

City of Worcester, MA

**October 15, 2024**

I certify that twenty days have elapsed after the attached Decision for **7 Oak Street** has been filed with the City Clerk Department as of **August 7, 2018** and that no appeal has been filed.



Stephen A.J. Pottle  
Deputy City Clerk I

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

Vadim Michajlow,  
Chair



Joseph Wanat, Vice-Chair  
Andrew Freilich  
Robert Haddon, Alternate Member  
Russell Karlstad, Alternate Member

**SPECIAL PERMIT- FINDINGS OF FACT AND DECISION**

**7 Oak Street (MBL 03-034-00016)**

The Board of Appeals viewed the property located at 7 Oak Street, Worcester, Massachusetts and thereafter held a hearing on July 16, 2018 at 5:30 P.M. in the Worcester City Hall, Levi Lincoln Room, 455 Main Street, on the appeal of SCIREH Four LLC, petitioner.

It was ordered by the Board that notices of a public hearing, to be held on July 16, 2018, be sent to the individuals listed on the City of Worcester Certified Abutter's list for the property.

On July 2, 2018 and July 9, 2018, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On July 16, 2018, the hearing was called to order by Vadim Michajlow, Chair. Present for the hearing were Vadim Michajlow, Joseph Wanat, Andrew Freilich, Robert Haddon, and Russell Karlstad.

**FINDINGS**

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

1. SCIREH Four LLC, whose address is 146 Main Street, Suite 301, Worcester, Massachusetts, is the optionee and petitioner of certain land situated at 7 Oak Street in the City of Worcester and more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 57297, Page 67. Hampton Properties LLC is the owner of said parcel with an address at 5 Claremont Street, Worcester, Massachusetts.
2. Said land is situated in a district classified under the City of Worcester Zoning Ordinance as BO-1.0 (Business, Office) zone.
3. Presently located on the premises is the 3-storey, 7,330 SF William Inman House that was former known as Hope Lodge and was used a group residence that was operated by the American Cancer Society for cancer patients and their long-term visitors.
4. Petitioner seeks to convert the premises into a 12-bed lodging house consisting of 11 private bedrooms and 1 in-law studio apartment with private bathroom and kitchenette.
5. Petitioner seeks:

**Special Permit:** To allow a lodging house in a BO-1.0 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

**City of Worcester Zoning Board of Appeals**  
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6. Such a use is permitted by the City of Worcester Zoning Ordinance under Article IV, Section 2, Table 4.1, Residential Use #8 by grant of a Special Permit and prohibited by the City of Worcester Zoning Ordinance under Article IV, Section 7, Table 4.4.
7. Lodging Houses are permitted by the granting of a Special Permit in the BO-1.0 zoning district.

**Special Permit – Findings of Fact:**

8. 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:

- (1) Social, economic or community needs that are served by the proposal:

*The special permit for lodging house use enables the Optionee to enter into a long-term lease agreement with Seven Hills Foundation to provide housing for employees being relocated from Puerto Rico to Worcester, Massachusetts. Seven Hills Foundation has a substantial workforce shortage in the Commonwealth; allowing a lodging house use enables the Foundation to relocate skilled workers from Puerto Rico, where there is a high unemployment rate, to Worcester, where there is a substantial need to fulfill the Organization's mission "to promote and encourage the empowerment of people with significant challenges so that each may pursue their highest possible degree of personal well-being and independence." In summary, the proposed use enables a social services organization to provide more job opportunities in the City and Region, which increases the effectiveness of the organization at accomplishing its mission.*

- (2) Traffic flow and safety, including access, parking and loading areas:

