

Lowell Zoning Board of Appeals Minutes

January 25, 2021 6:30 P.M.

Note: These minutes are not completed verbatim. For further detail, contact the Division of Development Services, 375 Merrimack Street, Lowell, MA or refer to video recordings available online at www.LTC.org.

Members Present: Member Pech, Member Callahan, Member McCarthy, Member Briere, Member Procope, Member Njoroge

Members Absent: Chairman Perrin

Others Present: Fran Cigliano, Senior Planner and Jess Wilson, Associate Planner

The following represents the actions taken by the Zoning Board of Appeals at the 1/25/2021 meeting. Due to the COVID-19 pandemic, this meeting occurred using the Zoom videoconferencing platform.

Vice Chairman Pech called the meeting to order at 6:35pm.

Continued Business

ZBA-2020-54

Petition Type: **Variance**

Applicant: **Joseph & Denise McCue**

Property Located at: **24 Westchester Street 01851**

Applicable Zoning Bylaws: **Section 5.1**

Petition: Joseph & Denise McCue have applied to the Zoning Board of Appeals to construct a second-story addition at 24 Westchester Street. The property is located in the Suburban Neighborhood Single-Family (SSF) zoning district and requires Variance relief under Section 5.1 for relief from the maximum FAR requirement and all other relief required under the Lowell Zoning Ordinance.

On Behalf:

Joseph McCue, Property Owner

Denise McCue, Property Owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

G. Procope said that he likes the idea. He likes the floor plan and said the recent submissions would only enhance the property, property value, and neighborhood.

R. Njoroge said that they were supposed to get a floor plan. FAR was nonconforming before, and based on that, he does not think adding another 200 sq. ft. would cause any issues. He does not see a problem with granting the variance relief.

S. Callahan said the site plan makes things a lot clearer. Based on the recent submission, he does not have a problem with it.

D. McCarthy said it is a lot easier to understand what you are trying to do now that he has the site plans and elevations. The first floor stays as is. The height doesn't really change. Not a substantial impact to the neighborhood. Will propose that we hold it there, at 0.43. Would like to see that as a condition.

M. Briere said that the added detail makes the picture much clearer. The addition mirrors the existing footprint. I will vote in favor.

V. Pech agreed with his colleagues. He appreciates the plans and additional information.

Motion:

D. McCarthy motioned and G. Procope seconded the motion to approve the variance under Section 5.1 with the following condition:

1. The FAR shall not exceed 0.43.

The motion passed unanimously, (5-0).

ZBA-2020-56

Petition Type: **Variances**

Applicant: **Nelson Group**

Property Located at: **610 Gorham Street 01852**

Applicable Zoning Bylaws: **Section 6.1**

Petition: Nelson Group has applied to the Zoning Board of Appeals to redevelop the existing building at 610 Gorham Street into a four-unit residential structure. The building currently has three residential units and one vacant commercial unit. The subject property is located in the Urban Neighborhood Mixed Use (UMU) zoning district and requires Site Plan Review approval per Section 11.4 to expand a residential structure with more than three dwelling units, Special Permit approval per Section 12.1(d) for the use, and a Variance per Section 6.1 for relief from the off-street parking requirement.

On Behalf:

John Bavuso, Nelson Group

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

R. Njoroge asked how many bedrooms each unit would have. J. Bavuso confirmed there would be two bedrooms per unit.

R. Njoroge asked whether they had been able to find other parking spaces nearby. J. Bavuso said they had not. They have four off-street spaces.

R. Njoroge said that there is a green space for snow storage, and an area for trash barrels. He would approve the project if there are at least four parking spaces. J. Bavuso said that there would be absolutely no less than four off street parking spaces.

G. Procope asked what area they are proposing to demolish. J. Bavuso clarified the portion of the building that would be demolished.

M. Briere discussed the parking arrangement with J. Bavuso. He drives by the building multiple times a day and would like to encourage beautifying the building. M. Briere said the benefits of repurposing this building outweigh the parking challenges.

D. McCarthy said that the City would be well-served to see the variance approved. The building in is sore need of some rehabbing by a capable group. He confirms the proposed location of the rain garden with J. Bavuso. J. Bavuso says that they plan to incorporate the rain garden in the 3 ft. buffer area.

D. McCarthy said the site plan does not adequately show grading. D. McCarthy would like the applicant to further develop the site plan to show the grading, rain garden and clarify the extent of the green space on the site.

J. Bavuso said they usually remove snow from the properties. They would remove the snow since the site is small.

D. McCarthy asked if there are plans for fencing along the northeast side. J. Bavuso said they would be glad to change it but need to discuss proposed changes with neighbors.

