

Lowell Zoning Board of Appeals Minutes

April 13, 2020 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: Chairman Perrin, Member Pech, Member Callahan, Member Briere

Members Absent: Member McCarthy

Others Present: Fran Cigliano, Associate Planner

The following represents the actions taken by the Zoning Board of Appeals at the 4/13/2020 meeting. This meeting took place virtually via conference call during the Massachusetts State of Emergency due to the COVID-19 pandemic.

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

I. Continued Business

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. The applicant has requested a continuance of this hearing until the May 11 hearing.**

Speaking on behalf:

None

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

None

Motion:

S. Callahan motioned and M. Briere seconded the motion to continue the petition to the May 11, 2020 ZBA meeting. The motion passed unanimously, (4-0).

ZB-2020-14

Petition Type: **Variances**

Applicant: **Anju Realty, LLC**

Re Property Located at: **11 Centre Street 01852**

Applicable Zoning Bylaws: **Section 6.1.10**

Petition: **Anju Realty, LLC is seeking Variance approval to construct a driveway at 11 Centre Street that would encroach on the minimum side yard and building setback. The property is in the Urban Neighborhood Multi-Family zoning district and requires Variance approval under Section 6.1.10 for the minimum side yard and building setbacks and for any other relief required of the Lowell Zoning Ordinance.**

Speaking on behalf:

Mei Huang, Anju Realty, LLC

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

M. Huang: We are adding a driveway. Currently there is no off-street parking. It is a four bedroom single family, 2500 sq. ft., with no off-street parking. I'm adding a driveway and parking lot in the back with drainage, leaching basin, 4ft x 4ft in back corner to collect rain water. Last time, the only request was to add topography, Now our application is complete.

V. Pech: I did get a chance to see updated plans. In my opinion, she and the person she is working with have come up with the documents we asked for. I don't see any issues here, I think relief can be granted. I will vote in favor. I wish the applicant best of luck.

S. Callahan: Thank you for providing new updated plans. I remember last hearing there were a couple minor details we needed. Looks like they have been alleviated. Question about rear yard setback, variance no longer needed?

F. Cigliano: Correct.

S. Callahan: I don't think there were many issues at the last meeting. Great to get parking off the street in the Back Central area. I think this would be very helpful to the neighborhood.

M. Briere: The relief we can provide this evening would be a welcome relief to the neighborhood, in desperate need of off-street parking in this neighborhood. I will support this petition.

Motion:

S. Callahan motioned and V. Pech seconded the motion to GRANT the Variances under Section 6.1.10. The motion passed unanimously, (4-0).

ZB-2020-15

Petition Type: **Special Permit**

Applicant: **Jose Ribeiro**

Re Property Located at: **145-147 Woburn Street 01852**

Applicable Zoning Bylaws: **Section 4.5.2(1)**

Petition: **Jose Ribeiro is seeking Special Permit approval to legalize the use of a building that has operated as a three-family home. The building is in the Traditional Neighborhood Two-Family (TTF) zoning district and shares the lot with a detached, single-family home. Legalizing the three-family requires Special Permit approval under Section 4.5.2(1) to change or substantially extend an existing nonconforming use and for any other relief required under the Lowell Zoning Ordinance. The applicant has requested a continuance of this hearing until the May 11 meeting.**

Speaking on behalf:

None

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

None

Motion:

S. Callahan and V. Pech motioned to continue the petition to the May 11, 2020 ZBA meeting. The motion passed unanimously, (4-0).

II. New Business

ZB-2020-12

Petition Type: **Special Permit and Variance**

Applicant: **Peter March c/o St. Vincent de Paul**

Re Property Located at: **1488 Middlesex Street 01851**

Applicable Zoning Bylaws: **Section 6.3.2(8); Section 6.3.2(9)**

Petition: **Peter March has applied to the Zoning Board of Appeals on behalf of St. Vincent de Paul for Variance approval to install a freestanding sign larger than thirty (30) sq. ft., and Special Permit approval to install two (2) internally illuminated signs (the freestanding sign, plus a wall sign) at 1488 Middlesex Street. The property is in the Regional Retail (RR) zoning district. 1488 Middlesex Street requires Variance approval per Section 6.3.2(8) for the size, Special Permit approval per Section 6.3.2(9) for the internal illumination, and for any other relief required of the Lowell Zoning Ordinance.**

Speaking on behalf:

Dan Hutchins, NH Signs

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

S. Callahan: I don't see any real issues with this. The only question is the hours of illumination on these things.

D. Hutchins: From dusk to close. Message center is on from opening to close. This is achieved through a timer.

S. Callahan: Freestanding sign, bottom half is message board. Flash different messages.

D. Hutchins: Yes, typically message center is between 8-10 seconds of turnover. Plenty of time for motorist to read, flashing not allowed.

