



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

SPECIAL PERMIT AMENDMENT & VARIANCE EXTENSION OF TIME – FINDINGS OF FACT AND DECISION

**44 Grafton Street & 102 Temple Street (MBL 004-016-11+16 & -00015)
(ZB-2023-080)**

RECEIVED
Sep 03 2024
Amy Beth Lythe Administrative Assistant Planning & Regulatory Services Division

The Zoning Board of Appeals scheduled a hybrid public hearing on October 16, 2023, at 5:30 PM in the Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the petition of 102 Temple Street, LLC, seeking a Special Permit Amendment & Variance Extension of Time for property located at 44 Grafton Street & 102 Temple Street, Worcester, Massachusetts.

Due notice of the public hearing to be held on October 16, 2023, was sent to the individuals listed on the City of Worcester Certified Abutter's list for the subject property.

On September 29 & October 6, 2023, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On October 16, 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, Levi Lincoln Chamber were Russell Karlstad, George Cortes, Nathan Sabo, and Shannon Campaniello. Board members Jordan Berg Powers, Anthony Dell'Aera, and Eric Torkornoo participated remotely. Remote participation was facilitated for attendees via phone at call-in number, 844-621-3956 (Access Code: 2630 362 4924) and via WebEx link (<https://cityofworcester.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. Jaffee Realty, whose address is 1 Mercantile Street, Suite 540, Worcester MA 01608, is the owner of certain land situated at 44 Grafton and 102 Temple Street in the City of Worcester, Massachusetts, and is more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 22692; 61921, Page 199; 232.
2. Said land is located in a zoning district classified under the City of Worcester Zoning Ordinance as a BG-3.0 (Business, General) zoning district and within the CCOD-C (Commercial Corridors Overlay - Canal District Subarea), USOD (Union Station View Corridor Sign Overlay District) and DSOD (Downtown/Blackstone Canal Sign Overlay District) overlay districts)
3. Presently on the premises is a ±6,672 SF vacant commercial building (former Fairway Beef) and associated site improvements including 17 surface parking spaces.
4. 102 Temple Street, LLC, whose address is 20 Franklin Street, Suite 402, Worcester, MA 01608, is the petitioner with written authorization from the owner.
5. The petitioner was previously approved by the Zoning Board of Appeals, with final action on October 6, 2022, to demolish the existing site improvements and construct a ±90,000SF, ±9-story mixed use structure with ±105 dwelling units, ±1,000SF ground

Deed: Book 22692, Page 199 and Book 61921, Page 232

floor commercial space and associated garage parking (±72 spaces). Said approval is recorded in the Worcester District Registry of Deeds Book 68602, Page 168.

6. The petitioner now seeks a Special Permit Amendment to extend the approval for a period of one year, and a Variance Extension of Time for a period of six months, due to financing and construction delays, for the following previously approved relief:

Variance: For relief of 53 spaces from the 125 space minimum off-street parking requirements in an BG-3.0 Zone (Article IX, Section 7, Table 9.1)

Amendment to 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)

Findings of Fact – Special Permit:

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 Project will dramatically improve the aesthetic appeal, design and quality of the Property, which is currently vacant and underutilized, but will be highly visible to the public on the ground level and serve as a prominent gateway building as commuters traverse along the elevated stretch of 1-290. The Project will improve the economic vitality of the neighborhood and surrounding areas by increasing the number of residents in the area who will patronize local businesses and economic centers in and around the neighborhood. The Project will create new construction jobs, sustain post construction jobs, and will generate additional tax revenues and fees for the City.

As discussed below, the proposed parking will adequately serve the occupants of the New Building, and will not have a material negative impact on the neighborhood with respect to parking. The proposed parking plan provides adequate ingress and egress to the parking within the New Building by means of a clearly defined driveway and garage door, and such access to the building for vehicular parking will be limited to one specific location along Grafton Street so as to provide the most safe, effective and efficient flow to and from the Property. The proposed improvements related to parking, loading, walkways, sidewalks, landscaping and common space areas are arranged for safe and convenient access for motorists and/or pedestrians. Proposed new lighting will be modern in design, and will not have a deleterious effect on or cause a nuisance to neighboring properties or abutting streets.

