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June 11, 2024

BY HAND DELIVERY AND E-MAIL – planning@worcesterma.gov

Division of Planning & Regulatory Services
City Hall Room 404
455 Main Street
Worcester, MA 01608
Attn: Michelle M. Smith, Assistant Chief Development Officer

**Re: *Mar Vista Management LLC, as Trustee of Forty-Five Cedar Street
Worcester Realty Trust – Application to City of Worcester Zoning Board
of Appeals for Special Permits and Variances for Multifamily Project at
45 Cedar Street, Worcester, Massachusetts***

Dear Ms. Smith:

This firm represents Mar Vista Management LLC, as Trustee of Forty-Five Cedar Street Worcester Realty Trust (the "Applicant") in its application to the Worcester Zoning Board of Appeals (the "Board") for special permits and variances as more particularly described below.

The Applicant owns the property located at and known as 45 Cedar Street, Worcester, Massachusetts, which contains approximately 8,555 SF of land (the "Property") and is occupied by an existing three story building with a gross floor area of approximately 6,940 SF (the "Building"), an existing garage with driveway along Cedar Street and an existing parking area along Fruit Street.

The Applicant is seeking the grant of certain special permits and variances from the Board in connection with: (i) the renovation of interior portions of the Building to install 7 dwelling units (3 two bedroom units and 4 three bedroom units) and related common areas; (ii) exterior renovations including the replacement of windows and portions of the roof; (iii) the reconfiguration of the existing parking area along Fruit Street by striping 2 parking spaces, removal of asphalt and the loaming and seeding of a portion of the exterior side yard along Fruit Street; (iv) the installation of new utilities and fire suppression system; (v) demolition of the existing garage to provide sufficient area for the installation of covered bicycle parking and trash receptacles; and (vi) the installation of conduit for 1 EV ready parking space within the driveway along Cedar Street (collectively, the "Project").

Specifically, the Applicant is seeking the grant of special permits from the Board for: (i) extension, alteration, or change of a privileged, nonconforming structure; (ii) the extension,

alteration, or change of a privileged, nonconforming use; (iii) multifamily dwelling, low-rise use in the RL-7 zoning district; (iv) modification of parking/loading requirements; and (v) modification of landscaping requirements for parking/loading. In addition, the Applicant is seeking the grant of variances from the Board to provide relief from the minimum frontage and off-street parking requirements.

We hereby submit the following items for filing with the Board:

1. Combined Special Permit and Variance Application with Statement in Support;
2. Zoning Determination Form (to be provided under separate cover letter);
3. Lease Proposal for 4 parking spaces provided by Hampton Properties LLC/Haims Investment Group, Inc.;
4. Worcester Historical Commission Decisions and Building Permit;
5. Plan;
6. Turning Analysis;
7. Architectural Floor Plans;
8. Photos of the Building; and
9. Certified List of Abutters.

We will coordinate with staff to facilitate the submission of the addressed envelopes, the filing fees payable to the City of Worcester and necessary copies of the above-described items.

Kindly file this Application with the City Clerk and schedule this Application to be heard at the Board's next available meeting, which is scheduled to occur on **July 15, 2024**.

Please let me know if you have any questions regarding the enclosed materials. Thank you for your continued assistance with this matter.

Very truly yours,



Mark A. Borenstein

MAB:JD
Enclosures
cc: Project team



VARIANCE & SPECIAL PERMIT APPLICATION

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

Fill in information for the Variances (s) you are applying for. Attach additional documentation as necessary.

Lot Area		Front Yard Setback		Rear Yard Setback	
Square footage required:		Setback required:		Setback required:	
Square footage provided:		Setback provided:		Setback provided:	
Relief requested:		Relief requested:		Relief requested:	
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:	200 ft.	Setback required:		Setback required:	
Frontage provided:	118 ft.	Setback provided:		Setback provided:	
Relief requested:	82 ft.	Relief requested:		Relief requested:	
Off-street Parking/Loading		Height		Accessory Structure 5-foot Setback	
Parking required:	14 Spaces	Height permitted:		Type of structure:	
Parking provided:	7 Spaces (4 by lease)	Height provided:		Square footage of structure:	
Relief requested:	7 Spaces	Relief requested:		Relief requested:	
Loading required:		Other Variances			
Loading provided:		Relief requested:			
Relief requested:		Zoning Ordinance Article & Section:			
Signs		Requirement:			
Area permitted:		Provided:			
Area provided:		Indicate if Variances are being requested for more than one structure or more than one lot. Only complete the sections which pertain to the Variances (s) you are applying for.			
Relief requested:					
Height permitted:					
Height provided:					
Relief requested:					
Setback permitted:					
Setback provided:					
Relief requested:					

TYPE OF SPECIAL PERMIT (check the Special Permit you are requesting and describe what you are requesting)

- 1. Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure and/ or Use (Article XVI, Section 4)
- 2. Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)
- 3. Non-Residential Use allowed only by Special Permit (Article IV, Section 2, Table 4.1)
- 4. Non-Accessory Sign (Article IV, Section 6)
- 5. Residential Conversion (Article IV, Section 9)
- 6. Placement of Fill/Earth Excavation (Article IV, Section 5)
- 7. Modification of Parking/Loading Requirements (Article IV, Section 7)
- 8. Modification of Landscaping Requirements for Parking/Loading (Article IV, Section 7)
- 9. Other Special Permit (Describe Special Permit sought):

1. Assessor's **ADDRESS OF SUBJECT PROPERTY:** 45 Cedar Street
(List property subject to the application and include any lot numbers. Please note: The street number may be different than the Assessor's address).

2. Is this property known by any other address: N/A

3. **OWNER OF RECORD:** Mar Vista Management LLC, Trustee of the Forty-Five Cedar Street Worcester Realty Trust
(The owner of record is the person or entity who owns title to the property as of today's date)

4. Address (es) of owner of record is /are 91 Stafford Street, Suite #3, Worcester, MA 01603

5. Worcester District Registry of Deeds (WDRD) Book(s) 69121, Page(s) 170
(List Book and Page number of deed filed for the subject property as recorded at the WDRD)

6. City of Worcester Assessor's Office Map 02 Block 046 Lot 0055A
(List MBL number for the subject property as listed at Assessor's Office)

7. **NAME OF APPLICANT(S):** Mar Vista Management LLC, Trustee of the Forty-Five Cedar Street Worcester Realty Trust

8. Address of Applicant: 91 Stafford Street, Suite #3, Worcester, MA 01603

9. Telephone: c/o Mark A. Borenstein - (508) 688-9136

10. Email: mborenstein@bowditch.com

11. Check if you are an: owner (s) , lessee (s) , optionee (s) (If you are not the owner of the subject property and are a lessee or optionee, 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.)

12. Zoning district(s) of the property (Indicate if more than one zoning district and any zoning overlay districts):
Business, Office (BO-1.0) and Residence, Limited (RL-7)

13. Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use):

The property contains approximately 8,555 SF of land and is occupied by an existing three story building with a gross floor area of approximately 6,940 SF, which was most recently used as part of the Becker College campus, a garage, a driveway off of Cedar Street, and an existing parking area located off of Fruit Street. The existing building is a historic property known as the Edwin A. Kelley House, commonly referred to as the Salter Secretarial School.

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

The Applicant seeks to renovate the existing building to install 7 dwelling units. The work will be primarily interior with certain façade renovations and the replacement of doors and windows. The Applicant will also demolish the existing garage and reconfigure the easterly parking area to accommodate 2 parking spaces, with 1 additional parking space within the driveway off of Cedar Street and 4 leased parking spaces in close proximity to the Property.

15. 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 use of the property):

Article IV, Section 2, Table 4.1 #11 (Multifamily, Low-Rise) by right in the BO-1 zoning district and by special permit in the RL-7 Zoning District.

16. 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):

Certificate of Appropriateness and Demolition Delay Waivers (COA-24-8) and (HC-2022-078)

Building Permit (B-23-2555)

17. 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)? If so, explain:

No.

18. List any additional information relevant to the Variance (s) and Special Permit (s):

Please see attached Statement in Support.

VARIANCE FINDINGS OF FACT

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant:

Please see attached Statement in Support.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located:

Please see attached Statement in Support.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance:

Please see attached Statement in Support.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship:

Please see attached Statement in Support.

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:

Please see attached Statement in Support.

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

Please see attached Statement in Support.

3. Adequacy of utilities and other public services:

Please see attached Statement in Support.

4. Neighborhood character and social structure:

Please see attached Statement in Support.

5. Impacts on the natural environment:

Please see attached Statement in Support.

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

Please see attached Statement in Support.

WHEREFORE, the applicant(s) requests that this Board grant the special permit (s) as requested above.
 Mar Vista Management LLC, Trustee of the Forty-Five Cedar Street
 Worcester Realty Trust
 By: [Signature], Chaim M. Gaval, Manager
 (Signature of Applicant or Applicant's Agent)
 If more than one applicant, all applicants must fill out information.

