

Statement in Support of GM Properties LLC
Application to City of Worcester Zoning Board of Appeals for Grant of Special Permits
and Variances for Townhouse Development Project at
36 Butler Street, Worcester, Massachusetts

I. Background and Project Scope.

GM Properties LLC (the “Applicant”) seeks the grant of special permits and variances from minimum lot area and frontage requirements in connection with its proposed construction and development of two townhouse-style buildings that will contain a total of 9 units, including one 6-unit building and one 3-unit building (the “New Buildings”), conversion of the existing funeral home building into a two-family building, and related site improvements at the property known and numbered as 36 Butler Street, Worcester Massachusetts (the “Property”).¹

The Property currently contains approximately 0.88 acres (38,391+/- square feet) of land, and is located entirely within the Residence, Limited (“RL-7”) zoning district and no overlay districts. The Property currently contains an historic building that was most recently used as a funeral home (the “Existing Building”) and a parking lot. The Property is bounded by Butler Street to the south, Gotland Street to the north and three-family residences to the east, west and south.

The Applicant proposes to divide the existing lot into Lot A (to contain approximately 13,623 square feet) and Lot B (to contain approximately 24,767 square feet). Lot A will contain the Existing Building, which will be converted into a two-family building and 4 surface lot parking spaces (the “Lot A Project”). Lot B will contain a new single-family attached townhouse-style development consisting of 9 units within two townhouse-style buildings, reconfigured drive aisles, parking spaces, new landscaping and other site features (the “Lot B Project”). There will be a total of 22 parking spaces, all of which will be located on Lot B. There will be 4 surface parking spaces to serve the two-family building and 18 parking spaces to serve the townhouse units, including one driveway parking space and one garage parking space for each townhouse unit. The Lot A Project and the Lot B Project are sometimes hereinafter together referred to as the “Project”).²

II. Requirement for Special Permits and Variances.

Special permits are required to be granted by the Board³ for the Lot A Project and the Lot B Project with respect to the following: (i) to allow for single-family attached use in the RL-7 (Lot B); (ii) noncompliance with parking aisle requirements pursuant to note 2.b of Table 4

¹ The Property has a parcel identification of 10-043-00012.

² The Applicant will file an ANR plan with the Worcester Planning Board in order to create Lots A and B.

³ The Board is the permit granting authority for special permits pursuant to Article II, Section 6.A.2.

(Lots A and B); and (iii) noncompliance with five foot buffer for parking layout requirement pursuant to note 5.a.ii of Table 4.4 (Lot A)⁴.

Variations are required to be granted by the Board⁵ for noncompliance with rear yard setback (Lot B, 7.5 feet where 20 feet is required), minimum lot area (Lot B) and frontage requirements (Lot B) as set forth in Article IV, Table 4.2, which requires a minimum of 3,000 square feet of lot area per single-family attached dwelling unit and 25 feet of frontage per single-family attached dwelling unit for properties in the RL-7 district. The division of the Property lot into Lots A and B results in Lot B containing 24,767 square feet (where 27,000 square feet is required) and 89.57 feet of frontage (where 225 feet is required). Accordingly, while Lot A is compliant with all dimensional controls⁶, Lot B requires 2,233+/- square feet of relief from the minimum lot area requirement and 135.43+/- feet of relief from the minimum frontage requirement.

An additional variance for Lot A is required to be granted by the Board for noncompliance with the off-street parking requirements as set forth in Article IV, Table 4.4, which requires 2 parking spaces per dwelling unit. The Lot A Project proposes 2 dwelling units and therefore requires 4 parking spaces where none are provided on Lot A. Accordingly, Lot A will require a variance of 4 parking spaces despite the location of the 4 parking spaces in close proximity to the Existing Building.