*The residents of the lodging house will be working professionals who are recent residents of the City. They will commute to-and-from 7 Oak Street during the workweek, which will introduce a favorable and predictable residential dynamic into the neighborhood, which has a mix of residents, students, and business uses. Most of the employees hired by Seven Hills Foundation who will live at Oak Street work at the same facility, and thus carpool to and from work. The ten existing parking spaces will provide ample parking for the full-time occupants of the property. Oak Street is one-way and has a low traffic volume, which mitigates risk of cross-traffic entry and exits from the parking lot. No commercial loading and unloading is expected.*

- (3) Adequacy of utilities and other public services:

*The property was operated as a group residence in its present configuration for the past 30 years with a similar occupancy. Thus, there is no expected material increase to the burden to utilities or other public services. Trash removal will be private, as well as snow removal, which includes 200' of public sidewalk.*

- (4) Neighborhood character and social structure:

*The mixed-nature of the neighborhood will accommodate the use without any appreciable changes to the character or social structure. There are other lodging houses, educational and private, in the vicinity. The project is a benefit to the neighborhood because it provides a suitable and enduring use for an historic building that contributes to the neighborhood aesthetics and curb appeal. This use is economically viable and will ensure that the building, sidewalks, parking areas, and landscaping are well-maintained into the future.*

(5) Impacts on the natural environment:

*The property was operated as a group residence in its present configuration for the past 30 years. Thus, there is no expected material impact to the natural environment. The successful operation of the building as a lodging house ensures that the manager can continue to maintain and improve the landscaping, without jeopardizing the 27% of the lot presently allocated to green space. No additional parking is necessary for the intended use, thus there will be no adverse effect on storm-water management systems, because there will be no additional conversion of green space to impermeable surface.*

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

*Granting the special permit to the Optionee, who is a for-profit, ensures that the property generates positive tax revenue for the City of Worcester. Even though the operator is a not-for-profit, the partnership between the operator and the optionee ensures that the not-for-profit's needs are met for quality employee housing, without limiting the City's tax-generating base through the non-profit's exempt status. The Operator expects to house 12 employees at the property, who are employed at area programs. The impact to city services will be insignificant because the prior use was effectively the same.*

## DECISION

At a meeting of the Board on July 16, 2018, and on motion duly made and seconded, it was voted 5-0 by Board members Vadim Michajlow, Joseph Wanat, Andrew Freilich, Robert Haddon, and Russell Karlstad to approve the requested relief:

**Special Permit:** To allow a lodging house in a BO-1.0 Zone (Article IV, Section 2, Table 4.1, Residential Use #8)

With the following conditions of approval:

1. That the lodging house shall be limited to a total of 12 beds/occupants.
2. The use is only valid for Seven Hills Foundation and the Special Permit use will lapse if there is a change in operator.
3. The operator's contact information shall be located in a visible and accessible location on the premises for the public.
4. All parking spaces shall be paved and striped.
5. That all proposed plantings shall be of non-Asian Longhorn Beetle susceptible species and shall not be known to be invasive species.
6. Snow storage shall not occupy any required parking spaces or landscape buffer.
7. That snow shall be trucked off-site once storage on-site impedes visibility and/or the use of the required on-site parking spaces.
8. Provided that the project is operated and utilized in substantial accordance with the proposal as described in the application, the final revised plans, and the findings of fact on file with the City of Worcester and in accordance with all applicable governmental codes.

The Special Permit 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 this Special Permit must commence no later than one year from the grant hereof. If the

requested Special Permit 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.

**ADJOURNED**

  
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VADIM MICHAJLOW

DATE 8/6/18

  
\_\_\_\_\_  
JOSEPH WANAT

DATE 8-6-18

\_\_\_\_\_  
ANDREW FREILICH

DATE \_\_\_\_\_

  
\_\_\_\_\_  
ROBERT HADDON

DATE 8/6/18

  
\_\_\_\_\_  
RUSSELL KARLSTAD

DATE 9-6-18

2018 AUG -7 AM 9:04  
Worcester City Clerk

**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. Per Article II, Section 9, D. 7., 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 (one year from date Variance is received by the City Clerk).

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 d 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.