



SPECIAL PERMIT APPLICATION

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



TYPE OF SPECIAL PERMIT (circle Special Permit you are requesting)

- 1. Density Bonus
- 2. Cluster Zoning
- 3. Continuing Care Retirement Community
- 4. Water Resources Protection Overlay District
- 5. Adaptive Reuse Overlay District
- 6. Common Driveway
- 7. Wind Energy Conversion Facility

RECEIVED
WORCESTER CITY CLERK
2024 DEC 26 PM 3:32

1. Name of Applicant(s): 115 Northeast Cutoff Realty Trust, Meletios Chacharone and Zachary Curzon Trustees

2. Address of Applicant: One West Boylston, Suite LL05, Worcester, MA 01605

3. Telephone: 508-853-5066

4. Email: mel@chacharone.com, zach@chacharone.com

5. That he / she is the owner (s), lessee (s), optionee (s) (check one) of certain premises situated at
115 Northeast Cutoff Worcester, Massachusetts

(List property subject to the application and include any lot numbers. Please note: The street number may be different than the Assessor's address).

and that the owner of record is in the name of (same as applicant)
(The owner of record is the person or entity who owns title to the property as of today's date)

whose address (es) is /are (same as applicant), by a deed duly
recorded in the Worcester District Registry of Deeds, Book(s) Certificate 18181 (registered land)

Page(s) _____, and is further described by the City of Worcester Assessor's Office as
Map 52 Block 006 Lot 01&02

6. Is this property known by any other address? No

7. Zoning district(s) of the property (Indicate if more than one zoning district and any zoning overlay districts):
BG-2.0, "Business General", and the Water Resource Protection Overlay District, GP-2 Zone.

8. Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use):
The City of Worcester School Department occupies the property and stores its school bus fleet here, including providing service and repair of student transportation vehicles.

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

To amend the Special Permit granted on 4/12/2024 (PB-2024-018) and recorded at the WDRD in Book 70581, Page 185, by revising of the Condition Approval No. 7, which reads:

"On or Before December 31, 2024: Provide the recording reference for the executed Conservation Restriction permanently protecting the remaining undeveloped areas of the site consistent with that shown on the site plans."

to read:

"On or Before December 31, 2025: Provide the recording reference for the executed Conservation Restriction permanently protecting the remaining undeveloped areas of the site consistent with that shown on the site plans."

10. 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):

Article XII, Section 6, entitled "Pre-existing Nonconforming Uses", allows for the expansion, alteration, or change of uses lawfully in existence on the effective date of Article XII by special permit, provided the Planning Board finds that the expanded, reconstructed, altered or changed portion of the building meets the approved criteria set forth in Section 7(c) of Article XII.

11. 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):

Definitive Site Plan Approval on 1/12/21 and 6/9/22 (PB-2020-11 and PB-2022-020), Special Permit on 1/12/21 and 6/9/22 for non-conforming use in the WRPO Special Permit on 4/12/24 (PB-2024) to amend prior special permit (PB-2022-020)

DEP File #349-1288; Worcester Conservation Commission File #-2020-012

License for Fuel Storage (above ground), 21,500 gallons diesel fuel; May 1, 2019, License #2019-3811 (Tanks have since been removed)

Permit for two (2) 10,000 gallon (Tanks have since been removed)

fuel storage tanks and three (3) 500 gallon diesel fuel tanks, Permit #2019000003811 (Tanks have since been removed)

12. List any requested waivers:

Waive the submittal requirements for a "New Plan of Land depicting changes," because the requested amendment does not change or alter the original plan of land; the amendment will only extend the deadline for recording the Conservation Restriction at the Registry of Deeds.

13. List any additional information relevant to the Special Permit:

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 proposed extension of the deadline for recording the Conservation Restriction will have no or limited impact on the social, economic and community needs.

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

Extension of the deadline for recording the Conservation Restriction will have no affect or impact on the traffic flow and safety, including access, parking and loading areas.

3. Adequacy of utilities and other public services:

Extension of the deadline for recording the Conservation Restriction will have no affect or impact on the adequacy of utilities and other public services.

4. Neighborhood character and social structure:

Extension of the deadline for recording the Conservation Restriction will have no affect or impact on the neighborhood character and social structure.

5. Impacts on the natural environment:

While recording of the Conservation Restriction will have a positive impact on the natural environment, extension of the deadline for recording the Conservation Restriction will have little or no affect or impact on the natural environment.

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

Extension of the deadline for recording the Conservation Restriction will have no affect or impact on the potential fiscal impact, including city services needed, tax base, and employment.

WHEREFORE, the applicant(s) requests that this Board grant the special permit (s) as requested above.

By: Zachary M. Curran

(Signature of Applicant or Applicant's Agent)
If more than one applicant, all applicants must fill out information.

115 Northeast Cutoff Realty Trust

(Name of Applicant)

1 West Boylston Street, Suite LL05, Worcester, MA 001605

(Address)

508-853-8066

(Contact Phone Number)

mel@chacharone.com, zach@chacharone.com

(Email)

December 11, 2024

(Date)

By: Zachary M. Curran

(Signature of Property Owner or Owner's Agent)
If more than one property owner, all owners must fill out information.

(Same as Applicant)

(Name of Property Owner)

(Same as Applicant)

(Address)

(Same as Applicant)

(Contact Phone Number)

(Same as Applicant)

(Email)

December 11, 2024

(Date)

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

WATER RESOURCES PROTECTION OVERLAY DISTRICT

The purposes of the Water Resources Protection Overlay District (WRPOD) Article of the Zoning Ordinance are:

1. To promote the health, safety and general welfare of the community;
2. To preserve and maintain the existing and potential groundwater supplies, aquifers and groundwater recharge areas of affected municipalities and to protect them from adverse development or land use practices;
3. To preserve and protect present potential sources of drinking water supply for the public health and safety;
4. To prevent blight and the pollution of the environment.

Review Standards

In addition to its special permit review criteria under Article II of the Zoning Ordinance, the Planning Board shall also consider the proposed project's conformance with the following criteria:

1. Will not degrade the groundwater quality at the boundaries of the premises below existing levels.
2. Is in harmony with the purpose and intent of the Zoning Ordinance and does not denigrate from the purposes of the Water Resources Protection Overlay District.
3. Will not, during construction or thereafter, have an adverse environmental impact on the Zone of Contribution (GP-2) or Secondary Recharge Area (GP-3).
4. Will not adversely affect an existing or identified potential public water supply within the Water Resources Protection Overlay District.
5. Will meet the following standards:
 - (a) Any earth removal or land disturbing activity within the GP-2 zone of the overlay district may not be closer than four (4) feet above the historic high-water elevation. Such earth removal or grading must employ appropriate measures to control erosion and siltation.
 - (b) All fill material must be clean and free from hazardous materials, construction debris and other material whose leaching would be a potential contamination hazard to ground or surface waters.
 - (c) Hazardous materials stored above-ground must be located on an impervious surface. The storage area must be equipped with a secondary containment system to prevent the material from reaching ground or surface water in the event of a leak or spill. The containment system must be able to contain one hundred and ten (110) percent of the tank's contents.
 - (d) Appropriate measures must be taken to ensure that any increase in storm water runoff is artificially recharged into the ground. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc.
 - (e) All storm water management facilities must be designed for the twenty-five (25) year storm and designed to ensure that the rate and amount of runoff leaving the site does not exceed the rate and amount of runoff in the predevelopment state. Facilities for runoff from paved areas shall include structures for trapping oil, gas and other containments before recharge into the ground. These facilities shall be maintained by the owner on a not less than an annual basis.