The Project is in conformance with the purposes and intent of the Zoning Ordinance and the CCOD, as it will provide much-needed and in-demand housing to support the City's critical housing stock, which will promote the economic vitality of the neighborhood and the City. The Project is a development of a compatible land use that provides urban densities, is a redevelopment of a corner lot infill site that is highly underutilized, offers a design that provides an aesthetically pleasing environment for pedestrians that is accessible, compact, safe and inviting. The Project promotes compact, environmentally-responsible (e.g., rooftop solar, all electric building systems, EV charging stations, bicycle storage, privately-managed ride sharing space for residents, proposed easy access drop-off and other eco-friendly features), pedestrian friendly mixed-use development, eliminates the amount of land devoted to surface parking and utilizes parking areas more efficiently by virtue of a state-of-the-art semi-automated stacker parking system. Moreover, the Project will encourage the most appropriate use of the land in a manner that promotes the creation and preservation of housing of such type and size suitable for meeting the current and future needs of the City, 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.

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

The proposed structured parking within the New Building will provide a safe, adequate and efficient layout and design for vehicular and pedestrian traffic. The building design was developed such that the resident parking will be in close proximity of the lobby entrances of the building. The proposed parking and loading areas, 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. As discussed in the next section, a three-level semi-automated puzzle stacker parking system is proposed within the New Building. The proposed drive aisles within the parking area will provide sufficient widths and turning radii necessary to provide for safe and efficient travel for passenger vehicles. The ground level security garage door leading to the parking area within the New Building will be opened by proximity entry access RFID tag when a vehicle is within approximately 20 feet of the garage door. The garage door will be setback from the street in order to allow vehicles to safely and conveniently enter the New Building with minimal impact to Grafton Street. Emergency vehicles can access to the buildings from both Temple Street and Grafton Street. Safe, convenient and efficient pedestrian access to the New Building will be provided along new and existing accessible walkways and sidewalks. Loading for the New Building will occur in the off-street loading area on the westerly side of the Property at the Temple Street curb cut, and allow delivery and garbage trucks to safely enter the site by backing into the loading space. The proposed loading area will be in close proximity to the building and a safe distance from electric utility equipment and pedestrian walkways. In addition, and to the extent approved by the City, AKROS is considering the designation of one of the existing on-street spaces on the south side of Temple Street for potential time-restricted public parking (15-minute) for additional loading, delivery, parking, pick-up and drop-off operations. Availability of this additional space would further help reduce impacts to through traffic flow on Temple Street.

Proximity of the Property to public transit opportunities and a strong network of sidewalk and bicycle accommodations are expected to promote less reliance on automobiles as compared to other similar residential developments in less transit-friendly locations. AKROS is also considering dedicating a parking space within the garage for the implementation of a privately managed shared car service to provide residents with access to a vehicle and reduce the need for residents to have to maintain their own vehicle on the Property. Traffic generated and patterns of access and egress will not cause congestion, hazard or a substantial change to the neighborhood character, and the Project will not result in a substantial increase in trip generation levels to and from the Property. Traffic-volume increases on Grafton Street are expected to be in the range of 28 to 39 additional vehicles during peak hours. Peak hour traffic capacity analysis indicates that the estimated site generated traffic represents a very small percentage of the existing future traffic volumes in the area, and therefore, the development would have negligible impact of area traffic operations. See the separate traffic impact evaluation prepared by VHS.

b. Parking and Stacker System; Loading.

Table 9. 1 of Article IX of the Zoning Ordinance provides minimum parking requirements for properties in the CCOD-C based on use. Based on the proposed 105 residential units and the commercial use, which will likely be a cafe, restaurant or retail use, the minimum parking requirement for the Project is 118 to 125 parking spaces. A total of 72 parking spaces will be provided for the Project, all within the New Building. The parking space to unit ratio is 0. 68, which parking ratio is higher than the parking ratios of other similar high-rise multifamily projects that have been approved in the City.