Mar Vista Management LLC, Trustee
 (Name of Applicant)
91 Stafford Street, Suite #3, Worcester, MA 01603
 (Address)
(508) 688-9136
 (Contact Phone Number)
mborenstein@bowditch.com
 (Email)

 (Date)

Mar Vista Management LLC, Trustee of the Forty-Five Cedar Street
 Worcester Realty Trust
 By: [Signature], Chaim M. Gaval, Manager
 (Signature of Property Owner or Owner's Agent)
 If more than one property owner, all owners must fill out information.

Mar Vista Management LLC, Trustee
 (Name of Property Owner)
91 Stafford Street, Suite #3, Worcester, MA 01603
 (Address)
(508) 688-9136
 (Contact Phone Number)
mborenstein@bowditch.com
 (Email)

 (Date)

SUPPLEMENTARY QUESTIONS FOR SPECIAL PERMITS ONLY

Complete the requested information for the Special Permit requested. Attach additional documentation as necessary. Only complete the sections which pertain to the Special Permit (s) you are applying for.

**Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Structure
 (Article XVI, Section 4)**

- Describe what is currently nonconforming about this structure (list specific dimensional nonconformities)
 The structure is currently nonconforming with respect to with the minimum front yard, side yard or rear yard setback requirements. The new minimum frontage requirement is specific to the residential use. The existing frontage will not comply with the new residential dimensional requirement and, therefore, will require a variance.
- Indicate how long the nonconforming aspects of the structure have been in existence:
 According to the Massachusetts Historical Commission's records, the existing building was constructed in 1887.
- At the time of construction, did the structure meet applicable zoning requirements? (Check with the zoning ordinance, as amended, that would have been in effect at the time of construction. Past zoning ordinances are available for research at the City Clerk's office. Past zoning maps are available at the Division of Planning and Regulatory Services)
 Yes, the existing building was constructed before the enactment of the Zoning Ordinance.
- Describe the proposed extension, alteration or change and the total square footage of any physical expansion:
 There will be no extension of the footprint of the existing building. The proposed alterations include primarily facade and interior renovations to install the proposed dwelling units for the change of use to a multifamily development. The demolition of the existing garage will not affect the principal structure and will reduce the overall square footage occupied on the lot.

5. Explain how the extension, alteration, or change itself complies with the current Ordinance requirements:

Multifamily Dwelling, Low-Rise use is permitted by right within the BO-1.0 zoning district, in which the principal structure is located. The alterations will not result in any modifications to the footprint of the existing principal structure so the existing non-conformities will remain the same.

6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed: Note: In residential districts, the structure as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.

There presently exists 1 parking space off of Cedar Street within the existing driveway and an unstriped parking area off of Fruit Street. The project will result in a total of 3 parking spaces at the property. The Applicant will be applying for relief from the minimum off-street parking requirements and will be leasing parking off-site.

7. Explain how the structure as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

The project will primarily result in facade and interior renovations to the existing building. There will be no extension of the footprint of the existing building and therefore the existing setbacks will remain the same.

**Extension, Alteration or Change of a Privileged Pre-existing, Nonconforming Use
(Article XVI, Section 4)**

1. Describe what is currently nonconforming about this use:

Article IV, Section 7.A.3 prohibits parking spaces where vehicles back directly onto a street, except for single, two and three family residences. The parking space off of Cedar Street was previously used by Becker College for an educational use (i.e., not a single, two or three family residence) and requires vehicles to back onto Cedar Street. The Applicant desires to continue to use the parking space for the proposed multifamily dwelling use. Accordingly, a special permit for the extension, alteration or change of pre-existing, non-conforming use (i.e., the parking space) to allow for the continued use of this parking space.

2. Indicate how long the nonconforming use has been in existence? What year did the use begin? (Check with the zoning ordinance, as amended, that would have been in effect at the time of construction. Past zoning ordinances are available for research at the City Clerk's office. Past zoning maps are available at the Division of Planning and Regulatory Services)

Likely has existed for decades.

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

The parking use was commenced by an educational institution which is afforded protections under the Dover Amendment and, therefore, the parking use was permitted by right.

4. Describe the proposed extension, alteration or change of use and the total square footage to be utilized for the use:

The change in use applies to the residential conversion of existing building from the prior educational use into a multi-family low-rise use. The parking space will serve the new use.

5. Explain how the extension, alteration, or change itself complies with the current Ordinance requirements:

The multi-family low-rise use to be served by the parking space is permitted by right in the BO-1 zoning district where it is located. Please see Statement in Support.

6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed: Note: In residential districts, the use as extended, altered or changed shall meet the off-street parking requirements of the zoning ordinance.

There is currently an unstriped parking area off of Fruit Street and a driveway off Cedar Street. The Applicant proposes 3 parking spaces at the Property and will be leasing 4 off-street parking spaces in close proximity to the Property. The Applicant will also be applying for relief from the minimum off-street parking requirements.

7. Explain how the use as extended, altered or changed will not be substantially more detrimental to the neighborhood than the existing use:

The Project will allow this historic building to be preserved and returned to its original residential use. The change of use served by the parking space from the previous educational use to a multifamily use will have no greater impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood.

Please see Statement in Support.

**Residential Use allowed only by Special Permit in a particular zoning district
(Article IV, Section 2, Table 4.1)**

1. Describe the proposed residential use:

The existing building will have 7 dwelling units for a multifamily dwelling, low-rise use which is permitted by right in the BO-1.0 zoning district. The existing driveway off of Cedar Street is split zoned BO-1.0 and RL-7. Multifamily dwelling, low-rise uses are permitted by special permit in the RL-7 zoning district. Given that the driveway is needed for off-street parking to serve the multifamily dwelling, low-rise use, the use of that driveway for parking requires a special permit for a multifamily dwelling, low-rise use in the RL-7 zoning district.

2. Total number of dwelling units proposed, number of bedrooms per unit, and square footage of units:

The project will result in 7 dwelling units consisting of 3 two bedroom units and 4 three bedroom units. The units will vary from approximately 653 square feet to approximately 1,221 square feet.

3. Number and dimensions of off-street parking spaces to be provided and location (garage, driveway). Off-street parking spaces must be located outside of the front yard and exterior side yard setbacks.

The project will result in a total of 3 parking spaces on the property with 1 parking space in the driveway off of Cedar Street and 2 spaces in the accessory parking area to the east of the existing building off of Fruit Street. The Applicant will lease 4 additional parking spaces off-site. The Applicant will be apply for certain zoning relief related to the off-street parking.

**Non-Residential Use allowed only by Special Permit
(Article IV, Section 2, Table 4.1)**

1. Describe the proposed use (include description of business, proposed hours of operation, and number of employees)

2. Total square footage of proposed use:

3. Number of off-street parking spaces to be provided. Indicate location of those parking spaces: garage, parking lot, parking spaces on a different lot provided through the same ownership and/or leased spaces (a 5-year minimum lease with renewal options must be provided) within 1,000 feet of the use it will serve.

4. For a proposed animal hospital, animal clinic, pet shop or animal shelter, per Article IV, Section 2, Notes to Table 4.1, Note 4, indicate the location of any animal runs if a residential zoning district is within 200 feet of the subject property.

5. For a proposed Bed and Breakfast use, provide additional documentation per Article IV, Section 11.

8. For a proposed Adult Entertainment use, provide additional documentation per Article IV, Section 10.

9. For a proposed Limited Residential Hospice House, provide additional documentation per Article IV, Section 2, Notes to Table 4.1, Note 10.

10. For a proposed non-accessory parking lot or a motor vehicle display lot, provide additional documentation showing compliance with Article IV, Section 7B.

**Non-Accessory Sign
(Article IV, Section 6)**

1. Square footage, length and width of proposed sign, and height of total structure:

2. Distance of proposed sign from other non-accessory signs along each side of a street.

3. Indicate on the submitted plan the type and style of sign, exact location, etc.

**Residential Conversion
(Article IV, Section 9)**

1. Total number of existing units/Total number of proposed units:

2. Will the external appearance of the structure remain unchanged except for new doors, windows, fire escapes, and stairways?

3. Number of off-street parking spaces to be provided (If new parking is being created, the applicant(s) may need to seek a Special Permit for extension, alteration or change of a pre-existing, nonconforming structure if existing structure does not meet current zoning dimensional requirements. If additional parking cannot be provided for new dwelling unit(s), the proposed conversion may also require a Variance or Special Permit from off-street parking requirements):

4. Which dimensional requirements/setbacks are you seeking relief by the Special Permit?

**Placement of Fill/Earth Excavation
(Article IV, Section 5)**

1. Indicate whether the Special Permit is for Placement of Fill or Earth Excavation:

2. Attach documentation showing proposed measures to protect pedestrians and vehicles.

3. Provide a proposed timeline for completion of placement of fill.

4. Attach documentation from the Director of Public Health and the Conservation Commission as outlined in the City of Worcester Zoning Ordinance Article IV, Section 5.

5. Attach a site plan with all required information in support of the application per the City of Worcester Zoning Ordinance Article IV, Section 5.

