used of the property.

We are not aware of any previous approvals

c. \_\_\_\_\_  
Are you aware if this property has been previously granted approvals from any City Board or Commission? If so, please list (Provide dates of previous approvals, book and page numbers and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions)

We are not aware of any previously denied applications for a Building Permit

d. \_\_\_\_\_  
Have you applied for or are you aware if other applicants have applied for a Building Permit for this site and been refused for non-compliance with the Zoning Ordinance (e.g. a cease and desist order has been issued)?

The proposed improvements at 22 Waverly Street to provide 32 new apartment units will provide a positive environment for the property and the neighborhood. The historic school building is well-suited for conversion to living space, and the apartment units are needed in the City. 6 of the units will be affordable as outlined in the City's Inclusionary Zoning Article in the Zoning Ordinance. Some parking and landscaping relief is needed for our proposal based on the constraints of the site.

e. \_\_\_\_\_  
List any additional information relevant to the Special Permit (s)

## **SPECIAL PERMIT FINDINGS OF FACT**

**In the spaces below explain how the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations per Article II, Section 6(A)(2) of the Zoning Ordinance. (Attach additional supporting documentation as necessary.)**

**1. Social, economic or community needs that are served by the proposal:**

The 31 residential apartment units that are proposed by revitalizing the historic school building will enhance the neighborhood significantly. The project will hopefully extend the improvements made in the Canal District into the Waverly Street / Providence Street neighborhood.

**2. Traffic flow and safety, including access, parking and loading areas:**

Three parking lots are proposed which will serve the needs of the 22 Waverly Street residents. One parking lot is existing with access from Harrison Street. The existing parking lot does not have landscape buffers meeting City requirements. The new upper parking lot, which will be accessed from the existing lot, and the new parking lot accessed from Waverly Street will be landscaped as specified in the City Ordinances.

**3. Adequacy of utilities and other public services:**

Existing electric and water utilities will be upgraded, including installation of a new water main for an automatic sprinkler system. The existing sewer and storm drain connections will remain. Bus stops for City bus lines are nearby, as described in the Transportation Management Plan.

**4. Neighborhood character and social structure:**

The neighborhood is comprised primarily of multi-family residential properties, and the proposed project will enhance the existing housing in the area. A Pentecostal Church and associated parking lots are directly adjacent to the property.

**5. Impacts on the natural environment:**

The project will have little impact on the natural environment beyond the development that already exists on the property. Two grassed areas will be paved, and all stormwater will be contained and managed on site. Trees at the perimeter of the property will remain, and landscape buffers will be provided.

**6. Potential fiscal impact, including city services needed, tax base, and employment:**

Since the property is now privately owned after being purchased from the Roman Catholic Church, it has been added to the City tax base. The improvements and change of use will also benefit the City financially. City utility services were provided for the property in its original use and impact will be minimal.

### SUPPLEMENTARY QUESTIONS FOR SPECIAL PERMIT

Complete the requested information for the Special Permit requested. Attach additional documentation as necessary.

**Developments must include at least five percent (5%) of the units for the overall project with income restrictions at the sixty percent (60%) AMI limit to be eligible to apply (Article VII, Section 6A)**

1. Total proposed units: 31

2. Percentage of units proposed for households earning 60% or less AMI: 2

**Off-Street Parking and Loading Incentives  
(Article VII, Section 6A. ii. b.)**

1. Describe what relief is being sought under the Special Permit (loading requirements; parking dimensional requirements, landscaping requirements, layout requirements, number of required parking spaces, etc.). If known, indicate the standard requirements as they would apply to the project and then indicate what is being proposed instead:

Relief is being sought for parking dimensional requirements and landscaping requirements for the existing parking lot, and for the number of parking spaces based on the number of units. Five-foot buffers are not present at the perimeter of the existing parking lot, and the lot is not of sufficient size to provide aisles for two-way traffic. 62 parking spaces would be required, and the maximum number of spaces based on the size of the property are proposed. One-way circulation and some compact spaces are proposed for the existing parking lot. The new parking lots will conform with City dimensional and landscape buffer requirements.

2. If applicable, indicate locations, square footages, and dimensions of relief sought under the Special Permit:

Aisles of 22' width are proposed in the existing parking lot, and a 15' wide one-way circulation aisle is proposed at one location within the lot. The existing pavement extends to the three property lines at the perimeter of the parking lot, and the pavement is proposed to remain in place to provide adequate opportunities for vehicular circulation and safety.

3. If applicable, provide number of parking/loading spaces required and relief requested through the Special Permit (the total reduction in parking shall not exceed fifty percent (50%) and may not be combined with reductions permitted in Article IV, Section 7, A. 2.):

62 parking spaces are required for 31 units per Article IV, Section 7, and 41 spaces are proposed. Relief is requested to provide 21 spaces (34%) less than the required number. The proposed number of spaces is 1.3 per unit (2.0 required). To provide maximum maneuverability, 8 compact spaces are proposed (19% of the 41 total).

