



**City of Worcester
Department of Inspectional Services
Zoning Determination Form**

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

Property Address:
 65 Cedar Street

Zoning Board of Appeals (Indicate all that apply)

Zoning District: RG-5

Variance(s) (Indicate relief needed for all that apply)

Planning Board (Indicate all that apply)

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

Site Plan (circle all that apply):

Preliminary Definitive

Trigger(s)¹: (circle all that apply) _____

- 15% Slope Lodging Historical
- WRP # of Units GFA
- Subdivision Flood Plain¹
- Special Permit related

Parking (spaces)	4		
Landscaping			
Other			

Parking Plan:

of Spaces _____

Special Permits (circle all that apply)¹

- AROD FPOD CCRC
- WRP MU Cluster CCOD
- Common Drive AHDB AOD

Applicable Section of Zoning Ordinance

Article: XVI
Section: 4
Paragraph: Table 4.1, Residential Use, #8

Other Filings (either Board)

- Amendment** _____
- Administrative Appeal**
- Extension of Time**
- Comprehensive Permit**
- Other** _____

Special Permit (circle all that apply):

Expansion/Change of pre-existing nonconforming
 Structure Use

Non-Residential/Residential Conversion

Other Special Permit

Lodging House - Increase from 28 to 36 beds.

Department of Inspectional Services

Authorized Signature Required TM DJH DC

Todd Miller

¹ AOD= Arts Overlay District, AHDB=Affordable Housing, AROD=Adaptive Reuse Overlay District, CCRC=Continuing Care Retirement Community, FPOD = Flexible Parking, FP Flood Plain, MU= Mixed Use WRP=Water Resources Protection.



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:		Setback required:	<small>The existing on-site parking area was upgraded two years ago for the lodging house use and provides sufficient parking for the additional residents.</small>	Setback required:	<small>The upgrades to the parking area two years ago included drainage improvements to the area.</small>
Frontage provided:		Setback provided:	<small>Existing utilities and public services are sufficient for the use and the additional residents.</small>	Setback provided:	<small>The use is feasible and has little impact on City services. The additional residents will not have a negative impact on the area.</small>
Relief requested:	<small>The proposal will accommodate a modest increase in the use of a beautiful historic building.</small>	Relief requested:	<small>The existing lodging house use has been a good neighbor in the area and additional residents will not have a negative impact on the area.</small>	Relief requested:	
Off-street Parking/Loading		Height		Accessory Structure 5-foot Setback	
Parking required:	18	Height permitted:		Type of structure:	
Parking provided:	14	Height provided:		Square footage of structure:	
Relief requested:	4	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:		<p align="center">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.</p>			
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:** 65 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: _____
3. **OWNER OF RECORD:** C&S Cedar Street Housing LLC
(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 900 Cummings Center, Suite 226U, Beverly, MA 01915
5. Worcester District Registry of Deeds (WDRD) Book(s) 65038, Page(s) 43
(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 048 Lot 00023
(List MBL number for the subject property as listed at Assessor's Office)
7. **NAME OF APPLICANT(S):** C&S Cedar Street Housing LLC
8. Address of Applicant: 900 Cummings Center, Suite 226U, Beverly, MA 01915
9. Telephone: 508-929-1678 (Attorney Brian Falk)
10. Email: bfalk@mirickoconnell.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):
RG-5

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

A 28 bed lodging house.

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

The owner/applicant seeks to amend the 2023 amended special permit issued for this property to increase the total number of beds within the lodging house from 28 to 36. No changes to the building or site are proposed with this amendment.

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 used of the property):

Table 4.1, Residential Use, #8, Lodging house

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):

Special permit dated August 13, 2021, recorded at Book 66261, Page 89; amended August 9, 2023, recorded at Book 69584, Page 171.

Site Plan Approval dated August 19, 2021

Demolition Delay Waiver voted on July 22, 2021

Lodging House License, first issued on August 12, 2021; amended August 2023

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):

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:

A literal enforcement at the requirement of .5 parking spaces per bed, 18 total, would require a significant loss of landscaped area and significant expense to provide 4 additional spaces that are not required by the tenants.