III. Reasons for Approval of Special Permits.

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

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

The Project will dramatically modernize, enhance and improve the Property, and will improve the safety, efficiency and aesthetic appeal of the site, landscaping and parking areas. The Project will provide much-needed and in demand housing and support the City's critical housing stock, which will promote the economic vitality of the neighborhood and the City. The Project will not be detrimental to adjoining premises, but, rather, will complement the existing

⁴ The new lot line results in portions of the parking spaces intended to serve Lot A being partially located on both lots. Note 2.a of Table 4.4 provides that required parking shall be provided on the same lot with the main use it is to serve. The Applicant is applying for a special permit to allow for the 4 parking spaces serving Lot A to be located as shown on the plan.

⁵ The Board is the permit granting authority for issuance of variances pursuant to Article II, Section 6.A.3 of the Zoning Ordinance.

⁶ Lot A will contain 13,623 square feet (where 8,000 square feet is required) and 70 feet of frontage (where 70 feet is required).

mix of single and multifamily properties in the area better than the former funeral home, and bring an historic property back into productive residential use.

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 natural resources as well as the architectural, scenic and aesthetic qualities of the community and protects against the uses of land which are incompatible with nearby uses, undue intensity of noise and danger and congestion in travel and transportation.

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

The proposed parking area will serve the occupants of both the Existing Building and the New Buildings, and will provide a safe, adequate and efficient layout and design for vehicular and pedestrian traffic both within the site and at all access points. The proposed parking spaces and setbacks, drive aisles, curb cuts and building entrances will not cause any nuisance or hazard to vehicles or pedestrians within or off the Property or line of sight hazards along streets. The proposed drive aisles will provide sufficient widths and turning radii necessary to provide for safe and efficient travel for passenger vehicles and delivery trucks. Emergency vehicles that need access to the buildings can continue to park on Butler Street. Safe, convenient and efficient pedestrian access to the New Buildings and the Existing Building will be provided along new and existing accessible walkways and sidewalks.

Based on the limited number of vehicles to be used by the occupants of the New Buildings and the Existing Building, the Applicant does not anticipate that the Project will result in a substantial increase in trip generation levels to and from the Property. According to the 11th edition of the ITE trip generation manual, the anticipated impact for 11 multifamily, low-rise units is 74 trips per day.⁷ These are minimal increases over existing background traffic and ignore the infrequent but significant traffic generation of the previous, funeral home use. Accordingly, the proposed use will not cause a serious hazard to vehicular or pedestrian traffic on or off the Property. Traffic generated, and patterns of access and egress will not cause congestion, hazard or a substantial change to the neighborhood character.

The proposed parking areas will provide a safe and efficient means of access to and from the Existing Building and the New Buildings, and will be in close proximity of the entrances of such buildings. The proposed parking layout is compatible with the proposed use of the Existing Building and the New Buildings. Article IV, Section 7.A of the Zoning Ordinance provides minimum parking requirements based on use, including 2 parking spaces per dwelling unit. The

⁷11 x 0.40 = 4.4 trips in the morning peak hour or a car every 13 minutes. And 11 x 0.51 = 5.6 trips in the evening peak hour or a car every 11 minutes.

New Buildings will contain a total of 9 units, and, therefore, require a minimum of 18 parking spaces. The Lot B Project proposes 22 parking spaces in compliance with minimum parking requirements. The Existing Building will contain a total of 2 units, and, therefore, requires a minimum of 4 parking spaces. Although no parking spaces will be located on Lot A, there will be 4 parking spaces located on Lot B that will serve, and be in close proximity to, the Existing Building.

The proposed parking will adequately serve the Property and all occupants of both the Existing Building and the New Buildings. The Applicant is proposing to eliminate the existing commercial parking lot and accommodate a total of 22 new parking spaces at the Property to be used for residents of both the Existing Building and the New Buildings. In addition, and to the extent necessary, there is also ample on-street parking in the neighborhood. Residents may also utilize alternate means of transportation, including, but not limited to, buses, bicycles and ride sharing (e.g., Uber, Zipcar, Via van service). There is a main bus line that frequently runs along Blackstone River Road with stops in close proximity of the Property. The Project includes covered outdoor bike rack areas. Based on the compliant off-street parking, the availability of on-street parking and alternate means of transportation, the proposed parking will adequately serve the Property and all occupants of both the Existing Building and the New Buildings.