PLEASE ANSWER THE FOLLOWING QUESTIONS REGARDING THE PROPOSED USE IN THE WATER RESOURCES PROTECTION OVERLAY DISTRICT:

1. Explain how the proposed use will not degrade the groundwater quality at the boundaries of the premises below existing levels:

The recording of the Conservation Restriction will serve to protect the groundwater quality at the premises.

2. Explain how this proposed use is in harmony with the purpose and intent of this Ordinance and does not denigrate from the purposes of the Water Resources Protection Overlay District:

The recording of the Conservation Restriction is consistent with the purpose and intent of the WRPOD as set forth in Article XII, Section 1.

3. Explain how the proposed use will not, during construction or thereafter, have an adverse environmental impact on the Zone of Contribution (GP-2) or Secondary Recharge Area (GP-3):

The proposed amendment does not involve construction and the recording of the Conservation Restriction will have a positive environmental impact.

4. Explain how the proposed use will not adversely affect an existing or identified potential public water supply within the Water Resources Protection Overlay District:

5. Explain how the proposed use meets the following standards:

(1) Any earth removal or land disturbing activity within the GP-2 zone of the overlay district may not be closer than four (4) feet above the historic high-water elevation. Such earth removal or grading must employ appropriate measures to control erosion and siltation.

No earth removal or disturbance is proposed by the requested amendment.

(2) All fill material must be clean and free from hazardous materials, construction debris and other material whose leaching would be a potential contamination hazard to ground or surface waters.

Not applicable.

(3) Hazardous materials stored above-ground must be located on an impervious surface. The storage area must be equipped with a secondary containment system to prevent the material from reaching ground or surface water in the event of a leak or spill. The containment system must be able to contain one hundred and ten (110) percent of the tank's contents.

Not applicable.

(4) Appropriate measures must be taken to ensure that any increase in storm water runoff is artificially recharged into the ground. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc.

Not applicable.

(5) All storm water management facilities must be designed for the twenty-five (25) year storm and designed to ensure that the rate and amount of runoff leaving the site does not exceed the rate and amount of runoff in the predevelopment state. Facilities for runoff from paved areas shall include structures for trapping oil, gas and other containments before recharge into the ground. These facilities shall be maintained by the owner on a not less than an annual basis.

Not applicable.

CERTIFICATION OF COMPLIANCE WITH WORCESTER REVISED ORDINANCES GOVERNING REVENUE COLLECTION

***Note: This form must be completed and signed by both the applicant(s) and owner(s) of the property certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a fully completed certification form with the application shall result in the application being deemed incomplete and ineligible for further processing by the Zoning Board of Appeals.**

Pursuant to Massachusetts General Law, Chapter 40, Section 57 and the City of Worcester General Revised Ordinance, Chapter 11, Section 26-28, the undersigned applicant and all parties having an ownership interest therein, hereby certify, under the pains and penalties of perjury, that the applicant(s) and owner(s) have complied with the laws of the Commonwealth of Massachusetts and the City of Worcester regarding payment of all local taxes, fees, assessments, betterments or any other municipal charges of any kind.

(Give first and last names in full. In case of a corporation give names of President, Treasurer and Manager; and in case of firms, give names of individual members.)

(1) If a Proprietorship or Single Owner of residential property:

Name of Owner _____

Business Address _____

Home Address _____

Business Phone _____ Home Phone _____

Signature of owner (certifying payment of all municipal charges):

_____ Date: _____

(2) If a Partnership or Multiple Owners of residential property:

Full names and address of all partners

Printed Names

Addresses

Business Address _____

Business Phone _____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____ Date: _____
_____ Date: _____
_____ Date: _____
_____ Date: _____

(3) If a Corporation: ~

Full Legal Name _____
State of Incorporation _____
Principal Places of Business _____
Place of Business in Massachusetts _____

Printed Names of Officers of Corporation:	Title
_____	_____
_____	_____
_____	_____

Owners of Corporation: Printed Names	Address	% of stock
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____	Date: _____
_____	Date: _____
_____	Date: _____
_____	Date: _____

(4) If a Trust:

Name of Trust 115 Northeast Cutoff Realty Trust
Business Address One West Boylston Street, Suite LL05, Worcester, MA 01605

Printed Names of Trustees:	Address
<u>Meletica D. Checherone</u>	<u>One West Boylston Street</u>
<u>Zachary M. Curzan</u>	<u>Suite LL05</u>
_____	<u>Worcester, MA 01605</u>
_____	_____

Printed Names of Beneficiaries:	Address
_____	_____
_____	_____
_____	_____

Signature of trustees of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____	Date: _____
_____	Date: _____
<u>Zachary M. Curzan</u>	Date: _____
_____	Date: <u>12/11/2024</u>

(5) Signature of Applicant (if different from owner, certifying payment of all municipal charges):

Printed Name of Applicant: _____
Signature of Applicant: _____ Date: _____

Edward M. Augustus, Jr.
CITY MANAGER



Timothy J. McGourthy
CHIEF FINANCIAL OFFICER

Samuel E. Konieczny
CITY ASSESSOR

CITY OF WORCESTER

ADMINISTRATION & FINANCE

Certified Abutters List

A list of 'parties in interest' shall be attached to the application form and shall include the names and addresses. All such names and addresses shall be obtained from the most recent applicable tax list maintained by the City's Assessing Department. The Assessing Department certifies the list of names and addresses.