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:

The lot's narrow shape relative to the historic building poses significant challenges and constraints to designing a traditional parking lot.

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 lodging house is used by junior hockey athletes, many of whom do not have a car. The neighborhood contains on-street parking options, if needed.

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 property's existing 14 spaces will remain in place. The applicant can accept a condition that no more than 14 occupants will be allowed to have a car parked on site.

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 proposal will accommodate a modest increase in the use of a beautiful historic building and bring additional residents to the neighborhood.

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

The existing on-site parking area was upgraded two years ago for the lodging house use and provides sufficient parking for the additional residents.

3. Adequacy of utilities and other public services:

Existing utilities and public services are sufficient for the use and the additional residents.

4. Neighborhood character and social structure:

The existing lodging house use has been a good neighbor in the area and additional residents will not have a negative impact on the neighborhood.

5. Impacts on the natural environment:

The upgrades to the parking area two years ago included drainage improvements to mitigate stormwater impacts.

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

The use is taxable and has little impact on City services. The additional residents will not have a negative effect on the positive fiscal impact associated with the use.

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

By: [Signature]
(Signature of Applicant or Applicant's Agent)
If more than one applicant, all applicants must fill out information.
C&S Cedar Street Housing LLC
(Name of Applicant)
900 Cummings Center, Suite 226U, Beverly, MA 01915
(Address)
508-929-1678 (Attorney Brian Falk)
(Contact Phone Number)
bfalk@mirickoconnell.com
(Email)
6/25/2024
(Date)

By: [Signature]
(Signature of Property Owner or Owner's Agent)
If more than one property owner, all owners must fill out information.
C&S Cedar Street Housing LLC
(Name of Property Owner)
900 Cummings Center, Suite 226U, Beverly, MA 01915
(Address)
508-929-1678 (Attorney Brian Falk)
(Contact Phone Number)
bfalk@mirickoconnell.com
(Email)
6/25/2024
(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)**

1. Describe what is currently nonconforming about this structure (list specific dimensional nonconformities)

2. Indicate how long the nonconforming aspects of the structure have been in existence:

3. 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)

4. Describe the proposed extension, alteration or change:

5. Indicate the total square footage of any physical expansion:

6. Indicate the number of off-street parking spaces currently provided and to be provided for the proposed structure as extended, altered or changed:

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

1. Describe what is currently nonconforming about this use:

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)

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

4. Describe the proposed extension, alteration or change of use:

5. Indicate the total square footage to be utilized for the proposed use:

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

**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:

36 bed lodging house.

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

22 bedrooms with shared common space.

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.

14 off-street parking spaces are provided at the site.

**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.

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

7. For a proposed Limited Residential Hospice House, provide additional documentation per Article IV, Section 2, Notes to Table 4.1, Note 10.
8. 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:
2. If applicable, indicate locations, square footages, and dimensions of relief sought under the Special Permit:
3. If applicable, provide number of parking/loading spaces required and relief requested through the Special Permit:

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 C&S Cedar Street Housing LLC

Business Address 900 Cummings Center, Suite 226U, Beverly, MA 01915

Home Address _____

Business Phone 508-929-1678 (Attorney Brian Falk) Home Phone _____

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

 _____ Date: 6/25/2024

(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 _____

Business Address _____

Printed Names of Trustees: _____ Address _____

Printed Names of Beneficiaries: _____ Address _____

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

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

(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: 53

Parcel Address: 65 CEDAR ST

Assessor's Map-Block-Lot(s): 02-048-00023

Owner: C + S CEDAR STREET HOUSING LLC
900 CUMMINGS CENTER
SUITE 226U

Owner Mailing: BEVERLY, MA 01915

Petitioner (if other than owner): BRIAN FALK – MIRICK O'CONNELL

Petitioner Mailing Address: 100 FRONT ST
508-929-1678

Planning: Zoning: X Liquor License: ConComm:

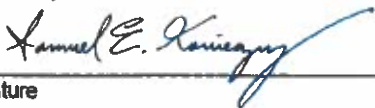
Historical: Cannabis: Other:

