

**Statement in Support of Lundgren Equity Partners LLC**  
**Applications to City of Worcester Zoning Board of Appeals for Special Permits for**  
**Alteration of Pre-Existing Nonconforming Use and Minimum Loading Space**  
**Requirements for Mixed-Use Shopping Center Development Project at**  
**225 Shrewsbury Street, Worcester, Massachusetts**

**I. Background and Project Scope.**

225 Shrewsbury Street Realty, LLC<sup>1</sup> owns a parcel of land known and numbered as 225 Shrewsbury Street, Worcester, Massachusetts,<sup>2</sup> which property currently contains approximately 2.38 acres of land (the “Property”) and a 1-story approximately 23,336 square foot shopping plaza building containing a restaurant, café, dentist office, bank with a 2-lane drive-through and Internet café (the “Existing Shopping Plaza Building”) and a 1-story approximately 7,287 square foot former ambulatory storage building (the “Existing Warehouse Building”).<sup>3</sup>

The Property is located entirely within the Business, General 2.0 (“BG-2.0”) zoning district, the Commercial Corridors Overlay District-Shrewsbury Street Subarea (“CCOD-S”) and the Union Station View Corridor Sign Overlay District (“USOD”), and is bounded by Shrewsbury Street to the northwest, Casco Street to the east, Albany Street to the southeast and a City-owned property at 29 Albany Street to the west.

Lundgren Equity Partners LLC (the “Applicant”) is seeking special permits from the City of Worcester Zoning Board of Appeals (the “Board”) as more particularly described herein, in connection with the proposed demolition and removal of the Existing Warehouse Building and existing drive-through facilities and construction of a new approximately 15,370 square foot building (the “New Building”) that will contain three commercial units, including an approximately 5,700 square foot retail bank branch with a two-lane drive-through (the “Project”). The Project includes the reconfiguration of parking areas and driveways, including a total of 109 parking spaces at the Property for use by the shopping center tenants and their visitors.<sup>4</sup> The Project also includes the construction and/or installation of related site improvements at the Property, including, but not limited to, new driveways and accessible

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<sup>1</sup> 225 Shrewsbury Street Realty, LLC is a corporate affiliate of Lundgren Equity Partners LLC.

<sup>2</sup> The Property has a parcel identification of 16-032-02+2A.

<sup>3</sup> The Property is also known as Shrewsbury Street Marketplace.

<sup>4</sup> A total of 125 parking spaces will be located on the Property lot. However, 16 parking spaces at the lot are dedicated for use by the multifamily development across the street at 224 Shrewsbury Street, and, therefore, such spaces are not counted towards the minimum parking count for the Property under the Project.

walkways, landscaping, curb cuts, upgraded facades along Casco Street, level-3 electric vehicle charging stations,<sup>5</sup> bicycle storage areas,<sup>6</sup> utilities and other site features.

## **II. Requirement for Special Permits and Variances.**

Article XVI, Section 4.C of the Zoning Ordinance provides that privileged nonconforming uses may be extended, altered or changed upon the grant of a special permit by the Board. Pursuant to Article IX, Section 5.C.2.b.xi, drive-through uses are prohibited on lots having driveway or other direct vehicular connections to Shrewsbury Street, between Washington Square and Granby Road. As part of the Project, the modified drive-through will be relocated from the middle of the Property to the south/southeastern portion of the Property bordering Albany Street and ultimately exiting onto Casco Street. Accordingly a special permit for the modified drive-through will be required for the Project.

Article IV, Table 4.5 of the Zoning Ordinance provides that one loading space is to be provided for structures with gross floor areas in excess of 10,000 square feet and no more than 50,000 square feet. The New Building will be approximately 15,370 square feet, and, therefore, requires one loading space. There are currently no designated loading spaces for the Existing Building and no loading spaces are proposed by the Project, therefore, a special permit from the Board will be required.<sup>7</sup>

In addition, site plan review approval and CCOD special permits (reduce parking requirements for mixed-use development and, if required, new modified drive-through) are required to be granted by the Worcester Planning Board.<sup>8</sup>

## **III. Reasons for Approval of Special Permits.**

The Project satisfies the special permit criteria as set forth in Article II, Section 6.A.2 and Article XVI, Section 4.C of the Zoning Ordinance for the reasons stated herein:

- 1. The extension, alteration or change of the use itself complies with the current requirements of this Ordinance. Social, economic or community needs that are served by the proposal.**

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<sup>5</sup> The proposed parking will feature 6 EV charging spaces, with another 19 “ready” (i.e., conduit run) spaces designated for future electric vehicle parking.

