

# Lowell Zoning Board of Appeals Minutes

**February 24, 2020 6:30 P.M.**

**City Council Chambers, City Hall**

**City of Lowell, 375 Merrimack Street, Lowell, MA**

**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 Perrin, Member Pech, Member Callahan, Member Briere, Member McCarthy

**Members Absent:** None

**Others Present:** Francesca Cigliano, Assistant Planner

---

*The following represents the actions taken by the Zoning Board of Appeals at the 02/24/2020 meeting.*

*Chairman Perrin called the meeting to order at 6:30pm.*

## **I. Continued Business**

### **ZB-2020-50**

*Petition Type: Variances*

*Applicant: Joseph C. Clermont c/o Joanne Wicks*

*Re Property Located at: 755 School Street 01851*

*Applicable Zoning Bylaws: Section 5.1*

*Petition: The applicant is seeking Variance approval to construct a single-family home in a vacant lot at 755 School Street. The home is in the Urban Neighborhood Single-Family (USF) zoning district and requires Variance approval under Section 5.1 for a lot that does not meet the minimum frontage requirement and for any other relief required of the Lowell Zoning Ordinance.*

#### **Speaking on behalf:**

Joseph Clermont, Applicant's Attorney

**J. Clermont:** The applicant is requesting a variance for frontage and FAR. Vacant lot. Wishes to construct a new single family house. Meets all dimensional requirements except frontage. We submitted plans, it has a gross floor area of approximately 3,000 sq. ft. 0.97 FAR, requires a maximum of 0.75. We believe frontage and floor area ratio are consistent with the neighborhood. We submitted additional plans, showing driveway which is compliant with zoning. Maintain 3 foot setbacks from building and lot line. Meets usable open space requirements. Compliant deck, 96 sq. ft. It would fit criteria for variances.

#### **Speaking in favor:**

None

#### **Speaking in opposition:**

None

**Discussion:**

**V. Pech:** I think this site meets the criteria for relief. To me, frontage and FAR can be granted. Would make sense. Overall I am supporting this.

**S. Callahan:** I was looking at this and checking it out through GIS. There's a plot of land in the back, it's part of C Street. I can see you have a hardship because you are closer to dimensions for relief. The frontage relief is very minimal. I'm in agreement, I think this can be granted without detriment to neighborhood.

**M. Briere:** Questions with proposed driveway. They are satisfied. As a result, I support the petition.

**D. McCarthy:** Question about driveway. Looking at plan that was submitted. Is the parking space dimensionally compliant? Given new plans, looks good. I think the submission is very thorough and detailed. See this as well within guidelines for granting variances.

**G. Perrin:** I echo the sentiments of my fellow Board members. DPD is very helpful to the public.

**Motion:**

**S. Callahan** motioned and **M. Briere** seconded the motion to GRANT the Variances per Section 5.1. The motion passed unanimously, (5-0).

**ZB-2020-1**

*Petition Type:* **Variance and Special Permit**

*Applicant:* **Hector Rodriguez**

*Re Property Located at:* **15 Whipple Street 01852**

*Applicable Zoning Bylaws:* **Section 5.1; Section 6.1; Section 12.1(b)**

*Petition:* **Hector Rodriguez is seeking Variance and Special Permit approval to convert a vacant first-floor commercial space into a housing unit, thereby converting the property from a one-family home into a two-family home. The property is located in the Traditional Mixed-Use (TMU) zoning district. 15 Whipple Street requires Variance approval under Section 5.1 to encroach on the minimum lot size, minimum lot area per dwelling unit, minimum frontage, side setback, and rear setback. 15 Whipple Street also requires Variance approval under Section 6.1 for relief from off-street parking requirements, Special Permit approval under Section 12.1(b) for the proposed use of a two-family in the TMU zoning district, and for any other relief required under the Lowell Zoning Ordinance.**

**Speaking on behalf:**

Hector Rodriguez, the Applicant

**H. Rodriguez:** I was here about a month ago for a property at 15 Whipple Street. The reason for that is that property has been used for many uses. Units are totally independent from one another. There were three requests from the Board. Addressed all three. St Anthony's parking space does not have any available right now. When an open spot becomes available, they will call me. 8 Whipple Street is on the market for sale, 5 off street parking spaces at that lot. Plan to reach out to new property owner. Question about roof-over, has existed for long time. Clarification of passageway, this is to bring access to property in the rear. This is a passageway to access that property.

**Speaking in favor:**

None

**Speaking in opposition:**

Maria Silva

**M. Silva:** I oppose. No parking space. The number of requirements that need special permits are so overwhelming. This was clearly made to be a single family. Going to be a very small apartment. Basically there's no parking space. Should stay a single family because that's how it was meant to be.

**Charles Filiatrault:** Have a partner at Frank and Ernest, have been in business since 1932. Parking has been an issue since days of horse and buggy. Problem is we have a compact neighborhood with no parking. We have two 30 minute parking spaces in front of business, constantly violated. Constantly calling Lowell police to tag. On Whipple Street there are numerous apartments with more than one family living in a dwelling. Makes it almost impossible to find parking. As far as I remember, 15 Whipple Street has always been a single family. First floor was used as storage for roofing company. Other than that, not sure how he could do it. If he had parking, I would not object. Until there's a remedy, I'm opposed to it.

**Discussion:**

**V. Pech:** Mr. Rodriguez, I applaud your efforts to remedy this situation. I'm concerned as neighbors have spoken. What's the real viable plan?