CARR, EDWARD R + THERESE G	02-048-00095	0085 WILLIAM ST	WORCESTER, MA 01609
GREEK ORTHODOX COMMUNITY OF WIENER, CRAIG B	02-048-00011	102 RUSSELL STREET	WORCESTER, MA 01609
NORTON, STEVEN + RENEE	02-048-00094	C/O C WIENER 87 WILLIAM ST	WORCESTER, MA 01609
ALTMANN, STEPHEN +	02-048-00096	0081 WILLIAM ST	WORCESTER, MA 01609
YARNIE, DANIEL + REBECCA	02-048-00050	0079 WILLIAM ST	WORCESTER, MA 01609
HAMPTON PROPERTIES LLC	02-048-00092	0037 WEST MILLBURY RD	SUTTON, MA 01590
HAMPTON PROPERTIES LLC	02-048-00002	95 ELM STREET SUITE 100	WORCESTER, MA 01609
GREEK ORTHODOX COMMUNITY OF	02-048-00020	95 ELM ST SUITE 100	WORCESTER, MA 01609
HAIMS INVESTMENT GROUP LLC	02-048-19+22	102 RUSSELL STREET	WORCESTER, MA 01609
MAILLOUX, ROBERT + MINH	02-048-00021	0095 ELM ST	WORCESTER, MA 01609
HAMPTON PROPERTIES LLC	02-048-00013	9 METCALF ST	WORCESTER, MA 01609
GREEK ORTHODOX COMMUNITY OF	02-048-00012	95 ELM STREET SUITE 100	WORCESTER, MA 01609
YOU INC	02-048-00010	0102 RUSSELL ST	WORCESTER, MA 01609-1908
C + S CEDAT STREET HOUSING LLC	02-048-00003	0081 PLANTATION ST	WORCESTER, MA 01604
HAMPTON PROPERTIES LLC	02-048-00023	0900 CUMMINGS CENTER SUITE 226U	BEVERLY, MA 01915
BLOSSOM LANE LLC	02-048-00024	95 ELM ST SUITE 100	WORCESTER, MA 01609
	02-048-00018	0008 POST OFFICE SQ	ACTON, MA 01720