D. McCarthy clarifies that he would like the application to reflect variance relief granted for four spaces, not two. He discusses trash/recycling removal with J. Bavuso. D. McCarthy requested a 6 month administrative review to assess parking in the neighborhood and if needed, come up with an alternative solution.

S. Callahan agrees with his fellow Board members. He thinks the renovation would be great for the neighborhood. He understands the parking dilemma but thinks there may be sufficient on-street parking for the additional vehicles. S. Callahan discusses the office space in the floor plans. J. Bavuso said that he would keep an eye on the units but that the floor plans are still in flux. He would not market the units as 3 bedrooms.

V. Pech said this project would bring a lot of life back into the building. His only concern is parking. The benefits outweigh the need for parking. He agrees the 6-month administrative review is necessary. The Nelson Group is always very courteous and does business the right way in the city.

Motion:

D. McCarthy motioned and G. Procope seconded the motion to approve the Site Plan Review and Special Permit application with the following conditions:

1. The applicant shall submit an updated site plan showing: retaining walls adjacent to the proposed rain garden; fencing at the trash/recycling receptacle area; fencing at the east property line; showing limits of the proposed green space at the northeast corner of the property; and a three (3) foot pervious buffer at the building and property lines;
2. The application shall be revised to state that relief is being granted for four (4) off-street parking spaces, as opposed to two (2) as originally stated in the application; and
3. The applicant shall be subject to a six (6) month administrative review through DPD.

The motion passed unanimously, (5-0).

New Business

ZBA-2020-57

Petition Type: **Special Permit**

Applicant: **Margarita N. Zuluaga**

Property Located at: **117 Rogers Street 01852**

Applicable Zoning Bylaws: **Section 4.5.2**

***Petition:* Margarita N. Zuluaga has applied to the Zoning Board of Appeals to start a home occupation as a hair dresser at 117 Rogers Street. The property is in the Traditional Neighborhood Two Family (TTF) zoning district and requires a Special Permit under Section 4.3.4 and for any other relief required under the Lowell Zoning Ordinance.**

On Behalf:

John Geary, Applicant's Attorney

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

M. Briere said the project is straightforward and that he would support granting the special permit.

S. Callahan thanked J. Geary for a great presentation. S. Callahan asked whether the business would be appointment-only. J. Geary confirmed it would be and that she would generally see one customer at a time.

S. Callahan asked if there would be exterior signage. J. Geary said there would be no signage.

D. McCarthy said that this is a nice project he can easily support. He discussed available parking on-site. J. Geary said that there is ample on-street parking. D. McCarthy would like to see one of the off-street parking spaces reserved for customers. He is happy that the plans have incorporated accommodations for handicapped individuals.

G. Procope said that he can support the petition.

R. Njoroge said he has no problem granting relief for this petition.

V. Pech agreed with his colleagues.

Motion:

D. McCarthy motioned and M. Briere seconded the motion to grant the special permit with the following conditions:

1. The applicant shall provide one (1) off street parking space indicated by signage or striping.

The motion passed unanimously, (5-0).

Other Business

Discussion with Staff RE Materials Deadlines

F. Cigliano summarizes discussion from last meeting. V. Pech said it would only be fair for petitioners, Board, City, public to have materials in early. ZBA members could potentially continue it or say that they will not review those items.

D McCarthy said that he would want applicants to be notified on the Friday before the meeting that their application would be subject to a continuance. Public also does not have a chance to engage with material.

S. Callahan suggested that staff could suggest applicants request continuances if they do not anticipate having all items in before Thursday evening.

M. Briere said that applications could be thoroughly screened to avoid adding incomplete applications to the agenda.

F. Cigliano said that staff capacity has increased and that they would ensure that all applications are complete prior to adding them to the agenda.

R. Njoroge said that things would get better with more staff members.

V. Pech said at times they are missing items that are prerequisites. As long as they have the items on the checklist the Thursday before -- need to get in by that timeframe and available to the general public.

D. McCarthy mentioned that temporary signage for Crosspoint is still up. Asked to check back in about this. Also asked staff to check in with the Franco building - they have temporary signage on their fencing.

Minutes for Approval:

January 11, 2021

D. McCarthy motioned and S. Callahan seconded the motion to approve the minutes. The motion passed unanimously, (5-0).

Announcements

Adjournment

D. McCarthy motioned and G. Procope seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0).

New Business to Be Advertised by January 10, 2021 and January 17, 2021