**H. Rodriguez:** Single person or a couple. Not more than one car. Most realistic, thinking was to build a parking spot, there is a neutral situation. It's not what I thought at first because cost implications on building driveway, but it's realistic, possible.

**V. Pech:** I applaud your efforts to alleviate parking and work with the neighborhood, but still have concerns. I'm undecided at the moment.

**S. Callahan:** Thank you for updating the plans. I will say I'm struggling with this a bit, the parking. You have the passageway, runs right up to the edge of your property. Based on what I'm seeing, there's an ongoing easement on that for the property in the rear. Trying to squeeze a parking lot in there to fit dimensions of zoning, it's tough both ways. Want to get cars off street, but would be taking a spot off the street that could be utilized. Trying to squeeze parking into that is going to be a bit of a stretch. Doesn't show how far away parking space is from building. Do you know that measurement? Not on there, you do have to meet dimensional requirements for parking space itself. Especially in TMU. It's going to be a tough stretch.

**M. Briere:** I share the concerns of your neighbors. Even F&E doesn't oppose except for parking. Without you being able to show me a compliant parking space, I can't vote in favor. I don't want to deny you your opportunity. As suggested by Callahan, if you are willing to do that. But as this is presented this evening, it's a no.

**H. Rodriguez:** Come back with a parking space that is compliant?

**M. Briere:** Yes.

**D. McCarthy:** It seems like we have a single family house with a commercial unit and no off street

parking. To meet zoning, would need three off street parking spaces. We are looking to have a two family that would require four off street parking spaces, or one additional off street parking space. You are proposing providing one additional off street parking space. In doing the one off street, you are not changing the characteristics of the street parking substantially, adding single parking space allows two parking spaces to remain. I am glad we have an updated site plan in front of us. I'm not sure if it's accurate. The property line is shown, the sidewalk is not shown on the site plan. I'm assuming your building line is not on the property line, is set back from the parking line.

**H. Rodriguez:** Foundation comes up to the sidewalk.

**D. McCarthy:** I don't like the site plan for not depicting the sidewalk. Then the 16 foot parking space is on the sidewalk, that's how the site plan reads, since the sidewalk is not depicted in the plan. I'm coming to that conclusion because the building dimension of 30 feet, the door. If the property line is from the center of the door, need exit platform. Would be down to 13 feet. Don't think you have an accurate site plan yet. Even if we approve, don't think you could build it. Would like to see you work with a civil engineer to accurately portray. 9 by 18 parking spot, come up with a reason why you can't do 9 by 18. You are obligated to show grading, topography. I know that it slopes up. Creating a condition of parking on steep slope makes it difficult for people to use. Would like to understand that more, if the rest of the Board chooses to continue this. Indicate anything that is being removed. I think I understand how you arrived at the solution, in theory not making the situation worse. Don't think previous owner used it as a commercial space. I agree you should try to secure a parking space off site, could get a lease somewhere nearby.

**G. Perrin:** Mutual concerns for a couple of things. A few things of requirement that are missing. Try to satisfy the application process to get those items in. Demonstrate in good faith. I'd recommend a continuance, at minimum March 23. March 9 is completely full. That should give you ample time for topography, work with DPD. Elevations, updated site plan, parking plan, topography, narrative on wall/passageway. We will be voting in that meeting. Anything else requested by the Board?

**DM:** Correct the site plan to indicate parking line adjacent to the building correctly.

**V. Pech:** Parking lease would satisfy concerns.

**S. Callahan:** Should discuss with civil engineer, showing layouts. Table of dimensions from zoning code. I know it's a tight squeeze.

**Motion:**

S. Callahan motioned and V. Pech seconded the motion to continue the petition to the March 23 meeting. The motion passed unanimously, (5-0).

**II. New Business**

**ZB-2020-13**

*Petition Type: Variances*

*Applicant: George Theodorou c/o Loon Hill Development, Inc.*

*Re Property Located at: 66 State Street 01852*

*Applicable Zoning Bylaws: Section 5.1*

*Petition:* Loon Hill Development, Inc. is seeking Variance approval to construct a duplex on a vacant lot at 66 State Street. The proposed development will include a roadway extension of State Street and a proposed fire lane on a paper street adjacent to the lot. The property is in the Traditional Neighborhood Two Family (TTF) zoning district and requires Variance approval under Section 5.1 for minimum lot area per dwelling unit, minimum frontage, minimum front yard setback, and for any other relief required of the Lowell Zoning Ordinance. **The applicant has requested a continuance to the March 9, 2020 meeting.**

**Speaking on behalf:**

George Theodorou, Applicant’s Attorney

**G. Theodorou:** I am requesting a continuance of this matter to March 9. Provide additional information to DPD.

**Speaking in favor:**

None

**Speaking in opposition:**

None

**Discussion:**

**M. Briere:** I will be recusing myself. One of the abutters shares the same employer as I and therefore I am the abutter’s immediate supervisor. Will recuse myself in this matter.

**Motion:**

S. Callahan motioned and D. McCarthy seconded the motion to continue the petition to the March 9 meeting. The motion passed unanimously, (4-0), with M. Briere abstaining.

**III. Other Business**

**Minutes for Approval:**

February 10, 2020

S. Callahan motioned and D. McCarthy seconded the motion to APPROVE the February 10, 2020 minutes. The motion passed unanimously, (5-0).

**V. Adjournment**

S. Callahan motioned and D. McCarthy seconded the motion to adjourn the meeting. The time was 7:15 PM.

**New Business to Be Advertised by February 9 and February 16, 2020**