CLIFFORD + RANO REALTY TRUST	02-048-0004B	57 CEDAR STREET	WORCESTER, MA 01609
CLIFFORD + RANO REALTY TRUST	02-048-0004B	57 CEDAR STREET	WORCESTER, MA 01609
CUTLER,MARK O + SANDRA J TRUSTEES	02-048-0004A	5 NEWINGTON LANE	WORCESTER, MA 01609
YOU INC	02-048-00043	0081 PLANTATION ST	WORCESTER, MA 01604
SPECTRUM DEVELOPMENT CORP	02-048-0004E	0010 MECHANIC ST SUITE 302	WORCESTER, MA 01608
LEE FAMILY DENTAL CARE REALTY LLC	02-48A-00101	0009 BAYBERRY CIR	SHREWSBURY, MA 01545
COHEN,KAREN R	02-48A-00102	111 ELM STREET UNIT 102	WORCESTER, MA 01602
BUSLOV,MIKHAIL TRUSTEE+	02-48A-00103	038B BARROWS RD	WORCESTER, MA 01609
111 ELM 104 REALTY TRUST +	02-48A-00104	0111 ELM ST SUITE 204	WORCESTER, MA 01603
HAMAWI,TATIANA A	02-48A-00201	0111 ELM ST UNIT 201	WORCESTER, MA 01609
WY REAL ESTATE HOLDINGS LLC	02-48A-00202	111 ELM STREET, UNIT#202	WORCESTER, MA 01609
SALLOWAY,ELLIOT W TRUSTEE	02-48A-00203	19707 TURNBERRY WAY APT 5B	AVENTURA, FL 33180
111 ELM 204 REALTY TRUST +	02-48A-00204	0111 ELM ST SUITE 204	WORCESTER, MA 01603
KERMANI,MICHAEL F TRUSTEE	02-048-00046	0101 MERRICK ST	WORCESTER, M 01609
YOU INC	02-048-00005	0081 PLANTATION ST	WORCESTER, MA 01604
BLOSSOM LANE LLC	02-048-00006	0008 POST OFFICE SQ	ACTON, MA 01720
BLOSSOM LANE LLC	02-048-00006	0008 POST OFFICE SQ	ACTON, MA 01720
ERMANI PROPERTIES LLC	02-048-00007	0490 SHREWSBURY ST	WORCESTER, MA 01604
GHANNOUM,AHMAD	06-004-00037	0108 ELM ST	WORCESTER, MA 01609
GHANNOUM,AHMAD	06-004-00037	0108 ELM ST	WORCESTER, MA 01609
SPECTRUM DEVELOPMENT CORP	02-048-4C+4D	0010 MECHANIC ST SUITE 320	WORCESTER, MA 01608
MULTI FAMILY REALTY LLC	02-048-00028	0030 SEVER ST	WORCESTER, MA 01609
STEFOS,ELIZABETH T	06-004-00032	0122 ELM ST	WORCESTER, MA 01609-1902
STEFOS,ELIZABETH T	06-004-00032	0122 ELM ST	WORCESTER, MA 01609-1902
STEFOS,ELIZABETH	06-004-00033	0122 ELM ST	WORCESTER, MA 01609
GOULD,DONALD A +	06-004-00068	0106 ELM ST	WORCESTER, MA 01609
GAVAL,STEVE NADER + JOSHUA J	06-004-00009	PO BOX 35454	CHARLOTTE, NC 28235
AKPAKI,EMILE K	06-004-00002	0104 WALNUT ST APT 1	BROOKLINE, MA 02445
HAMPTON PROPERTES LLC	02-048-00093	0095 ELM ST	WORCESTER, MA 01609
STEFOS,ELIZABETH D TRUSTEE	06-004-00067	PO BOX 1206	MASHPEE, MA 02649
NEGRON,CARMEN	06-004-114-1	0114 ELM ST UNIT 1	WORCESTER, MA 01609
KRISTO,LLAZI	06-004-114-2	0114 ELM ST UNIT 2	WORCESTER, MA 01609
GARCIA,YELITZA	06-004-114-3	0114 ELM ST UNIT 3	WORCESTER, MA 01608
DIAZ,DAMARIS	06-004-114-4	0114 ELM ST UNIT 4	WORCESTER, MA 01608
TENEQUEXHI,JORGJETA	06-004-114-5	0114 ELM STREET APT 5	WORCESTER, MA 01609
SERBO,VASILIKA +	06-004-114-6	114 ELM STREET #6	WORCESTER, MA 01609

This is to certify that the above is a list of abutters to Assessor's Map-Block-Lot's 02-048-00023 as cited above.

Certified by:



Signature

06/11/2024
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

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Recording Information

Document Number	: 142359
Document Type	: DECN
Recorded Date	: October 08, 2021
Recorded Time	: 03:16:23 PM
Recorded Book and Page	: 66261 / 89
Number of Pages(including cover sheet)	: 6
Receipt Number	: 1386044
Recording Fee	: \$105.00

Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 798-7717

**City of Worcester, Massachusetts
Zoning Board of Appeals**

Joseph Wanat,
Chair



Russell Karlstad, *Vice Chair*
Jordan Berg Powers
George Cortes
Robert Haddon, *Alternate Member*
Nathan Sabo, *Alternate Member*

SPECIAL PERMIT – FINDINGS OF FACT AND DECISION

65 Cedar Street (MBL 02-048-00023)

ZB-2021-047

The Zoning Board of Appeals scheduled a public hearing on August 9, 2021 at 5:30 PM in the Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the petition of C&S Cedar Street Housing LLC, seeking Special Permits for property located at 65 Cedar Street, Worcester, Massachusetts.

Due notice of the public hearing to be held on August 9, 2021 was sent to the individuals listed on the City of Worcester Certified Abutter's list for the subject property.

On July 26, 2021 and August 2, 2021, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On August 9, 2021, the hearing was called to order by Joseph Wanat, Chair. Board members physically present for the hearing were Joseph Wanat, Robert Haddon, and Nathan Sabo. Board members Russell Karlstad and Jordan Berg Powers participated remotely. Remote participation was facilitated for attendees via phone at call-in number, 415-655-0001 (Access Code: 160 884 7670) and via Webex link (<https://cow.webex.com/meet/zoningboardofappealswebex>). Following testimony, the hearing was closed and the petition continued without a vote to the Board's August 11, 2021 meeting at the request of the petitioner.