<sup>6</sup> The Project will include covered exterior bicycle storage that can accommodate the storage of up to 6 bicycles.

<sup>7</sup> The Board is the permit granting authority pursuant to Article IV, Section 7.A.2 for any special permits with respect to loading requirements.

<sup>8</sup> The Project will not require submission to the Worcester Conservation Commission for an NOI/Order of Conditions as the Property is located in both the Combined Sewer System Area and the Commercial Area Revitalization District (CARD).

The Applicant's proposed modifications to the drive-through will comply with the current requirements of the Zoning Ordinance, and will serve social, economic and community needs. The drive-through design is a significant improvement over the current condition, which has no striped lanes and causes vehicles to queue in the middle of the shopping center parking areas and drive aisles, which poses traffic and safety concerns. The modified drive-through will have the same number of lanes, and will promote safe and efficient travel for passenger vehicles and pedestrians.

The Project is in conformance with the purposes and intent of the Zoning Ordinance and the CCOD, which will promote the economic vitality of the neighborhood and the City. The Project is a development of a compatible land use (including a drive-through which has been in operation for decades) that provides urban densities, is a redevelopment of a corner lot infill site that is highly underutilized, offers a design that provides an aesthetically pleasing environment for pedestrians that is accessible, compact, safe and inviting. The Project promotes compact, environmentally-responsible (e.g., level-3 EV charging stations, bicycle storage and other eco-friendly features), pedestrian friendly mixed-use development, reduces the amount of land devoted to surface parking and utilizes parking areas more efficiently. Moreover, the Project will encourage the most appropriate use of the land in a manner that promotes the creation new commercial spaces, protects natural resources as well as the architectural, scenic and aesthetic qualities of the community and protects against the uses of land which are incompatible with nearby uses, undue intensity of noise and danger and congestion in travel and transportation.

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

The proposed use of the New Building and modified drive-through will not cause a serious hazard to vehicular or pedestrian traffic on or off the Property, and the proposed parking layout is compatible with the existing size of the Property and the use of both the Existing Shopping Plaza Building and the New Building. Access to the Property is currently provided via driveways off Shrewsbury Street, Casco Street and Albany Street. The Shrewsbury Street driveway currently allows only right-turns into and out of the site, which will remain unchanged. Under the proposed conditions, the Casco Street site driveway will be closed and replaced with a drive-through exit, and the Albany Street driveways will be modified, but will continue to allow full access into and out of the site.

The proposed parking areas and modified drive-through will provide a safe, adequate and efficient layout and design for vehicular and pedestrian traffic both within the site and at all existing and proposed access points, and will be in close proximity of the entrances of the buildings. The proposed parking spaces and setbacks, modified drive-through, drive aisles, curb cuts and building entrances will not cause any nuisance or hazard to vehicles or pedestrians within or off the Property or line of sight hazards along streets. Ample sight distances exist at

the site driveway locations to allow for safe operation, exceeding minimum requirements. Calculated accident rates at the study intersections, including the site driveways, are well below statewide and districtwide averages for unsignalized intersections. The proposed drive aisles will provide sufficient widths and turning radii necessary to provide for safe and efficient travel for passenger vehicles and delivery trucks.

Emergency vehicles that need access to the buildings can park within the Property or on adjoining streets. The footprint of the Existing Shopping Plaza Building will not be altered, and the Project will provide safe, convenient and efficient pedestrian access to the New Building and the Existing Shopping Plaza Building along new and existing accessible walkways and sidewalks. There are currently no designated loading spaces for the Existing Building, and loading will continue to occur within the drive aisle along the westerly side of the Existing Shopping Plaza Building and the New Building.

