

# Lowell Zoning Board of Appeals Minutes

**1/12/2026 at 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](http://www.LTC.org).

**Members Present:** Chairman Pech, Vice Chair Callahan, Member McCarthy, Member Briere, Member Procope, Member Hovey, Member Shanahan

**Members Absent:**

**Others Present:** Mary Brundage (Associate Planner)

*The following represents the actions taken by the Zoning Board of Appeals at the 1/12/2026 meeting. This meeting was held in the City Council chambers. Attendees had the ability to participate via Zoom as permitted by Chapter 2 of the Acts of 2025, signed into law on March 28, 2025.*

*Chairman Pech called the meeting to order at 6:35 PM*

## **I. Continued Business**

**ZBA-2025-41**

**Petition Type:** Special Permit; Variance

**Applicant:** Tuan Pham

**Property Located at:** 12 Wood Street, 01851

**Applicable Zoning Bylaws:** Article 12.4; Section 7.3.1

**Petition:** The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Tuan Pham to operate a microblading business with associated cosmetic work in the existing salon at 12 Wood Street. The subject property is located in the Regional Retail (RR) zoning district. The proposal requires Special Permit approval per Article 12.4 to operate a body art establishment, Variance relief per Section 7.3.1 for the distance from a school and an existing microblading facility, and for any other relief required under the Lowell Zoning Ordinance.

\*This item was taken out of order and heard later on the agenda\*

On Behalf:

Tuan Pham, applicant (via Zoom).

T. Pham explained that she had put sign up as required.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

D. McCarthy appreciated the applicant's patience in going through the approval process. S. Callahan mentioned that the application needs to be signed and that it can be a condition for approval.

Motion

D. McCarthy motioned to approve with the Special Permit with condition. Seconded by S. Callahan.

1. The applicant signs the application.

The vote was unanimous (5-0).

**ZBA-2025-50**

**Petition Type:** Special Permit

**Applicant:** 22 Olde Canal Drive, LLC

**Property Located at:** 22 Olde Canal Drive 01851

**Applicable Zoning Bylaws:** Section 12.3

**Petition:** The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by 22 Olde Canal Drive, LLC to operate an adult health care center at 22 Olde Canal Drive. The subject property is located in the Light Industrial (LI) zoning district. The proposal requires Special Permit approval per Article 12.3 for the proposed use, and for any other relief required under the Lowell Zoning Ordinance.

On Behalf:

None

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

V. Pech stated that the Board received communication that the applicant would like to withdraw their application.

Motion:

D. McCarthy motioned to withdraw without prejudice. Seconded by G. Procope. The vote was unanimous (5-0).

**II. New Business**

**ZBA-2025-53**

**Petition Type:** Variance

**Applicant:** Soklark Hong

**Property Located at:** 104 Mariposa Avenue 01851

**Applicable Zoning Bylaws:** Section 5.1

**Petition:** The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Soklark Hong to split the existing lot and construct a new single-family home at 104 Mariposa Avenue. The subject property is located in the Suburban Neighborhood Single Family (SSF) zoning district. The proposal requires a Variance per Section 5.1 for relief from the minimum lot size, minimum lot area per dwelling unit, and minimum frontage and any other relief required under the City of Lowell Zoning Ordinance.

On Behalf:

Catherine J. Flood, Esquire, Flood Law Office, P.C.

C. Flood explained the project. The subject property currently has an existing single-family home on 17,300 sq. feet of land. The applicant is proposing to split the lot into two lots (Lot 1 and Lot 2 on the site plan). Lot 1 will consist of 10,000 sq. feet and would comply with all zoning requirements. Lot 2 will consist of 7,330 sq. Feet with 73 feet of frontage and requires variance approval. The variance 3 bedrooms and 2. 5 bathrooms with a garage under. She mentioned that other lots in the neighborhood are similar in size. She stated that the project would benefit the city by providing more housing and increasing the tax base. She presented a petition showing support from 10 of 13 abutters.

Matthew Hamor, Landplex, LLC.

M. Hamor presented the technical details of the proposed project describing the parking, vegetation, curb cuts, and drainage. He mentioned the sewer and water connection details will be provided at the time of permitting.

Speaking in Opposition:

Alicia Payette, 84 Mariposa Ave.

A. Payette believes that the lot of similar size is misleading. She pointed out that certain lots were next vacant lots or the golf course. She felt that home proposed would be too large for the lot size. She stated that most of the homes on lots referenced were built before 1965, prior to the current zoning regulations in the early 2000's. Most of the homes are on contiguous lots. She believed that the hardship is self-created and that the variance should not be granted. She expressed concern over parking and property values.