Total Count: 19

Parcel Address: 115 NORTHEAST CUTOFF
WORCESTER, MA 01606

Assessor's Map-Block-Lot(s): 52-006-01+02

Owner: CHACHARONE, MELETIOS D
C/O CHACHARONE PROPERTIES
1 W BOYLSTON STREET

Owner Mailing: STE LL05
WORCESTER, MA 01605

Petitioner (if other than owner): STEPHEN MADAUS

Petitioner Mailing Address: 100 FRONT ST
WORCESTER, MA
508-929-1630

Planning: X Zoning: _____ Liquor License: _____ ConComm: _____

Historical: _____ Cannabis: _____ Other: _____

CHACHARONE,MELETIOS D +	52-006-01+02	0001 W BOYLSTON STREET, STE LL05	WORCESTER, MA 01605
CITY OF WORCESTER CITY MANAGER	52-007-02+2C	455 MAIN STREET	WORCESTER, MA 01608
CITY OF WORCESTER	52-007-02+2A	455 MAIN ST CITY MANAGER	WORCESTER, MA 01608
WORCESTER HOUSING AUTHORITY	52-INX-0003B	40 BELMONT STREET	WORCESTER, MA 01605
CITY OF WORCESTER PARKS DEPT	52-006-0006A	455 MAIN STREET	WORCESTER, MA 01608
CHACHARONE,MELETIOS D +	52-006-00008	0001 WEST BOYLSTON ST SUITE LL05	WORCESTER, MA 01605
ST PIERRE,LINDA M	53-002-0001D	0311 MOUNTAIN ST EAST	WORCESTER, MA 01606
LOWFIELD 340 TACOMA STREET LLC	52-008-0000C	0003 PARK ST	LEOMINSTER, MA 01453
CASEY,DANIEL J +	52-08A-00001	PO BOX 421	HARWICHPORT, MA 02646
RELIABLE HOME SERVICES LLC	52-08A-00002	0330 TACOMA ST UNIT 2A	WORCESTER, MA 01605
DOS SANTOS,BRUNA	52-08A-00003	0071 RHODE ISLAND LINE RD	PUTNAM, CT 06260
GOMES PROPERTIES LLC	52-08A-00004	0330 TACOMA ST UNIT 5	WORCESTER, MA 01605
GOMES PROPERTIES LLC	52-08A-00005	0330 TACOMA ST UNIT 5	WORCESTER, MA 01605
CASEY,DANIEL J +	52-08A-00006	PO BOX 421 UNIT 11	HARWICHPORT, MA 02646
CITY OF WORCESTER SCHOOL DEPT	52-007-00001	20 IRVING ST	WORCESTER, MA 01609
WORCESTER HOUSING AUTHORITY	52-INX-0003D	40 BELMONT STREET	WORCESTER, MA 01605
WORCESTER HOUSING AUTHORITY	52-INX-0003C	40 BELMONT STREET	WORCESTER, MA 01605

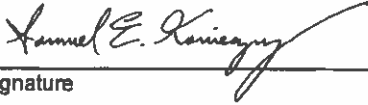
WORCESTER HOUSING AUTHORITY
CITY OF WORCESTER PARKS DEPT

52-INX-0003E
52-INX-0001D

40 BELMONT STREET
455 MAIN STREET

WORCESTER, MA 01605
WORCESTER, MA 01608

This is to certify that the above is a list of abutters to Assessor's Map-Block-Lot's 52-006-01+02 as cited above.
Certified by:



Signature

12/02/2024
Date

Edward M. Augustus, Jr.
CITY MANAGER



Timothy J. McGourthy
CHIEF FINANCIAL OFFICER

Samuel E. Konieczny
CITY ASSESSOR

CITY OF WORCESTER
ADMINISTRATION & FINANCE

Abutters Map



Worcester South District Registry of Deeds Electronically Recorded Document

This is the first page of the document – Do not remove

Recording Information

Document Number	: 41395
Document Type	: DECN
Recorded Date	: May 31, 2024
Recorded Time	: 03:27:08 PM
Recorded Book and Page	: 70581 / 185
Number of Pages(including cover sheet)	: 11
Receipt Number	: 1577818
Recording Fee	: \$105.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 368-7000



Albert LaValley Chair
Edward Moynihan Vice Chair
Brandon King
Conor McCormack
Adrian Angus

Notice of Voluntary Withdrawal recorded in Book 68127, Page 52
See Deed registered as Document No. 114165

SPECIAL PERMIT - FINDINGS OF FACT AND DECISION

**105 & 115 Northeast Cutoff (aka proposed Lots 115 & 125) (MBL 52-006-01+02)
(PB-2024-018)**

The Planning Board scheduled a public hearing on March 20, 2024, at 6:30 PM in the Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the petition of 115 Northeast Cutoff Realty Trust, Meletios D. Chacharone, & Zachary Curzon seeking a Special Permit for property located at 105 & 115 Northeast Cutoff (aka proposed Lots 115 & 125), Worcester, Massachusetts.

Due notice of a public hearing to be held on March 20, 2024, was sent to the individuals listed on the City of Worcester Certified Abutter's list for the subject property.

On March 6, 2024 & March 13, 2024, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On March 20, 2024, the hearing was called to order by Albert LaValley, Chair. Board members present for the hearing at Worcester City Hall, 455 Main Street, Levi Lincoln Chamber were Albert LaValley, Edward Moynihan, and Conor McCormack. Board member Brandon King participated remotely. Board member Adrian Angus was absent. Remote participation was facilitated for attendees via phone at call-in number, 844-621-3958, access code: 2633 685 5101 and via WebEx link (<https://cityofworcester.webex.com/meet/planningboardwebex>).

FINDINGS

The Worcester Planning Board, having conducted a public hearing and reviewed the submitted evidence, finds that:

1. 115 Northeast Cutoff Realty Trust, Meletios D. Chacharone, & Zachary Curzon, whose address is 1 West Boylston Street, Suite LL05, Worcester MA, 01605 are the owners of certain land situated at 105 & 115 Northeast Cutoff in the City of Worcester and more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 91, Page 181.
2. The property is located in a BG-2.0 (Business, General) zoning district, the Water Resource Protection Overlay District (WR(GP-2) & WR(GP-3)), and partially within the Floodplain Overlay District.
3. Presently on the premises is a multi-tenant office and manufacturing complex with 7 buildings, associated school bus parking & repair, including nonconforming storage of hazardous materials in containers greater than 5 gallons, previously specially permitted as part of a WPS fleet-storage and WPS bus/van repair facility.
4. The petitioner seeks to divide the property into two lots and modify the nonconforming storage of hazardous materials in containers greater than 5 gallons on both lots to allow more than household storage in less than 5 gallon containers on the new lot.
5. The following zoning relief is required and is being sought by the petitioner:

Special Permit Amendment: To expand, alter, and/or change a preexisting nonconforming use within the Water Resource Protection Overlay District (WR(GP-2)) (Article XII, Section 6) on proposed Lot 115 to update the list of hazardous materials and limit storage in excess of 5-gallon containers to Lot 115.

Special Permit: To render more than 20% of lot area impervious within the Water Resource Protection Overlay District (WR(GP-2)) (Article XII, Section 4, Table 12.1, use # 11) within the Water Resource Protection Overlay District GP-2 on proposed Lot 125.

General Findings of Fact – Special Permit

6. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:

a. Social, economic or community needs that are served by the proposal;

The proposed redevelopment of the property will provide Worcester Public Schools with a singular campus to house all its student transportation operations, employees, and equipment.

Creation of Lot 125 will allow a manufacturing use on a separate and distinct lot from the present school department educational use, so that its use regulatory status are independent. A significant industry to Worcester's heritage and a major employer will remain in Worcester along with its highly skilled workforce.

b. Traffic flow and safety, including access, parking and loading areas;

The property will provide safe, adequate parking for all student transportation vehicles and for staff, employees, and visitors. The existing and proposed parking areas are adequately set back from the street, such that vehicles will not be backing up into the public way.

c. Adequacy of utilities and other public services;

The buildings on the property are currently served by adequate utilities for the proposed use. The improvements to be made (additional parking lots and new stormwater management infrastructure) will be adequate for the proposed use. Cross easements will allow shared utility and public services between Lot 115 and Lot 125.

d. Neighborhood character and social structure;

The property is located in the BG-2.0 Zoning District and currently consists of a manufacturing complex and parking lots. The proposed use is consistent with Zoning and with the prior use of the property.

e. Impacts on the natural environment;

New stormwater management facilities for the collection, treatment and recharge of stormwater runoff will be installed and maintained on the site to protect the natural environment. (See responses to questions 8-10, herein). Also, it is anticipated that the fleet of buses for the Worcester Public Schools will include buses fueled by natural gas, in the near future, which will be more protective of the natural environment.