S. Callahan: No problems with that. I know JA is working on a plan for these types of signs. I have no problem with petition. Color, maybe put on short administrative review? Get an idea of how these things operate?

F. Cigliano : Suggested that the applicant work with DPD with regards to regulating the messaging/timing/turnover.

S. Callahan: Agreed with FC. One hour before dusk, until one hour after sunset or closing, whichever comes later. That's what we usually propose.

M. Briere: Reiterate belief that St. Vincent de Paul truly does God's work. Good to see facility serve community. Curiosity: Average sign doesn't exceed 30 sq. ft. Why need for almost double the size?

D. Hutchins: We are asking for additional 26 sq. ft. Part due to readability of the messaging portion of the sign, along with the name. One or not the other, 30 would be fine. Message center so small that character height diminished, not readable.

V. Pech: Echo same comments as Mr. Briere. This has been a staple in downtown for decades. Like he said, you guys do amazing work. I see this relief can be granted.

Motion:

S. Callahan motioned and M. Briere seconded the motion to GRANT the Special Permit per Section 6.3.2(9) with the following conditions:

- 1) The applicant shall work with DPD on setting guidelines for the timing and turnover of the message board prior to applying for a building permit.
- 2) The hours of illumination shall be one (1) hour before sunrise to one (1) hour after sunset, OR one (1) hour after the business closes, whichever comes later.

The motion passed unanimously, (4-0).

S. Callahan motioned and V. Pech seconded the motion to GRANT the Variance per 6.3.2(8) with the following conditions:

- 1) The applicant shall work with DPD on setting guidelines for the timing and turnover of the message board prior to applying for a building permit.
- 2) The hours of illumination shall be one (1) hour before sunrise to one (1) hour after sunset, OR one (1) hour after the business closes, whichever comes later.

The motion passed unanimously, (4-0).

ZB-2020-20

Petition Type: **Special Permit**

Applicant: **Harrison Bonner**

Re Property Located at: **464 Central Street 01852**

Applicable Zoning Bylaws: **Section 4.5**

Petition: **Harrison Bonner has applied to the Zoning Board of Appeals for Special Permit approval to convert an existing five (5) unit residential building into a six (6) unit residential building, The property is located in the Traditional Neighborhood Mixed-Use (TMU) zoning district. 464 Central Street requires Special Permit approval under Section 4.5 to alter an existing non-conforming structure, and for any other relief required of the Lowell Zoning Ordinance. The applicant has requested a continuance of this hearing until the May 11 meeting.**

Speaking on behalf:

None

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

None

Motion:

S. Callahan motioned and M. Briere seconded the motion to continue the meeting to the May 11, 2020 ZBA meeting. The motion passed unanimously, (4-0).

ZB-2020-21

Petition Type: **Variances**

Applicant: **Catherine Flood c/o Emerson 100 Real Estate, LLC**

Re Property Located at: **246.1 Market Street 01852**

Applicable Zoning Bylaws: **Section 9.2.5(3); Section 6.1.4**

Petition: **Emerson 100 Real Estate, LLC is seeking Special Permit and Variance approval to convert the former mill building at 246.1 Market Street into residences. The building is in the Downtown Mixed-Use (DMU) zoning district and requires Special Permit approval under Section 8.1 to convert the**

building into 29 residential units, a Variance under Section 9.2.5(3) for 17 one bedroom or studio apartments smaller than 750 sq. ft., a Variance under Section 6.1.4 for the off-street parking requirement, and for any other relief required of the Lowell Zoning Ordinance. The applicant has requested a continuance of this hearing until the May 11 meeting.

Speaking on behalf:

None

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

None

Motion:

S. Callahan motioned and V. Pech seconded the motion to continue this petition to the May 11, 2020 meeting. The motion passed unanimously, (4-0).