Jason Delinsky, 107 Clarendon St.

J. Delinsky did not appreciate the petition going around in the neighborhood to sign in support of the project. He expressed concerns about the property values and the parking.

Janice Gomes, 111 Mariposa Ave.

J. Gomes did sign the petition but had concerns to the size of the home. She was also concerned with the stormwater and sewer.

Speaking in Favor:

None

Discussion:

C. Flood suggested to her client to talk with the neighbors to inform them of the project. She explained that with the driveway and a garage, that parking should be sufficient. The plan addresses the drainage.

G. Procope asked about the sewer connections. M. Harmon answered that the details would be finalized when they go for a building permit. He stated that the plan is conducive to the neighborhood and would be voting in favor.

M. Briere stated he has consistently voted for projects in similar size and scope and carefully assesses each project. He stated he is in favor of this project as it does not substantially denigrate from the neighborhood.

D. McCarthy stated he wanted to condition the five comments from the Engineering Department. He mentioned that the State has stricter standards now for runoff and that this project would be an improvement to the current condition. He was also agreed that the project does fit into the neighborhood and that the second story is allowed in that district.

S. Callahan stated he understood the abutter concerns. He noted that all the lots were originally designated for 5000 sq. ft. The deed describes the land as two separate parcels of approximately 5000 sq. Feet each. S. Callahan stated that he believes the application fits the criteria for hardship and that this would add to the housing stock.

T. Hovey stated the parking and size concerns were not in purview of the Board. He stated was in favor of the project.

D. Shanahan noted that the setbacks is similar to other lots in the area. He stated he was in favor.

V. Pech thanked the neighbors coming to speak and appreciated their comments. He agreed to that the application meets the criteria for the variance and that it would add value and housing stock to the City.

Motion:

D. McCarthy to approve the Variance with conditions; G. Procope seconded.

1. Clarify whether the proposed sewer connections to the sewer main will utilize existing wye or will require coring and saddling of the sewer main.
  - a. Add a note to the site plan indicating the proposed connection method.
  - b. Add the depth of the sewer and water services at their connection points in Mariposa Ave to the site plan.
2. The contractor shall mill and pave all the utility cuts in one continuous patch. Show the limits of the restoration on the site plan.
3. Contractor will need to apply for all city construction permits including street opening, trench, sewer, water and driveway.
4. Engineering office must be contacted for all site inspections. This includes drainage, paving, water and sewer services.
5. The applicant must provide as-builts with a Professional Engineers Stamp after the project is complete.

The vote was unanimous (5-0).

**ZBA-2025-54**

**Petition Type:** Variance

**Applicant:** Eduardo Pinotti

**Property Located at:** 75 Chapel Street 01852

**Applicable Zoning Bylaws:** Section 6.1.11 #5

**Petition:** The Lowell Planning Board and Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Eduardo Pinotti to convert the existing 4-unit residential building to a 6-unit residential building. The subject property is located in the Urban Neighborhood Multi-Family (UMF) zoning district. The proposal requires Site Plan Review approval from the Planning Board for the expansion of a residential development with more than 3 residential units. The proposal also requires Variance relief from the Zoning Board of Appeals under Section 6.1.11 #5 for having stacked parking spaces and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Carlos Ferreira, MP Design Consultants

C. Ferreira summarized the project. There is an existing 4 family building on the property, and the proposed project would add two additional units in the attic space. The Variance is needed to allow for stacked parking to meet the parking requirements.

Speaking in Opposition:

None

Speaking in Favor:

None

Discussion:

M. Briere asked if the work would be in the existing footprint. C. Ferreira confirmed that it would be. M. Briere mentioned that the Fire Department will be requiring a sprinkler system.

D. McCarthy agreed that the sprinkler system will need to be added. He requested a condition to work with DPD to add shade trees.

S. Callahan asked about the dimensions of the parking on the plan. C. Ferreira confirmed that the parking spaces are the standard size. S. Callahan asked if there was going to be any changes to staircases from the original plan based on the Planning Board's comments. C. Ferreira said there was no change planned for the staircases. S. Callahan mentioned that the signage would be needed for the one way into the parking lot and to designate each parking space and that he would like that as a condition. S. Callahan asked about snow storage. C. Ferreira stated that is being addressed.

T. Hovey would like the parking dimensions on the site plan and asked what the garages are being used for now. C. Ferreira answered that they are being used for parking.

D. Shanahan confirmed with C. Ferreira that they are currently 8 bays in the existing garage and the proposal will have stacked parking for 6 of them.

G. Procope shared same concerns about the parking dimensions not being on the site plan and requested that it be a condition on the revised plan. He stated that it already looks like there is stacked parking at that property.