**Modification of Parking/Loading Requirements
(Article IV, Section 7)**

1. Indicate what relief is being sought under the Special Permit:

Please see Statement in Support.

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

Please see Statement in Support.

2. If applicable, provide number of parking/loading spaces required and relief requested through the Special Permit:

N/A

Other Special Permits

1. Describe Special Permit sought and provide relevant details on the plan of land and rendering. Provide square footage and height of any structures and indicate percentage of lot structure will occupy:

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: _____

Statement in Support of Mar Vista Management LLC, as Trustee of the Forty-Five Cedar Street Worcester Realty Trust, for Application to Worcester Zoning Board of Appeals for Special Permits and Variances for Multifamily Project at 45 Cedar Street, Worcester, Massachusetts

I. Background.

Following the closing of Becker College in 2021, Hampton Properties LLC and its affiliate, Haims Investment Group, Inc., acquired multiple former campus properties including the existing tract of land known and numbered as 45 Cedar Street, Worcester, Massachusetts,¹ which contains approximately 8,555 SF of land (the “Property”) and is occupied by an existing approximately three story building with a gross floor area of approximately 6,940 SF (the “Building”), an existing garage with driveway along Cedar Street and an existing parking area along Fruit Street. Mar Vista Management LLC, as Trustee of the Forty-Five Cedar Street Worcester Realty Trust (the “Applicant”), subsequently acquired the Property from Hampton Properties LLC. The Building is a historic building known as the Edwin A. Kelley House and was previously referred to as the Salter Secretarial School.

The Property is located primarily within the Business, Office (“BO-1.0”) zoning district² with a small portion of the Property located within the Residence, Limited (“RL-7”) zoning district³ and no overlay districts.

The Applicant is seeking the grant of certain special permits and variances from the Worcester Zoning Board of Appeals (the “Board”)⁴ as more particularly described herein in connection with: (i) the renovation of interior portions of the Building to install 7 dwelling units (3 two bedroom units and 4 three bedroom units) and related common areas; (ii) exterior renovations including the replacement of windows and portions of the roof; (iii) the reconfiguration of existing parking area along Fruit Street by striping 2 parking spaces, removal of asphalt and the loaming and seeding of a portion of the exterior side yard along Fruit Street; (iv) the installation of new utilities and fire suppression system; (v) demolition of the existing garage to provide sufficient area for the installation of covered bicycle parking and garage receptacles; and (vi) the installation of conduit for 1 EV ready parking space for the proposed multifamily use within the driveway along Cedar Street (collectively, the “Project”).

¹ 45 Cedar Street has a parcel identification of 02-046-0055A.

² The Building is located exclusively within the BO-1.0 zoning district with the exception of the existing garage which will be demolished as part of the Project.

³ The existing driveway off of Cedar Street and the westerly boundary of the Property are located in the RL-7 zoning district.

⁴ The Board is the permit granting authority for any special permits pursuant to Article II, Section 6.A.2 of the City of Worcester Zoning Ordinance (the “Zoning Ordinance”), except those expressly assigned to the Worcester Planning Board, and the permit granting authority for any variances pursuant to Article II, Section 6.A.3 of the Zoning Ordinance and M.G.L. c. 40A, §10.

In addition to the parking off of Fruit Street and Cedar Street, the Applicant will be leasing 4 off-street parking spaces from Hampton Properties LLC within 1,000 feet of the Property, pursuant to a lease with a term of at least five years, which will comply with the long-term parking lease agreement requirements set forth in Note 2(a) of Table 4.4 of Article IV, Section 7 of the Zoning Ordinance.

In addition to the above relief, the Project previously received building demolition delay waivers and a certificate of appropriateness from the Worcester Historical Commission related to the demolition of the existing garage and exterior renovations.

II. Requirement for Special Permits and Variances.

The Applicant is seeking the grant of special permits from the Board for: (i) extension, alteration, or change of a privileged, nonconforming structure; (ii) the extension, alteration, or change of a privileged, nonconforming use; (iii) multifamily dwelling, low-rise use in the RL-7 zoning district; (iv) modification of parking/loading requirements; and (v) modification of landscaping requirements for parking/loading. In addition, the Applicant is seeking the grant of variances from the Board to provide relief from the minimum frontage and off-street parking requirements.

Article XVI, Section 4.D of the Zoning Ordinance provides that privileged nonconforming structures may be extended, altered, or changed upon the grant of a special permit by the Board. The Building is pre-existing nonconforming with respect to the minimum front yard setback requirement (20 feet required⁵ and 9.4 feet existing/proposed) and minimum rear yard setback requirement (10 feet required and less than 10 feet existing/proposed) and the Project contemplates alterations to the Building, therefore a special permit for such alteration is required from the Board.

The Property also contains a privileged nonconforming parking space which requires backing directly onto Cedar Street, which is prohibited for multifamily uses under Article IV, Section 7.A.3 of the Zoning Ordinance. Given that the parking space was used by Becker College and such parking use was established as part of the educational use and protected by the M.G.L. c. 40A, §3, known as the Dover Amendment, the parking space is a privileged, non-conforming use. The Applicant intends change the principal use served by the parking space

⁵ Article IV, Section 4, Note 4 to Table 4.2 provides that “[o]n a lot where the frontage is on one (1) side of the street between two (2) intersecting streets and is part in a Residence District and part in a Business or Manufacturing District, the front yard depth in the Business or Manufacturing District for a distance of one hundred (100) feet from the district boundary shall not be less than the front yard depth specified for the Residence District.” The Property is split zoned BO-1 and RL-7 and therefore is subject to minimum front yard setback requirement of 20 feet required for multifamily dwelling, low-rise uses which was the previous minimum front yard setback requirement for “other non-residential” uses when the Property was operated by Becker College.

from the previous educational use to a multifamily dwelling, low-rise use. Article XVI, Section 4.C of the Zoning Ordinance provides that privileged nonconforming uses may be extended, altered, or changed upon the grant of special permit by the Board. Therefore, the change of use served by the parking space will require a special permit for extension, alteration, or change of privileged, nonconforming use.

While the Building is located exclusively in the BO-1 zoning district, the existing parking space off of Cedar Street is located in both the BO-1 zoning district and the RL-7 zoning district. Article IV, Section 2, Table 4.1 provides that multifamily dwelling, low-rise uses are permitted by special permit by the Board. Given that the existing parking space is partially located in the RL-7 zoning district and will serve a multifamily dwelling, low-rise use, the continued use of the parking space off of Cedar Street will require a special permit for a multifamily dwelling, low-rise use.

Article IV, Section 7 of the Zoning Ordinance sets forth the parking and loading requirements, including dimensional, design and landscaping requirements. The Project will require a special permit for modification of parking dimensional and layout requirements related to the two curb-cuts (80 feet of frontage is required per curb cut, where only 118 feet is provided), the non-conforming drive aisle (19 feet where 20 feet is required), non-conforming curb cut on Fruit Street (18 feet where 20 feet is required) and parking within 25 feet of the front boundary (parking space off of Cedar Street abuts the front boundary). The Applicant will also require a special permit to provide relief from landscaping design requirements. Specifically, Article V, Section 5.C requires a 5 foot wide landscape buffer from parking areas and the Project will not be able to comply due to the location of the Building and the existing and proposed parking areas.

Article IV, Table 4.4 of the Zoning Ordinance provides that multifamily dwelling units require 2 spaces per dwelling unit. Based on the above uses and the off-street parking requirements, the Project will require 14 off-street parking spaces for the Project. As provided above, the Applicant will be installing 3 parking spaces on the Property and leasing an additional 4 parking spaces in close proximity to the Property. Accordingly, the Project will require 7 spaces of relief through a variance from the Board.

Article IV, Table 4.2 of the Zoning Ordinance sets forth the frontage requirement for residential uses in the BO-1.0 district as 40 feet per dwelling unit, not to exceed 200 feet. The Project will provide 7 dwelling units and, therefore, 200 feet of frontage is required for the Project. The Property has approximately 118 feet of frontage along Cedar Street and will therefore require a variance of approximately 82 feet of relief from the Board.

III. Reasons for Approval of Special Permits.

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

1. Social, economic or community needs that are served by the proposal; the extension, alteration or change itself complies with the current requirements of the Zoning Ordinance.

The Applicant's proposed alterations to the Building will serve social, economic and community needs. The Building has remained vacant since the closing of Becker College. The proposed use will allow a historic building to be renovated and restored to productive use. The Project will provide additional housing to support the City's critical housing stock, which will promote the economic vitality of the neighborhood and the City.

The Project is in conformance with the purposes and intent of the Zoning Ordinance, as it will encourage the most appropriate use of the land in a manner that protects architectural 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. There are no proposed changes to the parking space off of Cedar Street, except the installation of conduit for future EV charging, which will promote more environmentally friendly means of transportation.

2. Traffic flow and safety, including access, parking and loading areas; in residential districts, the use as extended altered or changed shall meet the off-street parking requirements of this Ordinance.