On August 11, 2021, the Zoning Board of Appeals met remotely. Participation was facilitated via phone at call-in number, 415-655-0001 (Access Code: 160 884 7670) and via Webex link (<https://cow.webex.com/meet/zoningboardofappealswebex>). Board members participating remotely for the hearing were Joseph Wanat, Russell Karlstad, Robert Haddon, and Nathan Sabo.

FINDINGS

The Worcester Zoning Board of Appeals (ZBA), having viewed the site, conducted a remote public hearing and reviewed all the submitted evidence, finds that:

1. C & S Cedar Street Housing LLC, whose address is 900 Cummings Center, Suite 226U, Beverly, Massachusetts, is the owner and petitioner of certain land situated at 65 Cedar Street in the City of Worcester, Massachusetts, and is more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 65038, Page 43.
2. Said land is located in a zoning district classified under the City of Worcester Zoning Ordinance as an RL-7 (Residence, Limited) zoning district, pending ordainment of a zoning map amendment to be located within an RG-5 (Residence, General) zoning district.
3. Presently on the premises is a +/-2,943 SF privileged non-conforming structure, formerly used as a dormitory, with associated off-street parking.

4. The petitioner seeks to renovate and convert the existing structure into a lodging house (with 21 beds total), to construct related parking, and to conduct associated site work.

5. The petitioner seeks the following:

Special Permit: To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use (Article XVI, Section 4)

Special Permit: To allow a lodging house in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

Special Permit: To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)

6. Privileged nonconforming uses may be extended, altered or changed (Article XVI, Section 4, C.1) provided that:

- a. The extension, alteration or change itself complies with the current Ordinance requirements:

The new lodging house use is allowed by special permit.

- b. The structure as expanded, altered or changed will not be substantially more detrimental to the neighborhood than the existing structure:

The structure will not change. The new use will be harmonious with the surrounding neighborhood.

- c. In residential districts, the continued use of the privileged nonconforming structure as extended, altered or changed shall meet the off-street parking requirements of this Ordinance:

The site currently provides 7 parking spaces. The new use will provide 14 parking spaces where 10 spaces are required by the Zoning Ordinance.

Findings of Fact – Special Permit:

7. 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 use will bring new life to a beautiful building and help revitalize the neighborhood.

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

Parking areas will be expanded and renovated as part of the project. The easterly edge of the existing and proposed parking areas will be screened from the abutting property with the requisite 5-foot landscape buffer with more than 40 proposed arborvitae plantings.

- c. Adequacy of utilities and other public services:

Existing utilities and public services are sufficient for the use.

- d. Neighborhood character and social structure:

With the closure of Becker College, this new use will help revitalize the neighborhood.

- e. Impacts on the natural environment:

The additional stormwater flows from the proposed parking area at the rear of the parcel will be mitigated through the use of an infiltration basin to be located under the proposed pavement.

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

The new use will be taxable, unlike the prior educational use of the property.

DECISION

At a remote meeting of the Board on August 11, 2021, and on motion duly made and seconded, it was voted 4-0 by Board members Joseph Wanat, Russell Karlstad, Robert Haddon, and Nathan Sabo to approve the following requested relief:

- Special Permit:** To allow the extension, alteration or change of a privileged pre-existing, nonconforming structure and/or use (Article XVI, Section 4)
- Special Permit:** To allow a lodging house in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)
- Special Permit:** To modify parking, loading requirements, dimensional requirements, layout, and/or the number of required spaces and/or landscaping requirements (Article IV, Section 7, A, 2)

With the following conditions of approval:

Conditions, generally

1. Provide one (1) full-size, to-scale, stamped/sealed original of a final revised definitive site plan-set and complete architectural plan, and a PDF file of the same, to the Division of Planning & Regulatory Services prior to occupancy of the building.
2. A 5 foot landscape buffer shall be established by easement east of the proposed parking area, as depicted on the approved plans.
3. That parking and/or paved areas be limited to those areas depicted on the approved plan and other areas shall remain permeable.
4. Snow storage shall not be located within any required parking spaces or landscaped buffers and shall not impede visibility. Once designated snow storage areas exceed capacity, snow shall be removed from the site.
5. Provided that the project shall be constructed in substantial accordance with the findings of fact and all final revised site plans on file with the City of Worcester and in accordance with all applicable governmental codes.