V. Pech agreed with previous comments.

D. McCarthy pointed out that plan submitted 11/17/2025 calls about the parking dimensions and the one-way traffic flow and indicates the signage for the one-way. He added that the specific signage for each tenant parking space would need to be conditioned.

Motion:

D. McCarthy to approve the Variance with condition; S. Callahan seconded.

1. Add signage for one-way entry and do not enter for traffic flow.
2. Add signage to designate each parking space for the individual units and visitor parking.
3. Work with DPD to provide two shade trees

The vote was unanimous (5-0).

**ZBA-2025-55**

**Petition Type:** Variance

**Applicant:** Yoiner de la Cruz and Maria Vidal

**Property Located at:** 13 Whitney Avenue 01850

**Applicable Zoning Bylaws:** Section 5.1

**Petition:** The Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by Yoiner de la Cruz and Maria Vidal to split the existing lot at 13 Whitney Avenue into three (3) lots. Lot 1 will be the site of the existing 3-unit building. Lot 2 will be the site of a single-family home. Lot 3 will be the site of a 2-unit building. The subject property is located in the Traditional Two Family (TTF) zoning district. Lot 2 will require Variances under Section 5.1 for lot area, lot area per dwelling unit, usable open space per dwelling unit, and for any other relief under the Lowell Zoning Ordinance. Lot 3 will require Variances under Section 5.1 for lot area per dwelling unit, maximum stories, usable open space per dwelling unit, and for any other relief under the Lowell Zoning Ordinance.

On Behalf:

Ian Ainslie, PE, Meisner Brem Corp.

I. Ainslie presented the proposed project. Most of the project would be occurring on Bridge St. The proposal would subdivide the property into 3 lots. Lot 1 with existing 3-unit building does not require any variances. Lot 2 would consist of a single family with a two-car parking driveway. Lot 2 would require Variances for lot area of 3200 sq. feet where 6000 sq. feet are required; useable open space per dwelling unit of zero where 500 sq. Feet is required. Lot 3 would consist of a two-family building with a garage under. Lot 3 would require Variances for 3000 sq. Feet where 4000 sq. Feet is required; for 3 stories where 2.5 is the maximum allowed; and for useable open space per dwelling of 250 sq. Feet where 1000 sq. feet is required. He stated that the project is consistent with the neighborhood density and that the proposal is for one additional unit than what is allowed by right and that there was McPherson Park nearby that would offer open space. He stated that there would be some grading done on the property to flatten the lots.

Speaking in Opposition:

Ray Bellerose, 168 Eighteenth Street.

R. Bellerose stated he owned on 79 Whitney Ave. Which abuts 13 Whitney Ave. He spoke against the project. He stated that the area is already with multi-families and parking is already an issue especially

during softball games at the park. He encouraged the board to reject the project and let the applicant build the one two-family building that can meet the current zoning regulations.

Corey Robinson, 5 W. Tenth Street.

C. Robinson stated that he believes that the requested relief is self-inflicted. He expressed concerns about the groundwater table. He stated that the neighborhood has been doing its part in adding additional housing. He further stated that at what cost does the neighborhood have to bear for a project of this scale.

Jerry Nutter, 9 Whitney Ave.

J. Nutter stated that he has rented at this address for 16 years. He reiterated that building only the two-family would not require the Variances. He expressed the same concerns regarding parking, flooding and neighborhood density.

Connie Morton-Ewbank, 19 Whitney Ave.

C. Morton-Ewbank described a concern with the cars backing out of the spaces. She questioned the accuracy of the height of the retaining wall on the plan. She was concerned about the trees along the property line in particularly a weeping hemlock and that digging would disturb that tree. She also mentioned how with less open space how would stormwater be dealt with.

Ray Morton-Ewbank, 19 Whitney Ave.

C. Morton-Ewbank mentioned how the weeping hemlock on the property line is a prominent tree in the neighborhood and that the root system would be damaged with this project. He also mentioned safety concerns on an already busy road.

Speaking in Favor:

None

Discussion:

I. Ainslie stated that the developer would probably not oppose to having an arborist look at the tree. He addressed the parking and drainage concerns on the site plan.

D. McCarthy asked if the sign was on the site to notify the neighbors. I. Ainslie said that sign was posted. He asked if there will be a dewatering system installed. I. Ainslie responded that they would working with Stormwater to review. D. McCarthy stated in his opinion that there was too many Variances being asked. I. Ainslie stated because of the topography of the lot, it makes it cost prohibitive to build on without the Variances. D. McCarthy asked if they have looked at the traffic engineer's comments. I. Ainslie explained how they need to take down portions of the retaining wall for the driveways and ensure visibility. D. McCarthy said he cannot support the project as it is.