The proposed on site parking and leased parking will be in close proximity to the Building and will adequately serve the Project's use. The occupants within the Building will have access to parking at the Property in the new parking area located along Fruit Street, the residential driveway off Cedar Street and the leased parking owned by Hampton Properties LLC and Haims Investment Group, Inc. Article IV, Section 7, Table 4.4 of the Zoning Ordinance requires 2 parking spaces per dwelling unit which would generally require a total of 14 parking spaces for the Project. The Building was previously used for educational and administrative uses. While off-street parking for educational institutions is evaluated on a campus wide basis, Article IV, Section 7, Table 4.4 of the Zoning Ordinance provides that educational institutions are generally required to provide 10 parking spaces per classroom. If Becker College only had one classroom in the Building, the minimum off-street parking requirement would be comparable to the Project's proposed use. It is likely that there were more than one classroom

and additional administrative offices in the Building which would have required more off-street parking than what is required for the Project. Given that students and/or employees were entering the Property on a regular basis throughout the day, the Applicant's proposed use will likely be less intensive than Becker College's former use. Further, the Applicant will be adding 2 parking spaces, not inclusive of the 4 leased parking spaces, which will result in improved parking conditions on the Property. The proposed use will not result in significant increases in traffic, cause congestion, hazard or a substantial change to the neighborhood character. No loading spaces are required for the Project. The Applicant is applying for a variance to provide relief from the remainder of the minimum off-street parking requirements. The grant of the requested relief will allow for a parking ratio of one space per dwelling unit, which is consistent with other multifamily low-rise uses approved in the City.

The Property is located within one-quarter mile of WRTA bus routes #31 (Elm Street), #3 (Highland Street) and #2 (Pleasant Street) which provides alternative options for transportation. Furthermore, the Applicant is proposing covered bicycle parking along Cedar Street which will provide 1 bicycle parking space per unit. Based on the number of parking spaces available surrounding the Property, on site bicycle parking and the close proximity to nearby alternative modes of transportation, the proposed parking will adequately serve the Property and all occupants of the Building.

3. Adequacy of utilities and other public services.

Adequate, existing facilities are available for the Building with respect to sewerage, water, gas, electricity and other utilities.

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 closing of Becker College caused much uncertainty regarding the future of a large portion of the Elm Park neighborhood and surrounding areas. The former Becker College campus and the other buildings in the neighborhood are primarily residential, offices and institutional uses. The Project will not be detrimental to adjoining premises, but, rather, complement the existing mix of residential and educational/institutional uses in the area. The Project's multifamily residential use will ensure that the character of the neighborhood will be maintained.

The Building was constructed as a Queen Anne architectural style residential/office structure in approximately 1887. The Building is known as the Edwin A. Kelley House, formerly

referred to as the Salter Secretarial School, within the historic area known as the Lincoln Estate – Elm Park Area and the Elm Park Local Historic District. The Project will allow this historic building to be preserved and returned to a residential use.

The footprint of the Building will not be expanded, and the proposed use will have no greater impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood. There are no anticipated increases in noise, glare or lighting related to the Project. Based on the foregoing, the proposed use 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 Property.

5. Impacts on the natural environment.

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. The Project will result in the reestablishment of the exterior side yard area along Fruit Street which will improve the natural condition at the Property.

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

Hampton Properties LLC's acquisition of the Property from Becker College returned the Property to the tax roll and the proposed renovations will likely increase the assessed value of the Property. The Project will improve the economic vitality of the neighborhood and surrounding area by creating new residential units whose residents will patronize restaurants and retail stores in the area.

IV. Reasons for Approval of Variances.

The Project satisfies the variance criteria as set forth in Article II, Section 6.A.3 of the Zoning Ordinance for the reasons stated herein:

1. Describe how a literal enforcement of the provision of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.

The Applicant would suffer substantial hardship if literal enforcement of the minimum frontage and off-street accessory parking requirements of the Zoning Ordinance were to be enforced. Compliance with the minimum frontage requirement would require the Project to be reduced to only 2 dwelling units or the acquisition of the neighboring property to the west, both of which would make the Project financially infeasible. Similarly, compliance with the off-street

parking requirements would require the Applicant to reduce the number of units to 3 dwelling units, lease additional parking spaces or purchase additional land within 1,000 feet of the Property for parking purposes. The Applicant is not able to lease any additional parking spaces beyond 4 parking spaces due to property owners' needs to serve WPI's students who live in the area. The creation of 7 dwelling units is critical to the intent of the Project and any reduction in the number of units to comply with the minimum parking requirements would make the Project no longer financially viable for the Applicant. Acquisition of land within the 1,000 feet of the Property would each constitute a substantial cost which would also render the Project no longer feasible.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located.

There exist circumstances relating to the shape of the lot that especially affect the Property, but do not affect generally properties in the BO-1 and RL-7 zoning district. Unlike other neighboring properties in the districts, the Building comprises a majority of the lot which limits the amount of area available for off-street parking. The Property is a corner lot and is surrounded in close proximity to other structures making the acquisition of additional land to comply with the frontage requirement impractical.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance.

The requested variance may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance. The existing frontage and proposed off-street parking is similar to other properties in the neighborhood (i.e. limited onsite parking with additional off-street parking off-site). The proposed use will be in a business office/residential district and will be compatible and in harmony with the neighborhood's character and abutting properties as described above. The Project will improve the aesthetic appeal, design and quality of the Property. The Project will promote economic vitality to the neighborhood and the City through the creation of new housing units. The Project is in conformance with the purposes and intent of the Zoning Ordinance, as it will encourage the most appropriate use of the land in a manner that protects architectural 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.

4. **Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship.**

The variances for the minimum frontage and minimum off-street accessory parking requirements as requested herein is no greater than the minimum necessary to provide relief from the statutory hardship.

Mark A. Borenstein

From: Russ Haims [REDACTED]
Sent: Thursday, May 2, 2024 6:51 PM
To: Mark A. Borenstein
Subject: 45 Cedar st parking

Categories: Filed to ND

CAUTION: This email originated outside of the organization. Do not click links or open attachments you were not expecting.

To owner of record,

I, Russ Haims of Hampton Properties, am willing to lease 4 parking spaces to the owner of 45 Cedar st for a period of 5 years with options to renew. The spaces can either be located at 36 Fruit st or 60 Cedar st. The cost would be \$50/ space / month payable quarterly. Spaces will be identified by signage at lessee's expense.

Russ Haims

[REDACTED]



BUILDING DEMOLITION DELAY WAIVER – FINDINGS OF FACT AND DECISION

45 Cedar Street – HC-2022-078

Pursuant to Chapter 9, Section 13 of the revised City Ordinances of 2008, the Worcester Historical Commission met in person on November 3, 2022 to consider the request for a Building Demolition Delay Waiver submitted by Russell Haims of Hampton Properties. In addition to in-person attendance, participation in this meeting was facilitated via phone at call-in number, 415-655-0001 (Access Code: 160 808 1191) and via Webex link (<https://cow.webex.com/meet/historicalcommissionwebex>).

On October 20, 2022, notice of the hearing was duly advertised in the Worcester Telegram & Gazette, and notices of a public hearing to be held on November 3, 2022, were sent to the individuals listed on the City of Worcester Certified Abutter's list for the property.

On November 3, 2022, the hearing was called to order by Chair Diane Long. Also participating in the meeting were Vice-Chair Janet Theerman, Clerk Steven Taylor, and Commissioners Erika Helnarski (participated remotely), Don Northway, Tomi Stefani (participated remotely), and Vanessa Andre, Alternate.

FINDINGS:

The Worcester Historical Commission, having conducted a public hearing and reviewed all the information submitted finds that:

1. Russell Haims of Hampton Properties, whose address is 95 Elm Street, Worcester, MA 01609, is the owner and petitioner of certain property situated at 45 Cedar Street in the City of Worcester (MBL #02-046-0055A).
2. The petitioner seeks approval for the following:
 - Replace windows
 - Replace porch roof

The Worcester Historical Commission, under the authority of the Massachusetts General Laws, Chapter 40C, Section 6, and Part I of the City of Worcester Revised Ordinances, Chapter 9, Section 13, has oversight on the "demolition" of designated historic structures.

3. The petitioner seeks a Building Demolition Delay Waiver because the proposed changes would involve the demolition of a designated historic building.

DECISION:

At the November 3, 2022 meeting, the Commission voted seven (7) in favor and zero (0) opposed, on a motion made and duly seconded, that the work proposed at 45 Cedar Street, consisting of the replacement of existing historic windows with simulated divided light with spacer bar vinyl replacement sash, in a grid pattern to closely match existing; restoration of any existing decorative windows; and the replacement of the failed slate porch roof with standing seam metal would not be detrimental to the historical or architectural resources of the City. Having gained a majority vote, the motion passed and the Building Demolition Delay Waiver for 45 Cedar Street was thus approved.