No additional site changes are planned for the subject property that would adversely affect the natural environment.

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

Although the Worcester Public School Department will be the lessee, the property will remain subject to local property taxes. By relocating and consolidating its student transportation operations to the property, hundreds of employment positions (jobs) will remain in the City of Worcester.

The manufacturer of specialized life safety equipment will relocate to the new facility, allow it to modernize and improve efficiency, both to maintain its existing workforce and to attract top tier employees from area educational institutions. Not only will the City realize direct real estate and personal property tax revenue, but the company and its highly skilled workforce contribute greatly to Worcester community.

Supplemental Findings of Fact – Water Protection Overlay District Special Permit

Per Article XII, Section 1(A), the purposes of the Water Resources Protection Overlay District (WRPOD) are: 1. To promote the health, safety and general welfare of the community; 2. To preserve and maintain the existing and potential groundwater supplies, aquifers and groundwater recharge areas of affected municipalities and to protect them from adverse development or land use practices; 3. To preserve and protect present potential sources of drinking water supply for the public health and safety; 4. To prevent blight and the pollution of the environment.

1. Explain how the proposed use will not degrade the groundwater quality at the boundaries of the premises below existing levels:

The proposed parking lot construction entails surface improvements to allow for parking of vehicles for the Worcester Public Schools transportation division. By employing sound and proven best management practices (BMPs) to collect, treat, and recharge runoff from the impervious surfaces, the quality of the groundwater can be assured. These BMPs will provide a level of treatment to prevent degradation of groundwater quality at the boundaries of the premises below existing levels.

Previous work at the site was undertaken to provide for improved stormwater quality and quantity control, and significantly increased the recharge of rainfall to increase and sustain groundwater resources in the long term. To the extent possible, stormwater runoff is being treated, and roof runoff is being recharged to the ground where it was discharged directly to surface waters in the past. The roof runoff from Building 1, the main building on Lot 125, has been connected to pond 26, the large subsurface infiltration structure on the southwest side of Lot 115.

2. Explain how this proposed use is in harmony with the purpose and intent of this Ordinance and does not denigrate from the purposes of the Water Resources Protection Overlay District;

Providing parking for the Worcester Public School transportation division is a municipal function and because the proposed use will not include fuel stations for the transportation fleet, the use is in harmony with the purpose and intent of the Ordinance. Since the proposed improvements are nonresidential, non-commercial, non-industrial uses that do not involve hazardous uses or processes, they are not prohibited. The proposed use does not pose a threat to the drinking water supply and therefore does not denigrate from the purposes of the Water Resources Protection Overlay District.

No changes are proposed to the site affecting the intent of the Ordinance or to denigrate from the purposes of the Water Resources Protection Overlay District. The uses are in harmony with the BG-2 Zoning District.

3. Explain how the proposed use will not, during construction or thereafter, have an adverse environmental impact on the Zone of Contribution (GP-2) or Secondary Recharge Area (GP-3);

Construction period erosion and sedimentation controls will be employed to protect the surface water runoff, and thereby protect the wetland resource areas which contribute to water quality and aquifer recharge. The contractor will comply with the US EPA NPDES program, and will seek coverage under the Construction General Permit. In order to do so, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared and followed. Among other details, the SWPPP will describe the construction period physical practices and management practices to prevent adverse environmental effect during the construction period. With the sandy soils and deep groundwater that is present, the runoff during earth moving operations and construction of the parking lots will not have an adverse environmental effect upon the GP-2 or GP-3. Upon completion of the improvements, the site will have a collection, treatment, and recharge system in place. Coupled with good housekeeping practices and adherence to the operation and maintenance program, the site will not have an adverse environmental effect upon the GP-2 or GP-3.

4. Explain how the proposed use will not adversely affect an existing or identified potential public water supply within the Water Resources Protection Overlay District:

No existing or identified potential public supply wells are within the WRPOD. The nearest public water supply well in the Poor Farm Brook Zone (Shrewsbury 2271000-12G) is approximately 2,600 feet from the site, and the nearest backup well (Worcester 2348000-02G) is approximately 4,100 feet from the site, both located in Shrewsbury. Given the BMPs that are proposed and the net increase in recharge volume, the proposed site improvements will not adversely affect the existing or potential public water supply within the WRPOD.

Previous work at the site was undertaken to provide for improved stormwater quality and quantity control, and significantly increased the recharge of rainfall to increase and sustain groundwater resources in the long term. To the extent possible, stormwater runoff is being treated, and roof runoff is being recharged to the ground where it was discharged directly to surface waters in the past

5. Explain how the proposed use meets the following standards:

- a. Any earth removal or land disturbing activity within the GP-2 zone of the overlay district may not be closer than four (4) feet above the historic high-water elevation. Such earth removal must employ appropriate measures to control erosion and siltation.

Based upon the test pits that were conducted at the site, the seasonal high groundwater was found to be approximately 6-10 feet below the ground surface. The site improvements have been designed to avoid earth removal or land disturbance within 4 feet of the seasonal high groundwater. An extensive erosion and sedimentation control plan will be implemented and a construction period SWPPP will be prepared and followed by the site contractor during the construction period to protect the water resources.

- b. All fill material must be clean and free from hazardous materials, construction debris and other material whose leaching would be a potential contamination hazard to ground or surface waters.

Other than processed material, such as washed crushed stone, no fill is expected to be imported onto the site. Earth material that is excavated in one area will be moved, placed, and appropriately compacted in a fill area on the site. No building demolition is proposed or anticipated at this time. Accordingly, the earth moving operation and leaching/ram hazardous materials or debris will not pose a potential contamination hazard to ground or surface waters.

- c. Hazardous materials stored above-ground must be located on an impervious surface. The storage area must be equipped with a secondary containment system to prevent the material from reaching ground or surface water in the event of a leak or spill. The containment system must be able to contain one hundred and ten (110) percent of the tank's contents.

Hazardous materials will be used in the manufacturing process, and will be stored in containers up to five gallons. Please see the supplemental information provided describing the storage, spill containment, and cleanup protocol.