ZB-2020-22

Petition Type: Special Permit

Applicant: John Geary c/o Monte Castle, LLC

Re Property Located at: 1180 Middlesex Street 01851

Applicable Zoning Bylaws: Section 4.5.2(1)

Petition: Monte Castle, LLC is seeking Special Permit approval from the Zoning Board to convert the existing four-family building at 1180 Middlesex Street into a six-family residence. The building is in the Traditional Neighborhood Two-Family (TTF) zoning district and requires Special Permit approval under Section 4.5.2(1) to extend the non-conforming use and for any other relief required of the Lowell Zoning Ordinance. The applicant has requested a continuance of this hearing until the May 11 meeting.

Speaking on behalf:

None

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

None

Motion:

S. Callahan motioned and M. Briere seconded the motion to continue this petition to the May 11, 2020

meeting. The motion passed unanimously, (4-0).

ZB-2020-23

Petition Type: **Special Permit**

Applicant: **Yong Zhang c/o Signarama**

Re Property Located at: **211 Plain Street, Unit 3 01852**

Applicable Zoning Bylaws: **Section 6.3.4**

Petition: **Signarama is seeking Special Permit approval to install internally illuminated signs at 211 Plain Street, Unit 3 for Elevation Day Spa. The building is in the High Rise Commercial (HRC) zoning district and the internal illumination requires Special Permit approval under Section 6.3.4 for an approximately 26 sq. ft. wall sign and a 22 sq. ft. sign within the existing freestanding sign for the shopping plaza, and for any other relief required of the Lowell Zoning Ordinance.**

Speaking on behalf:

Yong, Singarama

Speaking in favor:

None

Speaking in opposition:

None

Discussion:

M. Briere: I have no questions.

V. Pech: I think the sign makes sense, I'm looking at the photos and the plans and it looks good. I wish the petitioner well, it is a busy plaza. Welcome to Lowell and best of luck.

S. Callahan: I don't have any real concerns. One questions DPD brought up in their memo – operating hours of the salon?

Y. Zang: Didn't give hours. Not open right now. I guess just regular salon hours, 9-5 or 9-6. I'm not sure.

G. Perrin: Previous approvals, illumination is consistent is those within the plaza. And then have you come back in front of the Board six months after opening for an administrative review.

Y. Zong: I will double check with the owner.

V. Pech: I agree with your comments about 6 month review, and all the other conditions, in favor of six month review condition.

Motion:

S. Callahan motioned and M. Briere seconded the motion to GRANT the Special Permit per 6.3.4 with the following conditions:

- 1) The hours of internal illumination shall be consistent with other businesses in the retail plaza at 211 Plain Street.
- 2) DPD shall schedule a six (6) month administrative review period for the sign's internal illumination.

The motion passed unanimously, (4-0).

III. **Other Business**

Extension Request – Variance: 484 Merrimack Street 01854

The applicant for 484 Merrimack Street has requested an extension to their Variance approval. The Variances will expire on June 5, 2020. The applicant has not been able to begin the project due to delayed finalization of construction plans.

On Behalf:

George Theodorou, Applicant’s Attorney

G. Theodorou: Obtained a variance for off street parking and minimum access drive and setbacks, and relief for three additional commercial use. Worked closely with the Historic Board. Steve Stowell did a great job. Building department wanted us to install an elevator in the building. Contractor needed to go to the state building commissioner to remove that requirement. That was finally resolved. The other hang-up, design was poor with respect to sprinkler systems. We went through all this and as a result we filed for an extension with the Planning Board for the Special Permit we received for the use, and 50% reduction. We applied for this ZBA extension as well. We ask that we be given a one year extension.

In Favor:

None

In Opposition:

None

Discussion:

V. Pech: I’m fine with this extension.

S. Callahan: I share the same sentiments as VP. I’m in favor.

M. Briere: I support the extension.

Motion:

S. Callahan motioned and V. Pech seconded the motion to GRANT a one-year extension to the Variances to expire on June 5, 2021. The motion passed unanimously, (4-0).

Minutes for Approval:

March 9, 2020

S. Callahan motioned and M. Briere seconded the motion to APPROVE the March 9, 2020 minutes. The motion passed unanimously, (4-0).

V. **Adjournment**

V. Pech wished everyone a happy Cambodian New Year.

S. Callahan and V. Pech congratulated F. Cigliano on her promotion to Associate Planner.

G. Perrin wished all city of Lowell residents health and safety.

S. Callahan motioned and V. Pech seconded the motion to adjourn the meeting at 7:25PM.

New Business to Be Advertised by March 30 and April 6, 2020