Michelle H. Johnstone Digitally signed by Michelle H. Johnstone
Date: 2022.11.08 17:18:14 -05'00'

Michelle H. Johnstone
Senior Preservation Planner
Signed on behalf of the Worcester Historical Commission

Date

Approvals: This approval applies only to work as described in the Building Demolition Delay Waiver application and as discussed at the meeting. This demolition delay waiver approval is valid for one (1) year from the date of approval from the Historical Commission. Failure to commence said demolition within the validity period will necessitate reapplication for a demolition delay waiver – Part I, Chapter 9, Section 13, and Part II, Article III, Section 18, City of Worcester, General Revised Ordinances.

Permit # B-23-2555



Commonwealth of Massachusetts
City of Worcester

25 Meade Street Worcester, MA 01608 Phone: (508) 799-1206/1210



FEE PAID: \$360.00

DATE ISSUED: July 10, 2023

PERMIT TO BUILD

This Certifies that **Chaim Gaval** has permission to erect, alter, or demolish a building on: **45 CEDAR ST** as follows:

Replace slate porch roof; light slate repairs on main roof. Repair garage roof; install garage door on existing garage. Replace exterior windows as needed throughout (preserve decorative windows)

provided that the person accepting this permit shall in every respect conform to the terms of the application therefore on file in this office, and to the provisions of ordinances relating to the Inspection, Alteration and Construction of Buildings in the City of Worcester.

NOTE: The recipient of this permit accepts this permit on the condition that, as owner or as agent of the owner, he/she agrees to comply with all Building & Zoning Regulations of the City of Worcester & the State Statutes of the Commonwealth of Massachusetts regarding the use, occupancy & type of building to be constructed, added to, demolished, or altered. The recipient also agrees that this building is to be located the proper distance from all street lines, side yard lines & required distances from all other zones & is located in a zone in which the building & its use is allowed. Additional conditions listed below:

Plan Review Comments:

Restrictions:

July 10, 2023

Building Official

Date

To schedule an inspection please call [\(508\) 799-1206](tel:5087991206)

This Card Must Be Displayed in a Conspicuous Place on the Premises and Not Torn Down or Removed

Electrical

Underground Service
Rough
Final

Building Inspector

Excavation
Footings

Foundation
Certified As-Built Submitted

Rough Frame

Fireplace

Insulation

Final

Fire Department

Underground

Rough

Final

Mechanical

Rough
Final

Plumbing

Underground

Rough

Final

Gas

Underground
Meter

Rough
Final

PW

Meter

House#

Water

Sewer



The City of WORCESTER

Historical Commission

Diane Long, Chair
Janet Theerman, Vice-Chair
Erika Heinarski, Clerk
Devon Kurtz
Don Northway
Steven Taylor
Vanessa Andre, Alternate

CERTIFICATE OF APPROPRIATENESS & BUILDING DEMOLITION DELAY WAIVER – FINDINGS OF FACT AND DECISION

45 Cedar Street – COA-24-8

Pursuant to Chapter 9, Section 13 of the revised City Ordinances of 2008 and MGL Chapter 40(C), the Worcester Historical Commission met in person on March 14, 2024, to consider the request for a Certificate of Appropriateness & Building Demolition Delay Waiver for 45 Cedar Street. Remote access was facilitated via phone at call-in number, 1-844-621-3956 (Access Code: 26326367009) and via Webex link (<https://cityofworcester.webex.com/meet/historicalcommissionwebex>).

On February 29, 2024, notice of the hearing was duly advertised in the Worcester Telegram & Gazette, and notices of a public hearing to be held on March 14, 2024, were sent to the individuals listed on the City of Worcester Certified Abutter's list for the property.

On March 14, 2024, the hearing was called to order by Chair Diane Long. Also participating in the meeting were Vice-Chair Janet Theerman, Clerk Erika Heinarski (participated remotely), and Commissioners Don Northway, and Vanessa Andre, alternate.

FINDINGS:

The Worcester Historical Commission, having conducted a public hearing and reviewed all the information submitted finds that:

1. Chaim Gaval, on behalf of Mar Vista Management, LLC, the owners, is the petitioner of certain property situated at 45 Cedar Street in the City of Worcester (MBL #02-046-0055A).
2. Said land is situated in the Elm Park Neighborhood Local Historic District.
3. The petitioner requests approval for the following:
 - Demolish garage,
 - A color change in approved windows from black or almond to white.
4. 45 Cedar Street, known historically as the Edwin A. Kelly House, is a two-story, irregularly massed, wood-frame commercial building, which was converted from a single-family dwelling which had been constructed in 1886 in the Queen Anne style. The building, sited on a 0.2-acre lot, is clad in wood shingle and clapboard siding, is seated on a random uncoursed stone foundation, and is topped with slate roof with metal flashing. Fenestration consists primarily of original double-hung wood windows, with a small percentage of replacement vinyl double-hung windows.
5. The petitioner seeks a Certificate of Appropriateness because the building is located in the Elm Park Neighborhood Local Historic District and because the proposed changes would affect exterior architectural features viewable from a public way.
6. The Worcester Historical Commission, under the authority of the Massachusetts General Laws, Chapter 40C, Section 6, has oversight on new construction, changes, alterations and/or renovations to buildings or structures located within the Local Historic District as follows: "except as the ordinance or by-law may otherwise provide... no building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration."
7. The Worcester Historical Commission, under the authority of Massachusetts General Laws, Chapter 40C, Section 6, and Part I of the City of Worcester Revised Ordinances, Chapter 9, Section 13, has oversight on the "demolition" of designated historic structures.

Worcester Historical Commission c/o
Planning & Regulatory Services Division
Worcester City Hall, 455 Main Street, Room 404 (4th floor), Worcester, Massachusetts 01608
Telephone: (508) 799-1400 x31440 Fax: (508) 799-1406
Email: planning@worcestermma.gov
Website: www.worcestermma.gov/planning-regulatory



8. The petitioner seeks a Building Demolition Delay Waiver because the proposed changes would involve the demolition of a historic portion of a designated historic building.

DECISION

At the March 14, 2024, meeting, the Commission voted five (5) in favor and zero (0) opposed, on a motion made and duly seconded, that the proposed changes at 45 Cedar Street, consisting of the demolition of the garage and a change in window color from the previously approved black or almond to white, are appropriate for the Elm Park Neighborhood Local Historic District as it relates to the historic and architectural value and significance of the site and structure. Having received a unanimous affirmative vote, the motion passed and the Certificate of Appropriateness for 45 Cedar Street was thus approved.

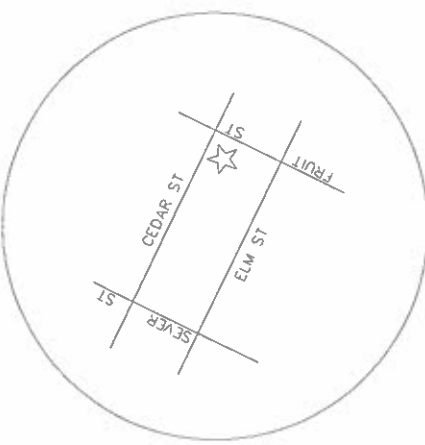
Also at the March 14, 2024, meeting, the Commission voted five (5) in favor and zero (0) opposed, on a motion made and duly seconded, that the proposed demolition at 45 Cedar Street, consisting of the demolition of the garage, would not be detrimental to the historical or architectural resources of the City of Worcester. Having received a unanimous affirmative vote, the motion passed and the Building Demolition Delay Waiver for 45 Cedar Street was thus approved.

Approvals: Work shall be limited to, and in substantial accordance with, that described in the application filed with the Worcester Historical Commission, and as discussed during the meeting.

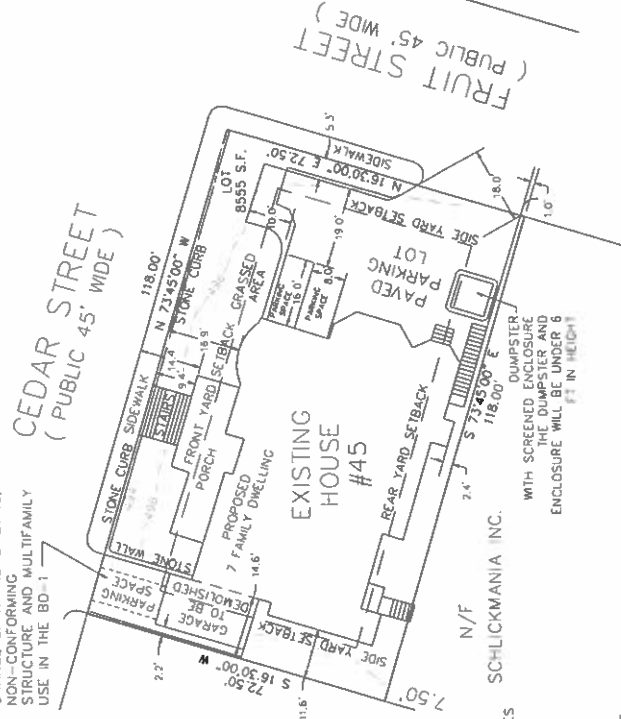
Vanessa Andre

DocuSigned by:
Vanessa Andre
398905ED128E480

Worcester Historical Commission Member



NOTE: APPLYING FOR THE EXTENSION, ALTERATION OR CHANGE OF A PRE-EXISTING, NON-CONFORMING STRUCTURE AND MULTIFAMILY USE IN THE BD-1