With the discontinuation of semiconductor manufacturing on the site, the storage of hazardous materials has been greatly diminished. Storage tanks for various raw and waste chemicals have been removed from the site. In fact, with the new use the owner will also remove two 10,000-gallon fuel storage tanks and three 500-gallon tanks. Other than normal site and building maintenance materials that will be stored indoors, the Worcester Public School transportation department use will entail only a small quantity of motor oil and diesel fuel within Building 4. The limited number of 55-gallon tanks (8, 55-gallon tanks) will be stored on a containment pad within the building, providing a minimum 110% capacity. The improvements to the property will result in a reduction of on-site fuel storage from the current capacity of 21, 500-gallons to 220-gallons (2, 55-gallon tanks for new oil

and 2, 55-gallon tanks for waste oil; there will also be 2, 55-gallon tanks for washer fluid and 2, 55-gallon tanks for coolant).

- d. Appropriate measures must be taken to ensure that any increase in storm water runoff is artificially recharged into the ground. This may be done through such methods and dry wells, infiltration trenches, retention basins, etc.

In addition to mitigating the peak rate of flow and meeting the minimum recharge volume required by the Massachusetts DEP Storm water Policy, the site has been designed to provide extensive subsurface recharge structures to mitigate the volume of runoff and to maximize the volume of runoff recharged to the ground. By also directing runoff from nearly 100,000 s.f of existing roofs to a recharge system, the project will result in a net decrease in the volume of surface and net increase in recharge.

- e. All storm water management facilities must be designed for the twenty-five (25) year storm and designed to ensure that the rate and amount of runoff leaving the site does not exceed the rate and amount of runoff in the predevelopment state. Facilities for runoff from paved areas shall include structures for trapping oil, gas, and other contaminants before recharge into the ground. These facilities shall be maintained by the owner on a not less than annual basis.

As described in the stormwater report and shown on the plans, the proposed stormwater management system will collect treat and fully recharge runoff from the proposed impervious areas for the 2-year, 10-year, and 25-year storms (i.e. up to 6.00 inches of rainfall), and will mitigate the runoff from the 100-year storm (7.68"), such that in all studied storms, the peak rate of flow and volume of runoff leaving the site will not increase over the existing predevelopment conditions. The stormwater management system includes structures for trapping oil, gas, and other pollutant, before recharging to the ground. The operation and maintenance program describes periodic inspection and annual maintenance tasks (or more often as inspections warrant)

DECISION

At the meeting of the Board on March 20, 2024, and on a duly made and seconded motion, it was voted 4-0 by Board members Albert LaValley, Edward Moynihan, Conor McCormack, and Brandon King (Adrian Angus absent) to approve the following requested relief:

Special Permit Amendment: To expand, alter, and/or change a preexisting nonconforming use within the Water Resource Protection Overlay District (WR(GP-2)) (Article XII, Section 6) on proposed Lot 115 to update the list of hazardous materials and limit storage in excess of 5-gallon containers to Lot 115.

Special Permit: To render more than 20% of lot area impervious within the Water Resource Protection Overlay District (WR(GP-2)) (Article XII, Section 4, Table 12.1, use # 11) within the Water Resource Protection Overlay District GP-2 on proposed Lot 125.

With the following conditions of approval:

Prior to Construction and Before April 30, 2024:

1. Provide the recording reference for Special Permit Amendment from 2022.
2. Provide one (1) complete original set of properly stamped/sealed revised site plans, and an electronic copy of the same (.pdf), to the Division of Planning & Regulatory Services reflecting the following changes:
 - a. Quantify the SF of impervious surface in each area proposed for removal on Lot 125 and reflect proposed vegetated surfaces, with a wildlife conservation seed mix to be used on the northeastern corner of the lot.
 - b. Reflect installation of at least thirty five (35) minimum 2.5" caliper shade trees of a native, non-ALB or EAB species on Lot 125. Said trees shall be located adjacent to remaining impervious surfaces to the maximum extent practical including a minimum of every 25' on center between the parking lot and NE Cutoff and along the main the driveway adjacent to the pond.
 - c. Reflect installation of a cement concrete walkway from the main entrance of building #1 to the sidewalk on NE Cutoff on Lot 125.
 - d. Reflect removal of all outdoor storage of sand/salt, etc. presently located in the northwestern corner of Lot 125.

Prior to the Transfer of Title on Lot 125:

3. Removal of impervious surfaces and re-stabilization with vegetation, installation of walkways, removal of outdoor storage, and new tree plantings required by condition 1 shall be complete.
4. A copy of a recorded long term pollution prevention plan/program and systems operation & maintenance plan/program - including any stormwater facilities - shall be provided to the Division of Planning & Regulatory Services and Department of Public Works and Parks clearly establishing the responsible property owner for each infrastructure component and maintenance activity.
5. A recorded, reciprocal deed restriction, in a form acceptable to the City of Worcester Law Department, shall be provided to the Division of Planning & Regulatory Services. Said restriction shall prevent the construction/placement of additional impervious surfaces on either Lot 115 or Lot 125 causing the total impervious surface of both sites to exceed 18.9% impervious surface (or 331,446 SF net impervious surface) as proposed and depicted on the approved plans. Said restriction shall ensure that there is no further increase in impervious surface on either site, as defined by Article XII of the City of Worcester Zoning Ordinance, in perpetuity unless there is a subsequent grant of a Special Permit from the Planning Board altering this requirement.

During Construction:

6. Any existing underground storage tanks located on the entire site shall be removed and may be replaced with above ground storage facilities that meet the approved criteria set forth in Section-7(C)(5)(c) of the Ordinance.

On or Before December 31, 2024:

7. Provide the recording reference for the executed Conservation Restriction permanently protecting the remaining undeveloped areas of the site consistent with that shown on the site plans.

Perpetual Conditions:

8. ~~Use of the Lot 115 for truck/trailer/bus storage or servicing shall be limited to transportation services provided for the Worcester Public Schools system. This Special Permit does not permit nor establish any privilege for such operations, storage or servicing other than those for Worcester Public Schools transportation.~~
9. Bus storage shall be confined to the areas on Lot 115 on the approved plan identified for such storage, consisting of +/- 143 large buses, 102 medium busses, and 443 vans, light trucks and/or passenger vehicles.
10. All vehicle parking and storage shall occur on paved surfaces.
11. Emergency spill-kits shall be maintained on site at all times. A minimum of one spill-kit shall be located within Building 4 and one additional spill-kit shall be located within each distinct parking area.
12. Storage of any hazardous materials must be above ground, on an impervious surface, and within a container located within a building that includes a secondary containment system with the minimum storage capacity of 110% of all containers' contents.
13. All vehicle servicing and storage of hazardous materials in excess of 5-gallons shall be conducted indoors and be confined to Building 4 on Lot 115.
14. There shall be no fueling or refueling, car-washing, or use of fertilizers permitted on-site.
15. There shall be no fill, including temporary stockpiling (including snow), within the 100-year floodplain (FEMA A Zone).
16. The City of Worcester and Town of Shrewsbury shall be parties added to any emergency response plan notification lists.
17. Impervious surfaces, including but not be limited to all buildings, parking areas, driveways, roads, sidewalks, and areas of concrete or asphalt, except where runoff from impervious surfaces is recharged on-site and diverted to areas allowing for surface infiltration to the maximum extent possible, shall not exceed 18.9% (331,446 SF) of the combined site (i.e., both Lots 115 and 125).
18. Stormwater infrastructure will be maintained in compliance with the operation and maintenance plans and schedules on file with the City of Worcester. Such plans and schedules shall incorporate best practices and shall include provisions for regular visual inspections of vehicles for signs of leaking fluids. The O&M plan shall be updated on an as needed basis. Copies of current maintenance plans and schedules shall be furnished to the City of Worcester DPW&P and the Town of Shrewsbury Engineering Department.
19. Copies of all operation and maintenance inspection forms and maintenance logs shall be provided the City of Worcester DPW&P and the Town of Shrewsbury Engineering Department in order to confirm that the stormwater management system is being cleaned and inspected in accordance with maintenance plans and schedules. Such materials shall be provided in an annual report, provided that the city and town shall be additionally notified immediately of

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inspection results and subsequent maintenance actions when a threat to groundwater or surface water quality is identified.