3. Adequacy of utilities and other public services.

The Applicant will be installing adequate utilities for the Project improvements with respect to sewerage, water, gas, electricity and other utilities. The development does not anticipate any adverse effect on current drainage patterns.

4. Neighborhood character and social structure; buildings, noise, glare, lighting and signs

The Project is functionally and aesthetically compatible with the surrounding residential properties in the neighborhood, which include a mix of multifamily and single-family dwellings. The Property contains underutilized space where the Lot B Project is proposed. The footprint of the Existing Building will not be expanded or altered in any way (with the exception of the removal the porte-cochère), and the proposed Project and improvements to the site will have no greater impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood. The proposed Project will improve the aesthetic appeal, design quality and economic vitality of the neighborhood. Based on the foregoing, the Project and improvements to the Property in connection therewith will fit into the present character of the neighborhood, and granting this relief will promote an appropriate use of the site.

The kind, size, height and nature of the Lot B Project and the proposed site improvements for the Property are consistent with buildings in other neighborhoods within the City that have been developed for townhouse use. The Project will provide architecturally appealing features and massing, including decorative windows, doors and roof lines and changes in tones and textures of exterior walls that are visible from Butler Street. The Existing Building is a prominent, historic building that will remain and be preserved in its current location. The Project will comply with yard setbacks, height and floor to area ratio requirements, and, except as otherwise provided herein, will comply with all other dimensional and parking requirements set forth in the Zoning Ordinance.

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

The proposed outdoor lighting will be adequate for safe and secure access to and from the New Buildings and the Existing Building and an enhancement over the previous lighting at the site. The proposed lighting will be arranged and have directional shields so as to minimize light from shining onto abutting properties and streets and will not have a deleterious effect on neighboring properties. Any wall, pylon and directional signage will be provided in compliance with the Zoning Ordinance.

5. Impacts on the natural environment.

There are minimal natural terrain features at the Property, and the Project will minimize, to the extent practicable, changes to the natural terrain as a result of the Project. The Property is outside of the Floodplain and Water Resources Protection Overlay Districts and ecologically sensitive areas, and there are no wetland resource areas on the Property. There will not be any negative impacts on the groundwater.

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

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

IV. Reasons for Approval of Variances.

The Board should grant the requested variances for the reasons set forth below.

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 rear yard setback, minimum lot area, off-street parking and frontage requirements of the Zoning Ordinance were to be enforced. Compliance with the setbacks, minimum lot area, off-street parking and frontage would require the Applicant to either (1) acquire title to a portion of land from one or more neighbors, or (2) the Applicant would be forced to reduce the Lot B Project to only 3 dwelling units in order to comply with the minimum frontage requirement, either of which would render the Lot B Project, and the Project overall, financially infeasible.

Denial of the requested variances would result in the Applicant being unable to subdivide the Property lot, thereby depriving the Applicant of the beneficial use of the unused portion of the Property, which area is primarily impervious surface and provides a significant developable area.

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 shape and size of the lot that especially affect the Property, but do not affect generally properties in the RL-7 zoning district. Unlike many other neighboring properties, the Property lot generally exceeds the minimum lot area requirement for most uses in the RL-7 district, yet is unusually narrow given its size. The site is constrained by the historic Existing Building, which the Applicant agreed to not demolish, and, instead, renovate the interior. Many of the nearby lots along Butler Street and the surrounding area are smaller and more rectangular in shape and/or have frontage lengths that are shorter than the Property lot and not in compliance with minimum lot and frontage requirements.

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 variances may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Ordinance. Granting this relief will promote the highest and best use of the Property, which was originally

residential use and more compatible with the residential neighborhood as compared to the former funeral home. The Project will provide much needed housing and will promote economic vitality by creating construction-related jobs and generating new tax revenues and fees for 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 natural resources as well as the architectural, scenic and aesthetic qualities of the neighborhood 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 from the rear yard setback, minimum lot area, off-street parking and frontage requirement as requested herein are no greater than the minimum necessary to provide relief from the statutory hardship.