Additional conditions applicable only to the Special Permit to allow a lodging house use

6. The lodging house shall be limited to a total of 21 beds/occupants.
7. C& S Cedar Street Housing LLC shall be the owner, and the Special Permit for the lodging house use shall lapse if there is a change in ownership.

The Board also unanimously voted to approve waivers of the following plan requirements:

1. To provide the distances to adjacent buildings on the plan.

The Special Permits shall not take effect until the petitioner records, at his or her own expense, a copy thereof with the Worcester District Registry of Deeds, pursuant to Massachusetts General Laws, Chapter 40A, Section 11, as amended. The rights authorized by the Special Permits must commence no later than one year from the grant hereof. If the requested Special Permits are litigated, all time periods for recording and construction shall not commence to toll until a final, favorable decision of the Honorable Court is rendered.

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.

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

The names typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duly authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 327.

ADJOURNED

JOSEPH WANAT

DATE _____

DocuSigned by:
Russell Karlstad
BC72FC188EE6AE3

RUSSELL KARLSTAD

DATE 8/13/2021

ROBERT HADDON

DATE _____

DocuSigned by:
Nathan Sabo
ADE87C7E3D72A7E

NATHAN SABO

DATE 8/13/2021

2021 AUG 13 PM 12:50

REMINDERS

Time Limitations: If the activity authorized by a Special Permit granted by the ZBA 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. Per Article II, Section 9, D. 5. of the City of Worcester Zoning Ordinance.

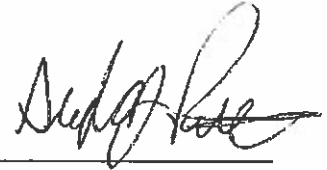
Landscaping Requirements: Required landscaping shall be maintained in a healthy growing condition, free of refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or the property owner within a reasonable period of time. All plant materials and fencing shall 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 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

October 8, 2021

I certify that twenty days have elapsed after the attached certificate of approval for **65 Cedar Street** has been filed with the City Clerk Department on **August 13, 2021** and that no appeal has been filed.



Stephen A.J. Pottle
Deputy City Clerk

ATTEST: WORC Kathryn A. Toomey, Register



2023 00072030

Bk: 69584 Pg: 171

Page: 1 of 5 08/30/2023 02:02 PM WD

City of Worcester, MA

August 30, 2023

I certify that twenty days have elapsed after the attached Decision for **65 Cedar Street** has been filed with the City Clerk Department as of **August 9, 2023** and that no appeal has been filed.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Stephen A.J. Pottle
Deputy City Clerk



The City of
WORCESTER
Zoning Board of Appeals

Russell Karlstad, Chair
Jordan Berg Powers, Vice Chair
Anthony Dell'Aera
George Cortes
Eric Torkornoo
Nathan Sabo, Alternate Member
Shannon Campaniello, Alternate Member

Special Permit Amendment – FINDINGS OF FACT AND DECISION
65 Cedar Street (MBL 02-048-00023)
(ZB-2023-064)

The Zoning Board of Appeals scheduled a hybrid public hearing on July 17, 2023 at 5:30 PM in the Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the petition of C&S Cedar Street Housing LLC, seeking a Special Permit Amendment for property located at 65 Cedar Street, Worcester, Massachusetts.

Due notice of the public hearing to be held on July 17, 2023, was sent to the individuals listed on the City of Worcester Certified Abutter's list for the subject property.

On July 3 & 10, 2023, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On July 17, 2023, the hybrid meeting was called to order by Russell Karlstad, Chair. Board members physically present for the hearing at Worcester City Hall, 455 Main Street, Esther Howland Chamber were Russell Karlstad, George Cortes, Nathan Sabo, and Shannon Campaniello. Board members Jordan Berg Powers and Anthony Dell'Aera participated remotely. Board members Eric Torkornoo was not present. Remote participation was facilitated for attendees via phone at call-in number, 415-655-0001 (Access Code: 160 884 7670) and via Webex link (<https://cow.webex.com/meet/zoningboardofappealswebex>).