LOT ZONING SUMMARY
 TOTAL LOT AREA: 8,555 SF
 ZONING DISTRICT: BO-1
 EXISTING USE: EXISTING BUILDING USED FOR BECKER COLLEGE OFFICES
 PROPOSED USE: 7 FAMILY DWELING.
 3 8x16 COMPACT SPACES = 3 TOTAL SPACES
 4 PARKING SPACES WILL BE LEASED OFFSITE
 SNOW WILL BE REMOVED OFF PROPERTY

ZONING TABLE PROPOSED SEVEN-FAMILY DWELLING

ZONING REGULATION	REQUIRED/ALLOWED	PROPOSED
MINIMUM LOT AREA	5,000 SF	8,555 SF
MINIMUM LOT FRONTAGE	40/00 FT / 280 FT	118 FT
MINIMUM FRONT YARD SETBACK	15 FT	9.4 FT (EXISTING)
MINIMUM SIDE YARD SETBACK	10 FT	11.6 FT (EXISTING)
MINIMUM REAR YARD SETBACK	10 FT	2.4 FT (EXISTING)
MINIMUM HEIGHT	40 FT	< 40 FT
MAXIMUM HEIGHT IN STORIES	3+	< 3+
FLOOR TO AREA RATIO	1 TO 1	.44

*BUT NOT MORE THAN 200 FEET

RELIEF REQUESTED BY THE WORCESTER ZBA:

VARIANCE 1: FOR RELIEF OF 11 PARKING SPACES FROM THE 14 SPACE MINIMUM FOR 2 SPACES PER UNIT REQUIREMENT (ARTICLE IV, SECTION 7, TABLE 4.4)

VARIANCE 2: FOR RELIEF OF 82 FEET A MAX OF 200' IS REQUIRED 118' IS PROVIDED REQUIREMENT (ARTICLE IV, SECTION 7, TABLE 4.2)

SPECIAL PERMIT: MODIFY PARKING AND LANDSCAPING REQUIREMENTS

FRONT YARD IMPERVIOUS CALCULATIONS
 FRONT YARD AREA = 1994.67 SF ±
 IMPERVIOUS SURFACE IN FRONT YARD = 657.5 SF ±
 PERCENTAGE OF IMPERVIOUS SURFACE IN FRONT YARD = 657.5 SF / 1994.67 SF = 33%



ASSESSOR REFERENCE(S):
02-046-0055A
 PLAN REFERENCE(S):
240-25
 DEED REFERENCE(S):
69121-170

THIS PLAN SHOWS THE PROPERTY LINES THAT ARE THE LINES OF EXISTING DIMENSIONS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF OWNERSHIP OR FOR NEW WAYS ARE SHOWN.



THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

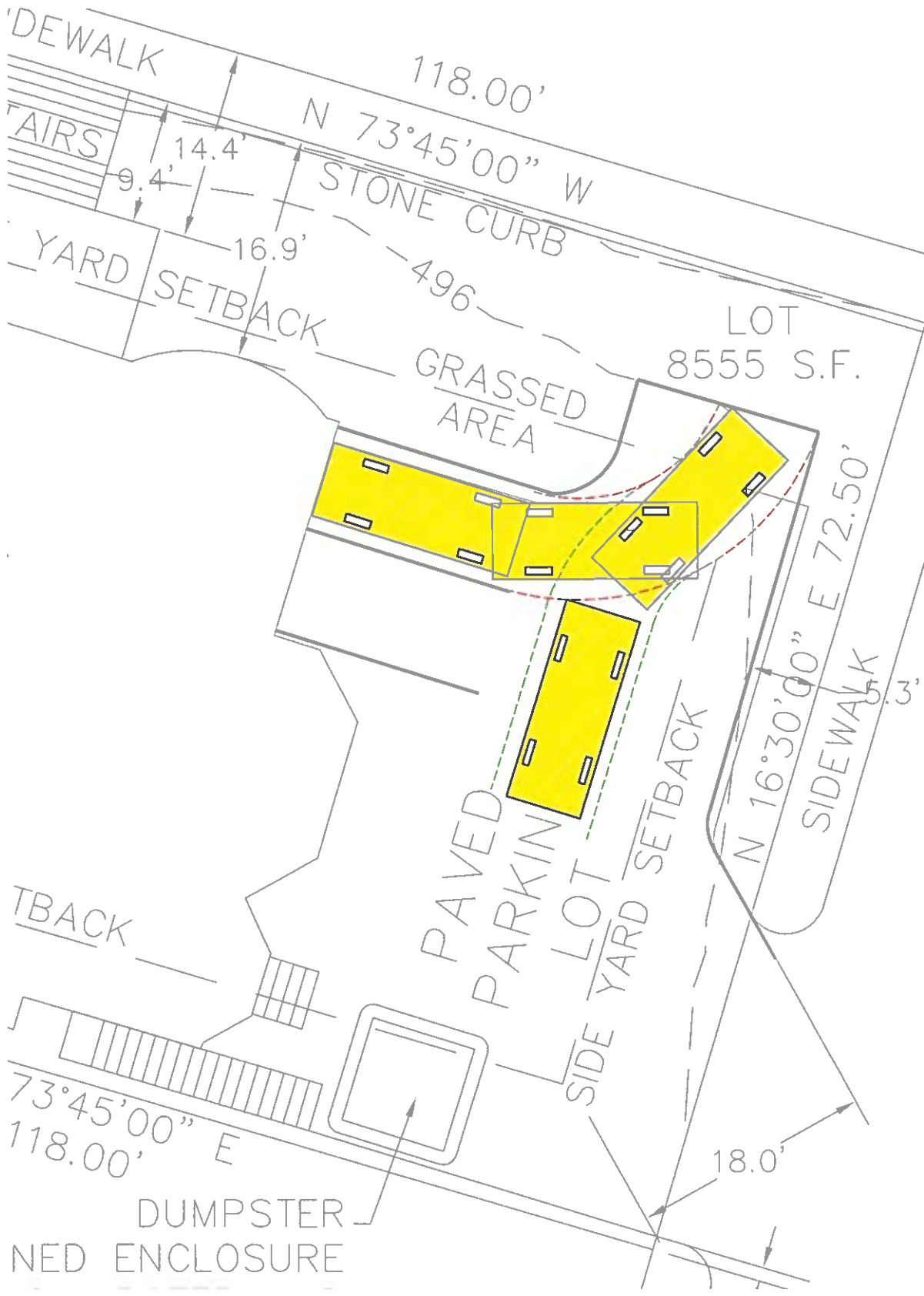


hs&t group, inc.
 PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 75 HAWKING STREET - 7th FLOOR
 WILMINGTON, MASSACHUSETTS 01897
 PHONE: 508-257-6944 FAX: 508-257-6944
 WWW.HSANDTGROUP.COM

VARIANCE PLAN
 45 CEDAR ST WORCESTER MA

APPLICANT(S)/OWNER(S):
 FORTY-FIVE CEDAR STREET REALTY TRUST
 91 STAFFORD ST SUITE 3 WORCESTER MA

DATE: 6-7-2024 COMP'D: JH1 FIELD: JH1
 SCALE: 1"=20' CAD: LHM FLD BH: 689-124
 ZONE: BO-1 REV'D: 01/24 CEDARS/AS/SHE
 JOB NUMBER: 7839 SHEET NUMBER: 1 of 1
 DWG NUMBER: 5601



FRUIT STREET
 (PUBLIC SIDE)