**TAX CERTIFICATION**

This certification must be completed by all applicants and owners of the property, certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a completed certification shall result in the application being deemed incomplete.

**If a Single Owner or Proprietorship:**

- a. \_\_\_\_\_  
Name
- b. \_\_\_\_\_  
Signature certifying payment of all municipal charges
- c. \_\_\_\_\_  
Mailing Address
- d. \_\_\_\_\_  
Email and Phone Number



**If a Partnership or Multiple Owners:**

- e. \_\_\_\_\_  
Names
- f. \_\_\_\_\_  
Signatures certifying payment of all municipal charges
- g. \_\_\_\_\_  
Mailing Address
- h. \_\_\_\_\_  
Email and Phone Number

**Applicant, if different from owner:**

- i. \_\_\_\_\_  
Printed Name & Signature of Applicant, certifying payment of all municipal charges

**If a Corporation or Trust:**

- j. 22 Waverly, LLC  
Full Legal Name
- k. MA MA  
State of Incorporation Principal Place of Business
- l. 23 Curtis Street, Auburn, MA 01501  
Mailing Address or Place of Business in Massachusetts
- m.  John Mulryan  
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges
- n.  Timothy Johnson  
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges
- o. \_\_\_\_\_  
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges
- p. \_\_\_\_\_  
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges



## SUGGESTIONS FOR THE PLAN OF LAND SHOWING THE PROPOSED DEVELOPMENT

A plan of land, at least 8 ½" x 11" or 11" x 17", and drawn to scale (at least 1 inch = 40 feet) should show the following:

- North point.
- Names of streets.
- Zoning districts (Include overlay zones – floodplain overlay, water resource protection overlay, flexible parking overlay, mixed-use overlay, arts district overlay, adaptive reuse overlay, etc.).
- Names of owners of properties up to abutters of abutters of the subject property within 300 feet.
- Property lines, locations of buildings or use of the property where a variance or special permit is requested.
- Existing & proposed porches, decks, garages, sheds, pools, stairs and any other accessory buildings, uses or ground-level projections.
- Distances from adjacent buildings and property lines. These should be verified in the field.
- The dimensions of the lot.
- All existing uses (i.e. types of businesses, types of residences) on the entire parcel and any future proposed uses. Indicate where each different use is located and how much square footage is dedicated to each use.
- Table of dimensional requirements (including exterior side yard setback for corner lots) and proposed setbacks as well as relief requested or relief previously granted and dates of such granting.
- Percentage of the lot covered by the principal and accessory uses (impervious surface) and percentage of open space.
- Required off-street parking spaces for each use on the lot. If there are multiple uses, applicants must label which parking spaces are dedicated to each use. Even if the applicant is leasing parking spaces, all other parking spaces that are leased to other uses must be shown. Required parking may not be taken away from required parking from any other uses. Parking spaces should measure 9' x 18' for a standard space, 25% of parking spaces may be compact 8' x 16' spaces (except for uses that do not have parking lots). For business or manufacturing districts, applicants may also provide proof of a five-year parking lease on-site or off-site (must be within 1,000 square feet of use). Parking cannot be located in required front yard and exterior side yard setbacks.
- Location and dimensions of required loading spaces for entire site, if applicable.
- Existing and proposed driveways, entrances, exits, circulation, alleys, paths, access aisles (access aisles must be 24' wide for two-way traffic or 12' wide for one-way traffic), and drive-through lanes.
- Include a parking table with a breakdown of existing parking spaces, proposed parking spaces, required number of parking spaces (by different use), required handicap accessible spaces, including one van space per every eight accessible parking spaces with a 8-foot access aisle (for parking lots over 15 spaces). Please note: proposed developments may not reduce the number of required off-street parking spaces for adjoining lots in such a way as to make lots once held in common ownership or currently held in common ownership nonconforming.
- Required five-foot landscaped buffer where parking, work or service areas of a proposed project abut a street, public park or residential property (except 1, 2, 3 families). Trees should be the main element in landscape screening and should be planted 20-25 feet on center.
- Location, height, dimensions, type and distance from lot lines of any existing or proposed signs.
- Proposed outdoor seating, proposed ATM machines, utility boxes, other design features, etc.
- Proposed multi-family dwellings should show proposed usable open / recreation space (at least 10% of lot).
- Location of dumpsters and snow storage (snow storage cannot be located in the 5-foot parking buffer).
- Height and location of existing and proposed signs.
- Location and type of existing and proposed lighting fixtures.
- Location and species of any trees over 9 inches in diameter that are proposed to be removed as part of the development.
- Provide any information regarding proposed low-impact or sustainable design (i.e. green roofs, permeable pavement, rainwater gardens, ecological landscaping, passive solar design, etc.)