20. Landscaped setback/buffer areas shall not be used for snow storage; once designated snow storage areas reach capacity or interfere with visibility, snow shall be trucked off-site.
21. Provided that the project is constructed and operated in substantial accordance with the approved final revised Site Plans, Special Permit Findings of Fact, calculations, all operation and maintenance plans and schedules, including pollution prevention and emergency response plans on file with the City of Worcester and in compliance with all governmental codes.

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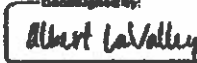
The Special Permit shall not take effect until the petitioner records, at their own expense, a certified copy thereof with the Worcester District Registry of Deeds, pursuant to Massachusetts General Laws, Chapter 40A, Section 11, as amended.

Appeals of this decision shall be made pursuant to M.G.L. c. 40A §17 and shall be filed within twenty days after the filing of this decision in the office of the City Clerk. If litigated, all time periods for recording and commencement shall toll and not commence until a final, favorable decision of the Honorable Court is rendered.

It was ORDERED by the Board that persons notified of the hearing be notified of the foregoing decision.

The name(s) typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duty authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 328.

ADJOURNED:

Designated by:

ALBERT LAVALLEY
ALBERT LAVALLEY

DATE 04/12/2024

EDWARD MOYNIHAN

DATE _____

CONOR MCCORMACK

DATE _____

BRANDON KING

DATE _____

ADRIAN ANGUS

DATE _____

REMINDERS

Special Permit Time Limitations: If the activity authorized by a Special Permit is not initiated within one (1) year of the date of grant (one year from date Special Permit is received by the City Clerk) and/or the activity is not completed within two (2) years, then the Special Permit shall lapse unless the Director of Code Enforcement makes a determination that the failure to complete was for good cause. City of Worcester Zoning Ordinance, Article II, Section 9.D.5.

Landscaping Requirements: Required landscaping shall be maintained in a healthy growing condition, free of refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or the property owner within a reasonable period of time. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles or snow storage in areas used for screening and buffering. Per Article V, Section 5, C. iv of the City of Worcester Zoning Ordinance.

Construction Noise: No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and on Saturday, and between the hours of 9:00 a.m. and 7:00 p.m. on Sundays.... Per Chapter 9 Section 1A (e) (9) of the City of Worcester's Ordinance Relative to Excessive and Unreasonable Noise.