CHANGE OF OCCUPANCY BUSINESS TO R-2 APARTMENT BUILDING 45 CEDAR ST WORCESTER MA

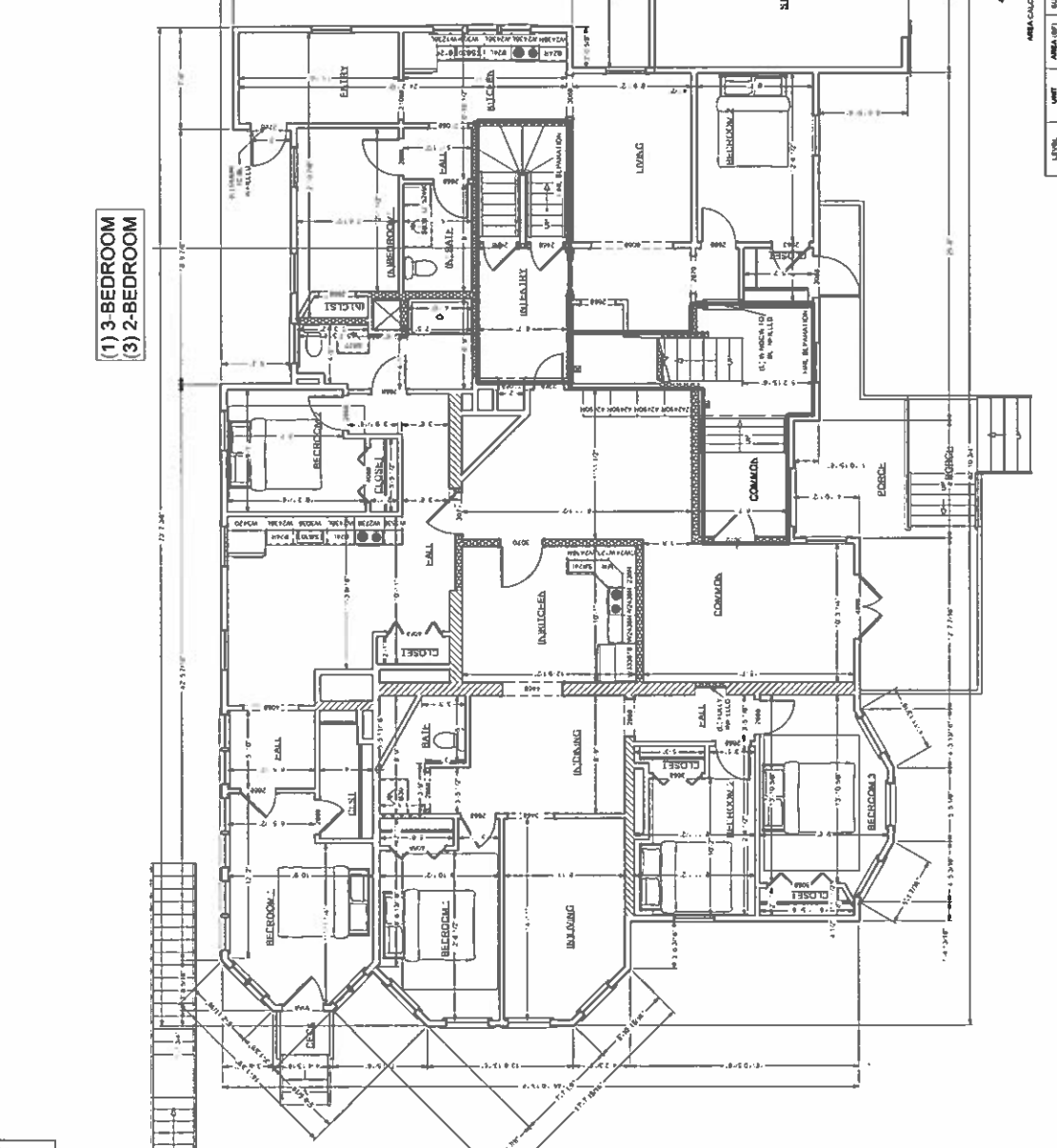
SCOPE OF WORK - FIRST FLOOR PLAN

22-115 45 CEDAR ST 4/23/2024

A-5

UNITS DISPLAY CROSS SECTION AREA

NOTE: 1. ALL DIMENSIONS INDICATED ON THIS PLAN SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 2. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE NOTED.



(1) 3-BEDROOM
(3) 2-BEDROOM

45 CEDAR STREET WORCESTER

LEVEL	UNIT	AREA (SF)	UNIT-TOTAL	TOTAL	PERCENTAGE	TOTAL
1ST FLOOR	1	1,234	1	1,234	100%	1,234
2ND FLOOR	2	1,234	2	2,468	100%	2,468
3RD FLOOR	3	1,234	3	3,702	100%	3,702
4TH FLOOR	4	1,234	4	4,936	100%	4,936
5TH FLOOR	5	1,234	5	6,170	100%	6,170
TOTAL				18,338		18,338

SCOPE OF WORK - FIRST FLOOR PLAN - OPTION 1
SCALE 1/4" = 1'-0"

UNITS DISPLAY GROSS SQ FT AREA

CHANGE OF OCCUPANCY
BUSINESS TO RES
APARTMENT BUILDING
48 CEDAR STREET
WORCESTER MA

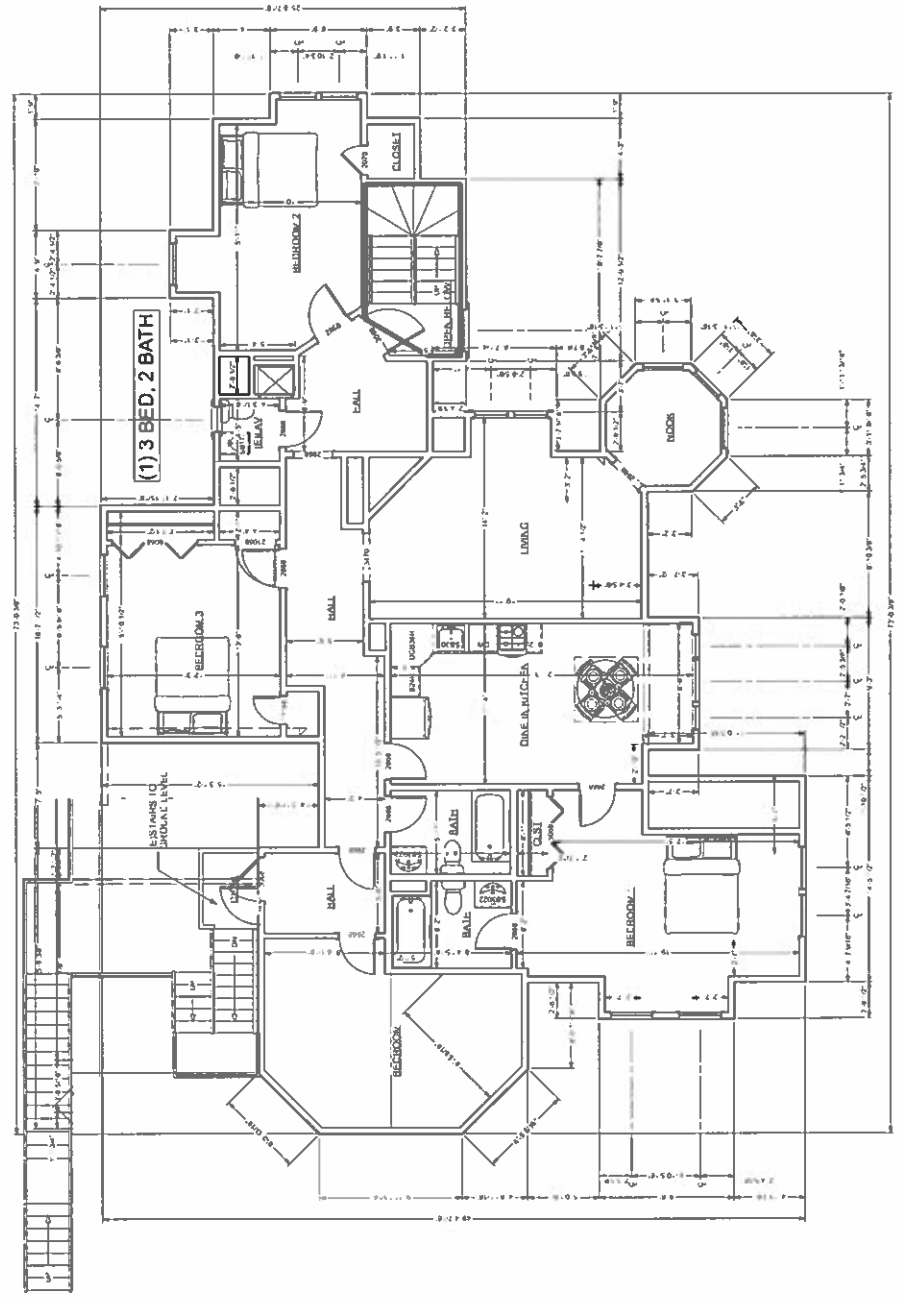
48 CEDAR STREET
APARTMENT BUILDING
WORCESTER MA
01608
PROJECT NO. 2023-001
DATE: 10/24/2023

