

City of Worcester Planning Board



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WORCESTER CITY CLERK

SPECIAL PERMIT APPLICATION FOR AN ACCESSORY DWELLING UNIT (ADU) CHECKLIST

Division of Planning & Regulatory Services

2024 DEC 23 PM 3:53

City Hall, 455 Main Street, Room 404, Worcester, MA 01608

Phone: (508) 799-1400 x 31440 – Fax: (508) 799-1406 – E-mail: planning@worcesterma.gov (preferred)

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

* 10/07/24
UPDATED

- 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
 - Zoning Determination Form obtained from the Inspectional Services Division (email inspections@worcesterma.gov or call 508 – 799 – 1198 for more information)
 - Completed Tax Certification for the _____ Applicant and _____ Owner (if different) are attached (page 7)
 - If the applicant is NOT the Owner, the Owner(s) Authorization for the applicant to apply is attached (page 4)
 - Owner Occupancy – Primary Residence Certification -The owner(s) of the lot on which the ADU is created must occupy at least one of the dwelling units as their primary residence and must continue to occupy at least one of the dwelling units on the lot as their primary residence for as long as the ADU is being utilized, except for bona-fide temporary absences. The owner(s) of a lot shall submit a notarized affidavit stating that the owner will occupy one of the dwelling units on the lot as the owner’s primary residence for the duration the ADU exists. This notarized affidavit is required to be provided as part of a building permit application and recorded prior to a certificate of occupancy for an ADU.
 - 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 landowner’s property.
- Note: if the property(s) is within 300 ft. of another town an abutters list from that town may be required*
- Site Plan showing the property lines in relation to any existing or proposed structures and/or parking/hardscaping, with other site elements as appropriate. This plan shall be to-scale, stamped and signed by a Professional Land Surveyor.
 - Architectural Plan (including exterior elevations, floorplans, renderings as appropriate) depicting the location and gross square footage of the existing dwelling unit(s), the location, number of bedrooms and square footage of the proposed ADU, and the location of all ingress and egress points from the ADU and the principal building.

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 :

- Two stamped (i.e. postage paid) pre-addressed envelopes for *each* party on the Abutters List and the applicant (if different from the owner), with the following return address:

Division of Planning and Regulatory Services
455 Main Street (City Hall), Room 404
Worcester, MA 01608

- Filing Fee of \$ _____ is enclosed (see fee schedule or contact staff to confirm amount).

Office of the City of Worcester Planning Board c/o Planning & Regulatory Services Division
City Hall, 455 Main Street, Room 404 (4th floor), Worcester, MA 01608

City of Worcester Planning Board



SPECIAL PERMIT APPLICATION FOR AN ACCESSORY DWELLING UNIT (ADU)

Division of Planning & Regulatory Services

City Hall, 455 Main Street, Room 404, Worcester, MA 01608

Phone: (508) 799-1400 x 31440 – Fax: (508) 799-1406 – E-mail: planning@worcesterma.gov (preferred)

SPECIAL PERMIT (check the standard(s) you are requesting to modify under the Special Permit)

- 1. **Size, Bedroom Count** – *GSF >900 SF or >2 bedrooms* (Article IV, Section 8, G, 6.a, e.)
- 2. **Setbacks** – *front, rear, side, exterior side yards, or setbacks to the other structures* (Article IV, Section 8, G, 6.b)
- 3. **Orientation** – *location of the ADU on the lot in relation to the principal structure* (Article IV, Section 8, G, 6.c)
- 4. **Height** – *the ADU >20 FT in height* (Article IV, Section 8, G, 6.d)
- 5. **Parking** – *eliminating existing parking spaces* (Article IV, Section 8, G, 7)

1. PROPERTY INFORMATION

a. 547 CAMBRIDGE STREET, WORCESTER, MA 01608
Address(es) – please list all addresses the subject property is known by

b. 07 – 042 - 00025
Parcel ID or Map-Block-Lot (MBL) Number

c. Worcester District Registry of Deeds, Book _____ Page _____
Current Owner(s) Recorded Deed/Title Reference(s)

c. YERKY M. PICHARDO
Zoning District and all Zoning Overlay Districts (if any)

RG-5

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):

2.50 (TWO AND A HALF) STORIES RESIDENTIAL BUILDING

2. APPLICANT INFORMATION

a. YERKY M. PICHARDO
Name(s)

b. 547 Cambridge St, Apt #3, Worcester, MA 01608
Mailing Address(es)

c. yerkip001@gmail.com (508) 762-7132
Email and Phone Number(s)

d. Owner
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

Yerky Pichardo
(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. Jose L. Martinez (VIACAD, LLC)
Name(s)

b. 
Signature(s) 10/07/24

c. 28 Stockton Street, Worcester, MA 01610
Mailing Address(es)

d. Jose32m32@gmail.com (774) -312-0974
Email and Phone Number

e. VIACAD, LLC: Design Build, Construction Management & Consulting Services
Relation to Project (Architect/Attorney/Engineer/Contractor, etc.)