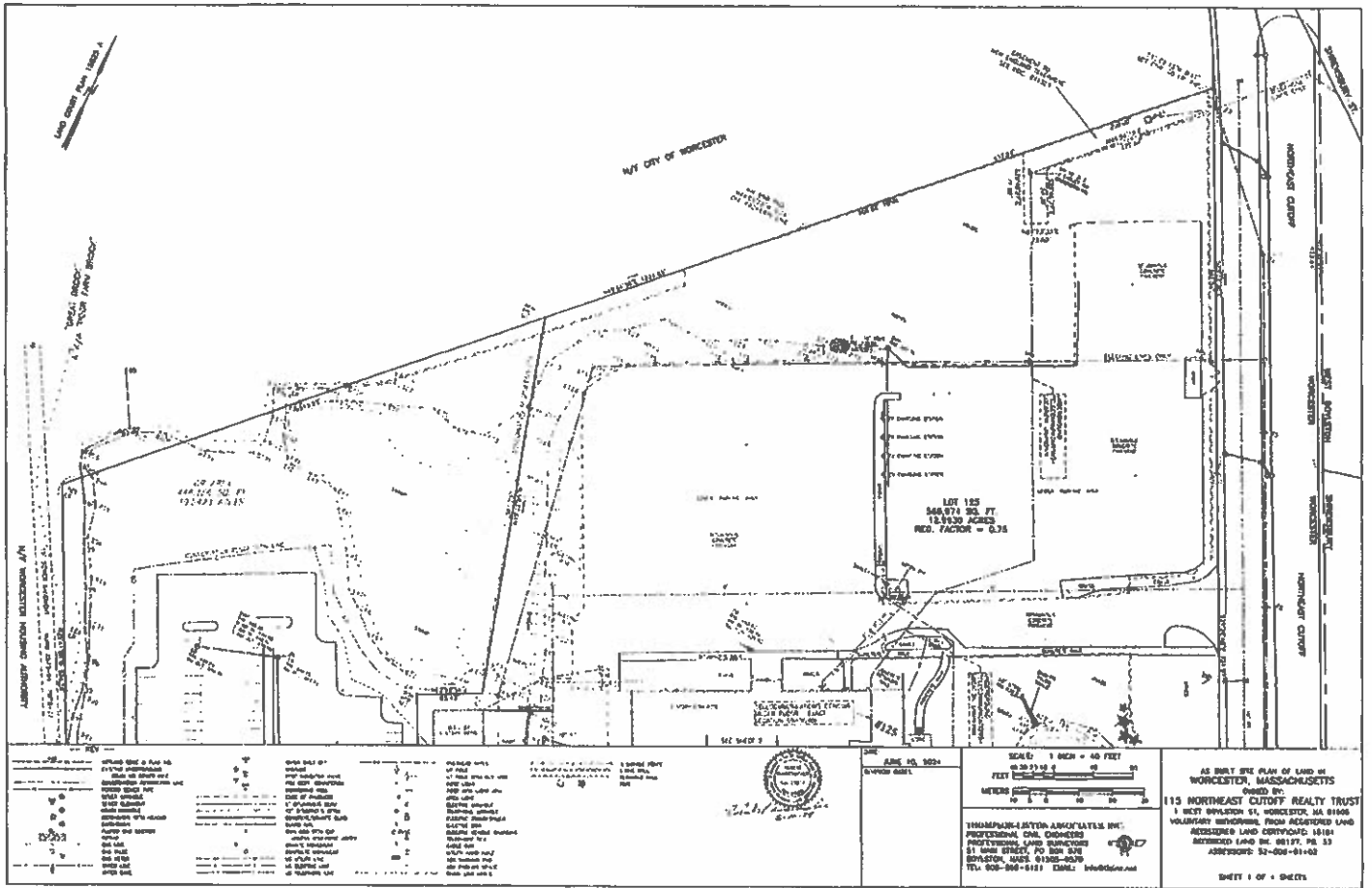
City of Worcester, MA

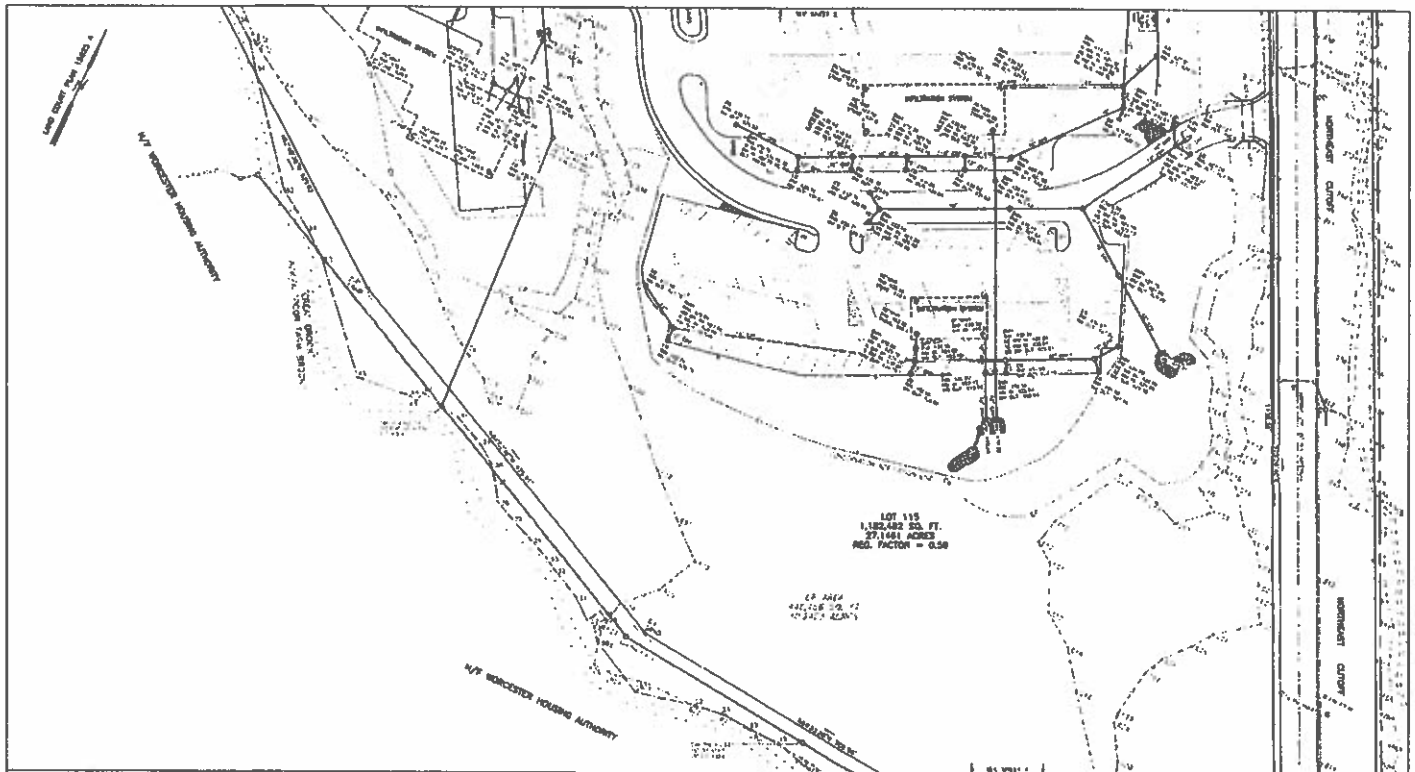
May 7, 2024

I certify that twenty days have elapsed after the attached Decision for **105 & 115 Northeast Cutoff (aka proposed Lots 115 & 125)** has been filed with the City Clerk Department as of **April 12, 2024** and that no appeal has been filed.



Stephen A. Pottle
Deputy City Clerk I





Symbol	Description
(Symbol)	Lot boundary
(Symbol)	Structure
(Symbol)	Proposed structure
(Symbol)	Proposed driveway
(Symbol)	Proposed road
(Symbol)	Proposed utility
(Symbol)	Proposed fence
(Symbol)	Proposed wall
(Symbol)	Proposed gate
(Symbol)	Proposed gate post
(Symbol)	Proposed gate post cap
(Symbol)	Proposed gate post cap cap
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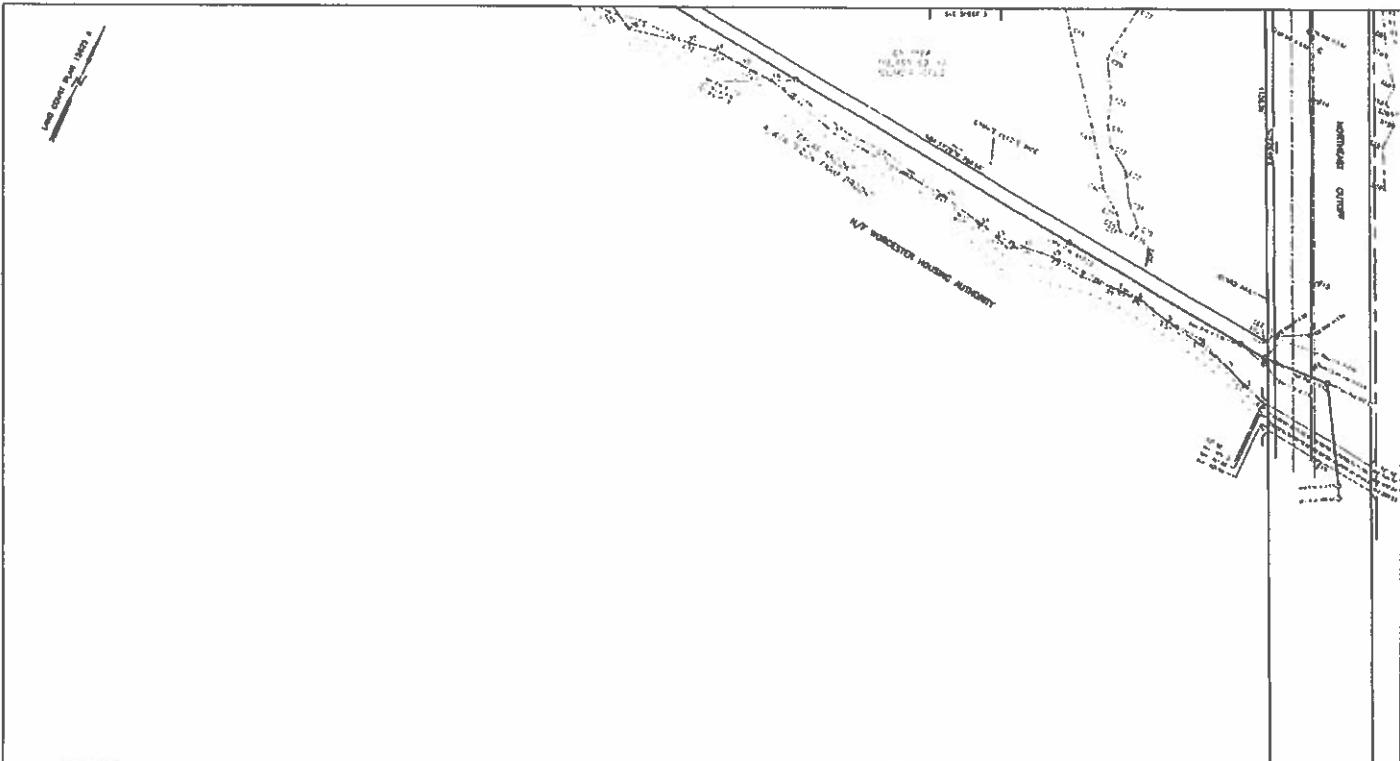
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DATE 10.2004
 DRAWN BY
 CHECKED BY