S. Callahan expressed he had grave concerns with the project as mentioned by the abutters.

T. Hovey agreed that this project does not meet criteria of hardship and the lot could be split into two lots.

D. Shanahan stated that this project was overly aggressive for this lot given its' characteristics.

G. Procopé agreed with the other Board members that there was too many Variances being requested for this project.

M. Briere also agreed that is overly aggressive project and cannot support it.

V. Pech thanked the neighbors for coming out. He concurred with the Board members that is too big of a project for the lot and asked for the applicant to seek out alternatives to scale down the project.

Motion

D. McCarthy motioned to continue to February 9, 2026, S. Callahan seconded.  
The vote was unanimous (5-0).

**Petition Type:** Variance

**Applicant:** New North Canal LLC

**Property Located at:** 463 & 281 Moody Street (New North Canal) 01854

**Applicable Zoning Bylaws:** Section 6.1

**Petition:** The Lowell Planning Board and Lowell Zoning Board of Appeals will hold a public hearing to hear all interested persons relative to an application by New North Canal LLC to redevelop two sites located at 463 Moody Street and 281 Moody Street from 116 units of affordable housing into 160 units of new construction affordable housing. The subject properties are located in the Urban Neighborhood Multi-Family (UMF) zoning district. The proposed development at 463 Moody Street will be a four-story building containing 100 senior-restricted affordable units. The proposed development at 281 Moody Street will be a five-story building consisting of 60 units of affordable housing. The proposal requires Site Plan Review approval from the Planning Board for the creation of a residential development with more than 3 residential units. The proposal also requires Variance relief from the Zoning Board of Appeals under Section 6.1 for minimum parking requirements, and for any other relief required of the Lowell Zoning Ordinance.

On Behalf:

Catherine J. Flood, Esquire, Flood Law Office, P.C.

Brendan Conley, Coalition for Better Acre (CBA)

Brian Geaudreau, Hancock Associates

Gabby Aitcheson, Icon Architecture

Terry Kinsler, Offshoots

C. Flood introduced the project. B. Conley, B. Geaudreau, G. Aitcheson, and T. Kinsler gave a PowerPoint presentation on the details of the project.

Speaking in Opposition:

None

Speaking in Favor:

Jaime Alcantaro, 166 Father Morrissette Blvd.

Via translator, J. Alcantaro stated he is the president of the North Canal Tenant Council and a member of the Board of Directors for CBA. He explained how the tenant council have met with the CBA over numerous occasions to discuss the project and solicit feedback from the tenants. On behalf of the tenants, he encouraged the Board to approve the application.

Discussion:

S. Callahan stated that he liked the design and think it's a great repurposing of the property. He asked how the senior housing work. B. Conley answered that there will be both an affordability and age restriction along with on-site support services.

T. Hovey appreciated the presentation and detail provided. He stated is in favor.

D. Shanahan stated that it looks like magnificent project and wished the applicant the best of luck.

G. Procope appreciated that the developers worked with community and is in favor of the project.

M. Briere stated how the project would bring back a piece of revitalization and dignity to the residents there.

D. McCarthy commented on how well the project was done. He asked that the four items from the Transportation Department be included as a condition for approval. He asked about the schedule for construction. B. Conley responded that the project would done one site at time with first one (Site 1) done in 18-24 months, overall will be about 5 years for all sites.

V. Pech stated that he is favor of the project.

#### Motion

D. McCarthy to approve the Variance with condition; M. Briere seconded.

1. Support of redesign and reconstruction of Father Morissette Boulevard at its intersections with Aiken Street and Cabot Street. The Transportation Engineer will work with the Applicant and their engineer to determine the appropriate mechanism to provide this support that is proportionate to the project.
2. Traffic control signage and pavement markings at the intersection of Moody Street at Austin Street
3. Traffic control signage and pavement markings at the intersection of Moody Street at Cabot Street
4. Traffic control signage and pavement markings at the intersection of Merrimack Street at Aiken Street

The vote was unanimous (5-0).

### **III. Other Business**

Appoint ZBA Member to Zoning Rewrite Steering Committee

D. McCarthy and S. Callahan indicated they were interested. This item will be tabled to the next meeting.

Minutes for Approval:  
12/8/2025

D. McCarthy motioned to approve; S. Callahan seconded. The vote was unanimous (5-0).

**Adjournment**

D. McCarthy to adjourned; S. Callahan seconded. The vote was unanimous (5-0). The time was 9:05 PM.