FINDINGS

The Worcester Zoning Board of Appeals (ZBA), having conducted a public hearing and reviewed all the submitted evidence, finds that:

1. C&S Cedar Street Housing LLC, whose address is 900 Cummings Center Suite 226U, Beverly, MA 01915, is the owner and petitioner of certain land located at 65 Cedar Street as more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 65038, Page 43
2. Said land is located in the zoning district classified under the City of Worcester Zoning Ordinance as RG-5 (Residence, General) zoning district.
3. Presently on the premises is a +/-2,943 SF lodging house, previously permitted with 21 beds, and associated off-street parking.
4. The petitioner seeks to amend the existing special permit in order to increase the number of beds in the lodging house to 28, increasing the number of beds by 7, providing 14 single-occupant rooms and 7 double-occupant rooms.
5. The petitioner seeks the following:

Amendment to:

Special Permit: To allow a lodging house in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

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 proposal will accommodate a modest increase in the use of a beautiful historic building and bring additional residents to the neighborhood.
 - b. Traffic flow and safety, including access, parking, and loading areas:
The existing on-site parking area was upgraded two years ago for the lodging house use and provides sufficient parking for the seven additional residents
 - c. Adequacy of utilities and other public services:
Existing utilities and public services are sufficient for the use and the seven additional residents.
 - d. Neighborhood character and social structure:
The existing lodging house use has been a good neighbor in the area and seven additional residents will not have a negative impact on the neighborhood.
 - e. Impacts on the natural environment:
The upgrades to the parking area two years ago included drainage improvements to mitigate stormwater impacts.
 - f. Potential fiscal impact, including city services needed, tax base, and employment:
The use is taxable and has little impact on City services. The seven additional residents will not have a negative effect on the positive fiscal impact associated with the use.

DECISION

At a meeting of the Board on July 17, 2023, and on motion duly made and seconded, it was voted 5-0 by Board members Russell Karlstad, George Cortes, Anthony Dell'Aera, Jordan Berg Powers, and Nathan Sabo to **approve** the requested:

Amendment to:

Special Permit: To allow a lodging house in an RG-5 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

With the following **conditions of approval:**

Perpetual:

1. The lodging house shall be limited to a total of 28 beds/occupants.
2. C&S Cedar Street Housing LLC shall be the owner, and the Special Permit for the lodging house use shall lapse if there is a change in ownership or beneficial interest of C&S Cedar Street Housing LLC.
3. Provided that the project shall be constructed in substantial accordance with the findings of fact and all final revised definitive site plans on file with the City of Worcester and in accordance with all applicable governmental codes.
4. Provided that the project is constructed and operated in substantial accordance with the findings of fact and the final revised definitive site plans on file with the City of Worcester and in accordance with all applicable governmental codes.

The Board also voted unanimously to affirm the following previously granted **waivers** of the plan requirements:

1. Distances from adjacent buildings
2. Percentage of the lot covered by the principal and accessory buildings
3. Proposed grading.

The Special Permit Amendment shall not take effect until the petitioner records, at his or her own expense, a copy thereof with the Worcester District Registry of Deeds, pursuant to Massachusetts General Laws, Chapter 40A, Section 11, as amended. The rights authorized by the Special Permit Amendment must commence no later than one year from the grant hereof. If the requested Special Permit Amendment is litigated, all time periods for recording and construction shall not commence to toll until a final, favorable decision of the Honorable Court is rendered.

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.

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

The names typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duly authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 327.

ADJOURNED

DocuSigned by:
Russell Karlstad

RUSSELL KARLSTAD

DATE 08/09/2023

JORDAN BERG POWERS

DATE _____

GEORGE CORTES

DATE _____

ANTHONY DELL'AERA

DATE _____

NATHAN SABO

DATE _____

REMINDERS

Time Limitations: If the activity authorized by a Special Permit granted by the ZBA 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.

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 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.