SCALE: 1 INCH = 40 FEET
 FEET METERS
 0 10 20 30 40 50 60
 0 10 20 30 40 50 60
 TIRUPATRAJUN Associates, Inc.
 PROFESSIONAL LAND SURVEYORS
 21 MAIN STREET, PO BOX 1372
 BOSTON, MASS. 02115-0137
 TEL: 617-552-8533 FAX: 617-552-8534

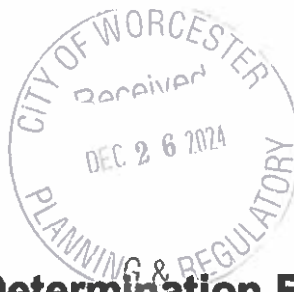
AS SHOWN ON THE PLAN OF LAND IN
 WORCESTER, MASSACHUSETTS
 OWNED BY:
 115 NORTHEAST CUTOFF REALTY TRUST
 1 WEST BOWLTON ST, WORCESTER, MA 01609
 VOLUNTARILY WITHDRAWN FROM REGISTERED LAND
 REGISTERED LAND CERTIFICATE 18181
 REGISTERED LAND DEC. 24/17, PG. 52
 REVISIONS 12-068-01-02
 SHEET 3 OF 4 SHEETS



<p>KEY</p> <p>1. 1/4" = 10' SCALE</p> <p>2. 1/4" = 10' SCALE</p> <p>3. 1/4" = 10' SCALE</p> <p>4. 1/4" = 10' SCALE</p> <p>5. 1/4" = 10' SCALE</p> <p>6. 1/4" = 10' SCALE</p> <p>7. 1/4" = 10' SCALE</p> <p>8. 1/4" = 10' SCALE</p> <p>9. 1/4" = 10' SCALE</p> <p>10. 1/4" = 10' SCALE</p>	<p>LEGEND</p> <p>1. 1/4" = 10' SCALE</p> <p>2. 1/4" = 10' SCALE</p> <p>3. 1/4" = 10' SCALE</p> <p>4. 1/4" = 10' SCALE</p> <p>5. 1/4" = 10' SCALE</p> <p>6. 1/4" = 10' SCALE</p> <p>7. 1/4" = 10' SCALE</p> <p>8. 1/4" = 10' SCALE</p> <p>9. 1/4" = 10' SCALE</p> <p>10. 1/4" = 10' SCALE</p>	<p>NOTES</p> <p>1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.</p> <p>2. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED.</p> <p>3. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED.</p> <p>4. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED.</p> <p>5. THE SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED.</p>	<p>DATE</p> <p>JUNE 10, 2014</p> <p>REVISION</p> <p>01</p>	<p>SCALE</p> <p>1" = 40 FEET</p> <p>0 10 20 30 40</p> <p>0 5 10 15 20</p> <p>METERS</p>	<p>AS BUILT SITE PLAN OF LAND IN WORCESTER, MASSACHUSETTS</p> <p>OWNED BY:</p> <p>115 NORTHEAST CUTOFF REALTY TRUST</p> <p>1 BEEB RD, WORCESTER, MA 01605</p> <p>RECORDED LAND CERTIFICATE 18161</p> <p>RECORDED LAND REC. JUN 17, 2014</p> <p>ASSESSOR: 53-806-81-01</p> <p>THOMAS P. LESTON ASSOCIATES, INC.</p> <p>PROFESSIONAL LAND SURVEYOR</p> <p>31 HART STREET, PO BOX 370</p> <p>WILMINGTON, MASS. 01890-0370</p> <p>TEL: 508-659-0101 FAX: 508-659-0102</p> <p>SHEET 4 OF 4 SHEETS</p>
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The City of Worcester
Department of Inspectional Services



Department of Inspectional Services
25 Meade Street
P | 508-799-1198 F | 508-799-8544
Inspections@WorcesterMA.gov

Zoning Determination Form

To obtain a building permit, you are required to file the following Board application(s):

Property Address(es): 115 Northeast Cutoff Submitted Plan Date: _____

Zoning District(s): BG-2.0 Overlay District(s): Water Resource Protection; GP-2 Zone

Project Description (attach supplemental narrative as needed):

The Applicant seeks an amendment to a Special Permit granted by the Planning Board dated April 12, 2024 (PB-2024-018) to change Condition of Approval No. 7, which requires a Conservation Restriction to be recorded before 12/31/24, to have a new deadline of 12/31/25.

Planning Board: (Indicate all that apply)

Site Plan

Preliminary Definitive

Trigger(s):

15% Slope 5+ Units Airport
 Cluster GFA Lodging House
 National Register Subdivision

Special Permit(s)

ADU AROD AUM CCOD CCRC
 Cluster WRPOD IZ
Other Amendment to Special Permit (PB-2024-018)

Subdivision

Preliminary Definitive Frontage (Definitive)

Parking Plan

ANR

More than One Building on a Lot (residential)

81G Street Opening or Ch. 12 Sec. 12 Review

Other Filings: (either Board)

Amendment to: Special Permit (PB-2024-018)

Extension of Time for _____

Other: _____

For Official Use Only:

Todd Miller 12/9/2024
ISD Authorized Signature Required: TAM DCH Date

Zoning Board of Appeals: (Indicate all that apply)

Variance(s)

Dimension	Requirement	Provided	Relief Requested
Gross Area (SF)			
Frontage (ft.)			
Setback (ft.)	Front		
	Side		
	Exterior Side		
	Rear		
	Accessory Structure		
Height (ft.)			
Floor to Area Ratio			
Parking (spaces)			
Other			

Special Permit(s)

Use Allowed by Special Permit #: _____

Expansion/Change of privileged nonconforming

Structure Use To a Use of a Similar Nature

Mod. Dimensional Requirements for Residential Conversion

Modify Parking/Loading/Layout/Landscaping

Other: _____

Administrative Appeal (ZBA)

ADU=Accessory Dwelling Units, AROD=Adaptive Reuse Overlay District, AUM = Adult Use Marijuana; CCOD=Commercial Corridors Overlay District, CCRC=Continuing Care Retirement Community, GFA = Gross Floor Area, IZ = Inclusionary Zoning; WRPOD=Water Resources Protection