The proposed parking will adequately serve the occupants of the New Building, and will not have a material negative impact on the neighborhood with respect to on or off street parking. A limited number of vehicles are anticipated to be utilized at the Property in this denser urban environment, with the majority of units to consist of smaller households, i.e., studios and 1-bedroom. There is ample third party off street parking garages and lots in the area for both residential and commercial parking. The neighborhood is transit-oriented nature (i.e., Union Station within 500' feet, two WRTA bus stations within a block) and facilities at the Property will accommodate alternate means of transportation (e.g., bicycle storage, privately managed ride sharing space for residents, proposed easy access drop-off for Uber, Lyft, Via van service, etc.). There exist amenities in close proximity to the Property and there is a nearby downtown employer hub. As discussed above, AKROS is also considering dedicating a parking space within the garage for the implementation of a privately-managed shared car service to provide residents with access to a vehicle and reduce the need for residents to have to maintain their own vehicle on the Property.

Based on information from the Institute of Transportation Engineers (ITE) Parking Generation manual, mid-rise multifamily use (Land Use Code 221, "dense multi-use urban, less than ½ mile from rail transit" category for 128 bedrooms) indicates an estimated parking demand of approximately 64 spaces on weekdays. The proposed parking will be sufficient for the proposed use and self-contained on the site, and the multifamily use will have sufficiently different peaking characteristics as compared to the commercial mix of other uses in the neighborhood.

A main objective of the CCOD is to reduce the amount of land devoted to parking and utilize parking areas more efficiently. The proposed parking areas and stacker parking system are designed to limit the overall surface area so as to maintain an urban look and feel by not overwhelming the site with surface parking. Such parking efficiency will be achieved by implementing a state-of-the-art semi-automated stacker parking system.

The stacker parking system will provide independent access by the user and mechanical maneuverability of vehicles, which will eliminate any need for valets or attendants. Users will be able to command the system via an LED module screen at a kiosk on the system and retrieve their own vehicle on any number of levels. The system will traverse one space left or right, then lift and lower. The quick maneuverability and ease of access will provide fast cycle times and a more efficient method to retrieve vehicles.

There will be fail and fail safe mechanisms in place, such as gravity locks, cable guards, sensors that will not allow the upper level vehicle to lower on the car below, overrun systems that will cease operation should the vehicle be too large, infrared that can detect movement and as security measures that will not allow the system to operate should a vehicle be misaligned or simply does not fit. As additional protective measures, gates will be installed across each module bay entry that will lift vertically when a vehicle or pallet is summoned. The system is chain/cable and motor driven which provides a higher level of efficiency and durability, faster retrieval times and easy maintenance as compared to other systems.

In order to retrieve a vehicle, the user commands the module from the LED screen on the module. This method activates the system to efficiently lift, lower and traverse, bringing vehicles to the ground level where a user can access their own vehicle. The system will be managed and monitored 24/7 by trained on-site property management personal. The system will also be remotely monitored by the vendor, which will allow real time monitoring and detection of any impacts to efficiency and allow the vendor to remediate swiftly and accordingly well before a component failure. As noted above, the loading area will allow delivery and garbage trucks to safely enter the site by backing into the loading space from Temple Street, and AKROS is considering the designation of one of the existing on-street

spaces on the south side of Temple Street for potential time-restricted public parking (15-minute) for additional loading, delivery, parking, pick-up and drop-off operations.

c. Adequacy of utilities and other public services:

The development does not anticipate any adverse effect on drainage patterns. The best management practices for stormwater are incorporated in the design of the Project, and will be adequate to manage stormwater runoff generated by the Project and to satisfy the requirements of the Zoning Ordinance, the Worcester Department of Public Works and Massachusetts Stormwater standards. Stormwater runoff collected on-site will be discharged to the City's existing drainage system in Temple Street via underground connections. New water and sewer connections, gas and electric service facilities and infrastructure will need to be provided for the New Building and the Project; provided, however, such utility lines and infrastructure currently exist within Temple Street and are readily available to be connected to any new utilities that are necessary for the Project. The proposed utilities to serve the Project are not intended to come from Grafton Street

d. Neighborhood character and social structure:

The Project will dramatically enhance and improve the surrounding context and will improve the safety and aesthetic appeal of the site. The Project is functionally and aesthetically compatible with the surrounding commercial and residential properties in the neighborhood, which include a mix of multifamily, restaurants, retail, cannabis, personal service, automotive service, office and industrial uses. The Property contains underutilized space, and the proposed New Building and improvements to the site will have no greater impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood. The proposed New Building will improve the aesthetic appeal, design quality and economic vitality of the neighborhood. Based on the foregoing, the New Building and improvements to the Property in connection therewith will fit into the present character of the neighborhood, and granting this relief will promote an appropriate use of the site.