5. AUTHORIZATION

Authorization I, _____, Owner of Record of the property listed with the Assessing Division of the City of Worcester, Massachusetts as Map _____ Block _____ Lot(s) _____, 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_____.

On this _____ day of _____, 20_____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

NOTARY PUBLIC

My Commission Expires: _____

(If there is more than one owner of the land to be considered in this application, a notarized authorization is required for each owner.)

6. PROPOSAL (attach a separate narrative if necessary)

Currently on site is a 2.50 Stories Residential Structure. I seek approval, to create a new residential unit in the rear of the existing structure by renovation the existing garage + storage units in the rear. Into a new residential unit. Therefore, the total number of apartments will be four (4). Currently, there are three (3) apartments on site. The new unit will comply with all zoning ordinance regulations required for a new residential unit (Accessory Dwelling Unit).

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

Construct a new detached two (2) bedroom apartment from the existing structure, which is currently used a Garage and Storage Space.

b. _____
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)

No, to my knowledge, this property has not previously received approval from any City Board or Commissions to Construct legally a new residential unit.

c. _____
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)?

I am aware of my applications submitted prior to my ownership of the property.

Conversion of an existing detached structure or portion of such structure New detached structure Interior conversion of existing space in the principal structured. Addition to the principal structure (may also include interior conversion of existing space)

What type of ADU is proposed?

A detached apartment unit in the rear of the property (Accessory Dwelling Unit).

e.

Describe the location and orientation of the ADU in relation to the principal structure on the lot.

Rear of the existing residential structure.

f.

Describe the parking on site, including whether existing parking spaces are being removed or whether new parking spaces are being proposed. The proposed project included a revised parking area that includes 6 parking spaces.

g. Fill in all information relevant to the proposed project (attach additional sheets if necessary):

All Projects	Existing	Proposed
Number of buildings on the lot	2	1
Total square footage of buildings	3,090	1,536
Number of stories of building(s)	1.50	1.50
Number of parking spaces	6	6
Changes to on-street parking	N/A	
Number of existing units	3 (Three)	1 (One)
Total square footage of ADU	(589 x 2 Floors) = 1,178	1,178
Number of stories of ADU	0	1.50 (1)
Number of ADU bedrooms	0	2

e. Fill in all information relevant to the setbacks (distance from the structure to the property line) being modified through the proposed:

Setback to other structures (detached ADUs only)		Front Yard Setback		Rear Yard Setback	
Setback required:	8	Setback required:	15	Setback required:	25
Setback provided:	8	Setback provided:	15	Setback provided:	25
Relief requested:	0	Relief requested:	0	Relief requested:	0
Side Yard Setback		Exterior Side Yard Setback		Height	
Setback required:	8	Setback required:	8	Height permitted:	20
Setback provided:	1	Setback provided:	22+-	Height provided:	23.8 +
Relief requested:	0	Relief requested:	0	Relief requested:	3.8 +
Side, bedroom Count- GSF>900SF, >2bedrooms	Required 900 SF	Proposed	1,178 SF	Relief requested:	278 SF +

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:

One new residential unit will be available to the community.

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

The parking area will be paved and reorganized. Each parking space will be numbered.

3. Adequacy of utilities and other public services:

The project will not have a negative impact on the adequacy of utilities and /or other public services.

4. Neighborhood character and social structure:

The neighborhood includes Residential Dwelling and Commercial Dwellings.

5. Impacts on the natural environment:

The propose project will not have a negative impact on the natural environment.

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

The additional of a new residential dwelling will have a positive fiscal impact, including tax base.

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. YERKY M. PICHARDO
Name
- b. Yerky Pichardo
Signature certifying payment of all municipal charges
- c. 547 Cambridge St, Apt #3, Worcester, MA 01608
Mailing Address
- d. yerkip001@gmail.com (508) 762-7132
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. _____
Full Legal Name
- k. _____
State of Incorporation Principal Place of Business
- l. _____
Mailing Address or Place of Business in Massachusetts
- m. _____
Printed Name & Signature of Owner or Trustee, certifying payment of all municipal charges
- n. _____
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 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 (2nd 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@worcesterma.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 or 508-799-1714.

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

An **Extension of Time** application must be filed with the Planning Board via the Division of Planning and Regulatory Services **within one year of the date of final action (date of filing with the City Clerk)**. *Note: If an approval has expired it cannot later be extended, it must instead be newly considered.*

Special Permit(s): If the activity authorized by a special permit granted by 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 and is available here:
<http://www.worcesterma.gov/uploads/f1/d8/f1d8c145b7b79dbce0f7aeacb446e87f/sp-extension-pb.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).*

New Filings: Copies of the most current Special Permit Applications are available here:
<http://www.worcesterma.gov/planning-regulatory/boards>

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.