**\*\*ALL APPLICATION DEADLINES ARE 2:00 P.M. UNLESS OTHERWISE SPECIFIED\*\*  
APPLICANTS ARE ENCOURAGED TO FILE BEFORE THE DEADLINE DATE WHENEVER POSSIBLE**

## **SPECIAL PERMIT: NEXT STEPS AFTER APPROVAL**

*The City of Worcester, by this document, does not provide legal advice. Questions about Special Permits should be directed to your legal counsel.*

**1) Obtain a CERTIFIED COPY of the approved DECISION from the Worcester CITY CLERK's office:**

Notice of the decision is distributed to the applicant and abutters, and will contain the date of filing with the City Clerk. After the 20 day appeal period (beginning the date the decision was first filed with the City Clerk's office) has expired, the applicant may obtain a certified copy of the approved decision from the City Clerk. *Note: The certified decision will state if an appeal was filed against the project.*

City Clerk

City Hall (455 Main Street), Room 206 (2<sup>nd</sup> Floor), Worcester, MA 01608

Hours: Monday 8:45am - 5:00pm; Tuesday - Friday 8:45am - 4:15pm; Closed on State or Federal Holidays  
508-799-1121 or [clerk@worchesterma.gov](mailto:clerk@worchesterma.gov)

**2) RECORD the CERTIFIED COPY of the approved DECISION at the REGISTRY OF DEEDS (prior to use):**

Provided there has been no appeal, you must bring the certified copy of the decision to the Worcester District Registry of Deeds and have the decision recorded against the property's title/deed for the decision to be valid.

Worcester District Registry of Deeds

90 Front Street, Suite C201, Worcester, MA 01608

Recording Hours: Monday – Friday 9 am to 4 pm; Closed on State or Federal Holidays  
508-368-7000 or <https://massrods.com/worcester/>

**Note: Your Decision MUST BE RECORDED PRIOR TO USE of any approved Special Permit(s)**

**3) Satisfy any CONDITIONS of approval, if applicable:**

If your petition is approved with conditions requiring revised plans or supplemental information, all final revised plans and associated information must be received and approved by the Division of Planning and Regulatory Services prior to issuance of a building and/or occupancy permit. Conditions of Approval may additionally require submission of documentation during or after completion of construction. It is the applicant/owner's responsibility to be aware of the conditions of approval ensure they comply with the conditions to avoid delays in issuance of permits and/or enforcement actions for non-compliance.

If you are unsure of the conditions of your application's approval, please contact the Planning and Regulatory Services Division for clarification. These are included in the decision (generally toward the end of the document before the signature page).

**4) Begin USE/CONSTRUCTION as permitted by the Decision ONLY AFTER Receipt of appropriate Permits from Other City Departments (Inspectional Services, Dept. of Public Works & Parks, etc.).**

### **When Will My Permit EXPIRE?**

**Special Permit(s):** Per Massachusetts General Law, Ch. 40A, § 11 and the City of Worcester Zoning Ordinance, Article II, §9.D.5., if the activity authorized by a special permit is not *initiated* within one (1) year from the date the decision was filed with the City Clerk and/or if the activity is not completed within two (2) years, then the special permit shall expire. Questions about permit validity and what constitutes "initiation" in a particular case should be directed to the Zoning Coordinator at the Department of Inspectional Services at [inspections@worcesterma.gov](mailto:inspections@worcesterma.gov) or 508-799-1714.

### **HOW DO I EXTEND the Rights Granted by MY SPECIAL PERMIT?**

**Special Permit(s):** If the activity authorized by a special permit granted by the Zoning Board of Appeals or the Planning Board is not *initiated* within one (1) year from the date of final action (the date the decision was filed with the City Clerk), the Building Commissioner (Inspectional Services Department) may determine that the failure to complete was for "good cause," allowing administrative extension for a second year. If the activity has not been *initiated* within this time frame, then an Application for an Extension of Time for a Special Permit granted by the Planning Board is required (new notice to abutters, public hearing, and decision by the Board).

Applications for an Extension of Time for a Special Permit granted by the Planning Board is available here: <http://www.worcesterma.gov/uploads/34/94/349466afe00ea0d3e33a7deb767a61f2/sp-extension-zba.pdf>

### **What Happens if My Permit EXPIRES?**

**Expired Permits:** After expiration, a special permit(s) may only be re-established through submission of a new filing to Planning Board via the Division of Planning and Regulatory Services. *Note: a new filing consists of the same process as the original application filing (i.e. notification to abutters, a public hearing, and the Board reconsidering said relief, pursuant to the Ordinance).*

### **Other Resources:**

- The City of Worcester Zoning Ordinance and Worcester Zoning Map are available online at <http://www.worcesterma.gov/city-clerk/ordinances-regulations/>
- For specific questions related to an approved application, please contact the Division of Planning and Regulatory Services (Monday through Friday 8:30 a.m. to 5:00 p.m.). Please have a copy of the approved Decision.