The kind, size, height and nature of the New Building and the proposed site improvements for the Property are consistent with buildings in other neighborhoods within the City that have been developed for high rise multifamily use. The building facade references some of the nearby existing architecture, such as the Osgood Bradley Building, incorporating a contemporary approach to a framed/gridded overlay on a dynamic but efficient massing. The design will feature large windows and many of the apartments will be provided with balconies. Variations in exterior wall material depth and detailing will provide a rich texture and variation to the building facade, bringing in natural wood tones at the entries and balconies. The New Building will provide other architecturally appealing features and massing, changing facade height and angle to respond to the immediate context, with the taller portion of the building towards 1-290 and the lower portion on Temple Street. The plaza area along Temple Street will help activate pedestrian foot traffic surrounding streets. The New Building will comply with yard setbacks and floor to area ratio requirements, and, except as otherwise provided herein, will comply with all other dimensional and parking requirements and the CCOD design requirements as set forth in the Zoning Ordinance.

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

The proposed outdoor lighting, which includes building mounted lighting solutions on facades or within canopies, will be adequate for safe and secure access to and from the New Building, walkways, sidewalks and the loading area. 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.

AKROS's wall, pylon and directional signage will be provided in compliance with the Zoning Ordinance.

e. 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 Project 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. The Project will accommodate, and encourage the use of, environmentally responsible facilities and amenities (e.g., rooftop solar, EV charging stations, bicycle storage, ride sharing and other eco-friendly features).

f. 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

Findings of Fact – Variance:

Per Article II, Section 6 (A)(3), the ZBA, as Permit Granting Authority, may grant upon appeal or petition with respect to particular land or structures, a variance from the dimensional terms of the Zoning Ordinance. The ZBA may grant a variance only when all statutory requirements are met, including the following findings:

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

AKROS would suffer substantial hardship if literal enforcement of the minimum parking requirement of the Zoning Ordinance was to be enforced. Unlike other lots in the zoning district that are larger and more rectangular in shape, the Property is a unique pork chop-shaped corner lot that limits the building footprint and areas in which necessary parking can be located.

AKROS is proposing a parking solution that provides sufficient on-site parking while minimizing the volume devoted to this use, and allows for more housing to be built. The proposed number of units for the New Building is critical to make the Project financially viable for AKROS and to obtain financing. A significant number of units would have to be removed from the Project in order to comply with the minimum parking requirement for the New Building, and any additional on-site parking would not be necessary given the transit oriented nature of the neighborhood, thus resulting in unnecessary costs incurred and resources consumed for additional parking that would not benefit the Project, the neighborhood or the community.

Alternatively, in order to comply with the required parking, AKROS would have to enlarge the building and parking area to allow for more internal parking while remaining in compliance with the height requirement, including a cost prohibitive subterranean garage, inefficient and costly above-grade structured parking levels where housing is currently programmed and/or acquire rights to an entirely new adjoining property in which to construct surface lot parking.

There are no such alternative sites available in close proximity to the Property, and, even if a reasonable alternative site became available, it would be cost prohibitive to perform due diligence on, acquire rights to and design and construct facilities at such an alternative site. It would be an extreme hardship for AKROS to have to go through a very time-consuming permitting process for an additional, adjoining location, and deploying resources in that fashion to meet the required parking would result in an economically invariable project.

- b. 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 that especially affect the Property lot and structures, but do not affect generally properties in the BG-3.0 zoning district and CCOD-C. Unlike other neighboring properties in the district that are more rectangular in shape, the Property is constrained by the pork chop-shaped corner lot that abuts two streets, all of which limit the areas in which parking, structures, loading, buffers and other site improvements can be developed.