Traffic generated and patterns of access and egress will not cause congestion, hazard or a substantial change to the neighborhood character, and the Project will not result in a substantial increase in trip generation levels to and from the Property. A substantial portion of retail traffic comes from the existing traffic passing by the site today (referred to as pass-by trips), and is, therefore, not new to the area. Without taking any credit for pass-by trips, traffic-volume increases on Shrewsbury Street are expected in the range of 10 to 53 additional vehicles during peak hours. These increases represent, on average, approximately one additional vehicle every one to six minutes. Peak hour traffic capacity analysis indicates that the estimated site generated traffic represents a very small percentage of the existing future traffic volumes in the area, and, therefore, the development would have negligible impact of area traffic operations.

In 2018, the Board approved the development of a 48,000 square foot office building at the Property, and in 2022, the Board approved the development of a 218-unit multifamily building. The Project will generate fewer vehicular trips during critical commuter peak hours as compared to both of the previously approved office and multifamily building projects. Because retail developments generate the majority of their traffic on a Saturday, the current Project will generate slightly more trips during the Saturday peak hour than the previously approved multifamily building. Proximity of the Property to public transit services (e.g., Union Station, WRTA bus stops) and a strong network of off-site sidewalks along Shrewsbury Street and on-site bicycle accommodations are expected to promote less reliance on automobiles as compared to other similar developments in less transit-friendly locations.

The drive-through design is a significant improvement over the current condition, which has no striped lanes and causes vehicles to queue in the middle of the shopping center parking areas and drive aisles, which poses traffic and safety concerns. Drive-through queue studies were conducted at the existing bank and found that maximum queues at both the ATM and teller window were approximately 5 vehicles, which impacts site circulation. The modified drive-through will promote safe and efficient travel for passenger vehicles and pedestrians. The

Property is not located in close proximity to residential uses and the modified drive-through will not be increased in capacity as compared to the existing drive-through facility, and, accordingly, there will be limited impacts to residents resulting from the proposed modified drive-through design, location and operating characteristics.

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

Adequate, existing facilities are available for the New Building and other Project improvements with respect to sewerage, water, gas, electricity and other utilities. The development does not anticipate any adverse effect on current drainage patterns.

**4. Neighborhood character and social structure; buildings, noise, glare, lighting and signs. The structure or use, as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use.**

The Project will neither create a nuisance, hazard, congestion or concerns pertaining to health, safety or general welfare, and there will not be substantial harm to the neighborhood or derogation from the intent of the Zoning Ordinance as a result of the Project. Rather, the Project will dramatically improve the aesthetic appeal, design and quality of the Property, which is currently underutilized. The Project is functionally and aesthetically compatible with the surrounding commercial and residential properties in the neighborhood, which include a mix of, municipal, restaurant, retail, office, personal service, automotive service, industrial and multifamily uses. The Property contains underutilized space where the New Building and drive-through are proposed. The footprint of the Existing Shopping Plaza Building will not be expanded or altered in any way, and the proposed New Building and improvements to the site will have no greater impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood. The proposed New Building will improve the aesthetic appeal, design quality and economic vitality of the neighborhood. Based on the foregoing, the New Building and improvements to the Property in connection therewith will fit into the present character of the neighborhood, and granting this relief will promote an appropriate use of the site.

The kind, size, height and nature of the New Building and the proposed site improvements for the Property are consistent with the surrounding neighborhood and buildings in other neighborhoods within the City that have been developed for shopping center use. The New Building facades will provide other architecturally appealing features and massing, including decorative windows, doors and roof lines and changes in tones and textures of exterior walls that are visible from surrounding streets. The entry points of the New Building from Casco Street and the parking area will help activate pedestrian foot traffic on surrounding streets. The New Building will comply with yard setbacks and floor to area ratio requirements, and, except as otherwise provided herein, the New Building and the modified drive-through will comply with

all other dimensional and parking requirements and the CCOD design requirements as set forth in the Zoning Ordinance.