NO. OF UNITS	10
NO. OF UNITS PER FLOOR	10
TOTAL GROSS AREA	10,000
TOTAL NET AREA	8,000

SCOPE OF WORK
THIRD FLOOR
PLAN

DATE	2/1/23	REVISED	N/A
AS FACED	4/23/2024		
PROJECT NAME	48 CEDAR STREET		

A-7



NOTES:
1. ALL BRICK & CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC).
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC).
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC).
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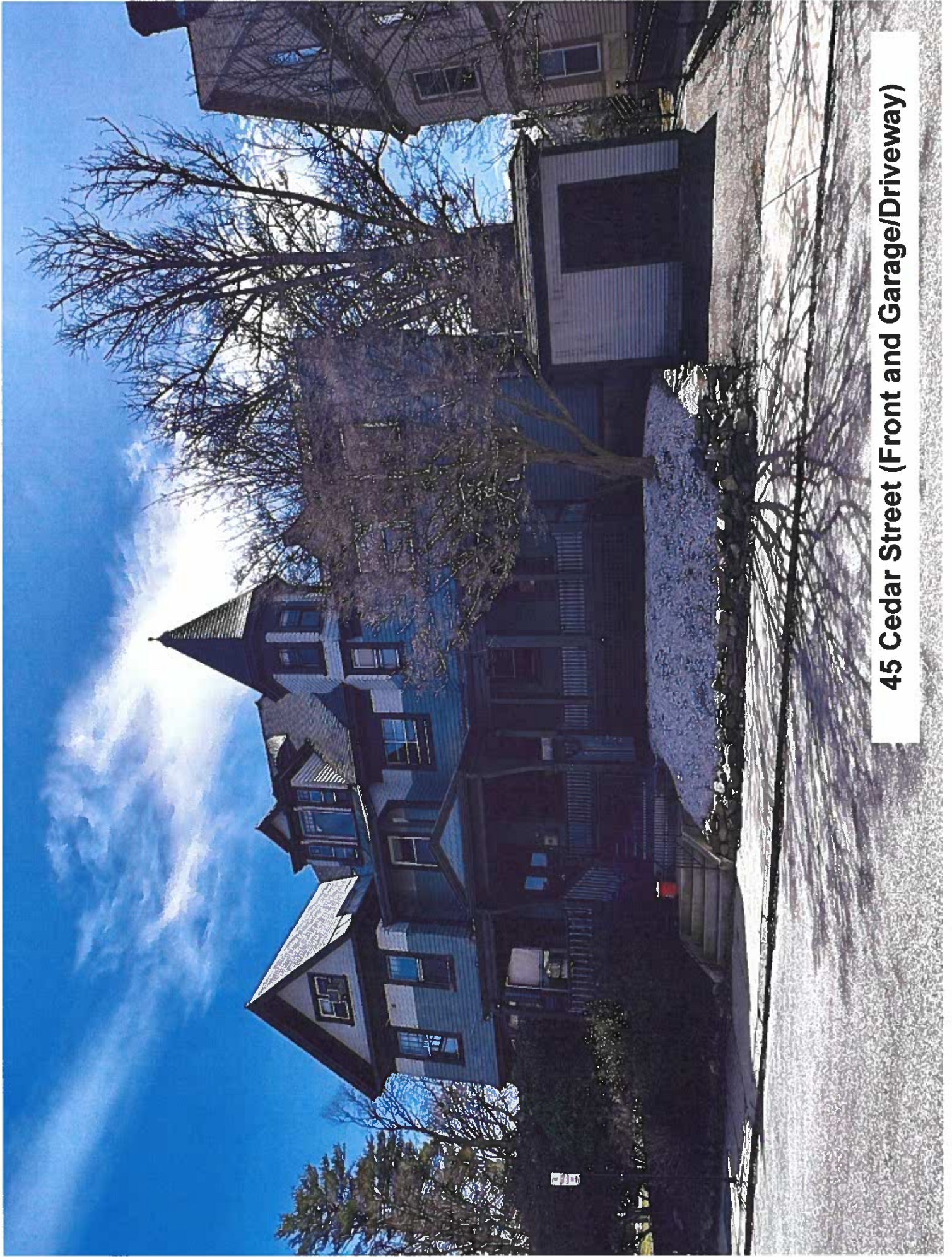
AREA CALCULATION & RESPONSE COUNT

LEVEL	UNIT	AREA (SF)	IMP-TOTAL	TOTAL	BEDROOM	BATH/TOTAL	TOTAL
THIRD FLOOR	10 UNITS	8,000	7,776	8,338	10	10	10
TOTAL							

SCOPE OF WORK - THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"



45 Cedar Street (Front Aerial)



45 Cedar Street (Front and Garage/Driveway)



45 Cedar Street (Side and Accessory Parking Area)

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: 36

Parcel Address: 45 CEDAR ST
WORCESTER, MA 01609
Assessor's Map-Block-Lot(s): 02-046-0055A

Owner: MAR VISTA MANAGEMENT LLC
FORTY-FIVE CEDAR ST WORCESTER
REALTY TRUST

Owner Mailing: 91 STAFFORD ST #3
WORCESTER, MA 01603

Petitioner (if other than owner): STEPHANIE FLEMING
Petitioner Mailing Address: 311 MAIN STREET
WORCESTER, MA 01608
508-926-3346

Planning: _____ Zoning: X Liquor License: _____ ConComm: _____
Historical: _____ Cannabis: _____ Other: _____

02-046-37+41	WEST SIDE CORPORATION	51 SUMMER STREET	ROWLEY MA 01969
02-046-00036	BLOSSOM LANE LLC	0008 POST OFFICE SQ	ACTON MA 01720
02-046-00062	BAY ELM REALTY LLC	0664 SOUTH ST	SHREWSBURY MA 01545
03-035-001-3	WORCESTER MONTROSE LIMITED	0050 ELM ST	WORCESTER MA 01609
02-046-00042	HAMPTON PROPERTIES LLC	95 ELM ST	WORCESTER MA 01609
03-035-00010	HAMPTON PROPERTIES LLC	0095 ELM ST	WORCESTER MA 01609
02-048-00042	HAMPTON PROPERTIES LLC	0095 ELM ST	WORCESTER MA 01609
02-046-00035	DIRSCHKA WILLIAM PAUL +	0038 SEVER ST	WORCESTER MA 01609
02-046-00043	53 WILLIAM STREET LLC	0028 AUDUBON WAY	STURBRIDGE MA 01566
02-046-00140	WARNER PATRICK M +	0036 SEVER ST	WORCESTER MA 01609
02-048-00012	HAMPTON PROPERTIES LLC	95 ELM STREET	WORCESTER MA 01609
02-046-00038	WORCESTER DEVELOPMENT PROJECT	0075 ARLINGTON ST 5TH FLOOR	BOSTON MA 02116
02-046-00050	TORVELLA CEDAR LLC	0045 POND ST SUITE 200	NORWELL MA 02061
02-046-00039	LINDERHOLM CARL H + TOINI	0050 CEDAR ST	WORCESTER MA 01609
02-046-00040	CIOTTONE ROBERT A +	0048 CEDAR ST	WORCESTER MA 01609
02-046-00049	DWO REALTY LLC	44 CEDAR ST	WORCESTER MA 01609
02-046-00058	MINGUS MELLOW INC	390 MAIN ST SUITE 926	WORCESTER MA 01608
02-046-00059	MAILLOUX ROBERT TRUSTEE	0009 METCALF ST	WORCESTER MA 01609

02-048-00043	YOU INC	0081 PLANTATION ST	WORCESTER MA 01604
02-048-0004E	SPECTRUM DEVELOPMENT CORP	0010 MECHANIC ST SUITE 302	WORCESTER MA 01608
02-046-0053A	MAILLOUX JONATHAN TRUSTEE	PO BOX 20432	WORCESTER MA 01602
02-046-00538	O'NEIL ROBERT + MARY	0066 DRURY LN	WORCESTER MA 01609
02-046-00054	YOU INC	0081 PLANTATION ST	WORCESTER MA 01604
02-046-0055A	MAR VISTA MANAGEMENT LLC TRUSTEE	0091 STAFFORD ST #3	WORCESTER MA 01603
03-035-00005	HAMPTON PROPERTIES LLC	0095 ELM ST	WORCESTER MA 01609
02-046-00056	ALYA PROPERTIES LLC	0482 SOUTHBRIDGE ST SUITE 306	AUBURN MA 01501
02-046-00057	SCHLICKMANIA INC	0023 FRUIT ST	WORCESTER MA 01609
03-035-00012	HAIMS INVESTMENT GROUP INC	0095 ELM ST	WORCESTER MA 01609
03-035-00004	GRAJALES PROPERTIES LLC	0037 SYLVAN ST	WORCESTER MA 01603
02-048-00097	DI GIACOMANTONIO DIANNE M	0025 SEVER ST	WORCESTER MA 01609
02-046-00060	FRIENDLY HOUSE INC	0070 JAMES ST #139 B	WORCESTER MA 01603
02-046-00061	LAND MANAGEMENT LLC	0664 SOUTH ST	SHREWSBURY MA 01545
02-048-00008	ARTEL PROPERTIES LLC +	0069 ELM ST	MALDEN MA 02148
02-046-00063	DUTRAM GARY	0156 CHURCH ST	NORTHBORO MA 01532
02-046-00047	HAMPTON PROPERTIES LLC	0095 ELM ST	WORCESTER MA 01609
02-046-00135	MORAN MARC + BARNES	0061 WILLIAM ST	WORCESTER MA 01609

This is to certify that the above is a list of abutters to Assessor's Map-Block-Lot's 02-046-0055A as cited above.
Certified by:


Signature

04/24/2024
Date

Edward M. Augustus, Jr.
CITY MANAGER



Timothy J. McGourthy
CHIEF FINANCIAL OFFICER

Samuel E. Konieczny
CITY ASSESSOR

CITY OF WORCESTER
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Abutters Map