- c. 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 New Building and other Project improvements will be in the CCOD-C, which encourages mixed use developments, and will be compatible and in harmony with the neighborhood's character and abutting properties as described above. The Project will modernize and dramatically improve the aesthetic appeal, design and quality of the Property, and will be highly visible to the public both on the ground level and from 1-290. The Project will promote economic vitality to 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 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.

Moreover, the relief being requested is an amount that aligns with AKROS' evaluation of market demand for parking for a project of this nature. The neighborhood and the New Building are transit-oriented, with multiple nearby alternative means of transit and is a walkable location given its proximity to downtown Worcester and multiple neighborhoods.

The requested relief would not be detrimental to the public good, but rather, allow for more sustainable housing production, with future residents patronizing local businesses and economic centers.

- d. 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 variance for parking for the New Building as requested herein is no greater than the minimum necessary to provide relief from the statutory hardship, and in order to accommodate the number of units to make the Project financially viable. The on-site parking being provided is in line with the amount needed for a project of this nature and to sufficiently serve residents in an economically viable project, taking into consideration the urban, infill characteristics of the site and the proximity to transit options.

DECISION

At a meeting of the Board on October 16, 2023, and on motion duly made and seconded, it was voted 5-0 by Board members Russell Karlstad, Jordan Berg-Powers, George Cortes, Eric Torkornoo, and Anthony Dell'Aera to approve an amendment to the following Special Permit for a one-year extension of time, with a new expiration date of October 6, 2024, and a six-month extension of time for the following Variance, with a new expiration date of April 6, 2024:

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)

Variance: For relief of 53 spaces from the 125 space minimum off-street parking requirements in an BG-3.0 Zone (Article IX, Section 7, Table 9.1)

Affirming all waivers and retaining all conditions of approval from the original decision which follow:

Prior to & During Construction:

1. Prior to the issuance of a Building Permit provide one (1) to-scale, stamped/sealed original final revised site plan-set and architectural plans, and a PDF file of the same, to the Division of Planning & Regulatory Services showing the following changes:
 - a. The turn-around area within the parking garage shall be striped to indicate no-parking in order to facilitate only temporary use and maintain its convenience as a turn-around and queue area.
 - b. Reflect a rear-yard setback of 10 feet and the front-yard being Grafton Street, with a 0' setback.
2. The applicant shall complete a pre- (prior to commencement) and post- (upon completion of) construction inspection of all properties directly abutting the subject property lines to ensure construction period impacts do not detrimentally effect abutting property.
3. The applicant shall coordinate their proposed streetscape improvements with the Departments of Transportation & Mobility and Public Works & Parks.

Perpetual:

4. The owner shall use a travel demand management (TDM) program consistent with the program described in the materials provided. If requested, the owner shall provide a brief summary of annual TDM activities to the city.
5. The parking stacker shall be continuously monitored remotely to ensure the system, and its 68 spaces, are fully functional. System updates and repairs shall be conducted with advance notice to users, coordinated in a manner to have the least impact on users to the maximum extent practical, in and expeditious manner and include the use electronic notifications and temporary signage to inform all users expeditiously.
6. Provided that the project is constructed in substantial accordance with the findings of fact and all final revised definitive site plan plans and operation and maintenance plans on file

The Extension of Time for the Special Permits and Variances 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 Variances must commence no later than one year from the grant hereof. If the requested Variances 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



RUSSELL KARLSTAD

DATE 10/9/2023

JORDAN BERG POWERS

DATE _____



GEORGE CORTES

DATE 10/9/23

NATHAN SABO

DATE _____

ERIC TORKORNOO

DATE _____

REMINDERS

Time Limitations: Per Article II, Section 9.D.5. of the City of Worcester Zoning Ordinance If the rights authorized by a Variance are not exercised within one (1) year of the date of grant of such Variance they shall lapse. Per Article II, Section 9, D. 7. 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

January 29, 2024

I certify that twenty days have elapsed after the attached Decision for **44 Grafton Street & 102 Temple Street** has been filed with the City Clerk Department as of **November 8, 2023** and that no appeal has been filed.



Stephen AJ Pottle
Deputy City Clerk I

ATTEST: WORC Kathryn A. Toomey, Register