The Project use will not result in any increase in noise levels that would be noticeable at any abutting properties. The Project will neither create a nuisance, hazard, congestion or concerns pertaining to health, safety or general welfare, and there will not be substantial harm to the neighborhood or derogation from the intent of the Zoning Ordinance as a result of the Project.

The proposed outdoor lighting, which includes additional light poles and wall pack lighting, will be adequate for safe and secure access to and from the New Building, the Existing Shopping Plaza Building and parking areas, and will be an enhancement over the current lighting at the site. The proposed lighting will be arranged and have directional shields so as to minimize light from shining onto abutting properties and streets, and will not have a deleterious effect on neighboring properties. The Applicant's wall, pylon and directional signage will be provided in compliance with the Zoning Ordinance.

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

There are minimal natural terrain features at the Property, and the Project will minimize, to the extent practicable, changes to the natural terrain as a result of the Project. The proposed drainage and site design layout of the Project improvements are designed to reduce any susceptibility of ponding, flooding and erosion. The Property is outside of the Floodplain and Water Resources Protection Overlay Districts and ecologically sensitive areas, and there are no wetland resource areas on the Property. There will not be any negative impacts on the groundwater. During construction, appropriate measures will be taken for controlling erosion, sedimentation and pollution as set forth in the plans submitted. The premises will remain maintained upon completion of the construction phase.

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

The Project will sustain and create new construction jobs and will generate additional tax revenues and fees for the City. The Project will improve the economic vitality of the neighborhood and surrounding areas by increasing the number of residents in the area who will rely on businesses and services in and around the neighborhood.

**Supplementary Questions for Special Permit for Alteration of Pre-Existing Nonconforming Use:**

**7. Describe what is currently nonconforming about this use.**

Drive-through uses are prohibited on lots having driveway or other direct vehicular connections to Shrewsbury Street, between Washington Square and Granby Road, per Article IX, Section 5.C.2.b.xi.

**8. Indicate how long the nonconforming use has been in existence? What year did the use begin?**

The nonconforming drive-through use has existed since 2006 (or earlier), which is prior to the prohibition set forth in the CCOD regulations.

**9. At the time the use was initiated, was the use allowed under the then applicable Zoning Ordinance?**

At the time of its construction the drive-through use was not prohibited.

**10. Describe the proposed extension, alteration or change of use.**

The modified drive-through will be relocated from the middle of the Property to the south/southeastern portion of the Property bordering Albany Street and ultimately exiting onto Casco Street. The drive-through design is a significant improvement over the current condition, which has no striped lanes and causes vehicles to queue in the middle of the shopping center parking areas and drive aisles, which poses traffic and safety concerns.

**11. Indicate the total square footage utilized for that use.**

The modified drive-through will have the same number of lanes as the existing condition, and will promote safe and efficient travel for passenger vehicles and pedestrians. Please see the plans submitted herewith.

**12. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed use.**

There are currently 146 parking spaces provided at the Property. A total of 109 parking spaces will be located on the Property lot for use by the shopping center tenants and their visitors.<sup>9</sup>

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<sup>9</sup> As discussed above, a total of 125 parking spaces will be located on the Property lot. However, 16 parking spaces at the lot are dedicated for use by the multifamily development across the street at 224 Shrewsbury Street, and, therefore, such spaces are not counted towards the minimum parking count for the Property under the Project.

**13. The Existing Building will not be substantially more detrimental to the neighborhood than the existing structure.**

The modified drive-through under the Project will not be substantially more detrimental to neighborhood than the existing nonconforming use because the existing drive-through has been in operation for decades, and the modified drive-through will have the same number of lanes, and will promote safe and efficient travel for passenger vehicles and pedestrians. Drive-through queue studies were conducted at the existing bank and found that maximum queues at both the ATM and teller window were approximately 5 vehicles, which impacts site circulation. As mentioned above, the drive-through design is a significant improvement over the current condition, which has no striped lanes and causes vehicles to queue in the middle of the shopping center parking areas and drive aisles, which poses traffic and safety concerns.